



CHAPTER 14 – UNIFIED DEVELOPMENT CODE (UDC)

(Ord. No.
02019-12
, 05/20/2019)

Contents:

Article 14.100: Basic Provisions, Zoning Districts, and Neighborhood Development Standards

Article 14.200: Design and Site Development Standards

Article 14.300: Subdivision Standards

Article 14.400: Environmental Management

Article 14.500: Administrative Bodies and Provisions

Article 14.600: Development Review Procedures

Article 14.700: Nonconformities

Article 14.800: Enforcement and Remedies

Article 14.900: Word Usage

Appendix

ARTICLE 14.100: BASIC PROVISIONS, ZONING DISTRICTS, AND NEIGHBORHOOD DEVELOPMENT STANDARDS

Contents:

Section 14.101: Basic Provisions

Section 14.102: Base Districts and Standards

Section 14.103: Specific Use Standards

Section 14.104: Measurements and Allowances

Section 14.101: Basic Provisions

Sec. 14.101.1 Title

- A. **Title.** This document is known, and may be cited as, the City of Dayton, Texas, Unified Development Code (UDC).
- B. **Short Title.** References to "this Code" or "this Ordinance" are interpreted as references to this UDC.

Effective on: 5/20/2019

Sec. 14.101.2 Purposes

The City Council adopts this UDC to protect the public health, safety, and general welfare of the present and future inhabitants of the City in accordance with the goals of the Comprehensive Plan. The provisions of this UDC are specifically intended to:

- A. **Economic Development.** Encourage economic opportunities, particularly those that have meaningful multiplier effects in the local economy, by promoting the vitality and development of commercial and industrial districts.
- B. **Public Health and Safety.** Protect public health and safety and environmental quality by:
 - 1. Ensuring an adequate street network in order to lessen congestion in the streets;
 - 2. Ensuring the provision of adequate open space for light, air, and fire safety;
 - 3. Preventing the overcrowding of land and promoting a healthful and convenient distribution of population by regulating the density and intensity of development;
 - 4. Facilitating the adequate provision of transportation, water, drainage, sewerage, schools, parks and other public requirements; and
 - 5. Preserving and protecting existing trees and vegetation, woodlands, floodplains, stream and riparian corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development.
- C. **Quality of Life.** Protect the quality of life of City residents, business owners, employees, and visitors by:
 - 1. Improving the city's appearance through the regulation of design, where such regulations are appropriate;
 - 2. Avoiding both undue concentration of population and urban sprawl;
 - 3. Protecting property against blight and depreciation by facilitating reinvestment, redevelopment, and infill development; and
 - 4. Protecting the character and stability of agricultural, residential, institutional, commercial, industrial and natural areas.
- D. **Fiscal and Functional Health .** Protect the fiscal and functional health of the City by:
 - 1. Encouraging the most appropriate, efficient, and compatible use of land, buildings and other structures throughout the City;
 - 2. Securing economy in government private sector expenditures by promoting efficiency in development review; and
 - 3. Promoting a balanced supply of residential, commercial, and industrial land uses that are compatible with adjacent land uses and have good transportation access.

Effective on: 5/20/2019

Sec. 14.101.3 Authority and Jurisdiction

- A. **Authority.** The City Council adopts this UDC pursuant to:
 - 1. Texas Local Government Code, Chapters 211, 212, 213, 216, and 242 through 246;
 - 2. The City's Charter and Code of Ordinances;
 - 3. Article XI, Section 5 of the Constitution of the State of Texas; and
 - 4. Such additional authority as may be conferred by the Texas Statutes.
- B. **Jurisdiction.**
 - 1. *Generally.* All provisions of this UDC apply within the corporate limits of the City of Dayton.
 - 2. *Extraterritorial Jurisdiction (ETJ).* In order to ensure orderly, fiscally, and environmentally responsible growth of the City and its one-mile area of subdivision control, all provisions of this UDC apply in the ETJ except for:
 - a. Section 14.102, *Base Districts and Standards*;



- b. [Section 14.103](#), *Specific Use Standards*; and
- c. [Section 14.204](#), *Trees, Landscaping, and Buffering*.

Effective on: 5/20/2019

Sec. 14.101.4 Effective Date

The effective date of this UDC is the later of:

- A. **May 21**, 2019; or
- B. The date that the City Council adopts the Official Zoning Map.

Effective on: 5/20/2019

Section 14.102: Base Districts and Standards

Sec. 14.102.1 District Establishment

- A. **Purpose.** The purpose of this Section is to establish zoning districts and to set out permitted, conditional, and prohibited uses in each zoning district. The zoning districts are shown on the Official Zoning Map, which is established below in Subsection E, *Official Zoning Map*.
- B. **Applicability.** No building or land may be used, and no building may be erected, altered, or moved that is used or designed to be used for any purpose other than a use that is permitted or conditionally permitted in a zoning district in which that building or land is located.
- C. **Zoning Districts.** This Section divides the City into the districts set forth in Table 14.102.1-1, *Zoning Districts*, below. In addition, the table shows the future land use class from the Comprehensive Plan that each zoning district implements, provides the available neighborhood types as further articulated in this Section, and establishes purpose statements for each district and neighborhood type combination.

Table 14.102.1-1, Zoning Districts			
Future Land Use Class	Zoning District (Abbreviation)	Neighborhood Type	Purpose: The purpose of this zoning district and neighborhood type is to provide for:
Residential			
Rural / Agricultural	Rural / Agricultural (RA)	Homestead and Accessory Dwelling	Low-density residential development with on-site utilities, preserved rural very low-density character on private property, and managed growth on the periphery of the City with the ability of the property owner to establish a second dwelling without subdividing.
Planned Development		Cluster	Residential neighborhoods of acreage lots with on-site utilities that have a high percentage of common open space to maintain rural character.
Suburban Residential	Suburban Residential (SR)	Conventional	Neighborhoods of smaller acreage lots on the fringe of the urbanized area where there are other neighborhoods of similar character that have limited facilities and demands for infrastructure.
Planned Development		Cluster	Clustering of moderately-sized lots for single-family detached dwellings with a significantly increased percentage of common open space, which may be used for parks and greenways, to preserve environmental resources, to provide open space for recreational amenities, to provide area-wide drainage, or for agricultural purposes.
		Planned	A planned neighborhood environment for single-family detached dwellings that has a high percentage of common open space, which may be used for parks and greenways, to preserve environmental resources, to provides open space for recreational amenities, to buffers housing types or adjacent neighborhoods, to provide for area-wide drainage, or for agricultural activities.
Suburban Residential	Semi-Urban Residential (SU)	Conventional	Moderately sized lots for conventional single-family detached dwellings on public utilities.

Table 14.102.1-1, Zoning Districts

Future Land Use Class	Zoning District (Abbreviation)	Neighborhood Type	Purpose: The purpose of this zoning district and neighborhood type is to provide for:
Planned Development		Cluster	Clustering of smaller-sized lots for single-family detached dwellings with an increased percentage of common open space to maintain the intended character of the district while providing for buffering between lower and higher density adjacent neighborhoods, as well as for recreational amenities and resource protection.
		Planned	A variety of conventional and alternative detached and attached housing types with a high percentage of common open space that preserves the intended character of the district while providing for buffering between lower and higher density adjacent neighborhoods, as well as for recreational amenities and resource protection.
Neighborhood Conservation	Established Neighborhood (EN)	Established	The preservation of established residential neighborhoods by applying standards that enable, to the extent practicable, administrative approval of modest changes to nonconforming uses, structures, and lots.
Multifamily Residential	Urban Residential (UR)	Townhouse	Up to two-story single-family attached housing types with buildings and formal landscaping along the street being the dominant visual elements.
		Multifamily	Up to three-story apartments with on-site recreational facilities and amenities, and buffering from adjacent uses.
Mixed			
Downtown	DT, Downtown	Mixed Infill and Redevelopment	The preservation and enhancement of the established downtown with a compact pedestrian-friendly scale, mixing of residential and smaller-scale commercial uses, on-street and off-site parking, and urban character typical of a downtown core.
Planned Development	MP, Master Planned Development	Mixed Greenfield	A planned mixture of residential and smaller-scale nonresidential uses in a horizontal or vertical format. The district is appropriate for new neighborhoods along corridors and at major nodes, provided the land is under common ownership and/or approved with a Master Development Plan.
Multifamily Residential			
Mixed Use			
Neighborhood Commercial			
Nonresidential			
General Commercial	GC, General Commercial	Commercial	A broad range of smaller- and larger-scale commercial use types situated on parcels that have on-site surface parking.
Business Park	BP, Business Park	Business Park	A campus-like office, research, technology, and office-warehouse park with improved site and building standards.
Planned Development			
Industrial	IN, Industrial	Industrial	Industrial uses that are primarily operated indoors. Outdoor activities, on-site storage, and truck traffic are subject to standards and conditional approval.
Planned Development			

E. Official Zoning Map.

1. *Generally.* Zoning districts are shown on the map entitled "Official Zoning Map" of the City of Dayton. An official copy of the map is on file and available for inspection during regular business hours at the office of the Director.

2. *Force and Effect.* The Official Zoning Map, together with all legends, references, symbols, boundaries, and other information, is part of, and has the same force of law as the text of this UDC.
3. *Status of the Zoning Map.* The Official Zoning Map that is on file with the City Clerk shall control in the event of a conflict between the map that is on file and any other paper or digital reproduction of the map.
4. *Interpreting the Zoning Map.*
 - a. Where the map appears to be unclear regarding the location of district boundaries, the Director shall make a determination using the following criteria:
 - i. *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
 - ii. *City Limits.* Where district boundaries are indicated as approximately following City limits, such City limits shall be considered the district boundaries.
 - iii. *Property Lines.* Where the boundaries are indicated as approximately following property lines, such lines shall be construed to be the boundaries.
 - iv. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, water bodies, or other watercourses shall be construed as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the centerline.
 - v. *Vacation or Abandonment.* Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
 - vi. *Annexed and Undesignated Lands.* For the purposes of ensuring that all land has a zoning designation, any land that is annexed into the City shall be zoned in accordance with its associated future land use class(es) as set forth in the Future Land Use and Character Map in the Comprehensive Plan and in Table 14.102.1-1, *Zoning Districts*.
 - b. If the boundary remains uncertain, the Board of Adjustment shall interpret the Official Zoning Map to determine the location of the boundary in question.

Effective on: 5/20/2019

Sec. 14.102.2 RA, Rural / Agricultural

A. **Development Standards.** Table 14.102.2-1, *Development Standards*, below, establishes the standards for developing new conventional neighborhoods in this zoning district. See [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#), for developing cluster and planned neighborhoods. Permitted nonresidential uses shall be developed in accordance with the standards in [Sec. 14.102.8, GC, General Commercial](#).

Table 14.102.2-1, Development Standards

Max. Dwelling Units per Acre	.2 (2 / 10 ac. ¹)
(A) Min. Lot Area	10 acres
(B) Min. Lot Width	220 feet
(C) Min. Street Setback	50 feet
(D) Min. Interior Side Setback	25 feet
(E) Min. Exterior Side Setback	30 feet
(F) Min. Rear Setback	75 feet
(G) Max. Building Coverage (%)	NA ²
Max. Height	45 feet
Min. Open Space Ratio ³ (%)	0

Figure 14.102.2-1, Development Standards

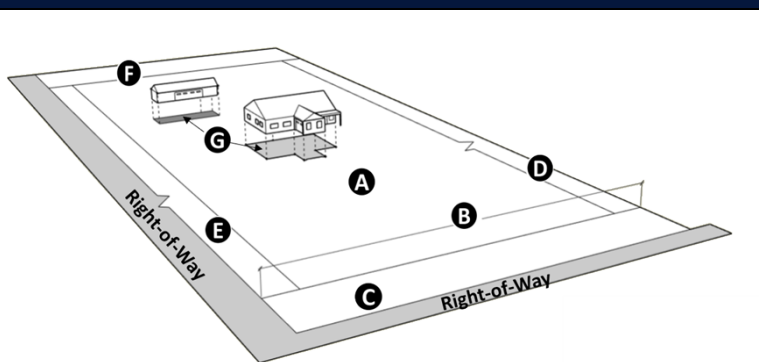


TABLE NOTES: ¹The maximum lot size is 20 acres; however, a second independent dwelling unit may be constructed without subdividing the property. ²NA = Not applicable. ³Per subdivision, not per lot.

B. **Land Uses and Off-Street Parking.** Table 14.102.2-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, show the uses and use categories in a Conventional neighborhood type that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. [Sec. 14.102.12, Housing Types and Non-Conventional Neighborhood Types](#), lists permitted uses and use categories for cluster and planned neighborhoods. Any unlisted use or use category is prohibited in this zoning district. Associated minimum off-street parking spaces apply to both conventional and non-conventional neighborhood types. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.2-2, Permitted Uses and Minimum Off-Street Parking Spaces

Permitted by Right	Min. Off-Street Parking Spaces	Conditional Use Permit	Min. Off-Street Parking Spaces
Campground or recreational vehicle park	2 per park site	Bed and breakfast home	2 per dwelling unit plus 1 per guest room
Dwelling, single-family detached	2 per dwelling unit	Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift
Family home or Foster home	1 per employee on largest shift; minimum of 3	Government Facilities Use Category	No minimum
Agriculture Use Category except as follows:	No minimum	Group Living Use Category except as permitted by right and except as follows:	1.5 per bedroom
Educational Facilities Use Category except as	1 per 10 students plus 1 per employee on largest shift	- Group home for the physically and/or	1 per employee on largest shift; minimum of 3

Table 14.102.2-2, Permitted Uses and Minimum Off-Street Parking Spaces			
follows:		mentally disabled, that is not considered a single-family residence	
- High school	1 per 4 students plus 1 per employee on largest shift		
- Greenhouse or nursery (commercial)	1 per 350 sq ft GFA plus 1 per 2,500 sq ft outdoor storage	Major Utilities Use Category	1 per on-site employee or visitor
Minor Utilities Use Category	No minimum	Passenger Terminal Use Category	1 per 4 seats in waiting area
Parks and Open Areas Use Category	1 per 2 acres; minimum of 10	Place of Assembly Use Category	1 per 350 sq ft or 1 per 4 seats in assembly area, whichever is greater
TABLE NOTES: sq ft = square feet; GFA = Gross Floor Area			

C. **Landscaping and Buffering.** Not applicable.

D. **Signs.** Table 14.102.2-3, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.2-3, Permitted Sign Types			
Sign Type	Residential Use	Nonresidential Use	Standards
Access Sign	NP	P	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5
TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted			

Effective on: 5/20/2019

Sec. 14.102.3 SR, Suburban Residential

A. **Development Standards.** Table 14.102.3-1, *Development Standards*, below, establishes the standards for developing new conventional neighborhoods in this zoning district. See [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#), for developing cluster and planned neighborhoods. Permitted nonresidential uses shall be developed in accordance with the standards in [Sec. 14.102.8, GC, General Commercial](#).

Table 14.102.3-1, <i>Development Standards</i>		Figure 14.102.3-1, <i>Development Standards</i>
Max. Dwelling Units per Acre	1.00	
(A) Min. Lot Area	1 acre	
(B) Min. Lot Width	125 feet	
(C) Min. Street Setback	40 feet	
(D) Min. Interior Side Setback	20 feet	
(E) Min. Exterior Side Setback	25 feet	
(F) Min. Rear Setback	60 feet	
(G) Max. Building Coverage (%)	NA ¹	
Max. Height	35 feet	
Min. Open Space Ratio ² (%)	15	
TABLE NOTES: ¹ NA = Not Applicable; ² Per subdivision, not per lot.		

B. **Land Uses and Off-Street Parking.** Table 14.102.3-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories in a Conventional neighborhood type that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. [Sec. 14.102.12, Housing Types and Non-Conventional Neighborhood Types](#), lists permitted uses and use categories for Cluster and Planned Neighborhoods. Any unlisted use or use category is prohibited in this zoning district. Associated minimum off-street parking spaces apply to both conventional and non-conventional neighborhood types. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.3-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Conditional Use Permit	Min. Off-Street Parking Spaces
Dwelling, single-family detached	2 per dwelling unit	Bed and breakfast home	2 per dwelling unit plus 1 per guest room
Family home or Foster home	1 per employee on largest shift; minimum of 3	Campground or recreational vehicle park	2 per park site
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift
- High school	1 per 4 students plus 1 per employee on largest shift	Group Living Use Category except as	1.5 per bedroom

Use Category	Minimum Off-Street Parking Spaces	Permitted Uses	Minimum Off-Street Parking Spaces
Government Facilities Use Category	No minimum	- Group home for the physically and/or mentally disabled, that is not considered a single-family residence	1 per employee on largest shift; minimum of 3
Minor Utilities Use Category	No minimum	Major Utilities Use Category	1 per on-site employee or visitor
Parks and Open Areas Use Category	1 per 2 acres; Min. 10 spaces	Place of Assembly Use Category	1 per 350 sq ft or 1 per 4 seats in assembly area, whichever is greater

TABLE NOTES: sq ft = square feet

C. **Landscaping and Buffering.** Table 14.102.3-3, *Landscape Standards*, provides general standards for conventional neighborhood residential development in this zoning district on properties less than two acres in lot area. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

Min. Canopy or Evergreen Trees in street yard area per 50' of Street Frontage ^{1, 2}	0.375
Min. Ornamental Trees in street yard area per 50' of Street Frontage	0.25

TABLE NOTES: ¹For corner lots, applies to the narrower of the two street frontages only. ²The resulting number of trees shall be rounded up to the nearest whole number. For example, a corner lot with 125 feet of frontage on one street and 350 feet frontage on another requires 1 canopy trees and 1 ornamental.

Figure 14.102.3-3, Landscape Standards

D. **Signs.** Table 14.102.3-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Sign Type	Residential Use	Nonresidential Use	Standards
Access	NP	P*	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5

TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted

Effective on: 5/20/2019

Sec. 14.102.4 SU, Semi-Urban Residential

A. **Development Standards.** Table 14.102.4-1, *Development Standards*, below, establishes the standards for developing new conventional neighborhoods in this zoning district. See [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#), for developing cluster and planned neighborhoods. Permitted nonresidential uses shall be developed in accordance with the standards in [Sec. 14.102.8, GC, General Commercial](#).

Table 14.102.4-1, <i>Development Standards</i>		Figure 14.102.4-1, <i>Development Standards</i>
Max. Dwelling Units per Acre	4.00	
(A) Min. Lot Area	10,890 Sq Ft	
(B) Min. Lot Width	70 feet	
(C) Min. Street Setback	30 feet	
(D) Min. Interior Side Setback	12 feet	
(E) Min. Exterior Side Setback	20 feet ¹	
(F) Min. Rear Setback	40 feet	
(G) Max. Building Coverage (%)	NA ²	
Maximum Height	35 feet	
Minimum Open Space Ratio ³ (%)	10	
TABLE NOTES: ¹ Garage must be setback a minimum of 25 feet if it opens to an exterior side setback. ² NA = Not Applicable. ³ Per subdivision, not per lot.		

B. **Land Uses and Off-Street Parking.** Table 14.102.4-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories in a Conventional neighborhood type that are permitted by-right or require a Conditional Use Permit. [Sec. 14.102.12, Housing Types and Non-Conventional Neighborhood Types](#), lists permitted uses and use categories for Cluster and Planned Neighborhoods. Any unlisted use or use category is prohibited in this zoning district. Associated minimum off-street parking spaces apply to both conventional and non-conventional neighborhood types. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.4-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Conditional Use Permit	Min. Off-Street Parking Spaces
Dwelling, single-family detached	2 per dwelling unit	Bed and breakfast home; Bed and breakfast inn	2 per dwelling unit plus 1 per guest room
Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift	Campground or recreational vehicle park	2 per park site
Family home or Foster home	1 per employee on largest shift; minimum of 3	Manufactured home park	2 per dwelling unit
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	Group Living Use Category except as permitted by right and	1.5 per bedroom

		except as follows:	
		- Group home for the physically and/or mentally disabled, that is not considered a single-family residence	1 per employee on largest shift; minimum of 3
- High school	1 per 4 students plus 1 per employee on largest shift	Major Utilities Use Category	1 per on-site employee or visitor
Government Facilities Use Category	No minimum	Place of Assembly Use Category	1 per 350 sq ft GFA or 1 per 4 seats in assembly area, whichever is greater
Minor Utilities Use Category	No minimum	Social Service Use Category	1 per 350 sq ft GFA
Parks and Open Areas Use Category	1 per 2 acres; Min. 10 spaces	TABLE NOTES: sq ft = square feet; GFA = Gross Floor Area	

C. **Landscaping and Buffering.** Table 14.102.4-3, *Landscape Standards*, provides general standards for conventional neighborhood residential development in this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

Table 14.102.4-3, Landscape Standards		Figure 14.102.4-3, Landscape Standards	
Min. Canopy or Evergreen Trees in street yard per 50' of Street Frontage ^{1,2}	0.25		
Min. Ornamental Trees in street yard per 50' of Street Frontage	0.5		
TABLE NOTES: ¹ For corner lots, applies to the narrower of the two street frontages only. ² The resulting number of trees shall be rounded up to the nearest whole number. For example, a corner lot with 70 feet of frontage on one street and 156 feet frontage on another requires 1 canopy tree and 1 ornamental.			

D. **Signs.** Table 14.102.4-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Sign Type	Residential Use	Nonresidential Use	Standards
Access	NP	P*	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5

TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted

Effective on: 5/20/2019

Sec. 14.102.5 EN, Established Neighborhood

- A. **Generally.** The EN, Established Neighborhood zoning district is divided into five sub-districts. References in this UDC to the EN zoning district include all EN sub-districts.
- B. **Application.** This Section applies to development within the EN zoning district, in sub-districts EN.1, EN.2, EN.3, EN.4, and EN.5.
1. *Compliance with Standards.* New development, redevelopment, and building modifications that comply with the standards set out in Table 14.102.5-1, *Use, Lot, and Building Standards for Established Neighborhoods*, for the applicable sub-district are allowed by right.
 2. *Noncompliance with Standards.* If a proposed building modification or expansion does not comply with Table 14.102.5-1, then the Director shall evaluate the application according to the standards of Subsection E., *Alternative Setback Standards*.
 3. *Relationship to Variances.* Activities that could be permitted pursuant to the standards of this Section shall not require a variance but shall require a building permit.
 4. *Relationship to Easements and Rights-of-Way.* The standards of this Section shall not be construed to authorize construction of buildings or portions of buildings in utility or drainage easements or public rights-of-way.
 5. *Nonresidential Uses.*
 - a. All lawfully permitted nonresidential uses may be continued provided that they were constructed in conformance with the original building permit and the development regulations at the time of permitting.
 - b. Expansions to existing nonresidential uses shall be in conformance with the original building permit and the development regulations at the time of permitting.
 - c. Substantial improvement, redevelopment, and new nonresidential development, shall comply with all applicable provisions of this UDC.
- C. **Conforming Uses, Buildings, and Lots.**
1. *Uses.* All unabandoned residential uses on properties zoned EN that were established, constructed, or reconstructed in compliance with the development regulations and building standards in effect at the time, or those since amended by the City, are deemed "conforming". Abandoned residential uses on properties zoned EN are subject to the Nonconforming Use provisions in [Article 14.700](#), Nonconformities.
 2. *Buildings.* All buildings on properties zoned EN that lawfully existed or were the subject of an active building permit on the effective date of this UDC are deemed "conforming" buildings with respect to the height and setback requirements set out in this Section. However, this Section does not make the following buildings conforming:
 - a. Buildings that were constructed without required permits; and
 - b. Buildings that were constructed in violation of permit requirements or requirements of the development regulations in effect prior to the effective date of this UDC.
 3. *Lots.* Regardless of their lot area or lot width, all lots in the EN zoning district that existed on the effective date of this UDC are deemed "conforming" with respect to lot area and lot width if they contain an existing, permanent single-family detached, attached, or multifamily dwelling. The lot width and lot area requirements of Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods*, apply only to the

subdivision or combination of existing lots or parcels within these districts after the effective date of this UDC.

- D. **Use and Development Standards.** Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods* establishes permitted uses; the street, interior and exterior side, and rear setbacks; building height, and height standards for development activity in the EN zoning district. Unlisted uses are prohibited. Where different setback standards are specifically shown on an approved, recorded final plat, then standards that are shown on that plat shall control over the corresponding setback standards in this Table.

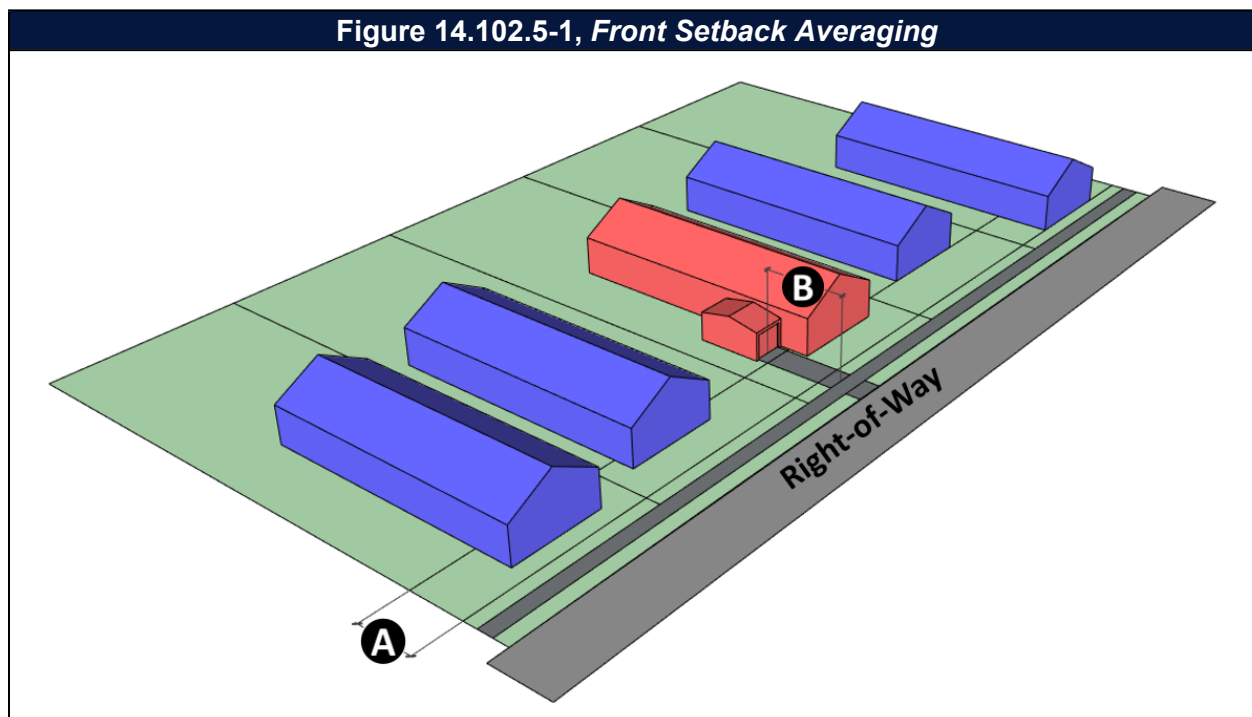
Sub-District	Predominant Housing Type ¹	Lot Area (Sq Ft)		Building Separation ² (feet)	Minimum Setback (Feet)				Maximum Building Height (Feet)
		Minimum	Maximum		Street	Interior Side	Exterior Side	Rear	
EN.1	Single-family detached	1 ac	NA ³	NA	40	15	20	50	35
EN.2	Single-family detached	10,800	1 ac	NA	30	8	15	30	35
EN.3	Single-family detached or Duplex	6,000	10,799	NA	25	5	7	15	35
EN.4	Duplex	6,000	NA	NA	25	5	7	15	35
EN.5	Apartments	2,000 ⁴	NA	20	20	5	7	15	35
EN.6	Manufactured home park ⁵	4,500	NA	20	20	5	7	15	35

TABLE NOTES: ¹Expansions to individual dwelling units are allowed provided that no portion of any building shall be closer than 20 feet from any other building and all lot and building standards of this Section are met. No new dwelling units are allowed. ²In an apartment complex or a manufactured home park. ³NA = Not Applicable, sq ft = square feet. ⁴ Per Unit. ⁵Manufactured homes are allowed to be replaced provided that the replacement units meet the standards of this Section as well as [Sec. 14.202.3, Manufactured Homes and Parks](#).

E. **Alternative Setback Standards.**

1. *Generally.* This Subsection applies only to modifications of existing buildings, where the proposed modification involves encroachment into a setback that is required by Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods*. Any building modification that complies with the requirements in the table is not subject to further review under this Subsection.
2. *Equivalence to Compliance with Table.* Compliance with the standards of this Subsection is equivalent to compliance with the standards of Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods*
3. *Alternative Street Setbacks.* The following standards may be applied to street setbacks as an alternative to the street setback standards in Table 14.102.5-1:
 - a. Front setbacks may be reduced by up to two feet from their existing location in order to enclose an existing front porch.
 - b. Front setbacks may be reduced by up to eight feet from the standards set out in Table 14.102.5-1, in order to allow for the construction of a front porch, provided that:
 1. The added front porch would not be located closer than 10 feet to the front property line;
 2. The porch would not encroach into or reduce the required on-site parking or encroach into an interior or exterior side setback; and
 3. The porch may be enclosed with a screened enclosure, but shall not be fully enclosed with walls and windows.

- c. Street setbacks may be reduced to the average street setback ("A" in Figure 14.102.5-1, *Front Setback Averaging*) along the same side of the block in the same zoning district, provided that:
1. The lot proposed for development is not counted in the calculation;
 2. If a lot on the block (other than the one proposed for development) is vacant, then the street setback for the vacant lot shall be deemed to be 20 feet for the purposes of calculating the average front setback; and
 3. If the lot takes vehicular access from the front, the driveway must be a minimum of 25 feet in length ("B" in Figure 14.102.5-1), measured from the property line (right-of-way) to a building wall or garage door.



4. *Alternative Exterior Side Setbacks.* The exterior side setback may be reduced to five feet, as an alternative to the exterior side setback standards set out in Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods*, if:
 - a. There is an existing sidewalk along the side street that is a minimum of four feet wide;
 - b. A planting strip is located within the public right-of-way between the edge of the sidewalk and the property line;
 - c. The planting strip is at least five feet wide along the portion of the property that would be affected by the setback reduction; and
 - d. The street is classified as a local street and there are no plans for expansion of the paved width of the street.
5. *Alternative Interior Side Setbacks.* Interior side setbacks may be reduced to three feet:

Along a lot line that abuts a tract that is designated as permanent open space or an easement, provided that the tract or easement is at least 25 feet wide along the entire length of the lot line; or

Where the separation between the new structure or addition and any building on the adjacent lot is a minimum of six feet from eave to eave.

6. **Alternative Rear Setbacks.** The following standards may be applied to rear setbacks as an alternative to the rear setback standards set out in Table 14.102.5-1, *Use and Development Standards for Established Neighborhoods*.

- a. The rear setback may be reduced to 10 feet along a lot line that abuts a tract that is designated as permanent open space or an easement, provided that the tract or easement is at least 25 feet wide along the entire distance of the lot line.
- b. The rear setback may be reduced to seven and one-half feet if:
 1. The rear setback abuts the right-of-way of an arterial or collector street;
 2. An opaque fence or wall that complies with the fence and wall provisions of [Sec. 14.103.3, Accessory Use and Structure Standards](#), with respect to the continuity of subdivision fencing, separates the rear setback from the street;
 3. The setback reduction applies to not more than 40 percent of the length of the rear building wall of the dwelling unit; and
 4. The portion of the building to which the reduced setback applies is not more than one story in height.

F. **Landscaping and Buffering.** A minimum of one canopy or evergreen tree per 50 feet of street frontage shall be provided in the street yard area on each lot with all new development, redevelopment, or substantial improvement. The resulting number of trees shall be rounded up to the nearest whole number. For corner lots, this requirement applies to the narrower of the two street frontages only

G. **Off-Street Parking.**

1. **Minimum Standards.** Table 14.102.5-2, *Minimum Off-Street Parking Spaces*, establishes the minimum number of parking spaces required for permitted uses in this zoning district, and the design requirements for such spaces, for all new development, redevelopment, and substantial improvement in this zoning district.

Table 14.102.5-2, <i>Minimum Off-Street Parking Spaces</i>		
Housing Type	Minimum Spaces	Design Requirements
Dwelling, single-family detached	2 per dwelling unit	New parking spaces may be located between the front of the dwelling and the street, provided that the driveway complies with Subsection E.3.c, above.
Duplex		
Apartments	1.5 per dwelling unit	New parking spaces shall be provided in the rear setback with alley access.
Manufactured home in a manufactured home park	2 per manufactured home space plus 2 visitor spaces per 5 manufactured home spaces	See Sec. 14.202.3, Manufactured Homes and Parks

2. **Surface.** New parking spaces shall be an all-weather surface and may require the improvement of the rear alley where the parking spaces take access.

H. **Signs.** Table 14.102.5-3, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.5-3, Permitted Sign Types

Sign Type	Residential Use	Nonresidential Use	Standards
Access	NP	P*	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5

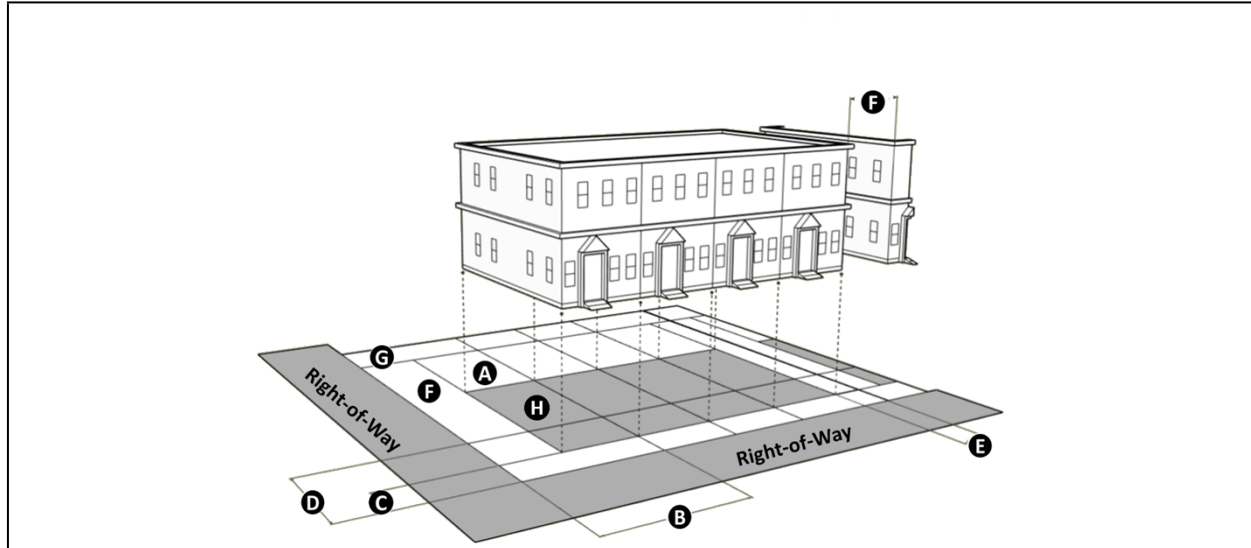
TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted

Effective on: 5/20/2019

Sec. 14.102.6 UR, Urban Residential

A. **Development Standards.** Table 14.102.6-1, *Development Standards*, below, establishes the standards for developing new neighborhoods in this zoning district. See [Sec. 14.202.4, Multi-Family Development](#), for additional standards. Permitted nonresidential uses shall be developed in accordance with the standards in [Sec. 14.102.8, GC, General Commercial](#).

Table 14.102.6-1, Development Standards				
Lot and Building Standards	Townhouse¹	Duplex or Single-Family Attached	Multiplex	Apartment
(A) Minimum Lot Area per Dwelling Unit (sq ft)				
- 2 units	2,000	3,000	NA ²	NA
- 3 units	1,850	NA	1,500	NA
- 4 units	1,700	NA	1,250	NA
- 5+ units	1,550	NA	NA	1,125
(B) Minimum Lot Width (feet)				
- 2 units	25	60	NA	NA
- 3 units	25	NA	45	NA
- 4 units	25	NA	50	NA
- 5+ units	25	NA	NA	80
(C) Minimum Street Setback (feet)	10	25	10	10
(D) Maximum Street Setback (feet)	25	NA	25	25
(E) Minimum Interior Side Setback (feet)	0 / 7.5 ³	5	20	30
(F) Min. Exterior Side Setback / Building Separation ³ (feet)	15 ⁴	15 ⁴	15 ⁴	20 / 30 ⁵
(G) Minimum Rear Setback (feet)	10 ⁶	10 ⁶	20	30
(H) Maximum Building Coverage	55	NA	55	55
Maximum Height (feet)	35	35	35	45
Minimum Open Space Ratio (%) ⁷	20			
TABLE NOTES: ¹ Maximum of seven units; ² NA = Not Applicable; ³ Side adjacent to abutting unit / From end unit to side property line; ⁴ Garage must be setback a minimum of 25 feet if it opens to exterior side yard; ⁵ Building separation applies to apartment buildings on the same parcel; ⁶ 20 feet if abutting an arterial street or expressway; ⁷ Per subdivision, not per lot.				
Figure 14.102.6-1, Development Standards (Townhouse)				



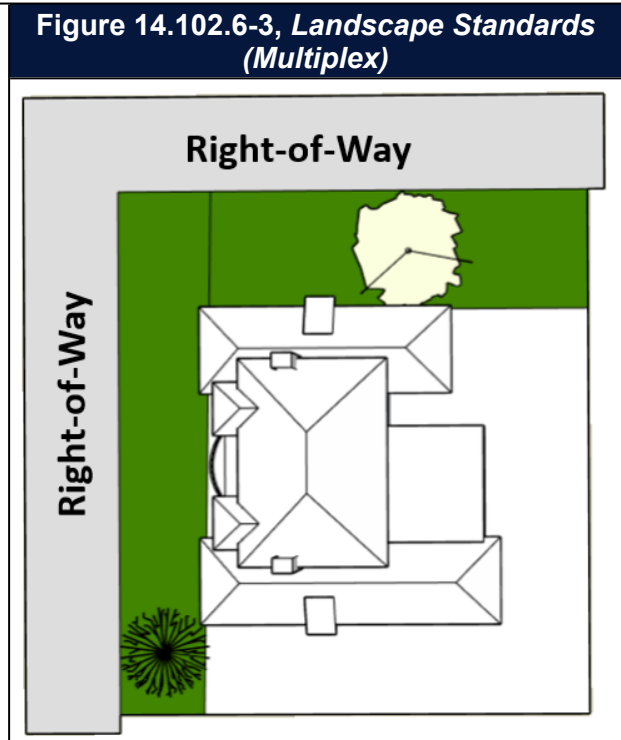
B. **Land Uses and Off-Street Parking.** Table 14.102.6-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.6-2, Permitted Uses and Minimum Off-Street Parking Spaces			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (cont.)	Min. Off-Street Parking Spaces
Apartment or Multiplex	1.5 per dwelling unit	Minor Utilities Use Category	No minimum
Bed and breakfast home	2 per dwelling unit plus 1 per guest room	Parks and Open Areas Use Category	1 per 2 acres; Minimum 10 spaces
Duplex; Townhouse	2 per dwelling unit	--	--
Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift	Conditional Use Permit	Min. Off-Street Parking Spaces
		Bed and breakfast inn	2 per dwelling unit plus 1 per guest room
Group Living Use Category except as follows:	1.5 per bedroom	Major Utilities Use Category	1 per on-site employee or visitor
- Family home or Foster home	1 per employee on largest shift; minimum of 3	Office Use Category except for bank or credit union or TV or radio studio	1 per 350 sq ft GFA
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	Place of Assembly Use Category	1 per 350 sq ft GFA or 1 per 4 seats in assembly area, whichever is greater
- High school	1 per 4 students plus 1 per employee on largest shift	Social Service Use Category	1 per 350 sq ft GFA
Government Facilities Use Category	No minimum	TABLE NOTES: sq ft = square feet; GFA = Gross Floor Area	

C. **Landscaping and Buffering.** Table 14.102.6-3, *Landscape Standards*, provides general standards for conventional neighborhood residential development of townhouses, duplexes,

and multiplexes in this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions, including those related to apartment complexes.

Minimum Landscape Surface Ratio	25%
Min. Canopy or Evergreen Trees in street yard area per 50' of Street Frontage ^{2,3}	0.25
Min. Ornamental Trees in street yard area per 50' of Street Frontage	0.5
<p>TABLE NOTES: ¹For townhouses, the applicant may apply to the each grouping of units, rather than lot-by-lot. ²For corner lots, applies to the narrower of the two street frontages only ³The resulting number of trees shall be rounded up to the nearest whole number. For example, a corner lot with a multiplex and with 100 feet of frontage on one street and 100 feet frontage on another requires 1 canopy tree and 1 ornamental.</p>	



D. **Signs.** Table 14.102.6-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Sign Type	Residential Use	Multiplex, Apartment, Nonresidential, and Mixed Use	Standards
Access	NP	P*	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Flag	P*	P*	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Wall	P*	* ₁	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5
<p>TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted ₁ No permit required for multiplex or apartment. Permit required for nonresidential and mixed use.</p>			

Effective on: 5/20/2019

Sec. 14.102.7 DT, Downtown

A. **Development Standards.** Table 14.102.7-1, *Development Standards*, below, establishes the standards for nonresidential development in this zoning district. Uses and structures existing on the effective date of this UDC that do not comply with the standards of this Section are subject to [Article 14.700, Nonconformities](#). See [Sec. 14.202.5, Nonresidential and Mixed Use](#) for additional standards.

Table 14.102.7-1, <i>Development Standards</i>		Figure 14.102.7-1, <i>Development Standards</i>
Maximum Floor Area Ratio (FAR)		
- 1 story	0.962	
- 2 stories	1.852	
- 3 stories	2.680	
(A) Minimum Lot Width	30 feet	
(B) Min. Street and Exterior Side Setback	0 feet	
(B) Max. Street and Exterior Side Setback	5 feet ¹	
(C) Minimum Interior Side Setback	0 feet	
(D) Minimum Rear Setback	15 feet	
(E) Maximum Building Coverage	99%	
Maximum Height	3 stories ²	
Minimum Height	2 stories	
<p>TABLE NOTES: ¹If a public entrance is at the corner of a building, the angular façade containing the entrance may be recessed a maximum of 10 feet from the intersection of the two right-of-way lines. Buildings may exceed a five-foot setback up to a maximum of 10 feet to provide:</p> <ul style="list-style-type: none"> - A sidewalk along the building frontage; or - A public gathering area or plaza that offers seating or dining, landscape or hardscape enhancements, public displays, or other pedestrian amenities. <p>²A Conditional Use Permit is required for an additional story.</p>		

B. **Land Uses and Off-Street Parking.** Table 14.102.7-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. Except for upper-story dwellings, permitted and conditional uses in this district do not require off-street parking. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.7-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted By Right (cont.)	Min. Off-Street Parking Spaces
Upper-story dwelling (second floor and above)	1 per dwelling unit	Parks and Open Areas Use Category except for campground without overnight accommodations and cemetery, columbarium, mausoleum or memorial park	No minimum
Educational Facilities Use Category	No minimum		
Government Facilities Use Category			
Indoor Recreation Use Category except for adult			

Use Category	Minimum Off-Street Parking Spaces
business and indoor firing range	Restaurant Use Category except for drive-in or drive-through Retail Sales and Service Use Category
Medical Facility Use Category except for hospital	-- Conditional Use Permit
Minor Utilities Use Category	Brewery Day Care Use Category
Overnight Accommodations Use Category except for recreational vehicle park or resort	Major Utilities Use Category Parking, Commercial Use Category Social Service Use Category
	No minimum

C. **Landscaping and Buffering.** Table 14.102.7-3, *Landscape Standards*, provides general standards for development in this zoning district on properties less than two acres in lot area. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

(A) Min. Landscape Surface Ratio (LSR)	1% ¹
Min. Canopy Trees per 50' of Street Frontage (Tree wells where applicable) ^{2, 3}	2

<p>TABLE NOTES: ¹Tree wells in the public right-of-way may count toward the LSR with approval of the Public Works Director. ²For corner lots, applies to both frontages. ³The resulting number of trees shall be rounded up to the nearest whole number. For example, a corner lot with a duplex and with 30 feet of frontage on one street and 140 feet frontage on another requires 7 canopy trees.</p>	
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D. **Signs.** Table 14.102.7-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Sign Type	Residential Use	Nonresidential and Mixed Use	Standards
Access	NP	P*	Sec. 14.205.4
Awning	NP	P	Sec. 14.205.4
Directory	NP	P	Sec. 14.205.4
Fascia or Parapet	NP	P	Sec. 14.205.4

Hanging	NP	P*	Sec. 14.205.4
Marquee	NP	P	Sec. 14.205.4
Projecting	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5

TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required; NP = Not permitted

Effective on: 5/20/2019

Sec. 14.102.8 GC, General Commercial

- A. **Development Standards.** Table 14.102.8-1, *Development Standards*, below, establishes the standards for nonresidential development in this zoning district and for permitted nonresidential development in a residential zoning district. Uses and structures existing on the effective date of this UDC that do not comply with the standards of this Section are subject to [Article 14.700, Nonconformities](#). See [Sec. 14.202.5, Nonresidential and Mixed Use](#) for additional standards.

Table 14.102.8-1, <i>Development Standards</i>		Figure 14.102.8-1, <i>Development Standards</i>	
Maximum Floor Area Ratio (FAR) - 1 story - 2 stories	0.280 0.335		
(A) Minimum Lot Area - Abutting residential zoning ¹ - Abutting other zoning	10,890 sq ft ² 1 acre		
(A) Maximum Lot Area - Abutting residential zoning ¹ - Abutting other zoning	1 acre NA ²		
(B) Minimum Lot Width	60 feet		
(C) Min. Street and Exterior Side Setback - Abutting expressway or arterial - Abutting other street classes	25 feet 20 feet		
(D) Minimum Interior Side Setback	10 feet ³		
(E) Minimum Rear Setback	10 feet ³		
Maximum Height	45 feet ⁴		
TABLE NOTES: ¹ Also applies to permitted nonresidential development in a residential zoning district. ² Sq Ft = Square Feet; NA = Not Applicable. ³ 20 feet if abutting a residentially used or zoned property or if permitted nonresidential development in a residential zoning district. ⁴ A Conditional Use Permit is required for an additional story.			

- B. **Land Uses and Off-Street Parking.** Table 14.102.8-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.8-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (Cont.)	Min. Off-Street Parking Spaces
Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift	Retail Sales and Service Use Category except as follows:	1 per 350 sq ft GFA plus 1 per 500 sq ft outdoor storage

Table 14.102.8-2, Permitted Uses and Minimum Off-Street Parking Spaces			
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	- Barber or beauty shop, massage, nail, or tanning establishment	2 per work station
- High school	1 per 4 students plus 1 per employee on largest shift	- Convenience store	1 per 250 sq ft GFA
Government Facilities Use Category	No minimum	- Dry cleaner, pressing establishment, or laundromat	1 per 300 sq ft customer service area, plus one space per 500 sq ft remaining GFA
Indoor Recreation Use Category except for adult business and except as follows:	1 per 250 sq ft GFA	- Flea market	1 per 150 sq ft display area
- Bar or nightclub	1 per 100 sq ft GFA	- Funeral home or mortuary	1 per 5 seats in assembly area
- Bowling alley	1 per 2 lanes	- Furniture store	1 per 500 sq ft GFA
- Movie or other theater	1 per 4 seats	- Kennel	1 per 400 sq ft kennel area
Medical Facility Use Category except as follows:	1 per 250 sq ft GFA	Social Service Use Category	1 per 350 sq ft GFA plus 1 per employee on largest shift
- Hospice or nursing home	1 per 3 beds	Vehicle Sales and Service Use Category except for major vehicle repair abutting residential zoning	1 per 350 sq ft office area plus 1 per 2,500 sq ft outdoor storage and display area plus 1 per service bay
- Hospital	1.5 per bed plus 1 per 500 sq ft emergency room and outpatient care area	- Manufactured home sales	1 per 350 sq ft office area plus 1 per 10,000 sq ft outdoor storage and display area
Minor Utilities Use Category	No minimum	- Major or minor vehicle servicing	1 per 350 sq ft office area plus 1 per 2,500 sq ft outdoor storage and display area plus 2 per service bay
Office Use Category	1 per 350 sq ft GFA	--	--
Overnight Accommodations Use Category	1 per guest room plus one per employee on largest shift	Conditional Use Permit	Min. Off-Street Parking Spaces
Parking, Commercial Use Category	1 per 4 seats in waiting area	Major Utilities Use Category	1 per on-site employee or visitor
Parks and Open Areas Use Category	5 per acre; Minimum 10 spaces	Major vehicle repair abutting residential zoning	1 per 350 sq ft office area plus 1 per 2,500 sq ft outdoor storage and display area plus 1 per service bay
Place of Assembly Use Category	1 per 350 sq ft GFA or 1 per 4 seats in assembly area, whichever is greater	Outdoor Recreation Use Category except as follows:	1 per 350 sq ft GFA plus 1 per 300 sq ft outdoor facilities
Restaurant Use Category except as follows:	1 per 4 seats in dining area	- Campground or recreational vehicle park	2 per park site
- Restaurant without indoor dining	1 per 50 sq ft waiting area or 4 spaces, whichever is greater	- Golf course	6 per hole
TABLE NOTES: ¹ sq ft = square feet; GFA = Gross Floor Area		- Golf driving range or mini-golf course	1 per driving station or hole plus one per employee on largest shift
		- Stadium, arena, running track or ball field	1 per 4 seats

C. **Landscaping and Buffering.** Table 14.102.8-3, *Landscape Standards*, provides general standards for this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

Table 14.102.8-3, <i>Landscape Standards</i>		Figure 14.102.8-3, <i>Landscape Standards</i>	
(A) Min. Landscape Surface Ratio (LSR)	15%		
(B) Street Bufferyard Type			
- Adjacent to Arterial Street	B		
- Adjacent to Collector Street	A		
- Adjacent to Local Street	A		
(C) District Bufferyard Type			
- Adjacent to RA, SR, SU, EN, UR, DT, MP	B		
- Adjacent to BP, IN	A		

D. **Signs.** Table 14.102.8-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.8-4, <i>Permitted Sign Types</i>		
Sign Type	Nonresidential Use	Standards
Access	P*	Sec. 14.205.4
Awning	P	Sec. 14.205.4
Directory	P	Sec. 14.205.4
Fascia or Parapet	P	Sec. 14.205.4
Flag	P*	Sec. 14.205.4
Hanging	P*	Sec. 14.205.4
Marquee	P	Sec. 14.205.4
Monument	P	Sec. 14.205.4
Off-Premise	P	Sec. 14.205.4
Projecting	P	Sec. 14.205.4
Pylon	P	Sec. 14.205.4
Wall	P	Sec. 14.205.4
Window	P	Sec. 14.205.4
Temporary	P*	Sec. 14.205.5

TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required

Effective on: 5/20/2019

Sec. 14.102.9 MP, Master Planned Development

A. **Development Standards.** Table 14.102.9-1, *Development Standards*, below, establish the standards for nonresidential development in this zoning district. See [Sec. 14.202.5, Nonresidential and Mixed Use](#) for additional standards. A master planned development may not commence until approval of a Master Development Plan, in accordance with [Sec. 14.604.4, Master Development Plan](#).

Table 14.102.9-1, <i>Development Standards</i>		Figure 14.102.9-1, <i>Development Standards</i>
Maximum Floor Area Ratio (FAR)		
- 1 story	0.962	
- 2 stories	1.852	
- 3 stories	2.680	
(A) Minimum Lot Area	2 acres	
(B) Minimum Lot Width	300 feet	
(C) Min. Street and Exterior Side Setback	0 feet	
(C) Max. Street and Exterior Side Setback	65 feet	
(D) Minimum Interior Side Setback	0' feet	
(E) Minimum Rear Setback	25 feet	
Maximum Height	3 stories ²	
TABLE NOTES: ¹ 25 feet if adjacent to residentially zoned or used property; ² A Conditional Use Permit is required for an additional story.		

B. **Land Uses and Off-Street Parking.** Table 14.102.9-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.9-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (Cont.)	Min. Off-Street Parking Spaces
Apartment	1.5 per dwelling unit	Place of Assembly Use Category	1 per 350 sq ft GFA or 1 per 4 seats in assembly area, whichever is greater
Upper story dwelling (second floor and above)	1.25 per dwelling unit	Restaurant Use Category except for drive-in or drive-through and except as follows:	1 per 4 seats in dining area
Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift	- Restaurant without indoor dining	1 per 50 sq ft waiting area or 4 spaces, whichever is greater

Use Category	Minimum Off-Street Parking Spaces	Permitted Uses	Minimum Off-Street Parking Spaces
- High school	1 per 4 students plus 1 per employee on largest shift	Retail Sales and Service Use Category except for fuel sales, flea market, and kennel and except as follows:	1 per 350 sq ft GFA plus 1 per 500 sq ft outdoor storage
Government Facilities Use Category	No minimum	- Barber or beauty shop, massage, nail, or tanning establishment	2 per work station
Indoor Recreation Use Category except for adult business and except as follows:	1 per 250 sq ft GFA	- Convenience store	1 per 250 sq ft GFA
- Bar or nightclub	1 per 100 sq ft GFA	- Dry cleaner, pressing establishment, or laundromat	1 per 300 sq ft customer service area, plus one space per 500 sq ft remaining GFA
- Bowling alley	1 per 2 lanes	- Funeral home or mortuary	1 per 5 seats in assembly area
- Movie or other theater	1 per 4 seats	- Furniture store	1 per 500 sq ft GFA
Medical Facility Use Category except as follows:	1 per 250 sq ft GFA	--	--
- Hospice or nursing home	1 per 3 beds	Conditional Use Permit	Min. Off-Street Parking Spaces
- Hospital	1.5 per bed plus 1 per 500 sq ft emergency room and outpatient care area	Bed and breakfast inn	2 per dwelling unit plus 1 per guest room
Minor Utilities Use Category	No minimum	Day Care Use Category	1 per 10 enrolled persons plus 1 per employee on largest shift
Office Use Category	1 per 350 sq ft GFA	Major Utilities Use Category	1 per on-site employee or visitor
Overnight Accommodations Use Category	1 per guest room plus one per employee on largest shift	Outdoor Recreation Use Category except as follows:	1 per 350 sq ft GFA plus 1 per 300 sq ft outdoor facilities
Parking, Commercial Use Category	1 per 4 seats in waiting area	- Golf course	6 per hole
Parks and Open Areas Use Category	1 per 2 acres; Minimum 10 spaces	- Golf driving range or mini-golf course	1 per driving station or hole plus one per employee on largest shift
		- Stadium, arena, running track or ball field	1 per 4 seats

TABLE NOTES: sq ft = square feet; GFA = Gross Floor Area

C. **Landscaping and Buffering.** Table 14.102.9-3, *Landscape Standards*, provides general standards for this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

(A) Minimum Open Space Ratio	15%	
- Per development	50%	
- Percentage of required open space assembled into a central open space		
(B) Street Bufferyard Type		

- Adjacent to Arterial Street	B
- Adjacent to Collector Street	B
- Adjacent to Local Street	B
(C) District Bufferyard Type	
- Adjacent to RA, SR, SU, EN, UR, DT, GC	C
- Adjacent to BP, IN	B

- D. **Signs.** Table 14.102.9-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.9-4, Permitted Sign Types			
Sign Type	Residential Use	Nonresidential and Mixed Use	Standards
Access	NP	P*	Sec. 14.205.4
Awning	NP	P	Sec. 14.205.4
Development Entry	P	P	Sec. 14.205.4
Directory	NP	P	Sec. 14.205.4
Fascia or Parapet	NP	P	Sec. 14.205.4
Hanging	NP	P*	Sec. 14.205.4
Marquee	NP	P	Sec. 14.205.4
Menu Board	NP	P	Sec. 14.205.4
Monument	NP	P	Sec. 14.205.4
Projecting	NP	P	Sec. 14.205.4
Wall	P*	P	Sec. 14.205.4
Window	P*	P	Sec. 14.205.4
Temporary	P*	P*	Sec. 14.205.5
TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required			

Effective on: 5/20/2019

Sec. 14.102.10 BP, Business Park

A. **Development Standards.** Table 14.102.10-1, *Development Standards*, below, establishes the standards for development in this zoning district. See [Sec. 14.202.5, Nonresidential and Mixed Use](#) for additional standards.

Table 14.102.10-1, Development Standards		Figure 14.102.10-21 Development Standards	
(A) Minimum Lot Area	0.5 acre		
Maximum Floor Area Ratio (FAR)			
-1 story	0.342		
-2 stories	0.435		
-3 stories	0.478		
(B) Minimum Lot Width	125 feet		
(C) Minimum Street Setback	35 feet		
(D) Maximum Street Setback	100 feet		
(E) Minimum Interior Setback	15 feet ¹		
(F) Minimum Exterior Side Setback	25 feet		
(G) Minimum Rear Setback	35 feet ¹		
Maximum Height	45 feet ²		
TABLE NOTES: ¹ 50 feet if abutting a residentially used or zoned property. ² A Conditional Use Permit is required for additional height.			

B. **Land Uses and Off-Street Parking.** Table 14.102.10-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.10-2, Permitted Uses and Minimum Off-Street Parking Spaces			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (Cont.)	Min. Off-Street Parking Spaces
Assembly, meeting, event or exhibition hall	1 per 350 sq ft GFA ¹ or 1 per 4 seats in assembly area, whichever is greater	Overnight Accommodations Use Category except for recreational vehicle park or resort	1 per guest room plus one per employee on largest shift
Bulk mailing service	1 per 500 sq ft GFA	Parking, Commercial Use Category	1 per 4 seats in waiting area
Food packing and distribution	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA		
Philanthropic institution	1 per 350 sq ft	Parks and Open Areas Use Category except for cemetery, columbarium, mausoleum, or memorial park	1 per 2 acres; Minimum 10 spaces
Repair of scientific or professional instruments or electric motors	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA	--	--
		Conditional Use Permit	Min. Off-Street Parking

Table 14.102.10-2, Permitted Uses and Minimum Off-Street Parking Spaces			
			Spaces
Research, testing, and development laboratory	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA	Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift
Warehouse for consumer goods sold online	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA	- High school	1 per 4 students plus 1 per employee on largest shift
Government Facilities Use Category	No minimum	Light Industrial Use Category except as permitted by right	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA
Medical Facility Use Category except as follows:	1 per 250 sq ft GFA	Major Utilities Use Category	1 per on-site employee or visitor
- Hospital	1.5 per bed plus 1 per 500 sq ft emergency room and outpatient care area	Place of Assembly Use Category except as permitted by right	1 per 350 sq ft GFA ¹ or 1 per 4 seats in assembly area, whichever is greater
Minor Utilities Use Category	No minimum	Warehousing and Freight Movement Use Category except as permitted by right	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA
Office Use Category	1 per 350 sq ft GFA	Wholesale Trade Use Category except as permitted by right	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA

TABLE NOTES: sq ft = square feet; GFA = Gross Floor Area

C. **Landscaping and Buffering.** Table 14.102.10-3, *Landscape Standards*, provides general standards for this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

Table 14.102.10-3, Landscape Standards		Figure 14.102.10-3, Landscape Standards	
(A) Min. Landscape Surface Ratio (LSR)	20%		
(B) Street Bufferyard Type			
- Adjacent to Arterial Street	C		
- Adjacent to Collector Street	C		
- Adjacent to Local Street	B		
(C) District Bufferyard Type			
- Adjacent to RA, SR, SU, EN, UR, DT, MP	C		
- Adjacent to BP, IN	A		

D. **Signs.** Table 14.102.10-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.10-4, Permitted Sign Types		
Sign Type	Nonresidential Use	Standards
Access	P*	Sec. 14.205.4
Awning	P	Sec. 14.205.4

Directory	P	Sec. 14.205.4
Fascia or Parapet	P	Sec. 14.205.4
Flag	P*	Sec. 14.205.4
Monument	P	Sec. 14.205.4
Off-Premise	P	Sec. 14.205.4
Pylon	P	Sec. 14.205.4
Wall	P	Sec. 14.205.4
Window	P	Sec. 14.205.4
Temporary	P*	Sec. 14.205.5
TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required		

Effective on: 5/20/2019

Sec. 14.102.11 IN, Industrial

A. **Development Standards.** Table 14.102.11-1, *Development Standards*, below, establishes the standards for development in this zoning district. See [Sec. 14.202.5, Nonresidential and Mixed Use](#) for additional standards.

Table 14.102.11-1, <i>Development Standards</i>		Figure 14.102.11-1, <i>Development Standards</i>	
(A) Minimum Lot Area	1 acre		
(B) Minimum Lot Width	250 feet		
(C) Minimum Street Setback	25 feet		
(D) Minimum Interior Setback	20 feet ¹		
(E) Minimum Exterior Side Setback	25 feet		
(F) Minimum Rear Setback	20 feet ¹		
Maximum Height	60 feet ²		
TABLE NOTES: ¹ 50 feet if abutting a residentially used or zoned property. ² A Conditional Use Permit is required for additional height.			

B. **Land Uses and Off-Street Parking.** Table 14.102.11-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories in a Conventional neighborhood type that are permitted by-right or require a Conditional Use Permit. [Section 14.902, Definitions](#), lists the specific uses that compose each use category. Any unlisted use or use category is prohibited in this zoning district. See [Section 14.203, Parking, Loading, Stacking, and Access](#), for more detailed provisions.

Table 14.102.11-2, <i>Permitted Uses and Minimum Off-Street Parking Spaces</i>			
Permitted by Right	Min. Off-Street Parking Spaces	Permitted by Right (Cont.)	Min. Off-Street Parking Spaces
Government Facilities Use Category	No minimum	Self-Service Storage Use Category	1 space per 20 storage stalls plus 1 space per 350 sq. ft. of gross floor area of office space
Heavy Industrial Use Category	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA ¹	Passenger Terminal Use Category	1 per 4 seats in waiting area
Light Industrial Use Category	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA	Vehicle Sales and Service Use Category	1 per 350 sq ft office area plus 1 per 2,500 sq ft outdoor storage and display area plus 1 per service bay
Major Utilities Use Category	1 per on-site employee or visitor	Warehousing and Freight Movement Use Category	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA
Minor Utilities Use Category	No minimum	Wholesale Trade Use Category	1 per 350 sq ft office area plus 1 per 1,000 sq ft GFA
Parks and Open Areas Use Category except for cemetery, columbarium, mausoleum, or memorial	1 per 2 acres; Minimum 10 spaces	--	--
		Conditional Use Permit	Min. Off-Street Parking Spaces
		Adult business	1 per 250 sq ft GFA

Table 14.102.11-2, Permitted Uses and Minimum Off-Street Parking Spaces			
park		Educational Facilities Use Category except as follows:	1 per 10 students plus 1 per employee on largest shift
		- High school	1 per 4 students plus 1 per employee on largest shift

TABLE NOTES: 'sq ft = square feet; GFA = Gross Floor Area

C. **Landscaping and Buffering.** Table 14.102.11-3, *Landscape Standards*, provides general standards for this zoning district. See [Section 14.204, Trees, Landscaping, and Buffering](#), for more detailed provisions.

Table 14.102.11-3, Landscape Standards		Figure 14.102.11-3, Landscape Standards	
(A) Min. Landscape Surface Ratio (LSR)	15%		
(B) Street Bufferyard Type			
- Adjacent to Arterial Street	B		
- Adjacent to Collector Street	B		
- Adjacent to Local Street	B		
(C) District Bufferyard Type			
- Adjacent to RA, SR, SU, EN, UR, DT, MP	C		
- Adjacent to BP, IN	A		

D. **Signs.** Table 14.102.11-4, *Permitted Sign Types*, establishes the sign types that require or do not require a sign permit and contains a cross-reference to sign type standards. Sign types not listed are prohibited in this zoning district. See [Section 14.205, Signs](#), for more detailed provisions. If there is a conflict between the table below and the provisions of [Section 14.205](#), then [Section 14.205](#) controls.

Table 14.102.11-4, Permitted Sign Types		
Sign Type	Nonresidential Use	Standards
Access	P*	Sec. 14.205.4
Awning	P	Sec. 14.205.4
Directory	P	Sec. 14.205.4
Fascia or Parapet	P	Sec. 14.205.4
Flag	P*	Sec. 14.205.4
Monument	P	Sec. 14.205.4
Off-Premise	P	Sec. 14.205.4
Pylon	P	Sec. 14.205.4
Wall	P	Sec. 14.205.4
Window	P	Sec. 14.205.4



Temporary	P*	Sec. 14.205.5
TABLE NOTES: P = Permitted and sign permit required; P* = Permitted and no sign permit required		

Effective on: 5/20/2019

Sec. 14.102.12 Neighborhood and Housing Types

A. Generally.

1. *Neighborhood Types.* New residential neighborhoods are classified into three different neighborhood types. These neighborhood types are allowed in the districts set out in this Section. Development of any neighborhood type is at the option of the applicant. No neighborhood type is mandatory in any zoning district.
2. *Housing Types.* Table 14.102.12-1, *Housing Types*, provides a common set of terms for housing types in this UDC.

B. Neighborhood Types.

1. *Conventional .* A conventional residential neighborhood is a pattern of development that allows residential uses and that provides the majority of property owners with open space on their own property. A conventional neighborhood consists of mostly single-family detached dwelling units developed in accordance with the conventional development standards of this Section, excluding [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#). Minimum lot size is a primary factor in the character of a conventional subdivision. See Figure 14.102.12-1, *Illustrative Conventional Neighborhood*.



2. *Cluster.* A cluster neighborhood consists of single-family detached dwelling units developed in accordance with the cluster development standards in [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#), with smaller lots that are clustered together in order to provide for additional common open spaces. Often, the common open space is set-aside for resource features such as parks, recreation areas, woodlands, creeks and streams and their riparian areas, floodplains, etc. Therefore, cluster development may be used to preserve environmental resources by clustering development on the buildable portions of the property. See Figure 14.102.12-2, *Illustrative Cluster Neighborhood*.

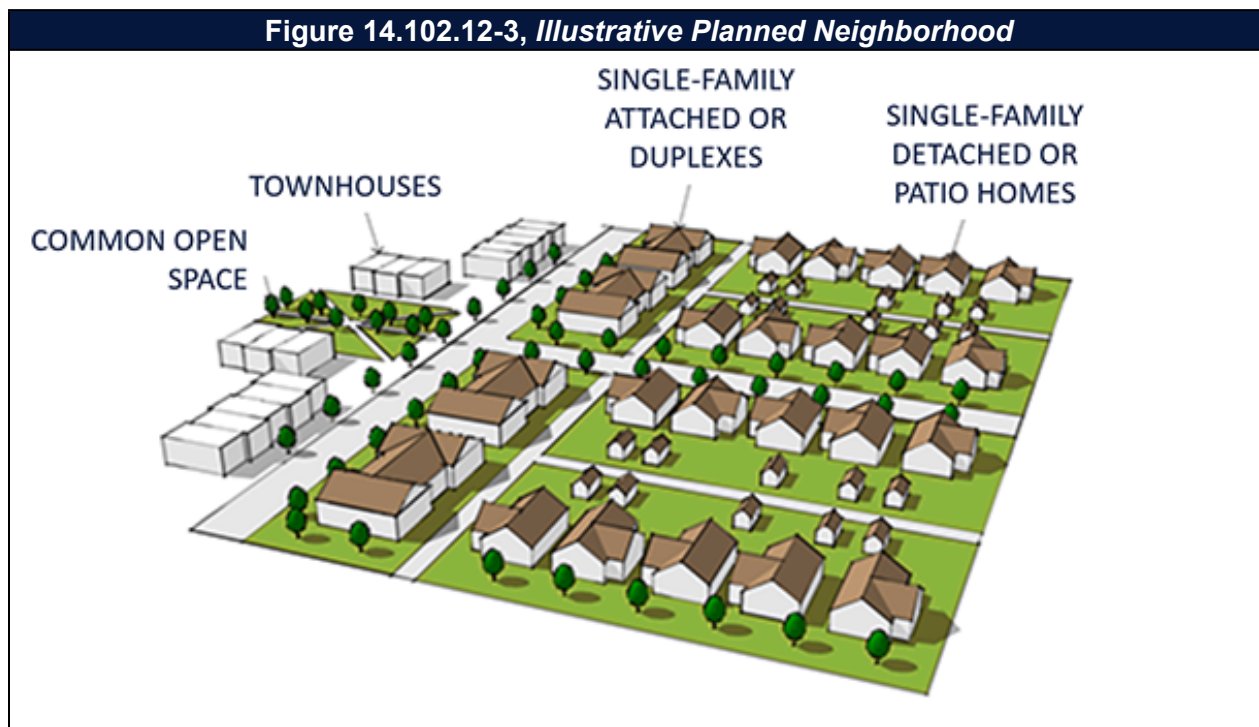
- a. Common open space shall, to the greatest extent practicable, be interconnected with other open space areas, greenways, and trail systems (if provided) within the development and on abutting lands where such integration is practical and does not materially compromise the resource value of the protection areas.
- b. Open space shall be integrated into the development design so as to bring access to significant open space to the maximum number of properties; provided, however, that physical access may be limited if such limitation would material enhance natural resource management.
- c. Where adjacent to existing conventional single-family development, cluster neighborhood lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots. Alternatively, the dwelling units on the perimeter cluster lots shall be set back from the boundary of the cluster neighborhood a minimum of the following distances:
 - i. One to four lots: Required rear setback;
 - ii. Five to 20 lots: 30 feet; and
 - iii. 21 or more lots: 50 feet.

Figure 14.102.12-2, Illustrative Cluster Neighborhood



3. **Planned Neighborhood.** A planned neighborhood allows four housing types, and utilizes commonly-owned areas as organizing features. See Figure 14.102.12-3, *Illustrative Planned Neighborhood*.
 - a. Different housing types within a planned neighborhood may be integrated together or may be located within separate pods with the required open space provided a buffer between the housing types.
 - b. Where single-family detached or single-family attached dwelling units abut multiple-family dwellings, a Type B bufferyard may be used to provide for enhanced compatibility between housing types.
 - c. Where a planned neighborhood abuts, is adjacent to, or is located across a local street from existing housing, the housing types that are nearest or across the street shall be comparable to the existing housing types in terms of the housing type, scale, and method of access.

- d. Lots shall take access to an interior street, alley, parking court, or shared driveway. If a perimeter street is also a local street, lots shall front on the perimeter street and may take access from it if the lots across the street also take access from the street.
- e. Where adjacent to existing conventional single-family development, planned neighborhood lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent conventional lots. Alternatively, the dwelling units on the perimeter planned lots shall be set back from the boundary of the planned neighborhood a minimum of the following distances
 - i. One to four lots: Required rear setback;
 - ii. Five to 20 lots: 75 feet; and
 - iii. 21 or more lots: 100 feet.



C. Housing Types.

Table 14.102.12-4, Single-Family Housing Types			
Single-Family Detached:	Patio Home:	Single-Family Attached: Two attached single-family	Townhouse: A set of attached dwelling units in

<p>A building located on a single lot, designed exclusively for occupancy by one family and entirely separated from any other dwelling by setbacks on all sides.</p>	<p>A single-family detached dwelling with front and rear setbacks and a single side setback.</p>	<p>dwellings located on two separately platted lots that share a common firewall along the interior lot line.</p>	<p>a row of at least three, but no greater than seven, of such units, each of which is located on a separate lot and is separated from the others by common fire-resistive walls.</p>
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<p>Table 14.102.12-5, Two- and Multi-Family Housing Types</p>		
<p>Duplex: A building containing two dwelling units on a single lot, designed to be occupied by two families living independently of each other.</p>	<p>Multiplex: A multi-family building with three to four dwelling units on a single lot designed to resemble a large single-family detached dwelling. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.</p>	<p>Apartment: A multi-family building located on a single lot designed or altered for occupancy by three or more families living independently of each other and entirely separated from any other dwelling by setbacks on all sides. A single proprietor owns all dwelling units.</p>

Effective on: 5/20/2019

Sec. 14.102.13 Non-Conventional Neighborhood Development Standards

A. **Development Standards.** Table 14.102.13-1, *Non-Conventional Neighborhood Development Standards*, below, establishes the standards for developing new non-conventional neighborhoods in the RA, Rural / Agricultural, SR, Suburban Residential, and SU, Semi-Urban Residential zoning districts. See [Sec. 14.104.1, Measurements](#), for the methodology of measuring the standards in each column heading under Development Standards and Lot and Building Standards in the table. The minimum site area required for a non-conventional neighborhood is 10 acres. The maximum building height for all zoning districts in Table 14.102.13-1 is 35 feet.

B. **Sample Calculations.**

1. *Cluster.* In the SR zoning district, Cluster neighborhood type:

- a. 40 acre parcel proposed for development
- b. 40 acres multiplied by a minimum open space ratio of 0.30 = 12 acres
- c. 40 acres minus 12 acres of open space = 28 buildable acres
- d. 28 buildable acres multiplied by 1.32 units per acre = 36.96 units, rounded to 37 units

2. *Planned.* In the SR zoning district, Planned neighborhood type:

- a. 40 acre parcel proposed for development
- b. 40 acres multiplied by a minimum open space ratio of 0.40 = 16 acres
- c. 40 acres minus 16 acres of open space = 24 buildable acres
- d. 24 buildable acres multiplied by 2.17 units per acre = 52.08 units, rounded to 52 units

C. **Housing Types.** Except for the standards for the Planned neighborhood type in the SU zoning district, the provisions in Table 14.102.13-1, *Non-Conventional Neighborhood Development Standards*, are for single-family detached dwellings. Duplexes, single-family attached dwellings, and patio homes are permitted by-right in the SU district planned neighborhood type in addition to single-family detached dwellings. Townhouses require a Conditional Use Permit in the SU district, subject to the standards in the Table.

Table 14.102.13-1, Non-Conventional Neighborhood Development Standards										
District	Neighborhood Type	Development Standards			Lot and Building Standards					
		Max. DUs / Acre	Min. Open Space Ratio¹	Min. Lot Area per DU	Min. Lot Width	Min. Setbacks (feet)				
						Street	Interior Side	Exterior Side	Rear	
RA	Cluster	0.26	20%	3 ac.	225 feet	50	25	50	75	
SR	Cluster	1.32	30%	0.5 ac.	90 feet	30	15	20 ²	50	
	Planned	2.17	40%	10,890 sq ft ³	70 feet	30	12	20 ²	40	
SU	Cluster	4.84	12%	7,200 sq ft	60 feet	25	7.5	15 ²	30	
	Planned	SFD ³	5.54	15%	6,000 sq ft	55 feet	25	5	15 ²	25
		Duplex or SFA ³	12.410	15%	3,000 sq ft	60 feet	25	5	15 ²	25
		Patio Home	8.210	15%	4,000 sq ft	40 feet	25	0/10	15 ²	10 ⁴
	Townhouse ⁵	14.942	15%	2,000 sq ft	25 feet	25	0/7.5	15 ²	10 ⁴	

TABLE NOTES:
¹Per subdivision, not per lot.

²Garage must be setback a minimum of 25 feet if it opens to exterior side yard.

³ sq ft = Square feet; SFD = Single-family detached; SFA = Single-family attached.

⁴20 feet if abutting an arterial street or expressway.

⁵Conditional Use Permit required.

- D. **Requirements for Phased Developments.** The maximum residential development capacity of the entire parcel proposed for development shall be used for calculating compliance with the minimum open space ratio and maximum dwelling units per acre set out in Table 14.102.13-1, *Non-Conventional Neighborhood Development Standards*. In addition, the required open space shall be proportionately provided per phase.

Effective on: 5/20/2019

Section 14.103: Specific Use Standards

Sec. 14.103.1 Unlisted or Functionally Similar Uses

- A. **Approach to Categorizing Uses.** Use Categories are defined in [Section 14.902, Definitions](#). Specific uses that make up such categories may be further defined in that same Section. The Director may interpret a proposed unlisted use as fitting into a given Use Category. The proposed use is then permitted, requires a Conditional Use Permit, or is prohibited according to how its Use Category is regulated in each zoning district. Alternatively, the Director may interpret a proposed use as functionally similar to an already permitted, conditional, or prohibited specific use and apply all standards that would have applied to the similar use. The Director shall make all interpretations in writing.
- B. **Decision Criteria.** The following decision criteria shall be evaluated when the Director, or at the Director's discretion, the Planning and Zoning Commission, decides whether a proposed use is part of a given Use Category, or is functionally comparable to, a permitted, conditional, or prohibited use:
1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category;
 2. The amount of site area or floor space and equipment devoted to the activity;
 3. Parking demand;
 4. Average daily and peak hour trip generation (cars and trucks);
 5. Types of vehicles used and their parking requirements;
 6. Building coverage and impervious surface;
 7. Regulated air or water emissions;
 8. Noise, lighting, dust, and odors;
 9. Solid waste generation;
 10. The number of employees on a typical shift;
 11. Potentially hazardous conditions;
 12. Use and storage of hazardous materials;
 13. Character of buildings and structures;
 14. How the use is advertised;
 15. Nature and impacts of operation; and
 16. Hours of operation.
- C. **Text Amendment Required.** If the Director determines that an unlisted proposed use is not similar to any other listed use or does not fit into an established Use Category, then the proposed use is permitted only following an approved Text Amendment in accordance with [Sec. 14.604.1, UDC Text Amendment](#).

Effective on: 5/20/2019

Sec. 14.103.2 Conditional Use Standards

- A. **Timing of Compliance.** The standards of this Section apply at the time a conditional use is requested to be established in an existing or new structure, and when an existing conditional use is proposed to be expanded by more than 10 percent of the existing square footage

currently devoted to the use. This Section applies to an expansion of use whether it is within an existing building, in an outdoor area devoted to the use, or a combination of the two.

- B. **Other Applicable Standards.** The standards of this Section apply in addition to the other applicable standards of this UDC.
- C. **Review Procedures.** The City Council may approve a Conditional Use Permit request in accordance with [Sec. 14.604.3, Conditional Use Permit](#).
- D. **Additional Conditions.** The Planning and Zoning Commission may recommend and the City Council may approve a Conditional Use Permit with conditions or modifications of the original submittal that it finds further the purpose of this UDC or bring about greater conformance with the Comprehensive Plan.

Effective on: 5/20/2019

Sec. 14.103.3 Accessory Use and Structure Standards

- A. **Purpose.** The purpose of this Section is to establish minimum standards for accessory uses and structures that:
 - 1. Advance the general welfare of the community;
 - 2. Enhance and protect the aesthetic interests of the community;
 - 3. Protect property values and lessening the impact that some accessory structures may have on residential properties; and
 - 4. Promote economic development by making the community a more desirable place to live, conduct business, and recreate.
- B. **Generally.** An accessory use or structure may be established provided that it is associated with a primary use in the Use Category definitions in [Section 14.902, Definitions](#), and that it complies with the standards of this Section.
- C. **Standards that Apply to All Accessory Uses and Structures.** The following standards shall apply to accessory uses and structures except as this Section or UDC indicate otherwise.
 - 1. *Use.* An accessory use or structure may be established provided that it is associated with a primary use in the Use Category definitions in [Section 14.902, Definitions](#), and that it complies with the standards of this Section. No accessory structure may be used unless the primary structure also is being used.
 - 2. *Subordination.* The accessory use or structure shall be subordinate to and serve a primary use or primary structure. Except as provided in this Section, a non-agricultural accessory structure must be subordinate in height to the primary structure.
 - 3. *Commercial Use.* Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
 - 4. *Timing of Construction.* No detached accessory structure shall be constructed until the construction of the rafters, or general equivalent, of the primary structure has commenced.
 - 5. *Same Property.* An accessory use or structure must be located on the same parcel or lot as the primary use or structure.
 - 5. *Separation.* No accessory structure shall be located closer than six feet to any other structure.
 - 6. *Setbacks.* Accessory structures shall comply with the street, interior side, and exterior side setback standards for the primary structure established in [Section 14.102, Base Districts and Standards](#). Detached accessory structures have a minimum rear setback of

10 feet and attached accessory structures shall comply with the setback that applies to the primary structure.

7. *Easements*. Accessory structures permanently affixed to the ground shall not encroach into an easement.
8. *Height*. The maximum height for a residential or nonresidential accessory structure is 18 feet.
9. *Compatibility*. Accessory buildings (in excess of 120 square feet) shall be designed to be compatible with the primary building in terms of color and building materials.
10. *Fence Orientation*. The finished side of all fences shall face outward toward neighboring property or adjacent rights-of-way. Posts and supports shall face inward toward the subject property.

D. Prohibited Accessory Structures and Uses.

1. *Shipping Containers*. Shipping containers or pods larger than 100 square feet are prohibited from use as an accessory structure on residential property except as temporary storage units for the purposes of construction or to remove various household goods off of the property. Such units are subject to the temporary structure requirements in Article 4.200, *Temporary Storage*, of the City Code. Temporary storage units related to construction shall be removed when construction is finished, but in no case shall remain on the property in excess of 180 days without a temporary use permit in accordance with [Sec. 14.603.11, Temporary Use Permit](#). Temporary storage units used to remove various household goods for long-term storage off of the property may remain on the property for a period not to exceed 90 days.
2. *Living Quarters*. Portable storage buildings may not be used as a dwelling unit or occupied overnight.

E. Residential Fences and Walls .

1. *Applicability*. The provisions of this Subsection apply to residentially zoned or used properties, excluding apartments.
2. *Setbacks*. Fences and walls are permitted in any required setbacks.
3. *Height and Openness*. The maximum height of a fence or wall within a required street setback or exterior side setback shall be 42 inches. The maximum height for any other residential fence or wall shall be six feet. On corner lots, fences and walls with greater than 50 percent opacity shall not encroach the street setback or exterior side setback. Fences or walls built parallel to and outside of the exterior side setback may have a maximum height of six feet and have no opacity requirement.
4. *Transitioning*. For fences that cross a street or exterior side setback line, a five-foot transition area shall be provided between the six-foot and three and a half-foot sections of the fence. Such five-foot transition section shall be centered on the minimum required setback line. For existing subdivisions that do not have platted building setback lines, a twenty-foot setback shall apply for the purposes of this Subsection.
5. *Prohibited Fence Types*. Barbed, razor, or electric wire shall be prohibited.
6. *Subdivision Perimeter Fences or Walls*. Fences or walls along the perimeter of a new subdivision adjacent to a public right-of-way shall :
 - a. Be installed by the subdivider;
 - b. Be six feet in height;
 - c. Not encroach into the public right-of-way;
 - d. Include stone or brick columns spaced a minimum of 30 feet apart,

- e. Be maintained by the homeowners' association; and
- f. Be of a consistent design for the entirety of subdivision with a type A bufferyard provided along the fence where adjacent to an arterial street.

F. Home Occupations.

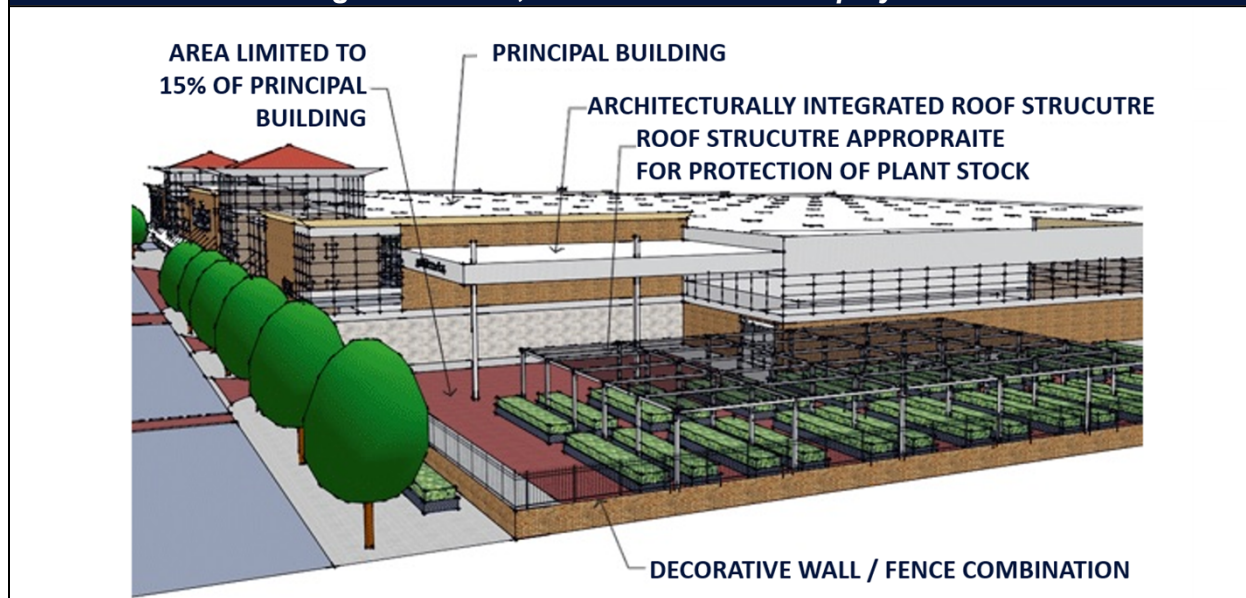
1. Home occupations with the following characteristics are permitted.
2. The home occupation shall:
 - a. Be within the principal residence or a permitted accessory building;
 - b. Not occupy more than 25 percent of the gross floor area of the principal residence;
 - c. Not have any exterior indication that the home occupation is taking place;
 - d. Have no outside employees who do not live on-site;
 - e. Not generate traffic other than that normally associated with a residential use; and
 - f. Not require equipment or processes that would create a nuisance to neighboring properties.

G. Trucks and Business Vehicles in Residential Zoning Districts. No vehicles, trucks, semi-trailers trucks, or vans that are heavier than 15,000 pounds gross vehicle weight shall be parked outside on lots or on street in a residential zoning district.

H. Outdoor Display for Nonresidential Uses and Districts.

1. *Generally.* Permanent or seasonal outdoor display of merchandise is permitted in the GC zoning district subject to the requirements of this Section.
2. *Accessory Use.* The outdoor display area involves items for sale by a business that is located within a permanent structure or a designated area on the same site.
3. *Attached to Principal Building.* An outdoor display area that is attached to a principal building (see Figure 14.103.3-1, *Attached Outdoor Display Area*) is permitted if the outdoor display area is:
 - a. Adjacent to a wall of a principal structure;
 - b. Configured as a walled and/or decoratively fenced area that is architecturally integrated into the principal building;
 - c. If covered, the display area shall be covered with a roof structure that is architecturally integrated into the primary building, except that nursery areas may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock;
 - d. Within the buildable area of the site formed by the required setbacks;
 - e. Not larger than 15 percent of the gross floor area of the principal building; and
 - f. Not located in areas that are required or used for parking, loading, or vehicular circulation.

Figure 14.103.3, Attached Outdoor Display Area



I. Outdoor Storage for Nonresidential Uses and Districts.

1. *Generally.* Outdoor storage is permitted in the GC and IN zoning districts subject to the standards of this Section. At the time any building, use, or structure is instituted, erected, enlarged, or converted from one land use to another land use which utilizes outdoor space for the storage or display of motor vehicles, equipment, or materials, on-site outdoor storage facilities shall be provided in accordance with these regulations. Such areas shall be provided in order that such vehicles, equipment, or materials may be displayed or stored without encroaching on or interfering with the public use of streets, alleys, and sidewalks.
2. *Surfacing and Drainage.*
 - a. All outdoor storage facilities, except for those in the IN, Industrial, zoning district, including access aisles, driveways and maneuvering areas, shall be composed of an all-weather surface and shall meet the drainage requirements of this UDC and of the Public Works Director.
 - b. In the IN zoning district, access aisles and maneuvering areas of enclosed outdoor storage areas may be composed of gravel.
3. *Placement.* An outdoor storage facility shall be located to the rear or side of the primary structure and away from the public right-of-way and adjacent residentially zoned or used property.
4. *Public Views.* Outside storage shall be maintained to prevent public view of interior storage.
5. *Maneuvering of Inventory.* The site shall be of adequate size, shape, and design to ensure:
 - a. All maneuvering of inventory will be contained on site;
 - b. No inventory will be backed onto the site from the public right-of-way;
 - c. All on-site maneuvering shall occur without encroaching onto adjacent properties or rights-of-way; and

- d. Inventory will be maneuvered without conflicting with vehicular use areas.
 6. **Buffering and Screening.** Outdoor storage areas shall be screened from the public right-of-way and from adjacent properties with a Type B bufferyard as established in [Section 14.204, Trees, Landscaping, and Buffering](#), together with a fence or wall that is a minimum of six feet and a maximum of eight feet in height.
 7. **Exemptions.** The following types of outdoor storage are exempt from the screening requirements of this Section:
 - a. Retail planting stock and landscape stone or similar landscape materials, associated with a nursery or greenhouse;
 - b. Commercial vehicles related to a permitted business on-site; and
 - c. Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes and other similar vehicles or equipment sold by a permitted use on-site.
- J. Multifamily and Nonresidential Dumpsters and Loading Docks.** The following dumpster requirements shall apply to multifamily, nonresidential and mixed use zoned or used properties:
1. **Placement.**
 - a. Commercial refuse storage containers shall be located in the side or rear yard out of view from public right-of-way. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with screening as required in Subsection 2. below.
 - b. Openings into enclosures shall be positioned so that view of the containers from residentially zoned or used properties and from the street right-of-way is eliminated.
 - c. Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto the public right-of-way.
 - d. Containers shall be placed on a paved surface of either concrete or asphalt.
 - e. Loading docks shall not be permitted to be visible from the street or from residentially zoned property unless otherwise determined by the Director.
 2. **Screening.** Containers visible from the street right-of-way view shall be screened with a structural screen of wood or masonry enclosure that is architecturally compatible, in material and color, with the primary structure on the property. The enclosure shall extend at least one foot above the container top.
- K. Outdoor Activities Requiring a CUP.** A Conditional Use Permit shall be required if an otherwise permitted use contains any of the following activities and the space for such activities is within 50 feet of the adjoining property line of a single- or two-family use:
1. Fuel sales;
 2. Outdoor on-premise consumption of alcohol; and
 3. Outdoor kennel or dog run.

Effective on: 5/20/2019

Sec. 14.103.4 Telecommunication Facilities

- A. Major and Minor Utilities.** Stand-alone telecommunication facilities are part of the Major Utilities Use Category. Collocated antennas are part of the Minor Utilities Use Category.

- B. **Stealth Towers.** All telecommunications towers constructed in the City shall be stealth towers. Towers secured by guy wires and lattice style towers are expressly prohibited.
- C. **Setback from Residential Structures.** All telecommunications towers shall be set back from any residential zoning district or structure a minimum distance of 10 feet plus one foot for each foot of height of the tower.
- D. **Co-Location Encouraged.** The Director shall maintain a list of available telecommunications sites that are owned by the City and other owners of existing structures, such as towers, buildings, windmills, poles, etc. who wish to make their structures available for placement of telecommunications facilities thereon. Lease or use rates may be provided on this list.
- E. **Site Plan Requirements.** In addition to the requirements of [Sec. 14.603.2, Site Plan](#), a site plan for a telecommunications tower shall be accompanied by a drawing and any supporting documents that identify the type and height of the proposed facility.
- F. **Tower Removal.** A removal deposit in the amount of \$100.00 for each foot in height of a proposed telecommunications tower from its base (if ground based) or mount (if mounted on another structure) shall accompany an application for a telecommunications tower permit. The amount shall be held by the City and shall be refundable to the owner of the property upon which the tower is located, after the owner has removed the tower in accordance with all city requirements. If the deposit is returned to the owner, it shall be returned with accumulated interest at the rate received by the City, less a city processing fee of 10% of the aggregated amount of the deposit and interest. Upon written request, the Director shall lower the tower removal deposit to a level proven by an applicant to be sufficient to cover the estimated probable cost of removing the tower. The Director's actions in failing to lower such removal deposit in accordance with a request may be appealed to the Planning and Zoning Commission.
- G. **Exemptions.** This Section shall apply to the renovation, modification, or installation of any telecommunication tower, except for the following facilities, which shall be exempt from the requirements of this Section:
 - 1. Structures intended only for and capable only of use as amateur radio facilities;
 - 2. Ground based telecommunications towers that do not exceed a height of 40 feet from the base of the tower that are not lattice style towers or towers secured by guy wires;
 - 3. Telecommunications facilities and tower structures that are attached to, placed upon, or constructed on top of a building, provided the height of the tower structure does not exceed 20 feet above the height of the building upon which the tower is constructed and the tower structure is not a lattice style tower or tower secured by guy wires;
 - 4. Towers or other facilities placed on land or right-of-way owned by the federal government, the State of Texas or the City of Dayton; and
 - 5. Telecommunications equipment that is mounted on a pre-existing operational telecommunications facility, light mast, or operational engineered structure other than a telecommunications facility, such as a sign.



Effective on: 5/20/2019

Sec. 14.103.5 Mobile Homes and Manufactured Homes

- A. **New Mobile Homes Prohibited.** No mobile home, as defined in [Section 14.902, Definitions](#), shall be permanently or temporarily placed or relocated in the City limits.
- B. **Existing Stand-Alone Mobile Homes.**
1. *Removal or Demolition.* An existing stand-alone mobile home located outside a manufactured home park, as of November 6, 2000, may remain on-site until it is removed from the City or until the condition of the mobile home violates this UDC or other parts of the City Code. When the condition of the mobile home violates the City Code, the Building Official shall require the owner to move the mobile home out of the City or demolish it.
 2. *Replacement of Mobile Home.*
 - a. A mobile home located within the City limits and outside a manufactured home park on November 6, 2000, may be replaced one time and one time only with a manufactured home. The replacement manufactured home must be installed within 90 days of the removal of the mobile home, upon the same site location as the replaced mobile home, and comply with all provisions of the City Code effective on the date of installation.
 - b. In the case of fire or natural disaster resulting in irreparable damage to a mobile home, a replacement manufactured home may be installed within 180 days following the fire or natural disaster, upon the same site location as the damaged mobile home, and shall comply with all provisions of the City Code effective on the date of installation.
 - c. Upon the removal or destruction of the replacement manufactured home described in paragraphs a. or b., above, the subject property shall no longer be considered eligible as a location for a manufactured home.
- C. **Temporary Use.** The Director may approve the temporary placement of a manufactured home in accordance with the procedures in [Sec. 14.603.11, Temporary Use Permit](#), and according to the standards for recreational vehicles in [Sec. 14.103.6.C, Temporary Use](#). Proof of the permit approval shall be conspicuously posted on a readily accessible window (facing out) of the permitted manufactured home. The City shall charge each person whose application is approved all the prevailing, applicable fees that are required to be paid to the City for residential inspections, electrical, water, and wastewater connections.
- D. **Placement in Manufactured Home Park.**
1. *Required Placement.* A manufactured home shall only be moved into a manufactured home park. A stand-alone manufactured home is not permitted on a lot or parcel.
 2. *Nonconforming Park.* No manufactured home may be moved into or be relocated to or within a manufactured home park that does not comply with the applicable standards of this UDC.
- E. **Maximum Density.** A maximum of 10 manufactured home stands shall be situated per gross acre.
- F. **Building Separation.**
1. Manufactured homes shall be separated from each other and from buildings and structures by a minimum of 15 feet on the sides and shall have an end-to-end clearance of 10 feet.

2. An accessory structure is considered part of the manufactured home for purposes of separation requirements if it:
 - a. Has a horizontal area exceeding 25 square feet,
 - b. Is attached to or located within 10 feet of the manufactured home; and
 - c. Has an opaque top or roof that is higher than the nearest window of the manufactured home.

G. Recreation Areas.

1. *Threshold.* All parks accommodating or designed to accommodate 25 or more manufactured homes shall have a minimum of one recreation area that shall be easily accessible to all park residents.
2. *Area Size.* The size of such recreation areas shall be a minimum of 100 square feet per manufactured home stand. No outdoor recreation area shall contain less than 2,500 square feet.
3. *Central Location.* Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

- H. Separation Requirements.** A manufactured home park shall be located 750 feet or more from an existing single- or two-family residence, place of worship, or public or private elementary, middle or high school.

I. Park Street Construction and Design Standards.

1. *General.* The street pattern of a manufactured home park should provide adequate circulation within the park and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience. The street layout shall be devised for the most advantageous development of the entire neighborhood and shall conform to connecting streets in land adjacent to the new park. The street system layout shall be so designed insofar as practicable to preserve natural features such as trees, brooks, hilltops, scenic views and other such features. The street system layout shall provide for the acceptable disposal of storm water and provision shall be made by the developer to handle storm water to comply with [Sec. 14.302.12, Storm Drainage](#).
2. *Street Network and Cross Section.* All streets shall be designed and constructed to the local street standards in [Table 14.302.4-1, New Street Standards](#). Alleys and cul-de-sacs, where provided, shall be designed and constructed as required in [Sec. 14.302.3, Street Network and Design](#).
3. *Intersections.*
 - a. All streets and alleys shall be designed and constructed to the standards in [Sec. 14.302.3.C, Intersections](#).
 - b. Streets shall be extended to tie into the existing external street network.

J. Manufactured Home Stands.

1. The manufactured home stand shall be improved to provide adequate drainage for the entire area under the manufactured home, securing the superstructure for the placement and tie-down of the manufactured home.
2. The manufactured home stand shall not lean, shift or settle unevenly under the weight of the manufactured home due to inadequate drainage, vibration or other forces acting on the superstructure.
3. Manufactured homes shall be secured according to the building code, to prevent against uplift, sliding, rotation and overturning.

- K. **Utilities.** All manufactured homes shall be served with wastewater, water, natural gas, and electrical power, which shall be placed underground, and shall be provided in accordance with Article 4.500, Manufactured Home, of the City Code.
- L. **Solid Waste.**
1. The storage, collection and disposal of solid waste in a manufactured home park shall be conducted in a manner that will not create health hazards, rodent harborage, insect breeding areas, accidental fire hazards and/or air pollution. There shall be one yard container for each 10 manufactured homes. All containers shall be placed for ease of pickup by the solid waste disposal service, on a concrete pad with curbs, with a three-sided high fence that is six feet in height.
 2. For individual pickup, each resident shall put all refuse in lidded trash container, which shall at all times be lidded.

Effective on: 5/20/2019

Sec. 14.103.6 Recreational Vehicles and Recreational Vehicle Parks

- A. **Within Manufactured Home Park or RV Park.** Recreational vehicles dependent upon outside sources for power, water and/or waste disposal or containment shall not be allowed to be used for temporary or long-term occupancy except when located within a licensed manufactured home park or permitted recreational vehicle park.
- B. **Outside of Manufactured Home Park or RV Park.** Recreational vehicles that are designed to be temporarily occupied independently of outside sources for power, water and waste disposal and/or containment shall be allowed to be used for temporary or long-term occupancy within a manufactured home park or recreational vehicle park and shall be allowed to be used for temporary occupancy outside a manufactured home park or recreational vehicle park for a maximum of 72 hours per calendar month.
- C. **Temporary Occupancy.** The Director may approve the temporary placement of a recreational vehicle in accordance with the procedures in [Sec. 14.603.11, Temporary Use Permit](#), and according to the following standards. Proof of the permit approval shall be conspicuously posted on a readily accessible window (facing out) of the permitted recreational vehicle. The City shall charge each person whose application is approved all the prevailing, applicable fees that are required to be paid to the City for residential inspections, electrical, water, and wastewater connections.
1. **Visitors.** A temporary recreational vehicle may be approved to accommodate the needs of City residents wishing to have temporary visitors. The recreational vehicle shall be on site for a maximum of two weeks at a time, from the date the application is approved, per calendar year.
 2. **Laborers.**
 - b. A temporary recreational vehicle may be approved when the primary purpose of such recreational vehicle is the temporary housing of one or more construction workers who are bona fide, full-time volunteers, employees, contractors, sub-contractors, or workers at a construction site or construction project within the City limits or the city's extraterritorial jurisdiction. The city shall charge each person whose application is approved all the prevailing, applicable fees that are required to be paid to the City for residential inspections, electrical, water and sewer connections.
 - c. A recreational vehicle for laborers shall not be moved from the approved location except for its removal from the City. An approved recreational vehicle shall be removed from the City limits upon the first to occur of the following events:
 1. Completion of the occupant's work at construction site;

2. Cessation of the use of the recreational vehicle as a temporary residence for one or more bona fide construction workers; or
 3. Expiration of 30 days from the date of approval of the Temporary Use Permit.
3. *Disaster-Related.*
- d. A temporary recreational vehicle may be approved when the sole purpose of such recreational vehicle is the temporary housing of one or more persons whose home within the City limits has been damaged to the extent that it cannot be inhabited. Any such temporarily placed recreational vehicle shall be placed on the same lot as the damaged home (or on an adjoining lot under the same ownership) subject to the setback requirements of the zoning district and other requirements of the City Code. The recreational vehicle shall be on site for a maximum of 90 days from the date the application is approved, unless such time is extended by the City Council for up to 90 additional days.
 - e. A disaster-related recreational vehicle shall not be moved from the approved location except for its removal from the City. An approved recreational vehicle shall be removed from the City limits upon the first to occur of the following events:
 1. Completion of the repair work at the home that was damaged;
 2. Cessation of the use of the recreational vehicle or manufactured home as the temporary residence for one or more bona fide owners or occupants of the damaged home; or
 3. Expiration of 90 days from the date of approval of the application for the Temporary Use Permit.

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Section 14.104: Measurements and Allowances

Sec. 14.104.1 Measurements

Table 14.104.1-1, *Measurements*, below, provides the method of measurement for the developmental standards in this UDC. Standards related to each type of measurement in this Section are established in the tables in [Section 14.102, Base Districts and Standards](#).

Table 14.104.1-1, Measurements

Measurement	Methodology	Illustration
<p>Building Coverage</p>	<p>The area of a parcel occupied by permanently anchored primary buildings and accessory buildings.</p>	<p>BUILDING COVERAGE (DEPICTED IN RED)</p>
<p>Floor Area Ratio</p>	<p>The gross floor area of all buildings on a lot, divided by the lot area.</p>	<p>1,500 sf. FLOOR AREA 5,000 sf. LOT AREA = 0.3 FAR</p> <p>3,000 sf. FLOOR AREA 5,000 sf. LOT AREA = 0.6 FAR</p> <p>4,500 sf. FLOOR AREA 5,000 sf. LOT AREA = 0.9 FAR</p>
<p>Gross Density</p>	<p>The number of dwelling units divided by gross acres. With gross acres being the site area minus the area of open space.</p>	<p>GROSS DENSITY</p> $\frac{10.0 \text{ acres of land} - 1.5 \text{ acres of open space}}{8.5 \text{ gross acres}}$ <p>45 Units / 8.5 Gross Acres</p> <p>= 5.29 Units per Acre</p>

Table 14.104.1-1, Measurements

Measurement	Methodology	Illustration
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	<p>Measured from exterior surface of outside walls</p>
Height	<p>Buildings: The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.</p> <p>Walls or Fences: The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.</p> <p>Sloping Ground: Where a building, wall, or fence is located on sloping ground, the lower point of measurement is the average grade across a 40-foot horizontal span.</p>	<p>40 ft.</p> <p>< 1 ft.</p> <p>height</p> <p>point of measurement: average grade across 40 ft. span</p> <p>illustration with 5% slope</p>
Landscape Surface Ratio	The ratio of landscaped surface compared to lot or parcel area.	<p>LANDSCAPE SURFACE RATIO (DEPICTED IN GREEN)</p>
Lot Area	The total horizontal area included within property lines.	<p>65 FT.</p> <p>125 FT.</p> <p>LOT AREA = 8,125 FT.</p>

Table 14.104.1-1, Measurements

Measurement	Methodology	Illustration
<p>Lot Width</p>	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line.</p> <p>For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front building line.</p>	
<p>Open Space Ratio</p>	<p>The area of required common or public open space in a subdivision, outside of the lots platted for development, divided by the subdivision area.</p>	<p>5 ACRES PARCEL</p> <p>10-ACRE PARCEL</p> <p>OPEN SPACE RATIO $\frac{5 \text{ ACRES OF COMMON OPEN SPACE}}{10 \text{ ACRES SUBDIVISION AREA}} = 0.50 \text{ OSR}$</p>
<p>Setback</p>	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and side setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line.</p>	

Table 14.104.1-1, Measurements

Measurement	Methodology	Illustration
<p>Sight Triangle</p>	<p>The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.</p> <p>The horizontal dimensions of this triangle are measured 35 feet along the property line from the intersection involving an arterial street; 25 feet for an intersection involving a collector or local street or a street and driveway; and 15 feet along both the street and alley line from the intersection of a street and an alley.</p> <p>The vertical dimensions of this triangle are 3 feet to 6 feet above finished grade.</p>	
<p>Sign Area</p>	<p>Cabinet Signs: Where a sign is enclosed in a frame or cabinet, the area of the entire surface of the sign face within a single continuous perimeter enclosing the extreme limits of the sign and not passing through or between any adjacent elements of the sign. That perimeter does not include any structural or framing elements lying outside the limits of the sign face unless such elements consist of a corporate logo that is part of the face, frame, or cabinet of the sign.</p> <p>Channel Letters: Where a sign consists of individual letters, words or symbols attached to a surface, the area of the smallest rectangle that completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall or sign face.</p>	

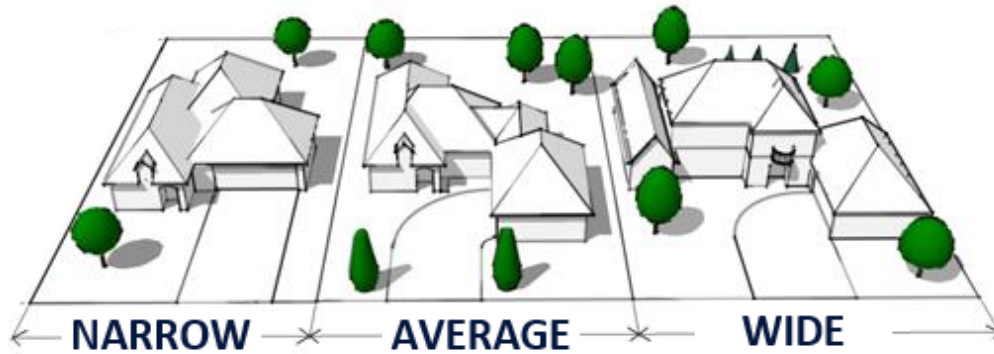
Table 14.104.1-1, Measurements		
Measurement	Methodology	Illustration
Sign Height	<p>Freestanding Signs: The vertical distance from the base of the sign's supportive structure at its point of attachment to the ground, to the highest point of the sign structure.</p> <p>Attached Signs: The vertical distance from the point where the supporting wall meets the ground to the top of the highest point of the wall sign</p>	
Sign Setback	The shortest distance from each property line to the leading edge of the sign.	

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Sec. 14.104.2 Specific Allowances

- A. **Generally.** The provisions of this Section set forth any special cases that warrant flexibility in the developmental standards in this UDC
- B. **Lot Area and Width.**
 - 1. **Lot Averaging.** Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size. On an optional basis, the lot area and width dimensions in [Section 14.102, Base Districts and Standards](#), may be averages for each zoning district. Lot averaging may only be applied where both of the following conditions apply:
 - a. **Equal to or Greater.** The average lot area and average lot width are equal to or greater than the lot area and lot width specified in [Section 14.102](#).
 - b. **Greater than 90 Percent.** No lot has a lot area or lot width that is less than 90 percent of the lot area or lot width specified in [Section 14.102](#) (see Figure 14.104.2-1, *Lot Averaging*).

**Figure 14.104.2-1
Lot Averaging**



2. **Adjoining Lots.** The owner of two adjoining residential lots may obtain a building permit to construct a house or structure under the following circumstances:
 - a. The building or structure crosses the interior building setback lines of the recorded lots provided that no subsequent platting or replatting of the property shall be permitted while the building is present on the property; or
 - b. The owner combines the lots under a single deed recorded with the Liberty County Clerk in accordance with [Sec. 14.603.2, Deed Consolidation](#).

C. Setbacks.

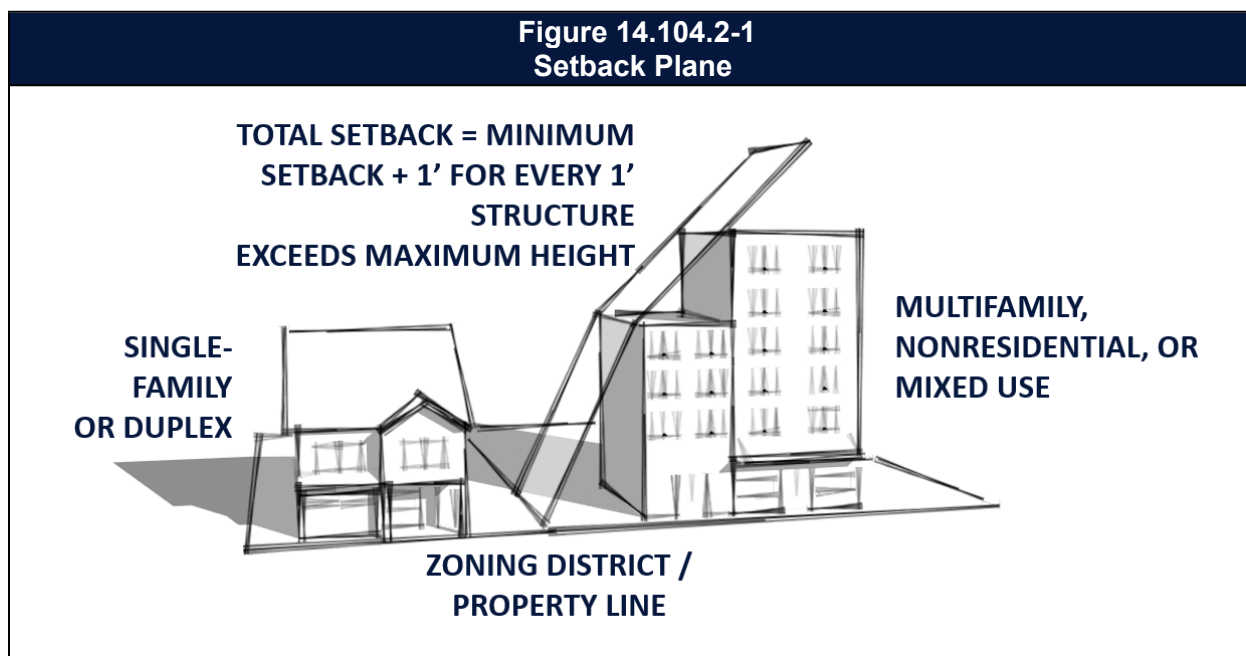
1. **Architectural Features.** Except where a minimum side setback is less than five feet, cornices, canopies, gutters, eaves or other architectural features may project into required setbacks a maximum of two and one-half feet.
2. **Balconies, Decks and Porches.** Unenclosed balconies, decks and porches may project into a front or rear setback a maximum of 10 feet, but shall not be closer than 10 feet from the front property line.
3. **Bay Windows and Chimneys.** Bay windows and chimneys may project into required setbacks a maximum of two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located and provided they are set back a minimum of three feet from all property lines.
4. **Outdoor Seating.** Outdoor seating associated with a Restaurant Use Category may project a maximum of five feet into a required front setback, provided the space is at grade and is separated from the right-of-way by landscaping or a vertical barrier.
5. **Building Setback Lines and Easements.** Where building lines established by restrictive covenant in a recorded subdivision or where public easements are in excess of the setback requirements of the zoning district, the easement or the platted building line controls.
6. **Petroleum Pipeline Easements.** Where a lot contains a petroleum pipeline easement, a building setback line shall be established 25 feet from the centerline of the easement. If such pipeline easement exceeds 50 feet in width, the building setback line shall be established at the edge of the easement.

D. Building Coverage and Impervious Area.

1. *Building Coverage*. The square footage of structures that house permitted agricultural uses, as established in the Agriculture Use Category definition in [Section 14.902, Definitions](#), does not count toward the maximum building coverage limitation.
2. *Impervious Area Bonus*. Properties that utilize a green roof or on-site water collection and micro-storage via barrels, rain gardens, vegetated gardens, or reuse for irrigation purposes may increase the allowable impervious area by up to 10 percent of the lot area.

E. Height.

1. *Exemptions from Height Requirements*. Unless otherwise expressly stated, the height regulations in this UDC do not apply to belfries, chimneys, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, public monuments, ornamental towers and spires, stage towers or scenery lofts, tanks, and water towers.
2. *Setback Plane*. Where a multifamily, nonresidential, or mixed use building adjoins a property with a single-family dwelling or duplex, where allowed by Conditional Use Permit, the building may be increased beyond the maximum permitted height if the setback nearest the adjoining single-family dwelling or duplex is increased one foot for each one foot of height above the maximum permitted height.



Effective on: 5/20/2019

ARTICLE 14.200: DESIGN AND SITE DEVELOPMENT STANDARDS

Contents:

Section 14.201: Applicability and Purposes

Section 14.202: Design Standards

Section 14.203: Parking, Loading, Stacking, and Access

Section 14.204: Trees, Landscaping, and Buffering

Section 14.205: Signs

Section 14.206: Outdoor Lighting

Section 14.201: Applicability and Purposes

Sec. 14.201.1 Applicability and Purposes

A. **Applicability.** Except as specifically exempted in the Sections of this Article, the provisions of this Article apply as shown in Table 14.201.1-1, *Design and Site Development Standards Applicability*, below.

Table 14.201.1-1, <i>Design and Site Development Standards Applicability</i>					
Type of Development	Sections of this Article				
	14.202, Design Standards	14.203, Parking, Loading, Stacking, and Access	14.204, Trees, Landscaping, and Buffering	14.205, Signs	14.206, Outdoor Lighting
	◆ = Section Applies				
New residential, nonresidential or mixed use development or change in use from residential to nonresidential or mixed use	◆	◆	◆	◆	◆
Increase in apartment units, manufactured home stands, GFA, or impervious surface by 50 percent or more ¹	◆	◆	◆	◆	◆
Increase in apartment units, manufactured home stands, GFA or impervious surface by 25 to 49 percent ¹	◆	◆	◆		◆
Change in use requiring additional parking, loading, or stacking spaces		◆	◆		◆
Increase in apartment units, manufactured home stands, GFA or impervious surface by less than 25 percent ¹		◆	◆		
Change from a nonresidential or mixed use to another nonresidential or mixed use that increases peak hour trips by 25 percent or more or by 100 vehicles per hour in the peak hour, whichever is less ²		◆			
Construction of a new sign or structural modification of an existing sign				◆	◆
TABLE NOTES: ¹ Cumulative over a 5-year time period. ² As determined by one of the following methods: A. An estimation based on the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) methodology for typical land uses, or B. Traffic counts made at similar traffic generators located in the City, or C. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property. GFA = Gross Floor Area					

B. **Purposes.** In addition to the applicable statements in [Sec. 14.101.2, Purposes](#), the purposes of this Article are to:

1. *General.*
 - a. Enhance and protect the aesthetic interests of the community;
 - b. Protect property values and lessen the impact nonresidential and mixed use properties may have on surrounding residential development; and
 - c. Promote economic development by making the community a more desirable place to live and shop.
2. *Design Standards.*
 - a. Provide for the structural integrity, safety, durability, and improved maintenance of the facades of buildings;
 - b. Prevent monotony in residential and nonresidential areas, while promoting coordinated design, visual interest, articulation, and human scale for the façade of a building; and
 - c. Ensure that nonresidential and mixed-use development includes high-quality, well-designed buildings and sites that contribute to the character of the community.
3. *Trees, Landscaping, and Buffering.*
 - a. Establish requirements for the installation and maintenance of landscaping on developed properties in order to improve, protect, and preserve the appearance, character and value of such properties and their surrounding neighborhoods,
 - b. Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, stormwater runoff retardation and groundwater recharge;
 - c. Aid in the abatement of noise, glare and heat;
 - d. Aid in energy conservation;
 - e. Provide visual buffering, and provide contrast and relief from the built-up environment; and
 - f. Protect and enhance property values and public and private investment, and enhance the beautification of the city.
4. *Parking, Loading, Stacking, and Access.*
 - a. Require adequate and sufficient off-street parking;
 - b. Protect the character and quality of life in the residential neighborhoods from overflow parking;
 - c. Ensure that loading areas do not interfere with the function of other vehicular use areas and with surrounding properties;
 - d. Require stacking areas to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses;
 - e. Manage access in order to maintain the desired function and safety of the adjacent streets;
 - f. Abate dust, standing water and the associated health and safety risks resulting from unpaved vehicle use areas; and
 - g. Prevent the tracking of gravel and mud onto public streets from unpaved vehicle use areas, which may result in unsafe driving conditions and unnecessary deterioration of public improvements.
5. *Signs.*

- a. Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Reduce sign clutter, design elements that contribute to distracted driving, and traffic hazards;
 - c. Preserve the right of free speech exercised through the use of signs containing noncommercial messages; and
 - d. Regulate the number, size, scale, proportions, design, and balance of signs according to content-neutral standards.
6. *Outdoor Lighting*. Prevent lighted sites from creating light pollution and off-site glare in ways that constitute a hazard to public safety or an interference with the use, value, and enjoyment of nearby properties.
- C. **Timing of Compliance**. No certificate of occupancy shall be issued until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in [Article 14.600](#), *Development Review Procedures*.

Effective on: 5/20/2019

Section 14.202: Design Standards

Sec. 14.202.1 General Provisions

- A. **Prohibited Building Materials.** Except for single and two-family dwellings and industrialized housing, the following materials shall not be used as an exterior finish:
1. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels;
 2. Galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finishes;
 3. Unfired or under fired clay, sand, or shale brick;
 4. Smooth or untextured concrete finishes; and
 5. Exterior Insulation and Finish Systems (EIFS)
- B. **Primary Materials.** For the purposes of this Section, the following are deemed primary materials:
1. Brick, including thin brick;
 2. Natural or manufactured stone;
 3. Pre-cast concrete panel, provided it has an integrated color and is textured or patterned to appear like brick or stone;
 4. Stucco with a weather barrier layer and wall drainage system; and
 5. Architectural masonry units including split face, weathered face, sandblasted face and ground face blocks
- C. **Secondary Materials.** For the purposes of this Section, the following are deemed secondary materials.
1. Embossed or pre-finished architectural metal panel (26+ gauge), which has an appearance of masonry, stucco, or any other appearance that is approved by the Director;
 2. Masonry or cement fiberboard siding that, for residential applications, is manufactured and installed in traditional profiles such as four-inch to eight-inch horizontal beveled or shake;
 3. Glass;
 4. Tile;
 5. Stainless steel;
 6. Chrome;
 7. Wood; and
 8. Smooth-faced, finished concrete masonry units.
- D. **Painting.** Natural or manufactured stone shall not be painted.
- E. **Ground-Mounted Equipment.** Mechanical equipment mounted on the ground and associated with apartments, nonresidential and mixed use buildings, including, but not limited to, HVAC systems and meter banks, shall be screened from view from public and private streets by landscaping or screening walls.
- F. **Roof-Mounted Equipment.** Mechanical equipment mounted on the roofs on apartments and nonresidential and mixed use buildings shall be screened from all ground-level views by:

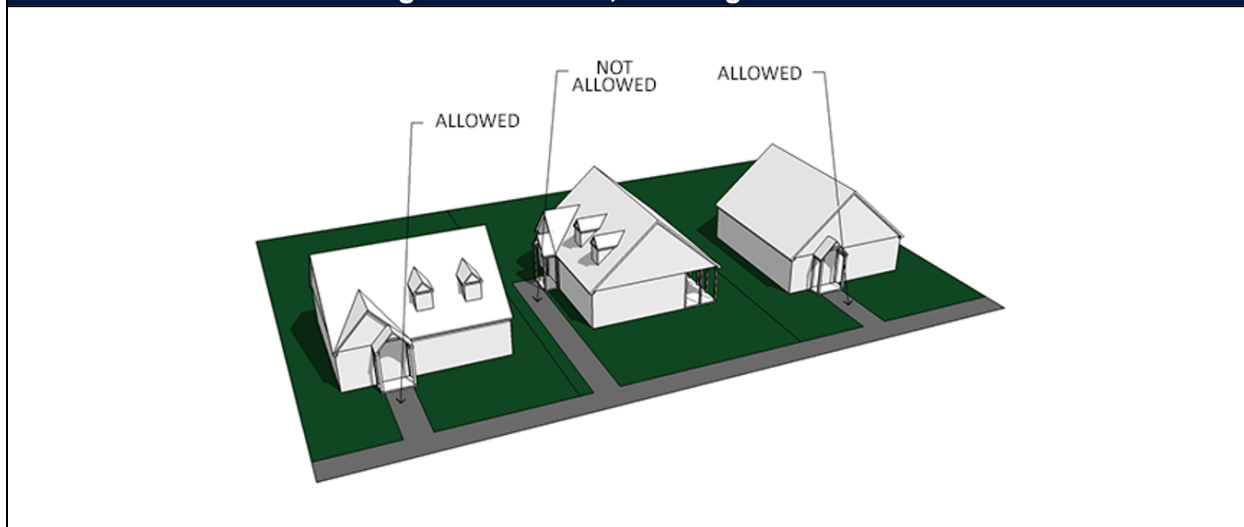
1. Parapet walls, which shall include cornice treatments that are of adequate height to screen the equipment (a slope of one-foot rise per 25 feet of run shall be used to determine if the wall is of adequate height);
 2. Screening walls of an adequate height to hide the roof-mounted equipment, which shall be constructed of materials and of a color that is consistent with and compatible with the design of the buildings; or
 3. Sloped roof systems or other architectural elements of adequate height to hide the equipment from public view.
- G. **Exemption.** A building wall is exempt from the requirements of this Section under the following circumstances:
1. The subject property is zoned IN, Industrial;
 2. The building walls are not visible from an existing expressway, Major Arterial, or Minor Arterial nor are they adjacent to a proposed street of such classifications on the Major Thoroughfare Plan; and
 3. The building contains uses in the following use categories:
 - a. Heavy Industrial Use Category;
 - b. Light Industrial Use Category;
 - c. Warehousing and Freight Movement Use Category; or
 - d. Wholesale Trade Use Category.
- H. **Alternative Building Materials and Forms .** The Director may approve alternative building materials and forms not specified in this Section if the Director determines that, compared to the permitted primary and secondary materials, the alternative:
1. Is substantially equal to or better in quality, durability, and appearance and will not violate any provision of this Section;
 2. Is proposed in order to achieve a minimum bronze certification in Leadership in Energy and Environmental Design ("LEED"), and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists; or
 3. Is part of a building that is certified by the Environmental Protection Agency as designed to earn an ENERGY STAR rating, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted in this Section.

Effective on: 5/20/2019

Sec. 14.202.2 Single-Family, Two-Family, and Industrialized Housing

- A. **Generally.** The following general standards apply to all single-family and two-family housing types, as described in [Sec. 14.102.12, *Neighborhood and Housing Types*](#).
1. *Common Open Space.* Where units are designed to face upon a common open space, the common open space shall be at least 40 feet wide along the adjacent residential property line.
 2. *Placement of Buildings.* The placement of a principal building in a perpendicular or sideways orientation on an interior or through lot is prohibited (see Figure 14.202.2-1, *Building Placement*).

Figure 14.202.2-1, Building Placement



3. *Exterior Wall Finish Materials.* Table 14.202.2-1, *Residential Exterior Wall Finish Materials*, below, establishes building material requirements of exterior walls, exclusive of windows or door openings.

Table 14.202.2-1, Residential Exterior Wall Finish Materials¹		
Zoning Districts	Minimum Percentage of Primary Materials¹	Maximum Percentage of Secondary Materials²
EN and RA	60	40
All Other Districts	80	20

TABLE NOTES:
¹Materials are listed in [Sec. 14.202.1.B, Primary Materials](#). ²Materials are listed in [Sec. 14.202.1.C, Secondary Materials](#).

4. *Garage Door Orientation.* Garage doors on a single-family or duplex dwelling on a lot less than one acre in area shall be oriented in one of the manners depicted in Table 14.202.2-2, *Garage Orientation*.

Table 14.202.2-2, Garage Orientation

Requirements	Illustration
<p>Semi-Flush.</p> <ol style="list-style-type: none"> Garage doors oriented toward the street shall be positioned semi-flush or recessed. Semi-flush doors shall be a minimum of five feet and a maximum of 20 feet behind the front wall plane of the residence. Semi-flush doors may extend a maximum 40% of the width of the residence. No individual semi-flush garage door may exceed 12 feet in width. 	
<p>Recessed.</p> <ol style="list-style-type: none"> Garage doors oriented toward the street shall be positioned semi-flush or recessed. Recessed doors shall be a minimum of 20 feet behind the front wall plane of the residence. There is no restriction on maximum recessed garage door width. 	
<p>Side-Loaded. Garage doors oriented perpendicular to the front wall plane have no restrictions on door width or recessed position.</p>	
<p>Detached.</p> <ol style="list-style-type: none"> Detached garages placed entirely to the rear of the house have no restrictions on door width or recessed position. Detached garages that are closer to the street than the rearmost portion of the residence shall be a minimum of 20 feet behind the front wall plane of the residence. 	

B. **Patio Home.** In addition to the applicable standards in Subsection A, *General*, above, the following provisions apply to patio homes.

- Maintenance Easement.** The subdivider shall provide a six-foot maintenance easement on each lot adjacent to the zero side setback . All zero lot lines shall be indicated on the

preliminary and final plat. The easement on the adjacent property shall provide a minimum of five feet of unobstructed space.

2. **Windows, Doors, and Other Openings.** No windows, doors, or other openings shall be allowed on the building along the zero side setback except for windows that do not allow visibility into the side setback of the adjacent property, such as clerestory, frosted, glass block, or translucent windows.
3. **Eaves Prohibited.** Eaves are prohibited on the portion of the building along the zero side setback.

C. **Industrialized Housing.** In addition to the applicable standards in Subsection A, *General*, above, the following provisions apply to industrialized housing / modular homes.

1. **IHB Program.** Industrialized housing must be constructed to meet or exceed the requirements and standards of the Texas Industrialized Housing and Buildings (IHB) program.
2. **Building Code.** Industrialized housing erected or installed in the City limits must be constructed to meet or exceed the requirements and building code standards of the City.
3. **State Statutes.** In accordance with [Sec. 1202.253, Municipal Regulation of Single-Family and Duplex, Chapter 1202, Industrialized Housing and Buildings of the Texas Occupations Code](#), industrialized housing shall:
 - a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
 - b. Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - c. Comply with the City's aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, landscaping, and other site requirements applicable to single-family dwellings; and
 - d. Be securely fixed to a permanent foundation.

Effective on: 5/20/2019

Sec. 14.202.3 Manufactured Homes and Parks

- A. **Skirting.** All manufactured homes shall have a skirt that conceals from view the undercarriage on all sides of the manufactured home. Skirting shall be of durable materials suitable for exterior exposures. Skirting must not be attached in a manner that may cause water to be trapped between the siding or trim to which it is attached. The skirting shall be recessed under the siding or trim.
- B. **Wood.** Supportive wood in contact with the ground shall be preservative-treated.
- C. **Soil and Ground Cover Requirements.** Exposed ground surfaces in all parts of every manufactured home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- D. **Site Drainage Requirements.** The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe efficient manner.
- E. **Recreation Areas.**

1. *Threshold.* All parks accommodating or designed to accommodate 25 or more manufactured homes shall have a minimum of one recreation area that shall be easily accessible to all park residents.
2. *Area Size.* The size of such recreation areas shall be a minimum of 100 square feet per manufactured home stand. No outdoor recreation area shall contain less than 2,500 square feet.
3. *Central Location.* Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

F. Park Street Construction and Design Standards.

1. *Generally.* The street pattern of a manufactured home park should provide adequate circulation with the park and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience. The street layout shall be devised for the most advantageous development of the entire neighborhood and shall conform to connecting streets in land adjacent to the new park. The street system layout shall be so designed insofar as practicable to preserve natural features such as trees, brooks, hilltops, scenic views and other such features. The street system layout shall provide for the acceptable disposal of storm water and provision shall be made by the developer to handle storm water to comply with [Sec. 14.302.12](#), Storm Drainage.
2. *Street Network and Cross Section.* All streets shall be designed and constructed to the local street standards in Table [14.302.4-1](#), New Street Standards. Alleys and cul-de-sacs, where provided, shall be designed and constructed as required in [Sec. 14.302.3](#), Street Network and Design.
3. *Intersections.*
 - a. All streets and alleys intersections shall be designed and constructed to the standards in [Sec. 14.302.3.C](#), *Intersections*.
 - b. Streets shall be extended to tie into the existing external street network.

G. Manufactured Home Stands.

1. *Drainage.* The manufactured home stand shall be improved to provide adequate drainage for the entire area under the manufactured home, securing the superstructure for the placement and tie-down of the manufactured home.
2. *Movement.* The manufactured home stand shall not lean, shift or settle unevenly under the weight of the manufactured home due to inadequate drainage, vibration or other forces acting on the superstructure.
3. *Securing.* Manufactured homes shall be secured according to the building code, to prevent against uplift, sliding, rotation and overturning.

H. Utilities. All manufactured homes shall be served with wastewater, water, natural gas, and electrical power, which shall be placed underground, and shall be provided in accordance with [Article 4.500](#), [Manufactured Home](#), of the City Code.

I. Solid Waste.

1. *Generally.* The storage, collection and disposal of solid waste in a manufactured home park shall be conducted in a manner that will not create health hazards, rodent harborage, insect breeding areas, accidental fire hazards and/or air pollution.
2. *Containers.* There shall be one-yard container for each 10 manufactured homes. All containers shall be placed for ease of pickup by the solid waste disposal service, on a concrete pad with curbs, with a three-sided high fence that is six feet in height. For individual pickup, each resident shall put all refuse in lidded trash containers, which shall at all times be lidded.

Effective on: 5/20/2019

ec. 14.202.4 Multiplexes and Apartments

- A. **Generally.** All multiplex and apartment developments shall meet the standards of this Section.
- B. **Buffering.** An apartment complex or multiplex adjacent to a single-family use or RA, SR, SU, or EN zoning district shall provide a Type C bufferyard as established in [Sec. 14.204.3, Bufferyard Landscaping](#).
- C. **Street Access.** An apartment complex shall only take access from a major or minor arterial.
- D. **Building Scale and Massing.**
1. Any portion of a building that is closer than 50 feet from a common property line that abuts a residential district or use shall be no higher than 12 feet above the highest point of the closest residential structures. This does not apply if the residential structure is located across the street from the development or if it is within the same development proposal.
 2. An apartment building containing more than eight dwelling units shall be designed to break up a rectangular floor plan and avoid a box-like or monolithic appearance.
- E. **Exterior Walls.**
1. *Primary Materials.* A minimum of 80 percent of first floor exterior walls, exclusive of windows and door openings, shall be finished with the materials listed in [Sec. 14.202.1.B, Primary Materials](#).
 2. *Secondary Materials.* The remaining percentage of the exterior walls may be finished with the materials listed in [Sec. 14.202.1.C, Secondary Materials](#), provided that masonry or cement fiber board siding may not cover more than 75 percent of any remaining wall surface and shall be installed, if utilized, a minimum of 10 feet above the finished floor level.
- F. **Building Elements.** All buildings in a multiplex or apartment development shall include a minimum of three of the following building elements.
1. *Visual Interest.* Elements such as outdoor gathering areas, sculptures, monuments, and other public art installations, or porches, functional shutters, bay windows, or balconies shall be used to contribute to the visual interest of the building.
 2. *Architectural Features.* Columns, eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building and shall be natural or simulated natural elements such as wood, composite material, architectural metal, brick, or stone.
- G. **Awnings.** Awnings, where installed, shall be constructed with fabric or metal coverings. Plastic coverings are prohibited.
- H. **Balconies and Railings.** Balcony and railing materials may be different than the materials used on exterior walls.
- I. **Roofs.**
1. *Covering.* Sloped roofs shall be covered with quality materials, comparable to slate, concrete tile, dimensional shingles, metal shingles, or architectural metal seam roofing.
 2. *Massing.* Monolithic roof structures that cover more than 4,000 square feet shall include changes in direction, or treatments which break up the appearance of mass. Such treatments may include elements such as dormers, towers, or chimneys.
- J. **Stairs.** Stairs that provide primary access to units on upper floors shall be covered.
- K. **Garages.** Attached street-facing garages shall meet one of the following standards.

1. The garage doors shall not comprise more than 40% of the total length of the building's facade; or
2. Every set of two single-bay garage doors or every double garage door shall be offset by at least five feet from the front plane of an adjacent garage door.

Figure 14.202.4-1, Illustrative Application of Building Design Standards

Allowed



Not Allowed



Effective on: 5/20/2019

Sec. 14.202.5 Nonresidential and Mixed Use

- A. **Generally.** Any exterior wall of a nonresidential or mixed-use building visible from a public or private street, a residential property, or public open space shall meet the requirements of this Section.

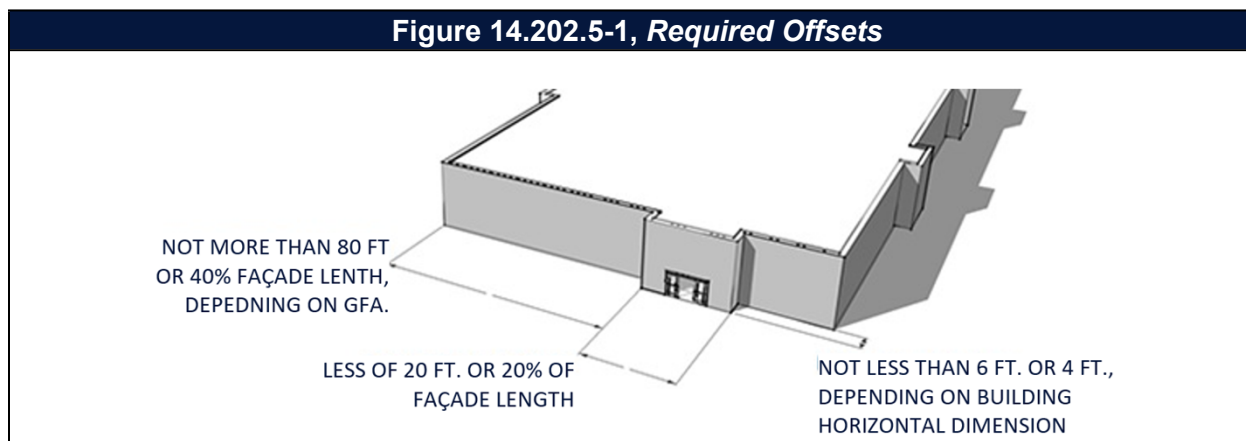
B. Exterior Wall Materials.

1. *Primary Materials.* A minimum of 80 percent of the primary exterior wall and 60 percent of the ancillary exterior walls shall be finished with the materials listed in [Sec. 14.202.1.B, Primary Materials](#).
2. *Secondary Materials.* The remaining percentages of the primary and ancillary exterior walls may be finished with the materials listed in [Sec. 14.202.1.C, Secondary Materials](#).

C. Building Form and Design.

1. *Building Form.*
 - a. Buildings with up to 30,000 square feet of gross floor area shall have moderate changes in height or roof line, which may be accomplished by a minimum of one of the following techniques:
 1. Dormers with ridge lines that are a minimum of three feet below the ridge line of the roof;
 2. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of two to five feet;
 3. Parapet walls that vary in height by two to four feet for each 100 linear feet of the facade and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment; or
 4. Towers that have a height that is four to six feet above the highest peak or ridge of the roof or highest point of the parapet.
 - b. Buildings with more than 30,000 square feet of gross floor area up to 60,000 square feet of gross floor area shall have major changes in height or roof line, which can be accomplished by a minimum of one of the following techniques:
 1. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of five or more feet;
 2. Parapet walls that vary in height by more than four feet, are proportional to the building, and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment;
 3. Towers that have a height that is more than six feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements; and/or
 4. Ground-level arcades and second-floor galleries or balconies; or
 5. Other features that reduce the apparent mass of a building as approved by the Director.
 - c. Buildings with more than 60,000 square feet of gross floor area shall have major changes in height or roof line, which shall, in addition to the requirements for buildings with 30,000 to 60,000 square feet of gross floor area, include:
 1. Significant architectural features to identify principal entrances; and
 2. Elements such as towers or significant projections from the building to break up the building mass.
2. *Multi-Story Buildings.* Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and top.
 - a. *Building Base.* A recognizable base shall include a minimum of one of the following:
 1. Thicker walls, ledges, or sill;

2. Integrally textured, colored, or patterned materials such as stone or another approved masonry; or
 3. Raised planters, which are integral to the building façade.
- b. Building Top. A recognizable top shall include either:
1. Cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or another approved masonry or differently colored materials; or
 2. Sloping roofs with eaves and brackets.
3. *Building Dimensions.*
- a. *Maximum Horizontal Dimension.* No building wall shall have an uninterrupted horizontal dimension of more than 80 feet for buildings with footprints of 12,000 square feet and larger and no more than 40 percent of the facade length for buildings with footprints smaller than 12,000 square feet in area.
 - b. *Required Offsets.* Building walls with a horizontal dimension of more than 80 feet shall have clearly pronounced projections or recesses of at least six feet, and at least four feet for buildings with a horizontal dimension of less than 80 feet, measured perpendicular to the vertical plane of the wall. These projections or recesses shall be spaced not more than 80 feet apart. Projections or recesses shall have a horizontal dimension that is the lesser of:
 1. Twenty feet; or
 2. Twenty percent of the building facade (see Figure 14.202.5-1, Required Offsets).



4. *Building Entrances.*
- a. Each building, regardless of gross floor area, shall have clearly-defined, highly-visible customer entrances that include at least three of the following architectural features:
 1. Canopies, porticos, arcades, or overhangs;
 2. Recesses or projections;
 3. Raised corniced parapets;
 4. Over the door or peaked roof forms;
 5. Arches;
 6. Outdoor patios or plazas;
 7. Display windows;

8. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; or
 9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- b. Use of a design element required in Paragraph C.1., Building Form, above, such as an arcade, shall count toward the satisfaction of the building entrance requirements of this Paragraph.

D. Downtown Zoning District.

1. *Generally.* In addition to the applicable standards in this Section, buildings in the DT, Downtown zoning district shall comply with the following standards. In the event of a conflict between the Downtown standards and the standards of Subsections A, B, and C above, the Downtown standards shall control.
2. *Drive-In and Drive-Throughs Prohibited.* Drive-in and drive-through facilities are prohibited in the DT zoning district.
3. *Certificate of Appropriateness.*
 - a. Approval in accordance with [Sec. 14.604.5, Certificate of Appropriateness](#), shall be required in order to construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building.
 - b. Ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design is exempt from requiring a Certificate of Appropriateness.
3. *Specific Design Standards for Exterior Rehabilitation.* The following standards elaborate on and set out a means for implementing the Secretary of the Interior's *Standards for Rehabilitation*, found within the [Code of Federal Regulations at 36 CFR 67.7](#). The Planning and Zoning Commission may consider these standards when taking action on a Certificate of Appropriateness for exterior rehabilitation of a contributing building.
 - a. Foundations.
 1. The size and shape of the original door and window openings in the foundation shall be maintained.
 2. Any repair or new construction shall match, to the greatest extent practicable, the original materials in size, color, texture, composition, and joint profile.
 3. Masonry or concrete foundations shall not be painted or covered with cement plaster or stucco.
 - b. Masonry.
 1. Any repair, restoration, or new construction shall match, to the greatest extent practicable, the color of the original masonry and mortar.
 2. Historic masonry shall not be painted.
 3. Masonry features that are essential to the historic character of a building and are structurally sound shall not be removed or significantly changed.
 - c. Architectural Metals. Architectural metal features that are in a condition that may be restored shall be retained and preserved, to the greatest extent practicable.
 - d. Doorways and Windows.
 1. The repair or replacement of deteriorated doorways or windows shall match, to the greatest extent practicable, the size, materials, and appearance of the original doorways and windows.
 2. Original doorway and window openings shall not be removed or sealed off.

- e. Storefronts.
 - 1. Non-historic materials (e.g. plaster, stucco, siding, etc.) shall not be used to cover or conceal the original historic materials.
 - 2. Storefronts shall be designed using a palette of piers, columns, pilaster, and/or trim to frame display windows.
 - 3. Facades at street level shall have large window openings that comprise no less than 50 percent of the first floor wall area.
 - 4. Doors and entryways shall be designed as an integral part of the storefront system.
 - f. Signs.
 - 1. The types, sizes, and locations of signs shall comply with the standards set forth in [Section 14.205, Signs](#).
 - 2. Signs shall not obscure any architectural features on historic buildings.
 - 3. There shall be no off-premise signs.
 - g. Awnings. All awnings shall:
 - 1. Comply with the standards in Paragraph E.6.d., *Awnings and Canopies*, below;
 - 2. Extend no more than seven feet from the building facade;
 - 3. Have columns, beams, and/or brackets of adequate size to give both structural support and visible means for support;
 - 4. Only be illuminated by:
 - a. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy; or
 - b. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy. Indirect lighting fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the canopy.
 - 5. Not be longer than a single storefront;
 - 6. Be compatible with the overall color scheme of the facade from which it projects; and
 - 7. Not encroach to within two feet of a curb line.
 - h. Fire Exits. Fire exits shall not be installed on a front building facade.
4. *Standards for New Construction and Building Additions.*
- a. Building Additions. Additions shall:
 - 1. Be subordinate to the historic principal building relative to its size and scale;
 - 2. Only be located on the side or rear elevations; and
 - 3. Be wholly compatible with, yet distinguishable from, the historic building in terms of the building materials, color(s), and the mass and proportion of windows and doors.
 - b. Massing and Scale.
 - 1. Building Height. Buildings shall not exceed 115 percent or be less than 85 percent of the average height of the buildings on the two nearest developed lots or buildings on either side of the subject lot or building. A greater variation requires a recommendation by the Planning and Zoning Commission and approval by the City Council.

2. Roof Lines. Roof lines of each building shall be individually distinguishable with variations of height of no less than two feet. Roofs shall relate to the articulations of the building facades.
- c. Colors. Colors shall be reviewed for their historic context for which the following may be considered:
 1. Façade colors shall be non-reflective and subtle. The use of primary, high intensity, fluorescent, or metallic colors is prohibited, other than for the sign face.
 2. Except for copper and silver metallic-colored roofs, metallic colors are prohibited on any facade or roof.
 3. Any activity that involves changing color or refreshing color shall be pre-approved by the Planning and Zoning Commission.
- d. Materials.
 1. Permitted materials for primary and ancillary exterior walls shall consist of those listed in [Sec. 14.202.1.B](#), *Primary Materials*, except for glass.
 2. Prohibited materials on front or street-side elevations include: cultured stone, fake brick, rough textured wood siding, wooden shingles on mansard roofs, gravel aggregate materials, EFIS, plywood sheathing, plastic, fiberglass, and stucco.
 3. Windows on the ground floor shall be comprised of clear, non-reflective glass.
- e. Architecture.
 1. Form. The general form of structures in Downtown is to be simple, three-dimensional forms characteristic of the appearance and scale of early 1900's main streets that orient to and participate in the activities of the street.
 2. Detailing. Buildings shall contain architectural details that promote design, but are not limited to the following:
 - a. Flourishes (building tops);
 - b. Pier and spandrel;
 - c. Recessed panels and projected bands or string courses;
 - d. Recessed windows and projecting planes;
 - e. Expressive sculptural forms;
 - f. Ornamentation; and
 - g. Towers.

E. Master Planned Zoning District.

1. *Generally*. In addition to the applicable standards in this Section, buildings in the MP, Master Planned zoning district shall comply with the following standards.
2. *Master Development Plan*. Approval in accordance with [Sec. 14.604.4](#), *Master Development Plan*, shall be required prior to developing a parcel in the MP zoning district.
3. *Percentage of Apartments*. A maximum of 40 percent of the land area of the development shall consist of apartments. A building permit for apartment construction shall not be approved for the development until building permits have been approved for a minimum of 20 percent of the planned nonresidential development on the approved Master Development Plan.
4. *Residential on First Floor*. Residential uses are prohibited on the first floor of a vertical mixed use building.

5. *Nonresidential on First Floor.* A minimum of 75 percent of the first floor of a vertically mixed use building shall consist of permitted uses in the Retail Sales and Service and Restaurant use categories.
6. *Enhanced Building Form and Design.*
 - d. *360-Degree Architecture.* No particular architectural style is mandated. However, the architectural style of the front facade shall be expressed on all four sides of the building.
 - e. *Detailing.* All buildings shall contain architectural details that promote good design, which may include a minimum of three of the following:
 1. Entry portico;
 2. Chimneys or cupolas;
 3. Transom windows;
 4. Dormers;
 5. Window canopies;
 6. Eaves in excess of 18 inches;
 7. Covered porches (extending along 50 percent of the building facade and projecting a minimum of four feet from the face of the building); or
 8. Decorative window shutters.
 - f. *Awnings and Canopies.* Awnings and canopies, if installed, shall meet the following standards:
 1. Awnings and canopies shall be attached and integral to the principal structure;
 2. Awnings and canopies shall not obstruct any portion of any window except that transom windows may be located under awnings and canopies;
 3. Canopies shall have columns, beams, and/or brackets of adequate size to give both structural and visible means for support;
 4. Awnings and canopies shall be constructed of durable, protective, and water repellant materials, including, but not limited to, cloth, fabric, canvas, glass, steel, standing seam metal, architectural metal, and/or perforated metal (not corrugated);
 5. Backlit or internal illuminated awnings or canopies are prohibited; and
 6. A minimum clearance of eight feet from finished grade to the bottom of the awning or canopy is required and it shall not exceed 16 feet in height.
 - e. *Blank Walls.* Except where necessary to accommodate the future expansion of a building intended for construction within two years, blank walls are not allowed. No building wall may include an area which is larger than 15 feet tall by 25 feet wide that does not include one or more of the following:
 1. Windows;
 2. Doors;
 3. Building wall offset that complies with Paragraph C.3., *Building Dimensions*, above;
 4. Sign(s), in accordance with [Section 14.205, Signs](#);
 5. Architectural details that relieve the appearance of the blank wall;
 6. A canopy or an arcade; or
 7. Vines or other plantings on wall trellises that cover at least 60 percent of the facade elevation.

F. Outdoor Amenities and Public Art.

1. *Non-Industrial Applicability.* Retail Sales and Service, Office, and Mixed-Use developments with a building or buildings that have a gross floor area greater than 60,000 square feet shall set aside an area equivalent to 10 percent of the total building footprint for outdoor amenities.
2. *Eligible Features.* The applicant shall provide outdoor amenities that include any one or a combination of the following:
 - a. Shaded plaza or patio area providing seating;
 - b. Shaded outdoor dining;
 - c. Water feature;
 - d. Landscaped green area with seating;
 - e. Outdoor playground area; or
 - f. Shaded public art area.
3. *Industrial Applicability.* Industrial developments with a building or buildings that have a total gross floor area greater than 100,000 square feet shall set aside an area equivalent to a minimum of 10 percent of the total office square footage for outdoor amenities, as described in paragraph 1 above.
4. *Access.* Any such areas shall be accessible by walkways within the development. Amenities may be centralized or dispersed, but shall be located no more than 600 feet (based on the walkways) from the buildings required to provide the amenities.
5. *Fee-in-Lieu.* As an option to the requirements set forth above, a fee in lieu of the Outdoor Amenity and Public Art requirements may be provided with approval of the Planning and Zoning Commission. For applicable non-industrial developments, the fee-in-lieu shall be calculated based on the square footage required for the outdoor amenity area multiplied by \$5. For applicable industrial developments, the fee-in-lieu shall be calculated based on the square footage required for the outdoor amenity area, multiplied by \$3. This fee-in-lieu shall be payable at the time of applying for a Building Permit. The fee shall be directed to an account established solely for the commissioning, acquisition, and maintenance of public art and the account shall be administered by the Park Board.



Effective on: 5/20/2019

Section 14.203: Parking, Loading, Stacking, and Access

Sec. 14.203.1 General Provisions

- A. **Generally.** A site shall have minimum parking spaces based on the zoning district requirements for permitted and conditional uses in [Section 14.102, Base Districts and Standards](#), and adjusted according to the standards of [Sec. 14.203.2, Parking Credits and Reductions](#), if applicable. In addition, off-street loading, stacking, and access shall be provided, located and designed in accordance with the standards of this Section.
- B. **Associated Building, Use, or Structure.** Vehicle use areas shall be maintained and continued as long as the associated building, use, or structure is continued. No person shall utilize such building, use, or structure without providing the vehicle use areas required in this Section. In addition, it shall be unlawful to discontinue, reduce, or remove the required vehicle use areas apart from the discontinuance of the building, use, or structure, without establishing alternative facilities that meet these requirements.
- C. **Maneuvering Space.**
 - 1. *Prohibited.* No vehicle use area shall require a vehicle to maneuver into a public right-of-way or overhang or encroach an adjacent property under separate ownership in order to park, load, unload, or stack, except:
 - a. In the case of single- and two-family dwelling units where backing onto the public right-of-way is permitted; or
 - b. Where a cross access easement as described in [Sec. 14.302.8, Easements](#), is in place.
 - 2. *Barrier.* In order to prevent overhang or encroachment described in Paragraph 1, *Prohibited*, above, a vehicle use area shall include a permanent curb, wall or other physical barrier. Such physical barrier shall be located a minimum of two feet from the right-of-way or property line.
- D. **Location.** Except as permitted in [Sec. 14.203.2, Parking Credits and Reductions](#), a vehicle use area required by this Section shall be located on the same property as the building, use, or structure it serves.
- E. **Calculations.**
 - 1. *Fractions.* If the final calculated number of required parking, loading, or stacking spaces includes a fractional space, the number of required spaces shall be increased to the next whole number if the fraction is five-tenths or more, and when the fraction is less than five-tenths, the next lower whole number shall apply.
 - 2. *Variables for Calculating Required Spaces.* The variables used for calculating spaces are measured as shown in Table 14.203.1-1, *Parking, Loading, and Stacking Variable Meanings*

Table 14.203.1-1, Parking, Loading, and Stacking Variable Meanings

Variable	The number of required spaces is calculated based on the number of:
Per Dwelling Unit	Dwelling units on the subject property.
Per Park Site	Spaces available for a recreational vehicle to connect to utilities provided at the recreational vehicle park.
Per Bed	Beds in the facility instead of the number of bedrooms or some other measure.

Table 14.203.1-1, Parking, Loading, and Stacking Variable Meanings

Variable	The number of required spaces is calculated based on the number of:
Per Visitor	Visitors to the Major Utility site on the statistically most visited day of the year for the site.
Per Employee	Employees during the shift in which the maximum number of employees is present.
Per Seat	Seats affixed to the floor that are provided to guests (patrons, members, etc.), with benches or pews measured as one seat per two feet of width. Space requirements for uses with unaffixed seats shall be based on the seating capacity permitted by the fire code and approved by the fire marshal's office.
Per Student or Enrolled Person	Students or enrollees that the facility is permitted to have according to the appropriate licensing agency, if applicable

3. **Multiple Nonresidential Uses.** If several nonresidential uses occupy a single parcel or building, the parking requirements shall be calculated separately for each use within the development, or as set out in [Sec. 14.203.2 Parking Credits and Reductions](#), whichever results in a lesser number of required spaces.

- F. **Surfacing and Drainage.** All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of vehicle use areas shall consist of asphalt, concrete, or other such material approved by the City Engineer.
- G. **Dedication of Spaces.** Off-street parking, loading, and stacking spaces shall not interfere with one another nor shall they be used interchangeably to meet one another's requirements.
- H. **Insufficient Vehicle Use Area.** The Director may require a land owner to provide additional off-street parking, loading, or stacking spaces even if the number of spaces provided meets the minimum requirement for the established use, if customers, employees, or delivery vehicles are consistently required to park or unload on the street or other properties due to a lack of available vehicle use area.

Effective on: 5/20/2019

Sec. 14.203.2 Parking Credits and Reductions

- A. **Generally.** This Section sets out several ways to reduce or receive credit for the number of required off-street parking spaces that must be provided according to [Section 14.102, Base Districts and Standards](#).
- B. **Administrative Credits and Reduction.** The Director may approve the following parking credit and reduction options for a property. If such administrative reductions are proposed in a legislative review application, including, but not limited to a Master Development Plan, the presence of such reductions shall have no bearing on the recommendation or final decision of the administrative review bodies involved. The administrative credit and reduction options are cumulative if more than one is used on a property.
 - 1. **On-Street Parking Credit.**
 - a. On-street parking spaces may provide credit to satisfy the minimum parking space requirements in the MP, Master Planned, and DT, Downtown zoning districts on streets designed for on-street parking. The use of on-street parking spaces to satisfy minimum parking requirements in no way guarantees the use of such parking spaces to customers, employees, or visitors of the subject property.
 - b. On-street spaces shall be located on a public or private street, shall be available to the general public, and directly abutting the subject property.

- c. Bus stops, clear zones adjacent to curb cuts, and other areas in which parking is prohibited shall not be included in the calculation of available on-street parking spaces.
- d. An on-street parking space shall be a minimum of 20 feet in length. A minimum of 16 linear feet of an on-street parking space shall be directly adjacent to the subject property in order to be counted as a parking space.

2. *Shared Parking Reduction.*

a. Shared parking allows a reduction of up to 25 percent in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed in Table 14.203.2-1, *Shared Parking Table*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 14.203.2-2, *Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.

1. Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use excluding spaces reserved for use by specified individuals or classes of individuals (for example, accessible spaces or spaces posted as “reserved”);
2. Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 14.203.2-1, below;
3. Calculate the total for each time period; and
4. Select the Column with the highest total to find the required number of shared spaces.

Table 14.203.2-1, Shared Parking Table					
(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential ¹	60%	90%	80%	90%	100%
Office or Industrial ²	100%	10%	10%	5%	5%
Retail Sales and Service	60%	90%	100%	70%	5%
Overnight Accommodations	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Recreation or Outdoor Recreation	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

TABLE NOTES:
¹Residential Use Categories are: Household Living and Group Living
²Industrial Use Categories are: Heavy Industrial, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, and Wholesale Trade

Table 14.203.2-2, Illustrative Shared Parking Reduction Calculation

EXAMPLE: A mixed-use building in the MP zoning district has 50 apartments, 50,000 square feet of general office space, and 50,000 square feet of retail space. Separately, these uses would require 361 parking spaces ((50 sp. x 1.5 sp. / unit) + (50,000 sf. x (1 sp. / 350 sf.)) + (50,000 sf. x (1 sp. / 350 sf.)) = 361). However, combined, they could share 274 parking spaces.

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential 75 spaces	60% x 75 = 45	90% x 75 = 68	80% = 60	90% = 68	100% = 75
Office or Industrial 143 spaces	100% x 143 = 143	10% x 143 = 14	10% x 143 = 14	5% x 143 = 7	5% x 143 = 7
Retail Sales and Service 143 spaces	60% x 143 = 86	90% x 143 = 129	100% x 143 = 143	70% x 143 = 100	5% x 143 = 7
COLUMN TOTALS	274	211	217	175	89

TABLE NOTE:

The largest number, 274, is the number of parking spaces required. This example is a 24 percent reduction compared to individual calculations.

- b. Where a shared parking reduction is to be applied to uses on two or more lots under different ownership, the following shall be provided to the Director:
 1. A plan that provides for interconnected parking lots and required residential spaces to be clearly designated and separated from spaces provided for employees, customers, and service;
 2. Recorded easements, accepted on a form acceptable to the City Attorney, that provide, at a minimum:
 - a. A guarantee of each owner's rights to the use of the parking facility;
 - b. A requirement that any termination of or amendment to the agreement shall be subject to the approval of the City;
 - c. Cross-access among the parking areas and connections to allow parking by the different uses anywhere on the connected properties;
 - d. Allocation of maintenance responsibilities;
 - e. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient for pedestrians to move between uses; and
 - f. A right of enforcement by the City.
 3. *Off-Site Parking Credit.* Off-site parking spaces may provide credit to satisfy the minimum parking space requirements in any nonresidential or mixed use zoning district subject to the following:
 - a. The off-site parking lot is within 300 feet of the subject property, measured from the nearest property lines;
 - b. The parking lot is wholly within a nonresidential or mixed use zoning district; and
 - c. The parking lot complies with all applicable requirements of this UDC.

C. Parking Study.

1. The Planning and Zoning Commission may approve a reduction in the number of required parking spaces if the applicant demonstrates that a reduction is appropriate based on the applicant providing a parking study with specific parking demand forecasts

for the proposed use and/or on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces, provided that:

- a. The study is prepared by a professional transportation planner or traffic engineer;
 - b. The forecasts are based upon a peak parking analysis of at least five comparable uses; and
 - c. The comparability of the uses is documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that could affect parking demand.
2. The Director may retain a qualified transportation planner or traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the Planning and Zoning Commission.
 3. This reduction shall not be used as a means to reduce the size of a parcel of land needed to accommodate a development. The balance of the land necessary to meet the parking requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.

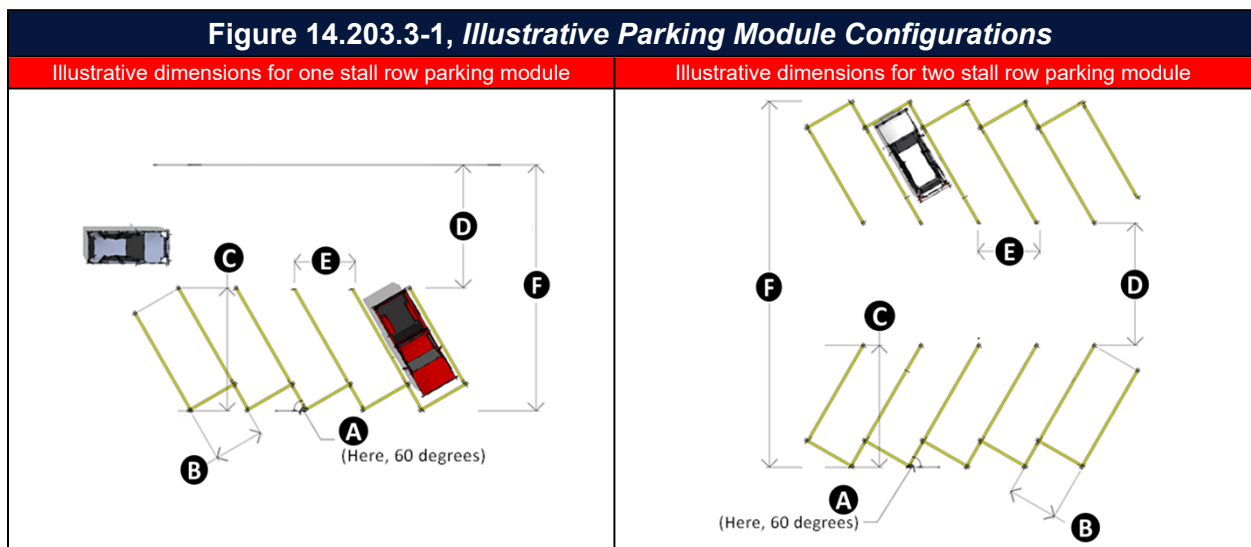
Effective on: 5/20/2019

Sec. 14.203.3 Parking Design

- A. **Parking Space / Area Slope.** No parking space or parking area shall be constructed with a slope of more than six percent. In those cases where a Variance may be granted to construct a parking area with a slope of more than six percent, which in no instance shall exceed 12 percent, each parking space shall be constructed at right angles to the slope.
- B. **Design and Construction Requirements.**
 1. *Tandem Parking.* Each parking space shall be accessible from a street or alley through aisles and/or driveways, except that tandem parking arrangements are permitted for single-family, two-family and manufactured home uses or as allowed based on an approved parking study as described in [Sec. 14.203.2, Parking Credits and Reductions](#).
 2. *Dead-End Aisles.* Dead-end aisles are not permitted unless adequate turnarounds are provided as stated herein.
 3. *Marking.* All parking spaces for nonresidential and mixed uses shall be clearly marked on the pavement with yellow or white traffic paint or raised pavement markers approved by the City Engineer.
 4. *Access.* All driveways and other access shall meet the applicable driveway requirements [Sec. 14.203.7, Access](#).
 5. *Parking Module Dimensions.* Parking modules shall be dimensioned as shown in Table 14.203.3-1, *Parking Module Dimensions*. The dimensions that are set out in the table are illustrated in Figure 14.203.3-1, *Illustrative Parking Module Configurations*.

A	B	C	D		E	F	
Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90 Degrees to Aisle	Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
			One Way	Two Way		One Way	Two Way
45	9	21.1	12	20	12.5	54.2	62.2
45	10	21.1	12	20	14.1	54.2	62.2

A Angle of Parking (Degrees)	B Width of Stall	C Depth of Stall 90 Degrees to Aisle	D Width of Aisle		E Width of Stall Parallel to Aisle	F Module Width	
			One Way	Two Way		Module Width	
						One Way	Two Way
60	9	22.3	15	–	10.4	59.6	–
60	10	22.3	14	–	11.6	58.6	–
90	9	20	–	25	9	–	65
90	10	20	–	24	10	–	64
Parallel	9	9 (width)	12	24	22	30	42



- D. **Pervious Pavement.** Any development with off-street parking may use pervious pavement or pervious pavement systems. To achieve compliance with [Sec. 14.203.1.F, Surfacing and Drainage](#), pervious pavement shall be considered "paved" if it complies with the following:
1. **Load.** The pervious pavement or pervious pavement system shall be designed and certified by a registered engineer or landscape architect to carry a wheel load of 4,000 pounds;
 2. **Pervious Asphalt or Concrete Only.** In nonresidential and mixed use developments, pervious pavement or pervious pavement systems, except pervious asphalt or pervious concrete, shall not be used for access and circulation drives, driveways, parking aisles, disabled parking spaces, or loading spaces;
 3. **Overflow Parking.** Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking that is not typically used on a daily or regular basis;
 4. **Landscape Area.** The use of pervious pavement or pervious pavement systems shall not count as landscape area nor allow parking lots to be located anywhere otherwise prohibited by this UDC;
 5. **Fuel and Hazardous Liquids.** The use of pervious pavement or pervious pavement systems shall be prohibited in areas on a lot used for the dispensing of gasoline or other engine fuels or where hazardous liquids may be absorbed into the soil; and

6. **Maintenance.** The use of pervious pavement or pervious pavement systems shall be adequately maintained so that the specified level of perviousness continues overtime.

H. **Alternative Paving Materials.** The City Engineer may approve alternative paving materials not specified in this Section if the City Engineer determines that the alternative, compared to the permitted materials, is substantially equal to or better in quality and durability.

Effective on: 5/20/2019

Sec. 14.203.4 Accessible Parking

A. **Generally.** Parking spaces accessible to disabled persons shall be provided in accordance with this section, and as may be applicable:

1. The [Americans with Disabilities Act](#);
2. The [Texas Architectural Barriers Act, Article 9102](#), Texas Civil Statutes;
3. The Texas Accessibility Standards; and
4. Any associated federal or state regulations.

B. **Number.** The number of required accessible parking spaces shall conform to the following:

Table 14.203.4-1, Required Accessible Spaces Based on Conventional	
Total Required Conventional Spaces	Required 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
Over 500	2% of tota

C. **Restrictions.** The following restrictions upon the use of accessible spaces shall apply to spaces that are identified and reserved for persons with disabilities by use of parking signs.

1. **False Identification.** It shall be unlawful for a person who is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person to park a vehicle displaying a disabled person identification card or sticker in a parking space or parking area designated specifically for the disabled.
2. **Parking Without Identification.** It shall be unlawful for a person to park a vehicle displaying neither a disabled person identification card or sticker in a parking space or parking area designated specifically for the disabled.
3. **Enforcement.** Peace officers, members of the Fire Marshal's office, and persons designated by the City Manager to enforce parking regulations may enforce the provisions of this Subsection.

Effective on: 5/20/2019

Sec. 14.203.5 Off-Street Loading

A. **Minimum Number of Off-Street Loading Spaces Required.** Off-street loading facilities shall be provided in accordance with the requirements in Table 14.203.5-1, *Minimum Off-Street Loading Spaces Required*.

Table 14.203.5-1, Minimum Off-Street Loading Spaces Required

Use Categories	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Heavy Industrial, Light Industrial, Retail Sales and Service, Warehousing and Freight Movement, Waste-Related Service, and Wholesale Trade	Less than 10,000	0
	10,000–50,000	1
	50,001–100,000	2
	Each additional 100,000	1
Indoor Recreation, Medical Facility, Office, Outdoor Recreation, Overnight Accommodations, Place of Assembly, Restaurant	Less than 10,000	0
	10,000–100,000	1
	100,001–200,000	2
	Each additional 100,000	1
All Other Use Categories	NA	NA

NA = Not Applicable

- B. **Types of Loading Spaces.** Each required loading space in the BP, Business Park and IN, Industrial zoning districts shall be a minimum of 12 feet in width and 45 feet in length. All other required loading spaces shall be a minimum of 12 feet in width and 18 feet in length. All required loading spaces shall have a minimum vertical clearance of 15 feet and shall be designated by signs as loading spaces.
- C. **Mixed Use Developments.** Where mixed use developments may be adequately and conveniently served by a common loading area, the Director may approve a reduction in spaces required in Table 14.203.5-1, *Minimum Off-Street Loading Spaces Required*. For this purpose, the minimum number of required spaces shall be based on the Use Category having the greatest number of resulting spaces.
- D. **Outdoor Storage.** For the purposes of this section, each two square feet of exterior area used for outdoor storage shall be considered equivalent to one square foot of enclosed gross floor area.
- E. **Buffering.** Loading spaces and docks shall be located behind buildings and screened from view from abutting properties and public right-of-way. Truck access and loading areas that are located between a principal building and a residential property shall comply with the following additional standards:
 1. *Use of Loading Shed.* The loading area shall be enclosed by a roof and a wall between the building and the property boundary line (i.e., a "loading shed" as depicted in Figure 14.203.5-1, *Illustrative Example of a Loading Shed*, below) so that the portion of the bufferyard between the loading shed and the property line may be reduced by one level of opacity with the remainder of the bufferyard being the opacity level required by the Landscaping and Bufferyard Table for the applicable zoning district; or
 2. *Absence of Loading Shed.* The loading area shall be screened along its length by a district bufferyard that has one additional level of opacity (for example, from a Type B bufferyard to a Type C bufferyard) than required by the Landscaping and Bufferyard Table for the applicable zoning district and the loading area shall contain an eight-foot tall masonry wall that is designed and constructed with the same primary exterior finish materials of the principal building.

Figure 14.203.5-1, Illustrative Example of a Loading Shed



Effective on: 5/20/2019

Sec. 14.203.6 Stacking

A. Driveway Stacking .

1. Driveway stacking areas are used to queue vehicles off-street prior to exiting a property, minimize congestion, and increase safety. A driveway stacking area measured from the right-of-way line toward the interior of the property, as illustrated in Figure 14.203.6-1, *Illustrative Stacking Requirements*, below, shall meet the requirements of Table 14.203.6-1, *Driveway Stacking Requirements*.
2. Vehicle use areas with 10 or fewer parking spaces may have a minimum stacking distance of 10 feet for driveways accessing a local or nonresidential collector street.

Table 14.203.6-1, Driveway Stacking Requirements

Total Parking Spaces Provided	Apartments or Commercial UseCategories ¹		Industrial UseCategories ²	
	At Non-Median Opening	At Median Opening	At Non-Median Opening	At Median Opening
Less than 25	15'	15'	15'	33'
26-50	15'	33'	15'	33'
51-100	33'	33'	33'	33'
101-200	33'	75'	33'	55'
More than 200	75'	75'	55'	75'

TABLE NOTES:

¹Commercial Use Categories include all nonresidential Use Categories that are not industrial.

²Industrial Use Categories include: Heavy Industrial, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, and Wholesale Trade.

B. Internal Stacking.

1. *Generally.* Internal stacking spaces are used to measure the capacity of a drive-through lane to hold vehicles while transactions are taking place at drive-through stations. Stacking spaces measure nine feet wide by 20 feet in length and provide direct access to a service window. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
2. *Requirements.*
 - a. Uses that include drive-through service shall not have fewer than the number of stacking spaces established in Table 14.203.6-2, *Internal Stacking Requirements*.
 - b. A 10-foot-wide bypass lane shall be required adjacent to stacking lanes to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.
 - c. Controlled entrances shall be designed so that vehicles may turn around without entering the gated area or backing out into the public right-of-way.

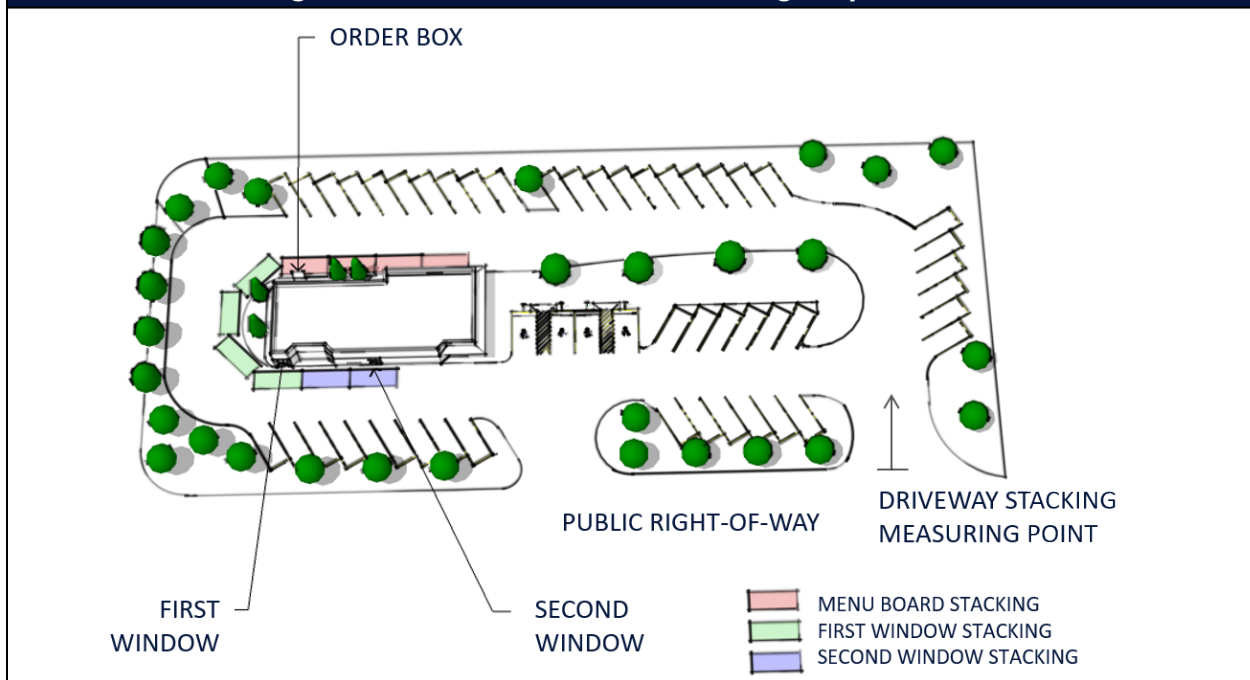
Table 14.203.6-2, Internal Stacking Requirements

Activity	Minimum Spaces	Measured From
Automated teller machine (ATM)	3	ATM keypad
Bank teller lane	4	Teller window or pneumatic tube station
Carwash stall, automatic	4	Entrance to wash bay
Carwash stall, self-service	3	
Day care dropoff (between 7 to 12 children or adults)	3	Facility passenger loading area
Day care dropoff (13 or more children or adults)	3 plus 1 per every 500 square feet of heated floor area	
Educational Facility (public or private)	Determined by Director	
Fuel pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box
Restaurant, drive through (or a functionally similar use)	4	Order box
	4	Order box to first window
	2	First window to second window
Vehicle servicing, minor	2	Entrance to stall
Other	Determined by Director	

TABLE NOTE:

1If one window is provided (for both payment and pick-up), then five stacking spaces are required measured at the order box and five stacking spaces are required between the order box and the window.

Figure 14.203.6-1, Illustrative Stacking Requirements



Effective on: 5/20/2019

Sec. 14.203.7 Access

A. **Generally.** The provisions of this Section apply only to properties fronting on:

1. Public rights-of-way maintained by the City within the City limits;
2. Public rights-of-way maintained by the County within the extraterritorial jurisdiction (ETJ); and
3. Private streets within either the City limits or the ETJ.

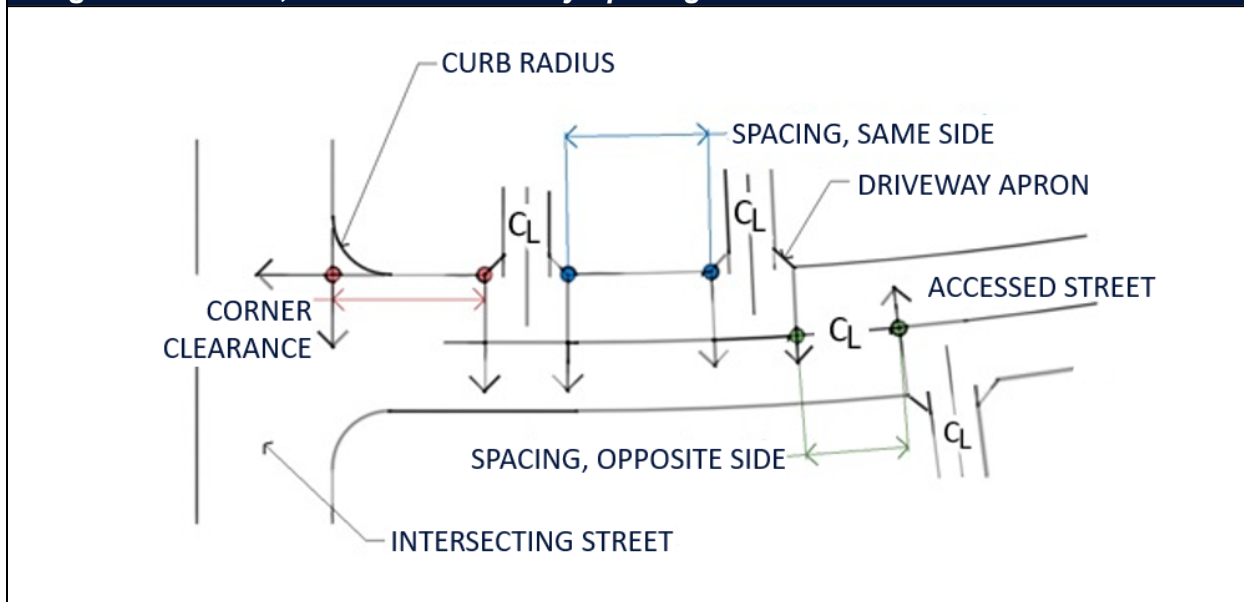
B. Existing and New Single and Two-Family Access.

1. *Existing Lots.* Existing access to single and two-family lots from arterial or collector streets is permitted. However, the existing access shall be moved from the arterial or collector to a local street if:
 - a. The lot adjoins a local street; and
 - b. The principal building is modified in a manner that required compliance with this Section in Table 14.201.1-1, *Design and Site Development Standards Applicability*.
2. *New Lots.* One driveway is required per dwelling unit. New single and two-family lots shall not take access to arterial or collector streets in accordance with Sec. 14.302.3.B, *Circulation*.

C. Access Management.

1. *Driveway Widths.*
 - a. *Single and Two-Family Driveway Widths.* Driveways for single and two-family lots shall be a minimum of 12 feet wide and a maximum of 24 feet wide at the property line. Driveway width shall be maintained at a width of no greater than 24 feet between the property line and the garage or carport opening, except that it may be expanded for additional parking or where a turnaround is required to avoid backing onto a non-local street, in the case of a redeveloped lot that does not adjoin a local street. No driveway providing front access for a townhouse shall exceed 20 feet in width.
 - b. *Multiplex, Apartment, Nonresidential, and Mixed Use Driveway Widths.* Driveways for multiplex, apartment, nonresidential, and mixed use lots shall be a minimum of 24 feet wide and a maximum of 45 feet wide at the property line, and configured to direct traffic safely into and out of the parcel proposed for development. The City Engineer may require median separation between ingress lanes and egress lanes.
2. *Alternative Access for Corner Lots.* Lots that abut intersections of streets of different classifications shall take access from the street of lesser classification if the access meets the corner clearance requirements of Paragraph 3.d, *Corner Clearance*, below.
3. *Driveway Spacing and Corner Clearance.*
 - a. *Measurements.* Generally, the requirements of this Paragraph are measured along the edge of the travel way, from the closest edge of pavement of the first driveway to the closest edge of pavement of the second driveway, including curb returns. This type of spacing is shown in Figure 14.203.7-1, *Illustrative Driveway Spacing and Corner Clearance Measurements*, as "spacing, same side" and "spacing, opposite side."

Figure 14.203.7-1, Illustrative Driveway Spacing and Corner Clearance Measurements



b. *Driveway Spacing, Same Side of Street.* Table 14.203.7-1, *Minimum Driveway Spacing, Same Side of the Street*, sets out the minimum driveway spacing for access points on the same side of the street, whether on successive properties or the same property.

Table 14.203.7-1, Minimum Driveway Spacing, Same Side of the Street							
Land Use	Residential Collector, Local, or Rural	Nonresidential Collector	Major or Minor Arterial				
			<30	<35	<40	<45	<50 ³
Posted Speed Limit (mph)	any	any					
Access serves single- and two-family lots	20 ft.	40 ft.	200 ft.	250 ft.	300 ft.	360 ft.	425 ft.
Access serves multiplex, apartment, commercial use categories, ¹ or mixed-use	40 ft.	200 ft.	200 ft.	250 ft.	300 ft.	360 ft.	425 ft.
Access serves industrial use categories ²	60 ft.	200 ft.	200 ft.	250 ft.	300 ft.	360 ft.	425 ft.

TABLE NOTES:
¹Commercial Use Categories include all nonresidential Use Categories that are not industrial.
²Industrial Use Categories include: Heavy Industrial, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, and Wholesale Trade.
³Driveway spacing on streets with a speed limit of greater than 50 miles per hour is subject to the City Engineer's requirements or to the requirements of the Texas Department of Transportation, as appropriate.

c. *Driveway Spacing, Opposite Side of Street.* In order to prevent conflicting left-turn movements, connections on opposite sides of arterial and collector streets shall be directly opposite each other or offset by a distance of a minimum of 125 feet, unless a median or divider prevents the potential conflicts.

d. *Corner Clearance.*

1. Table 14.203.7-2, *Minimum Corner Clearance*, sets out the minimum corner clearance for driveways. Since site and intersection design must be considered on

an individual basis, greater clearance lengths may be required by the City Engineer if necessary to protect public safety.

2. Techniques required in [Sec. 14.302.8.I](#), *Cross-Access and Shared Access Easements*, may be used to meet the requirements of this Section. If the dimensions of an existing lot and the absence of a reasonable opportunity for shared access make compliance with this Subsection impractical, then right-in, right-out access may be permitted at the farthest available point away from the intersection. For example, a fuel sales use on a corner lot that cannot establish shared access with neighboring properties may be permitted to have two right-in, right-out access points (one on each frontage), provided that they are located as far away from the intersection as possible.

Table 14.203.7-2, Minimum Corner Clearance

Accessed Street Classification	Intersecting Street Classification	Minimum Corner Clearance	
		Accessed Street	Intersecting Street
Single- and Two-Family Driveways			
Local / Rural	Local / Rural	20 feet	20 feet
Local / Rural	Collector	30 feet	30 feet
Collector	Collector	NP ¹	NP
Arterial	Local / Rural	NP	50 feet
Arterial	Collector	NP	NP
Arterial	Arterial	NP	NP
Multiplex, Apartment, Nonresidential and Mixed Use Driveways			
Local / Rural	Local / Rural	30 feet	30 feet
Local / Rural	Collector	40 feet	50 feet
Collector	Collector	75 feet	75 feet
Arterial	Local / Rural	75 feet ²	50 feet
Arterial	Collector	100 feet ²	100 feet
Arterial	Arterial	150 feet ²	150 feet ²
TABLE NOTES: ¹ NP = Not Permitted ² A variance is required for corner lots with arterial street frontage where the required corner clearance cannot be met as a result of the lot width or depth.			

D. Driveway Design.

1. *Striping*. All driveways shall be clearly striped to show ingress and egress. One-way drives shall clearly be striped to indicate what direction traffic will flow.
2. *One-Way Driveways*. One-way driveways shall not be placed on the same side of a lot. One one-way driveway is permitted per side of a lot unless circulation and parking layout hinder such arrangement.
3. *Driveway Curb Radii*.
 - a. Curb radii shall meet the street edge of pavement or curb at a point of tangency.
 - b. Radii shall describe a full quarter circle arc from the street onto the property accessed, except for one-way driveways.
 - c. Table 14.203.7-3, *Minimum and Maximum Curb Return Radii*, sets out the required curb return radii for driveway types per street classification.

Table 14.203.7-3, Minimum and Maximum Curb Return Radii

Street Classification	Single- and Two-Family Driveway		Multiplex, Apartment, Nonresidential, and Mixed Use Driveway	
	Minimum	Maximum	Minimum	Maximum
Local / Rural	2.5 feet	5 feet	5 feet	10 feet
Collector	NP	NP	10 feet	15 feet
Arterial	NP	NP	15 feet	30 feet

4. *Intersection Angles.* All driveways shall intersect a street at essentially right angles except that one-way driveways may intersect at angles no less than 45 degrees.
 5. *Minimum and Maximum Driveway Grade.* Driveways shall have a minimum slope of 1:48 and a maximum slope of 1:12. Driveways tying into new or existing sidewalks shall meet federal and state accessibility grades.
 6. *Circular Driveways.*
 - a. Circular driveways may be permitted only for single- and two-family lots and shall only be installed on lots with a frontage of 65 or more feet. The inside radius of a circular driveway shall be tangent to the inside curb return radius approximately perpendicular to the street.
 - b. A single circular driveway's curb opening shall not be located on different intersecting streets.
 - c. Circular driveways shall not intersect alleys.
 - d. Circular driveways shall have a minimum of 25 feet of stand up curb between driveway curb radii.
- E. **Alternative Compliance.** The City Engineer may review and approve a driveway that does not meet the standards of this Section, but that utilizes techniques in [Sec. 14.302.8, Cross-Access and Shared Access Easements](#), or other traffic control techniques if the City Engineer finds that the placement and design of the driveway minimizes traffic hazards.

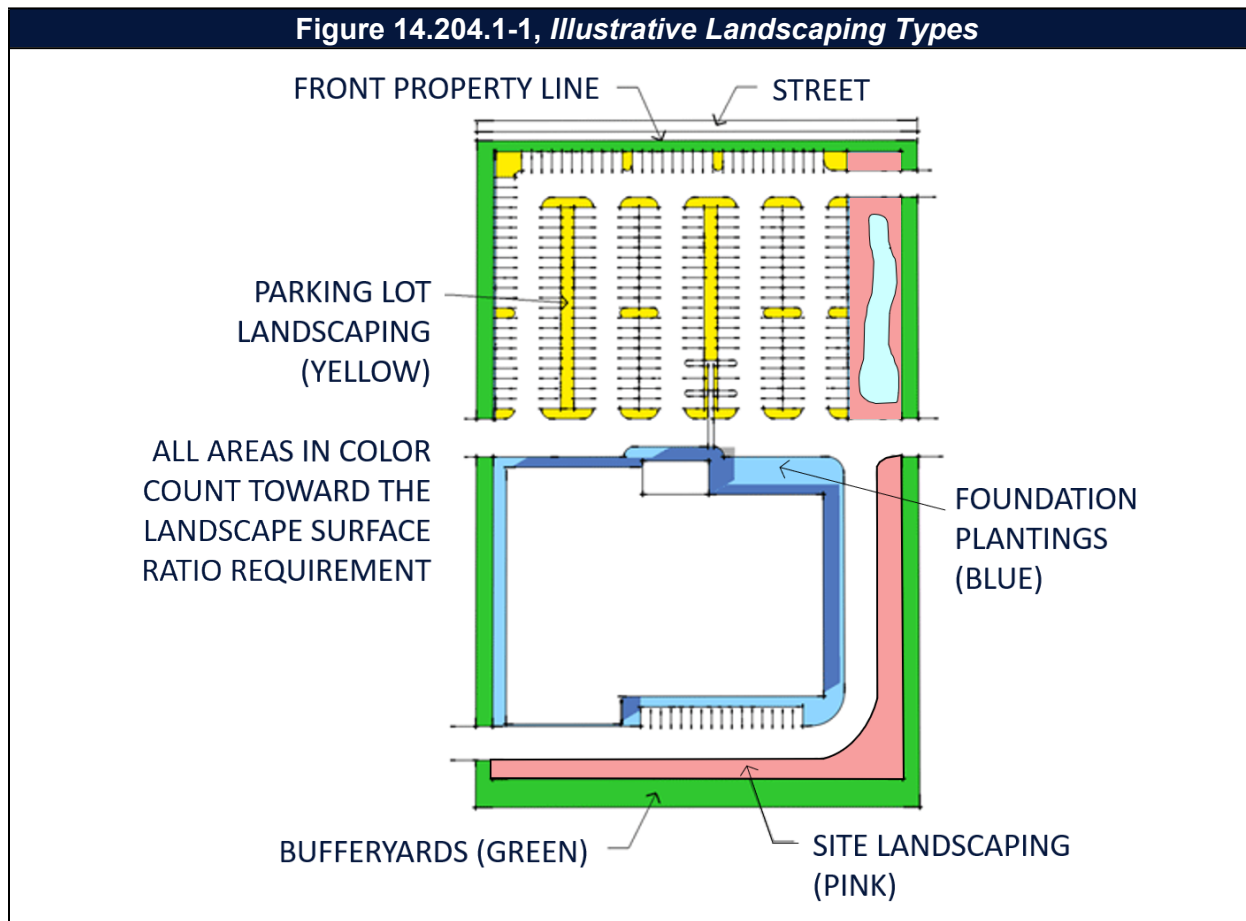
Effective on: 5/20/2019

Section 14.204: Trees, Landscaping, and Buffering

Sec. 14.204.1 General Provisions

- A. **Zoning District Reference.** See Section 14.102, *Base Districts and Standards*, for the landscape surface ratio requirement for each zoning district.
- B. **Required Landscaping Types.** Table 14.204.1-1, *Required Landscaping Types Summary*, sets out the landscaping types required in each zoning district. Figure 14.204.1-1, *Illustrative Landscape Types*, depicts these types. The RA, Rural Agricultural zoning district is exempt from the requirements of this Section.

Table 14.204.1-1, Required Landscaping Types Summary					
Zoning Districts	Street Yard Trees (Section 14.102)	Development Landscaping (Sec. 14.204.2)			Bufferyards (Sec. 14.204.3)
	Foundation Plantings	Parking Lot Landscaping	Site Landscaping		
◆ = Required landscaping type					
RA	Exempt				
Single- and Two- Family Uses in SR, SU, EN, UR	◆				
Multiplex, Apartment, Nonresidential, and Mixed Uses in SR, SU, EN, UR, GC, MP, BP		◆	◆	◆	◆
DT ¹	◆		◆	◆	
IN			◆	◆	◆
TABLE NOTES: ¹ Because off-street parking in the DT zoning district is only required for upper-story dwellings, the parking lot landscaping requirement only applies to: A. Upper-story dwellings; B. Establishments that voluntarily provide off-street parking; and C. Commercial parking lots as a primary use. ◆ = Required landscaping type					



C. **Relationship to Landscape Surface Ratio.** The cumulative surface area of development landscaping and bufferyards shall meet or exceed the landscape surface ratio required for the zoning district.

D. **Approved, Allowed, and Prohibited Plants.**

1. *Approved Plant Materials.* Only approved plant materials count towards the landscape requirements of this Article. A list of approved plant materials is set out in the Approved Plant Lists in the Appendix of this UDC.
2. *Allowed Plants.* Plants that are not listed on the Prohibited Plant List, also in the Appendix, are allowed but do not count toward compliance with this Section. The Director may add plants to the Approved Plant List if the applicant demonstrates by credible evidence that the species:
 - a. Is not on any of the following lists:
 1. The [Texas State Noxious Weed List, U.S. Department of Agriculture](#); or
 2. The Prohibited Plant List.
 - b. Is either native to the region or not invasive; and
 - c. Provides habitat for native wildlife or migratory birds.
3. *Prohibited Plants.* Plant species that are listed in the Prohibited Plants List are not allowed and may not be requested for addition to the approved plant list.

- E. **Minimum Size of Plants at Installation.** Plant material that is installed to comply with the requirements of this Section shall be of the sizes set out in Table 14.204.1-1, *Minimum Size of Plants at Installation*; and

Table 14.204.1-1, Minimum Size of Plants at Installation	
Type of Plant Material	Minimum Size at Installation
Canopy Tree	3" caliper
Ornamental Tree	2.5" caliper
Evergreen Tree	6' in height
Shrub	5 gal. container

F. **Existing Trees, Fences, and Walls.**

1. *Generally.* Existing trees, fences, and walls may be counted towards the development and bufferyard landscaping requirements, as applicable, provided that:
 - a. The trees, fences, and walls comply with the standards of this Section (including being a species on the Approved Plant List);
 - b. The trees are in good health;
 - c. The Director verifies that the fences or walls are structurally sound, in good repair, and of an upright condition;
 - d. The height and level of screening of the fence or wall meets the intent of this Section with regard to buffering; and
 - e. The applicant records an agreement with the City that includes appropriate assurances that if the existing fence or wall deteriorates, or is damaged, destroyed, or removed, the applicant will repair or replace it with a fence or wall that meets the bufferyard standards of this Section.
2. *Existing Landscaping Credit.* Credit shall be given for existing trees according to the standards of [Sec. 14.204.4](#), *Tree Preservation Credit*.

G. **Required Biodiversity.**

1. *Generally.* Diversity of the genus and species of trees and shrubs is required in order to prevent monocultures which could result in large-scale losses in the event of disease or blight.
2. *Standards.* Within each category of required landscaping (canopy trees, ornamental trees, evergreen trees, and shrubs):
 - a. Not more than 40 percent shall be of any one genus; and
 - b. Not more than 20 percent shall be of any one species.

- H. **Protection of Planting Areas.** All required planting areas shall be protected by wheel stops or six-inch curbs. Curbs may be punctuated to allow for storm water flows into biological treatment areas, as applicable, pursuant to an approved drainage plan, provided that the punctuations do not interfere with their protective function.

I. **Distance from Utilities.** As measured from the nearest easement line of such utilities:

1. No canopy trees shall be planted under or within 10 lateral feet of any overhead utility lines.
2. No canopy trees shall be planted within five lateral feet of any underground water or wastewater line.

- J. **Landscape Plan.** Prior to the issuance of a Building Permit on any site within a zoning district to which this Section applies, a landscape plan shall be required. If the required landscaping is part of a development subject to [Sec. 14.603.2, Site Plan](#), the landscape plan shall be a part of the Site Plan. Landscape Plans shall provide the information required in the Appendix of this UDC.
- K. **Design of Walls.** All masonry wall plans and details shall be designed and sealed by a licensed professional engineer, and shall be approved by the City Engineer.

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Sec. 14.204.2 Development Landscaping

A. Foundation Plantings.

1. *Minimum Radius.* Applicable buildings shall be surrounded by planting areas adjacent to the base of the building with a minimum width as set out in Table 14.204.2-1, *Foundation Planting Requirements*. Where planting areas are required, they may be crossed with sidewalks to provide access to the building and may be interrupted in the rear by required service and loading areas.

Table 14.204.2-1, Foundation Planting Requirements			
Zoning District	Minimum Radius Around Building (feet)		
	Street and Exterior Side	Interior Side	Rear¹
SR, SU, GC, MP ² , BP	10	10	6
EN, UR ²	6	4	4

TABLE NOTE:
¹Rear plantings are required only if the building has rear parking or a drive through.
² In the UR and MP districts, the required foundation planting may be met with tree wells, planters, and landscaped plazas.

2. *Planting and Decorative Materials.*

- a. *Street, Interior Side, and Exterior Side.* One canopy tree or two ornamental trees shall be planted within the foundation planting areas that face the street, exterior side, and interior side setbacks for each 30 linear feet, measured parallel to the building. Remaining portions of the planting area shall be planted with groundcover. A maximum of 10 percent of the remaining portions of the planting area may consist of decorative pavers or stamped, dyed concrete. Wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or xeriscape gardens may be used in lieu of or together with the required ground cover.
- b. *Rear.*
1. If the rear exterior wall of the building is an ancillary exterior wall, or has the required exterior wall materials of an ancillary or primary exterior wall, then the foundation planting area shall be planted with groundcover.
 2. If the rear exterior wall of the building is not an ancillary exterior wall, then it shall be planted in the same manner as a street, interior side, or exterior side foundation planting area.
- c. *Art.* The use of sculptures, monuments, and other public art installations in the street and exterior side planting areas shall reduce the required number of building foundation tree plantings by 10 percent.

B. Parking Lot Landscaping.

1. *Generally.* Parking lots with five or more parking spaces shall provide permanently landscaped areas consisting of islands and medians within the parking area in accordance with Table 14.204.2-2, *Parking Lot Planting Requirements*, and as illustrated in Figure 14.204.2-1, *Illustrated Parking Lot Planting Requirements*.

Table 14.204.2-2, Parking Lot Planting Requirements		
Planting Locations	Required Plantings	Design
All Parking Lots		
Endcap Island: At the end of each parking row	<ul style="list-style-type: none"> • 1 canopy tree or 2 evergreen or ornamental trees • Groundcover² 	Each endcap island shall be a minimum of 9' wide and the length of the parking row ¹ with 10-foot curb radii on the side closest to the parking aisle
Corner Island: At the corners of parking lots	<ul style="list-style-type: none"> • 1 canopy tree or 3 evergreen or ornamental trees • Groundcover² 	Each corner island shall be a minimum of 400 square feet in area and defined by the intersection of the parking rows at each corner of the parking lot
Parking Area Bufferyard: Along the edge of all parking areas that are visible from a residentially zoned or used property, a public or private street, or along access drives to multi-tenant centers	See Sec. 14.204.3, Bufferyard Landscaping .	
Parking Rows with Less Than 30 Parking Spaces		
Interior Island: In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	<ul style="list-style-type: none"> • 1 canopy tree • Groundcover² 	Each interior island shall be a minimum of 9' wide and the length of the parking row ¹ with 5-foot curb radii on the side closest to the parking aisle
Parking Rows that Equal or Exceed 30 Parking Spaces		
Interior Island: In the middle of parking rows planted at intervals of not less than one island for each 10 parking spaces	<ul style="list-style-type: none"> • 1 ornamental tree • Mulch or groundcover² 	Each interior island may be reduced to 16 square feet configured in a diamond or triangle pattern, with the center point of the diamond located at the point where four parking spaces meet (for double parking rows) or the base of the triangle located at the point where two parking spaces meet (for a single parking row). See Figure 14.204.2-2, <i>Large Parking Row Reduced Interior Islands</i>
Median: Along the entire centerline of a double parking row	<ul style="list-style-type: none"> • Continual 3-foot tall hedge or ornamental grasses • Groundcover² 	Each median shall be a minimum of 5' wide continuous 3' wide continuous 3' tall hedge, shrub, or ornamental grasses
TABLE NOTES:		
¹ For example, if there is single row of 90 degree parking spaces, the length is 18 feet; if there is a double row of 90 degree parking spaces, the length is 36 feet.		
² The groundcover area shall not include concrete, asphalt, or other impervious surfaces, with the exception of decorative pavers or stamped, dyed concrete which may be used only within the first one and a half feet of the parking island (but not reduced diamond- or triangle-shaped parking islands) to allow persons to access their vehicle without stepping on landscaping. The height of groundcover plant species chosen shall not interfere with sight distance triangles along access drives or anywhere throughout the parking lot.		

Figure 14.204.2-1, Illustrative Parking Lot Planting Requirements

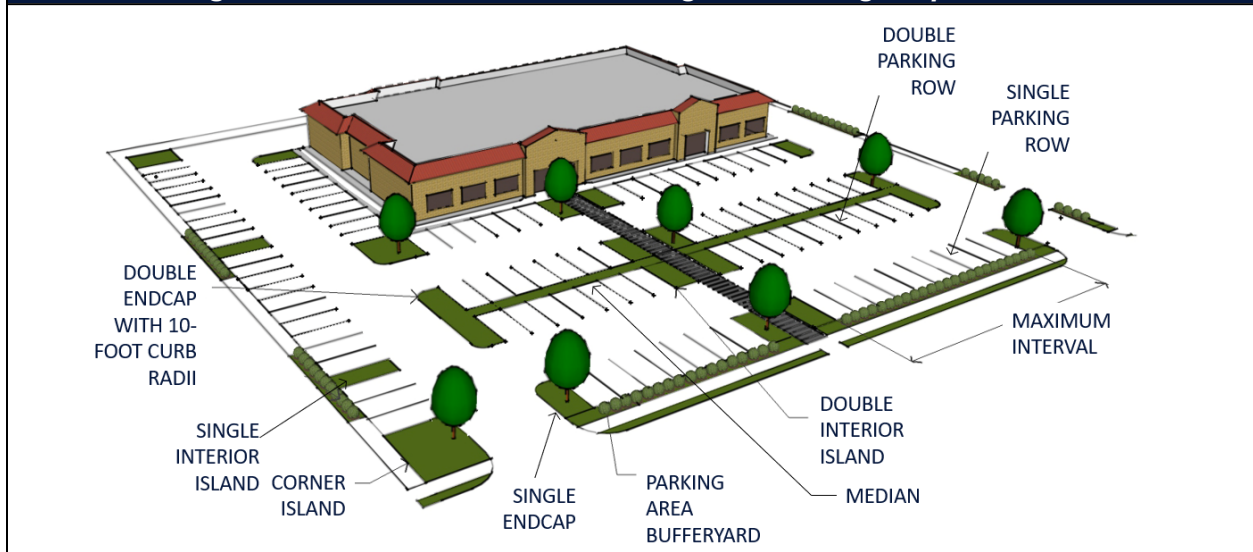
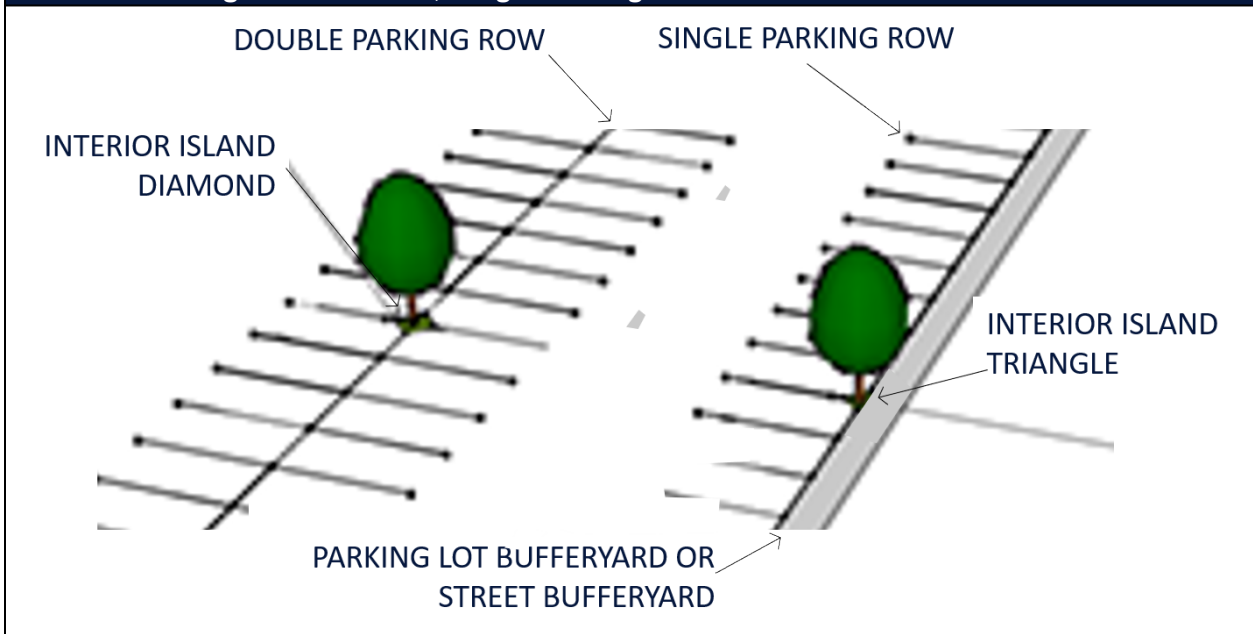


Figure 14.204.2-2, Large Parking Row Reduced Interior Islands



C. Site Landscaping.

1. *Planting Location.* All areas not designated as foundation plantings, bufferyards, parking lot landscaping, or utilized for pedestrian and vehicular access to the building (for example, sidewalks, parking spaces, loading spaces, service areas, and drive-in or drive-through facilities) shall be landscaped meeting the requirements of this Subsection.
2. *Trees.* One canopy or evergreen tree, or three ornamental trees, shall be planted per 1,000 square feet of the the site landscaping area.
3. *Shrubs.* Six shrubs shall be planted per 1,000 square feet of the site landscape area.

4. *Groundcover.* All remaining ground surface not covered by Subsection C.2. and C.3., above, shall be groundcover.
5. *Exception.* In place of the required groundcover and shrubbery, wet ponds with fountains, vegetated rain gardens, naturalized wetlands and/or xeriscape gardens may be installed.

Effective on: 5/20/2019

Sec. 14.204.3 Bufferyard Landscaping

- A. **Generally.** Required bufferyards are based on the amount of buffering and screening they provide. Bufferyards are classified in terms of intensity from less ("Type A") to moderate ("Type B") to heavier ("Type C").
- B. **Bufferyard Types.** Bufferyards may be required:
 1. *District.* Between differing zoning districts; in the form of a district bufferyard;
 2. *Parking.* Around vehicle use areas in the form of a parking buffer; and
 3. *Street.* Along public and private streets in the form of a street bufferyard.
- C. **Composition of Bufferyards.**
 1. *Structural and Natural.* Bufferyards, as established in Table 14.204.3-1, *Bufferyard Classifications*, may be classified as:
 - a. *Structural Bufferyards.* Structural bufferyards include the use of a wall, fence, or earthen berm to achieve the required level of buffering and screening; and
 - b. *Natural Bufferyards.* Natural bufferyards include the use of a higher density of plant materials to achieve the required level of buffering and screening.
 2. *Classification.* See [Section 14.102, Base Districts and Standards](#), for the bufferyard type requirements of a particular zoning district depending on the adjacent zoning district and street classification.

Table 14.204.3-1, Bufferyard Classifications

Bufferyard Type	Width (feet)	Required Plantings per 100 Linear Feet (Structural / Natural)			Height of Wall, Fence, or Berm (feet)
		Canopy	Ornamental ¹	Shrubs	
A	10	1 / 1	2 / 4	10 / 15	6 ² / NA
B	15	2 / 2	4 / 6	15 / 20	6 ² / NA
C	20	3 / 3	4 / 6	20 / 20	6 ² / NA

TABLE NOTES:

NA = Not applicable

¹Two ornamental trees may be substituted with one evergreen tree.

²In a parking bufferyard, the height of a berm or wall is 3 feet. A street buffer yard shall only be a natural bufferyard or, if structural, contain a berm.

- D. **Bufferyard Standards.**
 1. *Generally.*
 - a. In addition to the required plantings, walls, fences, and berms, remaining portions of all bufferyards shall contain groundcover.
 - b. Where a Type A bufferyard is required, the developer may voluntarily provide a Type B or Type C bufferyard. Where a Type B bufferyard is required, the property owner may voluntarily provide a Type C bufferyard.
 2. *District Bufferyard.*

- a. *Fences and Walls.* Fences and walls that are part of required district bufferyard shall:
 1. Be six feet in height;
 2. Be composed of treated wood, composite material, or masonry only, with unacceptable materials including, but are not limited to, plywood, corrugated steel sheets, and chain-link with or without weave mesh or slats;
 3. Not encroach into the public right-of-way;
 4. Include stone or brick columns (fence) spaced a minimum of 30 feet apart with the finished side of the fence facing the adjacent property;
 5. Be maintained by the business or home owner or homeowners' or property owners' association, as applicable; and
 6. Be of a consistent design for the entirety of the development.
 - b. *Berms.*
 1. Earthen berms that are part of a required district bufferyard shall have:
 - a. Slopes of not less than three feet horizontal for each one foot vertical; and
 - b. A minimum two-foot wide flat area on top.
 2. In order to accommodate a berm, the bufferyard may need to be wider than required in the Table 14.204.3-1, *Bufferyard Classifications*, above.
 - a. *Exemptions.* A district bufferyard is not required if the subject property is separated from the adjacent property by a natural area that meets or exceeds the level of screening required by the applicable bufferyard.
3. *Parking Area Bufferyard.*
 - b. *Applicability.* A parking area bufferyard is required along the edge of all vehicle use areas that are:
 1. Visible from a residentially zoned or used property or a public or private street;
 2. Along access drives to multi-tenant centers; or
 3. Designed or used in such a manner that vehicle headlights are visible from any of the areas listed in paragraphs 1 or 2, above.
 - c. *Composition.* A parking area buffer is composed of a three-foot tall:
 1. Continuous hedge;
 2. Continuous row of ornamental grasses;
 3. Berm with a hedge or ornamental grasses along 90 percent of the linear dimension of the berm; or
 4. Masonry wall.
 - d. *Dimensions and Landscaping Setback.*
 1. The parking area bufferyard shall be a minimum of seven feet wide.
 2. The landscaped area shall be set back from parking spaces:
 - a. Three feet from the edge of pavement if there are no curbs or wheel stops; or
 - b. Three feet from the face of the curb or parking bumper that faces the parking space.
 - d. *Exemptions.* A parking area bufferyard is not required under the following circumstances:
 1. The elevation of the parking lot is a minimum of three feet below the crown of the street;

2. The area between the parking lot and the street is occupied by a building or access point to the parcel proposed for development;
 3. The nearest edge of a parking area is 50 feet or greater from a public or private street or a residentially used or zoned property and vehicle headlights are not visible from such streets or properties; or
 4. When a wall, fence, or berm a minimum of three feet in height above grade is in the same location as the required parking bufferyard.
4. *Street Bufferyard.* A street bufferyard shall only be a natural bufferyard or, if structural, contain a berm.

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Sec. 14.204.4 Tree Preservation Credit

- A. **Credit for Preservation of Existing Trees.** The developer shall receive credit towards the requirements of this Section for the preservation of existing trees, as outlined in Table 14.204.4-1, *Credit for Preservation of Trees*.

Table 14.204.4-1, Credit for Preservation of Trees	
Existing Trees	Tree Credit
1 tree, 3" to 6" in caliper	1
1 tree, > 6" to 12" in caliper	2
1 tree, >12" to 15" in caliper	3
1 tree, greater than 15" in caliper	4

- B. **Application of Tree Preservation Credit.** The tree preservation credit is applied towards the requirements for the area in which the tree is located. If there are no requirements for that area, the credit applies in the following order of descending priority:
1. Site landscaping requirements;
 2. Parking lot landscaping requirements; and
 3. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.
- C. **Tree Preservation Standards.**
1. *Conditions.* The following conditions shall be met in order for these tree credits to apply.
 - a. Each existing tree shall be in a healthy and growing condition.
 - b. During site preparation and construction, each existing tree shall be protected by the placement of a barrier around the area below the drip line.
 - c. A minimum of 75 percent of the area below the drip line of an existing tree shall be maintained as a permanent, landscaped area at grades existing prior to site development unless special provisions are made for the protection and survival of the tree. Such special provisions, including but not limited to the use of permeable paving materials, shall be subject to the approval of the Director.
 - d. A maximum of 25 percent of the drip line zone of trees to be preserved may be paved with concrete, asphalt, or other impervious material.
 - e. Soil or other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.
 - f. The existing tree shall be on the Approved Plant List in the Appendix of this UDC.

2. **Replacement of Credited Trees.** Should any tree for which credit is received under the provisions of this Section die or be removed at any time, the owner shall, within 90 days, replace the tree. The owner shall replace the tree with the number of credited trees *for example, if a 14"-caliper existing tree dies, then the owner shall replace the tree with three new trees). The replacement trees shall be of equivalent species or a species that will obtain the same height, spread and growth characteristics.

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Sec. 14.204.5 Alternative Compliance

- A. **Generally.** Under the criteria listed below, the Director, or Planning and Zoning Commission, as appropriate, may review and approve an alternative compliance Landscape Plan upon determining that such plan meets the following criteria.
 1. **Purpose.** The alternative compliance Landscape Plan meets the purpose of this Section, as established in [Section 14.201, Applicability and Purpose](#); and
 2. **Conditions.** Site conditions inhibit creative site design or pose prohibitive constraints to appropriate development as a result of strict compliance with the requirements set forth in this Section in a minimum of one of the following manners:
 - a. **Features.** The subject property contains unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation;
 - b. **Shape and Size.** The subject property is peculiarly-shaped, through no action of the owner or previous owner, or contains extensive undeveloped area; or
 - c. **Limitations.** The subject property has space limitations as a result of the locations of existing structures, paved areas, surrounding existing development, and other built features.
- B. **Financial Hardship.** Financial hardship is not justification for alternative compliance.
- C. **Administrative Reductions Permitted.** An alternative compliance Landscape Plan may have landscaping reductions as follows.
 1. **District Bufferyard Width.** The width of a Type B or Type C district bufferyard may be reduced by half provided that the bufferyard contains both the wall or fence of a structural bufferyard and the increased plantings of a natural bufferyard.
 2. **Infill.** A Type B or C bufferyard required on an infill development site that is less than 6,000 square feet in lot area may be reduced to a Type A or B, respectively.
- D. **Legislative Reductions Permitted.** The Planning and Zoning Commission may, at a public meeting, approve additional forms of alternative compliance with this Section subject to the requirements in Subsection A, *Generally*, above and provided that the Commission deems the plan a substantial improvement over the minimum requirements of this Section.

Effective on: 5/20/2019

Sec. 14.204.6 Installation and Maintenance

- A. **Installation.**
 1. **Installation Standards.** All landscaping shall be installed in accordance with accepted standards of the Texas Nurseryman's Manual and all plant materials shall be true to name, variety, and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
 2. **Tree Topping.** Unless a tree is interfering with an overhead power line, no trees may be topped if the limbs are three inches in diameter or greater.

3. *Nursery Stock*. Trees and shrubs planted pursuant to this Section shall be good, healthy nursery stock.
4. *Soil*. New landscaped areas shall be prepared to achieve a soil depth of at least six inches with the depth consisting of 75 percent soil blended with 25 percent compost.
5. *Planters*. Architectural planters may be permitted in the DT, Downtown zoning district and for infill development sites less than 6,000 square feet in area.
6. *Xeriscape*. Xeriscape plant materials, as listed in the Approved Plant List in this UDC, are encouraged to promote use of water-wise landscaping.
7. *Visual Clearance*. In addition to observing the sight triangle established in [Sec. 14.104.1, Measurements](#), the branches of a tree in a landscape island shall maintain a minimum of five feet of clearance from the surface of the vehicle use area.

B. Removal of Diseased or Dangerous Trees and Vegetation.

1. *Diseases or Pests*. Upon direction from the Director, a property owner may be required to treat or remove trees suffering from transmittable diseases or pests or allow the City to do so, charging the actual cost to the property owner.
2. *Dangerous Trees*. The Director may require the removal of a tree or part of a tree or any other vegetation that is within or overhanging a public right-of-way or easement if the tree or vegetation:
 - a. Is diseased or infested and in danger of falling;
 - b. Is creating a traffic hazard or sight distance hazard for traffic on a public street; or
 - c. Is interfering with safe and property maintenance of the right-of-way or easement.

C. Irrigation.

1. *Generally*. The irrigation of all landscaped areas shall be provided for by one of the following methods.
 - a. All buildings greater than 3,000 square feet in gross floor area shall require an automatic underground irrigation system sufficient to provide complete coverage of the required landscaped areas. All irrigation systems shall be designed and sealed in accordance with the Texas Licensed Irrigators Act and shall be professionally installed.
 - b. All buildings 3,000 square feet or less may use hose bibs provided that a hose attachment shall be within 100 feet of all plant material.
2. *Xeriscape Areas*. Regardless of building size, areas consisting entirely of xeriscape plantings may be irrigated with a hose bib as described in paragraph 1.b, above.
3. *Alternative Water Sources*. A development may utilize reclaimed, recycled, gray water, non-potable surface water, rainwater or alternative water harvesting systems for irrigation in accordance with Texas Commission on Environmental Quality (TCEQ) standards.

D. Maintenance.

1. *Generally*. The property owner, or property owners' association for a multi-tenant development, shall be responsible for the maintenance of all landscaping and screening devices. This shall include watering, mowing, edging, pruning, weeding, fertilizing, and other such activities common to the maintenance of landscaping. In addition, landscape materials shall be maintained in such a manner that they comply with the sight triangle requirements of [Sec. 14.104.1, Measurements](#). Landscaped areas shall be kept free of trash, litter, weeds, and other such materials that are 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.

2. *Replacement.* Plant material that dies shall be replaced with plant material of similar variety and size within 90 days.
3. *Maintenance Easement.* In a multi-tenant development, a maintenance easement a minimum of five feet in width shall be dedicated to the homeowners' or property owners association along applicable property lines within the development.

Effective on: 5/20/2019

Section 14.205: Signs

Sec. 14.205.1 General Provisions

- A. **Authority.** The City Council finds that:
1. The City has the authority to regulate signs under the United States Constitution, the Constitution of the State of Texas, and the City of Dayton Charter;
 2. This Section advances important and substantial governmental interests;
 3. The regulations set out in this Section are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages that may be displayed on signs;
 4. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Section; and
 5. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful and accessible to minors may be prohibited.
- B. **Application.**
1. *Generally.* All construction, relocation, enlargement, alteration, and modification of signs within the City and extraterritorial jurisdiction (ETJ) shall conform to the requirements of this Section, all state and federal regulations concerning signs and advertising, and the Building Code.
 2. *Extraterritorial Jurisdiction.*
 - a. In accordance with the provisions of [Texas Local Government Code § 216.902](#), the provisions of this Section shall extend to and be enforced in the ETJ of the City.
 - b. With respect to the application of the provisions of this Section in the ETJ, whenever a property in the ETJ is put to use, the sign regulations that would pertain to that use, if such use was located within the City, shall apply as established in [Sec. 14.205.4](#), *Permanent Signs*, and [Sec. 14.205.5](#), *Temporary Signs*.
- C. **Permit Required.** No sign shall be erected, installed, converted, relocated, enlarged, or structurally modified within the City limits or the ETJ without a sign permit issued in accordance with [Sec. 14.603.10](#), *Sign Permit*.
- D. **Actions Not Requiring a Permit.** The following actions do not require a Sign Permit:
1. Routine maintenance, not involving structural changes to the sign;
 2. Changes of message, either manually or electronically, on an electronic message sign or changeable copy sign, subject to limitations of [Sec. 14.205.4.B](#), *Changeable Copy*, on the frequency of message changes; or
 3. Changes of sign panels or letters that do not involve structural changes to the sign.
- E. **Signs for Conditional Uses.** The regulations of this Section apply to uses that are permitted by right or that are subject to a Conditional Use Permit in [Section 14.102](#), *Base Districts and Standards*. However, the Planning and Zoning Commission may recommend, and the City Council may approve, more restrictive sign requirements in granting a Conditional Use Permit when either body deems it necessary for the protection of adjacent properties and the public interest.
- F. **Reference to Sign Measurement Provisions.** See [Sec. 14.104.1](#), *Measurements*, for provisions related to sign measurement methodology.

- G. **Sight Triangle.** No sign may encroach into the sight triangle established in [Sec. 14.104.1, Measurements](#).
- H. **Building, Electrical, and Fire Code Compliance and Permits.** All signs shall comply with the standards of the City Building, Electrical, and Fire Codes. Signs with internal illumination or external illumination integral to the sign require an Electrical Permit, even if a Sign Permit is not required. Signs may require a Building Permit in accordance with the Building Code.
- I. **Wind Load Requirements.** Signs erected or placed in accordance with this Section shall withstand wind load pressures in pounds per square foot as set out below in Table 14.205.1-1, *Wind Load Pressure in Pounds per Square Foot*.

Sign Height (feet)	Pressure (pounds per square foot)
0 - 5	0
6 - 30	20
31 - 50	25
51 - 99	35

- K. **Clearance.** The top of all signs and sign structures shall have a minimum vertical clearance from any other structure of 14 feet, and shall have a clearance equal to its height horizontally as well as vertically from any electric transmission line carrying 750 volts or greater.

Effective on: 5/20/2019

Sec. 14.205.2 Signs Exempt from Regulation

- A. **Generally.** The following signs are exempt and shall not require a Sign Permit:
 1. Signs not visible from a public or private street;
 2. Signs erected by the city, state (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;
 3. Signs that are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;
 4. Memorial or commemorative plaques or tablets denoting a building name and / or date of erection or a location of historic significance and not exceeding four square feet in area;
 5. Headstones in cemeteries;
 6. Sign inside a building, not attached to a window or door;
 7. Works of art that do not include a commercial message;
 8. Holiday lights and decorations with no commercial message;
 9. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Texas Department of Transportation standards and which contain no commercial message;
 10. Address and postbox numerals; and
 11. Signs prepared by or for the local, state, or federal government marking sites or buildings of historical significance.

- B. **All Other Signs.** All other signs not listed in Subsection A., *Generally*, above, are not exempt from regulation and may either be:
1. Prohibited (see [Sec. 14.205.3](#), *Prohibited Sign Types, Materials, Design Elements, and Locations*);
 2. An allowed permanent sign type (See [Sec. 14.205.4](#), *Signs Not Requiring a Permit*); or
 3. An allowed temporary sign type (See [Sec. 14.205.5](#), *Signs Requiring a Permit*).

Effective on: 5/20/2019

Sec. 14.205.3 Prohibited Sign Types, Materials, Design Elements, and Locations

- A. **Generally.** This Section identifies sign types, materials, design elements and locations that are prohibited in the City or extraterritorial jurisdiction.
- B. **Prohibited Sign Types.** The following signs types are prohibited:
1. Beacons or searchlights;
 2. Cabinet signs;
 3. Inflatable signs;
 4. Off-premises signs except as permitted in [Sec. 14.205.4](#), *Permanent Signs*;
 5. Pole signs;
 6. Portable or wheeled signs except as permitted in [Sec. 14.205.5](#), *Temporary Signs*;
 7. Roof signs; and
 8. Any sign type not specifically allowed in this Section.
- C. **Prohibited Sign Materials.** The following sign materials, regardless of sign type, are prohibited:
1. *Deteriorating Signs.* Signs that are inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration or holes;
 2. *Paper or Cloth Signs.* Paper or cloth signs that are not suitable for exterior use (except high quality, weather-resistant cloth for awnings);
 3. *Unsealed Wood Signs.* Wood signs that are not sealed and maintained to keep moisture from deteriorating the sign; and
 4. *Plywood or Particle Board Signs.* Signs constructed of plywood or particle board with painted or "sticker" letters.
- D. **Prohibited Design Elements.** The following design elements, regardless of sign type, are prohibited:
1. *Traffic Hazards.* Signs that interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;
 2. *Safety or Health.* Signs that constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;
 3. *Confusion.* Signs that use the words "stop," "look," "go slow," "caution," "danger," "warning," or any other word, phrase, symbol, or character in a manner that interferes with, misleads, or confuses pedestrians or traffic;
 4. *Glare.* Signs that are illuminated with lights that cause a glare into or upon surrounding property or that distract operators of vehicles or pedestrians on a public right-of-way;
 5. *Lighting.* Signs that contain reflectors, lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

6. *Indecent or Obscene*. Signs with indecent or obscene images or messages;
 7. *Moving Parts*. Except for changeable copy signs that otherwise comply with the requirements of this Section, signs that have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means;
 8. *Nuisance*. Sound, smoke, heat, or odor emitters;
 9. *Back Lit-Awnings*. Awnings that are back lit and/or made of plastic or vinyl, excluding substitute materials;
 10. *Unfinished Wood*. Unfinished wood support structures, except that stake signs may use unfinished stakes; and
 11. *Bare or Flashing Lights*. Bare light bulbs and flashing lights, except on holiday displays which are exempted from regulation by [Sec. 14.205.2, Signs Exempt from Regulation](#).
- E. **Prohibited Sign Locations**. A sign, regardless of sign type, is prohibited from being in the following locations:
1. *Closed Businesses*. Signs that advertise a business or product that is no longer in existence;
 2. *Blocked Ingress or Egress*. Signs that prevent free ingress to or egress from any door, window, or fire escape;
 3. *Outdoor Amenities*. Signs attached to or located upon outdoor exposed amenities such as trees, street signs, or utility poles that are visible from any street;
 4. *Vehicles*. Signs that are painted on or attached to a motor vehicle unless:
 - a. The vehicle is operable and has current registration and tags;
 - b. The sign is an on-premise sign;
 - c. The vehicle is legally parked within a parking space; and
 - d. The display of the sign is incidental to the vehicle use.
 6. *Encroachment*. Except for marquee signs, projecting signs and hanging signs that comply with the standards of [Sec. 14.205.4, Permanent Signs](#), signs that are located on, or project or extend over, any public right-of-way or other public property; and
 7. *Semis and Storage*. Signs that are painted on or attached to semi-trailers, shipping containers, or portable storage units except for the brand name of the semi-trailer, container, storage unit.

Effective on: 5/20/2019

Sec. 14.205.4 Permanent Signs

A. Generally.

1. *Listed Signs*. Table 14.205.4-1, *Allowed Attached Permanent Signs*, and Table 14.205.4-2, *Allowed Freestanding Permanent Signs*, sets out:
 - a. The attached and freestanding sign types allowed in the extraterritorial jurisdiction and each zoning district;
 - b. The standards that apply to each sign type; and
 - c. Whether a sign permit is required or not.
2. *Unlisted Signs*. Signs that are not listed in Table 14.205.4-1 are prohibited as permanent signs.

Table 14.205.4-1 Allowed Attached Permanent Signs

Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
Awning Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	--	--	--	1 per building front or per storefront for a mixed use or multi-tenant building				
Maximum Area	--	--	--	.5 sq. ft. per linear ft. of awning or canopy length				
Minimum Clearance	--	--	--	8 ft. above grade				
Illumination	--	--	--	No internal illumination; down lit or indirect lighting only				
Sign Permit Required	--	--	--	Yes				
Fascia Sign or Parapet Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	--	--	--	1 per street facing facade; maximum 2				
Maximum Area	--	--	--	0.5 sq. ft. per linear ft. of street facing facade width				
Illumination	--	--	--	Internal illumination or down lighting				
Other Signs	--	--	--	If used, then a wall sign is prohibited on same facade				
Other Standards	--	--	--	May not extend above the fascia or parapet wall				
Sign Permit Required	--	--	--	Yes				
Hanging Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	1 per building		--	--	--
Maximum Area	--	--	--	6 sq. ft.		--	--	--
Maximum Height	--	--	--	8 ft. above sidewalk or walkway		--	--	--
Illumination	--	--	--	Indirect lighting only		--	--	--
Other Standards	--	--	--	1. Not extend within 2 ft. of the curb line 2. May be suspended under a marquee sign or under a canopy or awning		--	--	--
Sign Permit Required	--	--	--	No		--	--	--
Marquee Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	1 per street facing facade		--	--	--
Maximum Area	--	--	--	50 sq. ft. per side; 100 sq. ft. total	25% of wall to which it is attached	--	--	--
Maximum Height	--	--	--	4 ft. from lowest point of marquee to highest point, excluding any ornamentation supported directly by the marquee		--	--	--
Minimum Clearance	--	--	--	8 ft. above sidewalk or walkway		--	--	--
Illumination	--	--	--	Down lighting; only the changeable copy area may be internally illuminated		--	--	--
Other Signs	--	--	--	If used, then a wall sign is prohibited on same facade		--	--	--

Table 14.205.4-1 Allowed Attached Permanent Signs

Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
Other Standards	--	--	--	1. May not project more than 6 ft. from the building; may require an encroachment permit 2. Sign may be on up to three sides of a marquee	--	--	--	--
Sign Permit Required	--	--	--	Yes	--	--	--	--
Projecting Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	1 per business	--	--	--	--
Maximum Distance from Building Wall to Farthest Part of Sign	--	--	--	4 ft.	--	--	--	--
Minimum Clearance	--	--	--	8 ft. above sidewalk or walkway and 20 ft. above adjacent public or private street	--	--	--	--
Minimum Clearance, Vehicular Way	--	--	--	14 ft. above street	--	--	--	--
Maximum Area	--	--	--	16 sq. ft.	--	--	--	--
Illumination	--	--	--	Internal illumination or down lighting	--	--	--	--
Other Signs	--	--	--	If used, then a wall sign is prohibited on same facade	--	--	--	--
Sign Permit Required	--	--	--	Yes	--	--	--	--
Wall Sign	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	1 per dwelling unit		Residential: 1 per dwelling unit; Nonresidential: 1 per street facing facade					
Maximum Area	2 sq. ft.		Residential: 2 sq. ft. per dwelling unit; Mixed Use and Nonresidential: Aggregate (total) sign area of 0.5 sq. ft. per linear ft. of street facing facade width, or 32 sq. ft., whichever is less		Aggregate (total) sign area of 0.5 sq. ft. per linear ft. of street facing facade width, or 200 sq. ft., whichever is less			
Maximum Height	Below eave line		Below eave line or parapet wall					
Illumination	A maximum of half of the sign may be down lit or have internal illumination for address display		Residential: A maximum of half of the sign may be down lit or have internal illumination for address display Mixed Use or Nonresidential: Down lighting or internal illumination					
Sign Permit Required	No		Residential: No; Nonresidential: Yes					
Other Signs	If used, then a window sign		If used, then a fascia, parapet, marquee, or projecting sign is prohibited on same facade					

Table 14.205.4-1 Allowed Attached Permanent Signs								
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
	is not allowed							
Other Standards	--		1. For a multiplex or apartment, the residential sign shall be located on the wall of the individual dwelling unit, i.e. not on the wall of an office building or clubhouse. 2. A wall sign shall not project above the wall or more than 12 in. from the wall. 3. The linear footage shall be measured along the shortest dimension wall of the facade on which the sign will be located. 4. On building frontages located at the corner of a building, which face two separate rights-of-way, or if a business occupies an entire separate structure within a center, additional wall signs are allowed provided there is a minimum of 30 ft. maintained between the nearest edge of any two signs and each sign is mounted on a separate wall facing a separate direction.					
Window Sign	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	1 per dwelling unit		Residential: 1 per dwelling unit; Mixed Use and Nonresidential: 1 per window					
Maximum Area	10% of window area or 2 sq. ft., whichever is less		Residential: 10% of window area or 2 sq. ft., whichever is less; Mixed Use and Nonresidential: 15% of window area, or 9 sq. ft., whichever is less		30% of window area, or 16 sq. ft., whichever is less			
Illumination	None, other than ambient lighting		Residential: None, other than ambient lighting Mixed Use or Nonresidential: Down lighting or internal illumination; the light shall be turned off when the business is closed					
Other Signs	If used, then a wall sign is not allowed		--					
Sign Permit Required	No		Yes					

Table 14.205.4-2 Allowed Freestanding Permanent Signs								
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
Access Sign	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	--	--	1 per vehicle use area entrance and exit					
Maximum Area	--	--	4 sq. ft.		6 sq. ft.	8 sq. ft.		
Maximum Height	--	--	3 ft.			4 ft.		
Minimum Setback (Edge of pavement)	--	--	3 ft. / 0 ft.					

Table 14.205.4-2 Allowed Freestanding Permanent Signs

Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)				
	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
/ Property Line)							
Illumination	--	--	Internal or external				
Sign Permit Required	--	--	No				
Development Entry Sign	Allowed	Allowed	Allowed	Allowed¹	Not Allowed	Not Allowed	Not Allowed
Number Allowed	2 per one of the entries to the development; 1 per all other entries				--	--	--
Maximum Area	64 sq. ft. at one entry; 32 sq. ft. at all others				--	--	--
Maximum Height	8 ft. at one entry; 6 feet at all others				--	--	--
Minimum Setback	10 ft. from street right-of-way or property line for a private street				--	--	--
Illumination	Internal or external				--	--	--
Other Standards	Sign may be located on a base constructed of concrete not to exceed 18 in. in height and shall be surrounded by landscaping and other decorative material.				--	--	--
Sign Permit	Yes				--	--	--
Directory Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	--	--	--	1 per property with a multi-tenant building			
Maximum Area	--	--	--	2 sq. ft. per linear foot of street frontage; maximum 100 sq. ft.			
Maximum Height	--	--	--	10 ft.			
Minimum Setback	--	--	--	10 ft.			
Illumination	--	--	--	Internal of external			
Sign Permit Required	--	--	--	Yes			
Flag	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed (Flag / Flagpole)	2 / 1 per lot			2 / 1 per lot or per development, whichever is less			
Maximum Area	40 sq. ft.				80 sq. ft.		
Maximum Flagpole Height	20 ft.			75 ft.			
Minimum Setback	10 ft.						
Illumination	External						
Other Standards	A flagpole shall only be mounted on the ground						
Sign Permit	No						
Menu Board Sign	Not Allowed	Not Allowed	Not Allowed	Allowed¹	Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	2 per drive-through lane; 2 per drive-in space		--	--
Maximum Area	--	--	--	Drive-Through: Aggregate (total) sign area of 56 square feet; Drive-In: 12 square feet per sign		--	--
Maximum Height	--	--	--	Drive-Through: 8 ft.; Drive-In: Below canopy		--	--
Minimum Setback	--	--	--	3 ft. / 10 ft.		--	--

Table 14.205.4-2 Allowed Freestanding Permanent Signs								
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
(Edge of pavement / Property line)								
Illumination	--	--	--	Internal or external		--	--	--
Other Standards	--	--	--	Shall not face or be within 50 feet of a single- or two-family use		--	--	--
Sign Permit	--	--	--	Yes		--	--	--
Monument Sign	Not Allowed	Not Allowed	Allowed	Allowed¹	Allowed	Allowed	Allowed	Allowed
Number Allowed	--	--	1 per street frontage		1 per 200 linear ft. of street frontage	1 per 300 linear ft. of street frontage		
Maximum Area	--	--	48 sq. ft.	36 sq. ft.	< 200 ft. of street frontage = 48 sq. ft. > 200 ft. of street frontage = 64 sq. ft.	< 300 ft. of street frontage = 64 sq. ft. > 300 ft. of street frontage = 64 sq. ft.		
Maximum Height	--	--	6 ft.		8 ft.			
Minimum Setback	--	--	5 ft.					
Illumination	--	--	Internal or external					
Other Signs	--	--	--	--	If used, then a Pylon Sign is not allowed ²			
Sign Permit	--	--	Yes					
Off-Premise Sign	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	
Number Allowed	--	--	--	--	1 per lot			
Maximum Area	--	--	--	--	48 sq. ft.			
Maximum Height	--	--	--	--	8			
Minimum Setback	--	--	--	--	5 feet			
Other Signs	--	--	--	--	If used, then no other sign is allowed			
Other Standards	--	--	--	--	See Subsection D., <i>Off-Premise Signs</i> , below.			
Sign Permit	--	--	--	--	Yes			
Pylon Sign	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	
Number Allowed	--	--	--	--	1 per street frontage, 2 maximum			
Maximum Area (Per Sign Panel / Cumulative)	--	--	--	--	32 sq. ft. / 1 sq. ft. per linear ft. of street frontage; maximum 250 sq. ft.	24 sq. ft. / 1 sq. ft. per linear ft. of street frontage; maximum 200 sq. ft.	32 sq. ft. / 1 sq. ft. per linear ft. of street frontage; maximum 250 sq. ft.	
Maximum Height	--	--	--	--	55 ft. for with frontage on a Major Arterial / 25 ft. for all other properties			
Minimum Clearance	--	--	--	--	8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is			

Table 14.205.4-2 Allowed Freestanding Permanent Signs							
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)				
Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
					within one foot of aisle		
Minimum Setback	--	--	--	--	10 ft.		
Illumination	--	--	--	--	Internal or external		
Other Standards	--	--	--	--	1. The width of the support(s) of the sign shall be a minimum of 50% of the width of the sign face. 2. The sign support shall be encased in a material listed in Sec. 14.202.1.B, Primary Materials		
Other Signs	--	--	--	--	If used, then a Monument Sign is not allowed ²		
Sign Permit	--	--	--	--	Yes		
TABLE NOTES: Ft. = Feet; Sq. ft. = Square feet ¹ Allowed in MP, Master Planned Zoning District only. ² A monument sign and a pylon sign are only allowed in conjunction with one another on single properties or unified developments that are greater than 50 acres in area, that abut a Major Arterial, and are located in the GC, BP, or IN zoning districts.							

B. **Changeable Copy.** Electronic message centers and manual changeable copy reader boards may be used in marquee signs, menu board signs, monument signs, and pylon signs subject to the applicable standards of this Section.

1. *Generally.* The following provisions apply to both electronic message centers and manual changeable copy.

a. Design Requirements for Electronic Message Centers and Manual Changeable Copy.

1. Electronic message centers or manual changeable copy are permitted as part of a sign if they are enclosed on all sides with a finish of brick, stone, stucco, powder coated metal, or anodized aluminum. The enclosure shall extend a minimum of six inches from the perimeter of the electronic message center in all directions. Gaps between the changeable copy reader board and the surround are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.
2. Electronic message centers or manual changeable copy may make up a maximum of:
 - a. 25 percent of the sign area of a monument sign, pylon sign, or a menu board that is visible from a residential property or a public or private street;
 - b. The lesser of 100 square feet or 40 percent of the sign area of a marquee sign; or
 - c. If a menu board sign is not visible from a residential property or a public or private street, 100 percent of the copy area may be electronic.
3. The balance of the sign area shall utilize permanent letters or symbols.
4. No sign structure that includes a manual changeable copy sign may also include an electronic message center, and *vice-versa*.

2. Electronic Message Center Locational Requirements.

a. Electronic message centers are:

1. Prohibited in the DT, Downtown zoning district, with the exception of permitted marquee signs; and
2. Permitted in the MP, Master Planned and GC, General Commercial zoning districts subject to the following standards.

b. Electronic message centers shall not:

1. Blink, rotate, move, chase, flash, glare, strobe, scintillate, or in any fashion be distracting to the traveling public or the public in general;
2. Include audio, pyrotechnic, or bluecasting (Bluetooth advertising) components;
3. Be included on or used as portable or temporary signs; and
4. Use transitions (scroll, roll, and/or fade in/out) or frame effects between messages.

3. Electronic message centers shall:

- a. Be monochromatic;
- b. Contain static messages only, excluding animation or video;
- c. Display messages for a period of not less than 15 seconds;
- d. Contain a default design that will freeze the sign in one position with no more illumination than 0.3 foot candles above ambient light in a malfunction occurs; and
- e. Include an automatic dimmer that dims the sign at dusk or during low-light conditions.

3. Manual Changeable Copy.

- a. Manual changeable copy reader boards are only permitted on monument signs or marquee signs.
- b. Manual changeable copy message centers, including their frames, shall make up not more than 30 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols.
- c. Lettering of manual changeable copy signs shall be of a single style and shall be of uniform color and size.

C. Sign Illumination.

1. *Generally.*

- a. Signs shall be internally illuminated or, if externally illuminated, the source of illumination shall be shielded from public view.
- b. No sign lighting shall reflect onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street.

2. *Color.* Illumination shall be in white light only.

3. *Electrical Service.* When electrical service is provided to a sign, all such electrical service shall be permanently installed in accordance with the City's Electrical Code, and shall be placed underground.

4. *Sign Illumination.* Signs shall not exceed 0.3 foot candles over ambient light conditions.

D. Off-Premise Signs. Off-premises signs shall:



1. Be located with a minimum separation of 2,640 feet on the same side of the street from another off-premises signs;
2. Be located with a minimum separation of 1,320 feet on the opposite side of the street from another off-premises sign;
3. Not be located within 300 feet of an existing local street or an existing or future Collector on the Major Thoroughfare Plan; and
4. Not be located within a radius of 100 feet of any residential zoning district.

Effective on: 5/20/2019

Sec. 14.205.5 Temporary Signs

A. Generally.

1. *Findings.* The City Council finds that:
 - a. There is a need for the display of signs on a one-time, limited duration, and/or intermittent basis to aid residents, businesses, and other public or private entities in communicating a message to their customers, patrons, clients, or to the general public;
 - b. The regulation of temporary signs is a substantial governmental interest as means for promoting and preserving community character in a manner that reflects positively on the City and its attractiveness as a place to visit and live; and
 - c. It is reasonable to regulate the number, size, height, location, and duration of signs that are placed on property on a temporary basis so as not to devalue or to lessen the impact or importance of permanent signage.
2. *Listed Signs.* Table 14.205.5-1, *Allowed Temporary Signs*, sets out:
 - a. The temporary sign types allowed in the extraterritorial jurisdiction and each zoning district; and
 - b. The standards that apply to each sign type.
3. *Unlisted Signs.* Signs that are not listed in Table 14.205.5-1 are prohibited as temporary signs.
4. *No Permit Required.* No Sign Permit is required for a Temporary Sign.

Table 14.205.5-1 Allowed Temporary Signs							
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)				
	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
A-Frame Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	2 per street frontage		--	--
Maximum Area	--	--	--	12 sq. ft.		--	--
Maximum Height	--	--	--	5 ft.		--	--
Minimum Setback	--	--	--	DT = 0 ft. MP = 10 ft.	10 ft.	--	--
Illumination	--	--	--	Ambient only		--	--
Maximum Days	--	--	--	30	30	--	--

Table 14.205.5-1 Allowed Temporary Signs

Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
Signs May be Displayed (Cycle)								
Maximum Cycles per Calendar Year	--	--	--	DT = 10 MP = 3	3	--	--	--
Attached Sign	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number Allowed	1 per building				1 per street frontage for a single tenant building; 1 per business in a multi-tenant building, subject to separation requirements			
Maximum Area	6 sq. ft.			8 sq. ft.	12 sq. ft.			
Maximum Height	Below eave line or parapet wall							
Minimum Separation	--	--	--	--	25 feet from other temporary signs			
Maximum Days Sign May be Displayed (Cycle)	10				15			
Maximum Cycles per Calendar Year	4				6			
Detached Nonresidential Sign	Not Allowed	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Allowed	
Number Allowed	--	--	--	1 per lot	2 per street frontage			
Maximum Area	--	--	--	32 sq. ft.	64 sq. ft.			
Maximum Height	--	--	--	8 ft.	8 ft.			
Minimum Separation	--	--	--	--	5 ft. from other temporary signs			
Minimum Setback	--	--	--	5 ft.	10 ft.			
Maximum Days Sign May be Displayed (Cycle)	--	--	--	30	60			
Maximum Cycles per Calendar Year	--	--	--	1	2			
Other Signs	--	--	--	A detached nonresidential sign is prohibited from a property with a permanent sign	A detached nonresidential sign is prohibited from a property that already has a permanent freestanding sign			
H-Frame Sign	Allowed	Allowed	Allowed	Not Allowed	Allowed	Not Allowed	Not Allowed	
Number Allowed	1 per street frontage			--	1 per street frontage	--	--	
Maximum Area	16 sq. ft.			--	16 sq. ft.	--	--	
Maximum Height	3 ft.			--	3 ft.	--	--	
Minimum Setback	10 feet from edge of pavement			--	10 feet from	--	--	

Table 14.205.5-1 Allowed Temporary Signs								
Land Use (in the ETJ)	Single- or Two-Family Dwelling (refer to the RA district where standards differ)		Multiplex, Apartment, Mixed Use, or Nonresidential (refer to the GC District where standards differ)					
	Zoning District (in the City Limits)	RA	Any Other Zoning District	RA, SR, SU, EN, UR	DT, MP	GC	BP	IN
						edge of pavement		
Illumination	Ambient only			--		Ambient only	--	--
Maximum Days Signs May be Displayed (Cycle)	90 days			--		90 days	--	--
Maximum Cycles Per Calendar Year	2			--		2	--	--
Stake Sign	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Number Allowed	1 per lot		--	--	--	--	--	--
Maximum Area	4 sq. ft.		--	--	--	--	--	--
Maximum Height	4ft.		--	--	--	--	--	--
Minimum Setback	5 feet from edge of pavement		--	--	--	--	--	--
Illumination	Ambient only		--	--	--	--	--	--
Maximum Days Signs May be Displayed (Cycle)	4		--	--	--	--	--	--
Maximum Cycles Per Calendar Year	2		--	--	--	--	--	--
Sign, Wind Device	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Number Allowed	--	--	--	--	2 per lot	--	--	--
Maximum Area	--	--	--	--	32 sq. ft.	--	--	--
Maximum Height	--	--	--	--	8 ft.	--	--	--
Minimum Setback	--	--	--	--	5 ft.	--	--	--
Illumination	--	--	--	--	Ambient only	--	--	--
Maximum Days Signs May be Displayed (Cycle)	--	--	--	--	30	--	--	--
Maximum Cycles Per Calendar Year	--	--	--	--	1	--	--	--

B. Special Provision for Political Signs. Pursuant to [Texas Local Government Code Section 216.903](#), Regulation Of Political Signs By Municipality, this Section does not prohibit a sign that contains primarily a political message, has an area of not more than 36 square feet, is no more than eight feet in height, is not illuminated, has no moving elements, is placed on private real property with the owner’s consent, and is removed no later than 10 days after the election or referendum to which it applies. A political sign may not be placed on public property, except at a polling location on election day or during early voting, may not be placed in the public right of way, and may not be placed on private property subject to an easement, license, or other encumbrance allowing use for a public purpose.

Effective on: 5/20/2019

Sec. 14.205.6 Installation, Inspection, and Maintenance

A. Installation.

1. *Identification.* Every permitted sign shall display in a conspicuous place on the sign, in letters no less than one inch in height, the date of erection, the permit number, the name of the sign manufacturer and installer, and the voltage of any electrical apparatus used.
2. *Anchoring.* Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
3. *Supports.* Supports and braces shall be an integral part of the sign design. Angle irons or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
4. *Freestanding Signs.* Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
5. *Attached Signs.* Attached signs must derive their principle and total support from the building to which they are attached.
6. *Use of Fill Under Monument Signs.* Mounds or berms may be used to elevate permanent monument signs, provided that the mound or berm elevates the base of the sign not more than three feet above the natural grade at the location of the sign.
7. *Electrical Switch.* The sign shall be equipped with a switch that prevents electricity from flowing to the sign in order to promote safety during maintenance.
8. *Inspection Request.* After any sign requiring a permit is constructed or erected, the sign contractor performing the work or service shall notify the Building Official for final inspection of the sign.

B. Inspection. The Building Official has the right to visit any site where a sign is erected or is being erected, installed, converted, relocated, enlarged, or modified in the City or extraterritorial jurisdiction for the purpose of making any inspection necessary.

C. Maintenance. Signs that do not have a permit, or are not maintained as set out in this Section, are subject to the provisions set out in this Subsection.

1. *Message.* Signs shall display messages. Signs that do not display a message for a period of more than 90 days are "abandoned signs," which are prohibited subject to [Sec. 14.205.3, Prohibited Sign Types, Materials, Design Elements, and Locations](#).
2. *Upkeep of Ground Around Sign.* The area within a 10-foot radius of the base of a sign shall be kept free of weeds, rubbish, or flammable waste or material.
3. *Supports and Other Hardware.* Structural supports, braces, bolts, clips, supporting frames and fastenings of a sign shall be kept in good repair and safe condition, including replacement of defective parts, so that the sign is securely fastened or anchored to a building wall, structural framing, or other foundation.
4. *Paint and Finishes.* Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, removed, or replaced if the running colors were not part of the original design.
5. *Corrosion and Rust.* Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
6. *Level Position.* Signs that are designed to be level shall be installed and maintained in a level position.

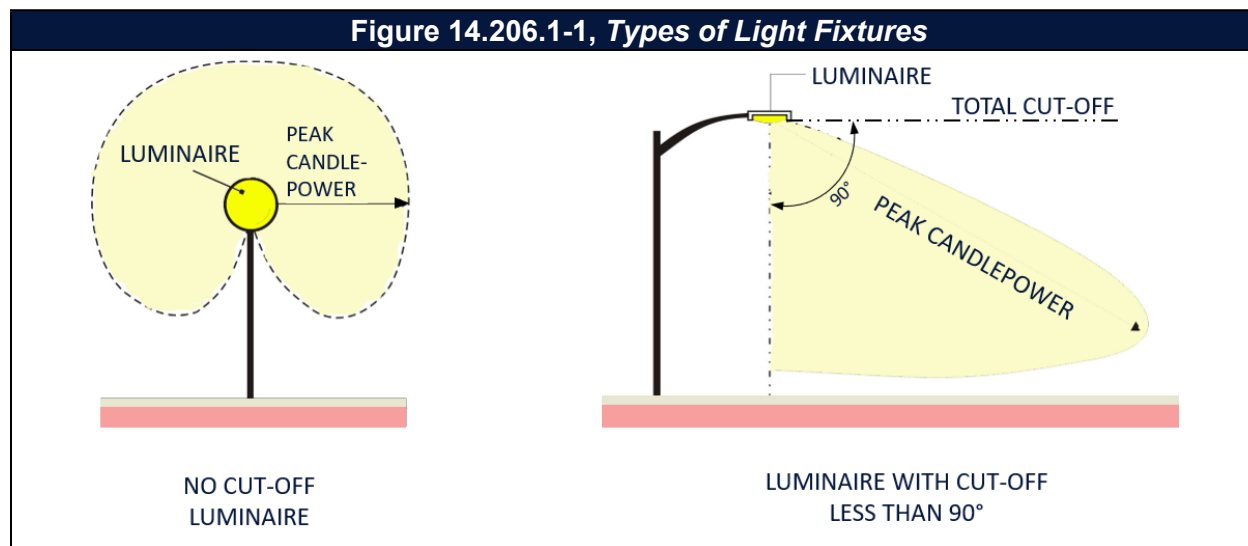
7. *Materials.* All signs shall be constructed of durable materials and securely attached to framework, with supports made of masonry, wood, metal, or other material of equivalent strength.

Effective on: 5/20/2019

Section 14.206: Outdoor Lighting

Sec. 14.206.1 Light Fixture Standards

- A. **Generally.** The maximum permitted illumination and the maximum permitted light fixture height of outdoor lighting on private property shall conform to the standards of this Section.
- B. **Fixture Type.**
1. Generally, light fixtures shall be: (see Figure 14.206.1-1, *Types of Light Fixtures*)
 - a. "Cut-off" fixtures that limit lighting that is visible or measurable at the property line;
 - b. Of constant intensity; and
 - c. Reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance, or unreasonably interfere with an abutting property owner's right to enjoy their property.
 2. "No cut-off" fixtures may be used only for decorative purposes, provided:
 - a. They have light fixtures that produce no more than 1,500 lumens (approximately equal to a 100 watt incandescent bulb);
 - b. They have a maximum height of 15 feet; and
 - c. They use energy-efficient bulbs, such as compact fluorescent ("CF") and light-emitting diode ("LED").



C. **Cut-off Requirements.**

1. *Full Cut-Off.* Except as otherwise allowed for in this Section, all lighting (including, but not limited to vehicle use areas, security, walkway, landscaping, signs, outdoor display areas, and building) shall have 100 percent of its output below 90 degrees from a vertical line through the fixture.

2. *Adjacent to Residential.* All lighting fixtures that are mounted within 15 feet of a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.
3. *Flags and Statues.* Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
4. *Not Visible Above Roofline.* For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the primary building roofline.

Effective on: 5/20/2019

Sec. 14.206.2 Location and Design Standards

- A. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height.
- B. **Nuisance Prohibited.** Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such abutting properties.
- C. **Outdoor Sales and Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as fuel stations and outdoor sales, shall meet the standards of this Section. All light fixtures shall be fully recessed into the canopy or fully shielded by the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).
- D. **Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Section, except that lighting that is required by the Federal Aviation Administration ("FAA") shall comply with federal standards.
- E. **Strip Lighting or Neon Tubing.** Except for temporary decorative seasonal lighting, strip lighting or neon tubing used to illuminate building façades or outline buildings is only permitted if such lighting:
 1. Is not used to outline windows;
 2. Does not flicker or flash; and
 3. Is of a single color, other than pink.
- F. **Manufactured Home Parks and Apartment Complexes.**
 1. *Spacing.* All manufactured home parks and apartment complexes shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
 2. *Illumination.* All parts of the park or complex street system shall have a minimum of 100 watts of illumination every 200 feet.
 3. *Hazardous Locations.* Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated.
- G. **Prohibited Lighting.**
 1. *Generally.* No outdoor lighting may be used in any manner that is likely to interfere with the safe movement of motor vehicles on public thoroughfares.
 2. *Prohibitions.* The following are prohibited:
 - a. Any fixed light not designed for roadway illumination that produces incandescent or reflected light that could impair the operator of a motor vehicle; and
 - b. The installation, use, or maintenance of beacons or searchlights.



Effective on: 5/20/2019

ARTICLE 14.300: SUBDIVISION STANDARDS

Contents:

Section 14.301: Purpose and Applicability

Section 14.302: Subdivision Design Standards

Section 14.303: Public Improvements Dedication and Acceptance

Section 14.301: Purpose and Applicability

Sec. 14.301.1 Purpose

A. General Scope.

1. This Article sets out standards to be applied in the review of subdivision plats in the City and the ETJ, in addition to other applicable land development regulations of this UDC.
2. Existing and proposed public improvements required in this Article shall conform to the intent of and be properly related to the policies of the Comprehensive Plan, Parks Master Plan, City's Engineering Design Standards and Specifications, and all related provisions of the Dayton City Code. The Major Thoroughfare Plan in the Comprehensive Plan is the basis for all decisions regarding classification, reservation, or dedication of rights-of-way that may be required in this Article.

B. Purposes. In addition to the applicable statements in [Sec. 14.101.2, Purposes](#), the purposes of this Article are to:

1. *Safety.* Provide for protection from fire, flooding, and other dangers;
2. *Design, Dedication, Acceptance.* Regulate the design, dedication, and acceptance of infrastructure for transportation, water, wastewater, drainage, recreation, resource protection, and other purposes;
3. *Coordination.* Coordinate the development of tracts of land so that proposed infrastructure is adequate, safe, orderly, economical, and efficient and aligns with existing infrastructure;
4. *Cost of Improvements.* Ensure that the cost of improvements that primarily benefit the parcel proposed for development be borne by the owner of the parcel, and the costs of improvements that primarily benefit the whole community, be borne, in part or in whole, by the community;
5. *Water Protection.* Protect groundwater and surface water from erosion and contamination by storm water runoff and other sources of pollution; and
6. *Efficient Transportation Network.* Reduce potential impacts of new development on street congestion by providing alternative travel routes, provide a meaningful choice of alternative modes of transportation, shorten trips to work, shopping, or recreation, or lessen overall vehicle miles traveled.

Effective on: 5/20/2019

Sec. 14.301.2 Applicability

A. Generally. Except where otherwise provided for in this Article, the following provisions apply.

1. **Plat Approval Required.** No owner shall transfer or sell a subdivision of a larger piece of property, no development shall commence, and no Building Permit or utility connection shall be issued for any development or land division that is required to be reviewed as set out in [Section 14.606](#), *Subdivision Review Procedures*, before a plat of such subdivision meeting the standards of this Article has been approved and recorded with the Liberty County Clerk.
 2. **Metes and Bounds Prohibited.** For the purpose of land subdivision and development, the transfer or sale of any parcel of land by the use of metes and bounds description is prohibited.
 3. **Withholding of Approvals, Utilities, and Maintenance.** For any property sold, transferred, or subdivided in violation of this Article, the City shall not:
 - a. Issue a Building Permit or Temporary or Permanent Certificate of Occupancy; .
 - b. Serve or connect with water or wastewater service; or .
 - c. Repair, maintain, install, or provide any streets or public utility access .
- B. Improvement Standards and Design Principles.** Subdivisions shall conform to the design principles and improvement standards of [Section 14.302](#), *Subdivision Design Standards*. The principles in [Sec. 14.302.1](#), *Design Principles*, address the general desired outcomes for new subdivisions in the City and ETJ. Improvement standards in the remainder of [Section 14.302](#) are intended to address the specific minimum engineering, planning, and layout standards that a subdivision must meet or the methods of construction to which it must adhere. These principles and standards are designed to result in a well-planned community without adding unnecessarily to the cost of development. They are based on scientific principles, sound professional practices, and publicly adopted goals, objectives and policies of the Comprehensive Plan, Parks Master Plan, and other policy documents of the City.
- C. Remainder Tracts.** If an applicant intends to subdivide a portion of his or her property, and the balance of the property is to remain undeveloped, unimproved, and not dedicated as common open space, this Article applies to such remainder tract where the dedication of public rights-of-way , or easements is required.
- D. Exemptions.** The standards of this Article apply to all subdivision of land except:
1. **Combination.** The combination of two adjoining lots under a single deed in accordance with [Sec. 14.603.3](#), *Deed Approval*;
 2. **Easements and Rights-of-Way.** Dedication of an easement or right-of-way by separate instrument recorded with the Liberty County Clerk;
 3. **Large Lots with no Improvements.** A division of land into parcels, all of which are greater than five acres in area, and where no public improvement is being dedicated;
 4. **Cemeteries.** The selling of plots in cemeteries that comply with all state and local regulations; or
 5. **Government Acquisition.** The acquisition of land for a governmental purpose by dedication, condemnation, or easement.

Effective on: 5/20/2019

Section 14.302: Subdivision Design Standards

Sec. 14.302.1 Design Principles

- A. **Generally.** The principles of this Section shall be applied to the maximum extent practicable without imposing restrictions that reduce the density or intensity of development that is permitted by this UDC. An administrative body may require modifications to proposed subdivision plats that otherwise conform to the standards of the UDC in order to enhance the quality of design in accordance with the qualitative principles of this Section or in order to justify the granting of a Waiver in accordance with [Sec. 14.606.6, Waiver](#). The principles of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in this UDC.
- B. **Compatibility.** The proposed subdivision plat shall be designed in a way that:
1. **Buffering.** Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity along side and rear lot lines as set out in [Section 14.204, Trees, Landscaping, and Buffering](#);
 2. **Environment.** Protects and preserves the environmental resources to the benefit of the subject property and abutting properties;
 3. **Connectivity.** Provides appropriate, context-sensitive vehicular and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
 4. **Common Open Space.** Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
 5. **Storm Water.** Protects neighboring property from undue storm water runoff;
 6. **Access.** Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
 7. **Level of Service.** Does not reduce the level of service of public infrastructure that are provided to surrounding development.
- C. **Connectivity.** The urban area is to be designed as a group of interconnected residential neighborhoods with appropriate commercial and industrial and public facilities. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood, as appropriate.
- D. **Topography and Natural Features.** The arrangement of lots and blocks and the street system should be designed to conserve and make the most advantageous use of topography and natural physical features.
- E. **Street Arrangement.** The general arrangement of streets should conform to the functional street classification system and the network alignments of the Major Thoroughfare Plan in the Comprehensive Plan.
- F. **Tree Preservation.** Where not required for preservation, tree masses, large individual trees, and plant materials should be preserved where practicable.
- G. **Visual Qualities.** The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual and environmental qualities of the area.

- H. **Renewable Resources.** The blocks, lots, and buildable areas of a subdivision should be designed to take full advantage of sun and shade, where appropriate, wind, and other sources of renewable energy.

Effective on: 5/20/2019

Sec. 14.302.2 General Improvement Standards

- A. **Additional Provisions.** In addition to the requirements of this Article and the ordinances, regulations, rules, and statutes listed in [Section 14.502, Administrative Provisions](#), all subdivisions shall comply with the following:
1. *City Code.* All applicable provisions of the [City Code](#), including, but not limited to, Chapter 3, Building and Construction;
 2. *Public Health, Environment, Railroads, and Utilities.* The rules of the Liberty County Health Authority, Texas Commission on Environmental Quality, U.S. Army Corps of Engineers, railroad companies, pipeline companies, and other applicable agencies;
 3. *State Roadways.* The rules of the Texas Department of Transportation if the subdivision or any lot within it abuts a state-maintained roadway; and
 4. *Standard Specifications.* The City's Engineering Design Standards and Specifications.
- B. **Logical System and Continuity.** All improvements shall be designed and installed so as to provide for a logical and connected system of public and private improvements for the development of adjacent properties.
- C. **Life Safety.** The construction related to improving, developing, or subdividing land shall be conducted in a safe manner to protect human life and property.
- D. **Transportation Safety.** All projects undertaken on or near public rights-of-way shall be controlled in accordance with the [Texas Manual on Uniform Traffic Control Devices \(TMUTCD\)](#). Traffic control plans and measures, including, but not limited to, signing, marking, barricading, flagging, detouring, and closure shall all be conducted in accordance with TMUTCD criteria.
- E. **Excavation and Trench Safety.**
1. Any land disturbing activity over five feet in depth or over 100 cubic yards in volume requires a permit in accordance with [Sec. 14.603.1, Excavation and Land Clearing Permit](#). Such permit application shall be approved prior to any excavating.
 2. Upon approval of an Excavation and Land Clearing Permit, excavations shall require a minimum of six-foot high opaque fence surrounding or enclosing the excavating area. For projects where mass excavation or trenching is required, provisions to comply with Occupational Safety Health Administration (OSHA) shall be specifically addressed during construction. Contractors shall comply with specific OSHA regulations set forth in [Code of Federal Regulations Title 29, Part 1926](#).
- F. **Insurance.** Companies that construct facilities to improve, develop, or subdivide property shall provide written proof of insurance coverage for no less than the statutory amounts required by law.
- G. **Silt and Erosion Control.** All projects subject to the [National Pollutant Discharge Elimination System \(NPDES\)](#) shall be properly engineered and permitted in accordance with applicable regulations. Measures to mitigate erosion and control silt, in the form of silt fencing, screening, or equivalent, shall be included in the detailed plans and/or specifications whether or not a NPDES permit is required. Such measures shall be installed around any land where the City Engineer has approved an Excavation Permit or land that has limited vegetation and land cover to prevent earth matter runoff into or onto public infrastructure or water resources.

H. **Environmental Clearance.** On all projects requiring environmental clearance, the necessary documentation, including an assessment or impact statement, shall be completed and approved prior to commencement of construction. The applicant shall submit such clearance prior to any land disturbing activity.

Effective on: 5/20/2019

Sec. 14.302.3 Street Network and Design

- A. **Street Layout.** New and substantially improved streets in a subdivision shall be planned and laid out in accordance with the following standards.
1. *Comprehensive Plan.* All streets shall be planned to properly integrate with the existing and proposed system of dedicated rights-of-way and thoroughfares, as established by the Major Thoroughfare Plan in the [Comprehensive Plan](#).
 2. *General Design.* Streets shall be designed to integrate as much as possible with the topography and natural resources of the site, to discourage use of through-traffic where inappropriate considering the character of the area, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary for the convenient and safe access to property.
 3. *External Access Points.* Streets shall be arranged in such a manner as to cause no hardship in the subdividing of adjacent properties with external access points provided in accordance with Subsection B.4, *External Access Points*, below.
 4. *Internal Connectivity.* Street patterns for suburban and semi-urban developments may be of a radial design consisting of curvilinear streets, cul-de-sacs, and/or U- shaped streets. Street patterns in an urban context shall consist of an interconnected grid network. Streets in a master planned or commercial setting may consist of a mix of such designs.
 5. *Future Streets.* Lots shall be so arranged as to permit the logical location and opening of future streets, consistent with the Major Thoroughfare Plan.
 6. *Adjacent Streets.* Each subdivision shall provide for the continuation of all abutting streets.
 7. *Extension to Boundary.*
 - a. Proposed streets within a subdivision shall extend to the boundary lines of the tract to be subdivided without the use of reserve strips, as prohibited in Subsection G, *Reserve Strips*, below. Temporary turnarounds may be required to be constructed at the end of such stubbed streets, pending their extension, where such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles.
 - b. A turnaround shall have a 40-foot paved radii and a stubbed street shall be a maximum of 400 feet in length measured from the nearest right-of-way line of the intersecting street, along the centerline of the cul-de-sac, to the center of the turning radius of the turnaround, as depicted in Figure 14.302.3-3, *Maximum Cul-de-Sac Length*. Stubbed streets with temporary turnarounds that are greater than 400 feet in length shall comply with the standards in Subsection E, *Cul-de-Sacs*, below.
 - c. A stubbed street shall require an approved surety instrument for full value to convert the stubbed street to a cul-de-sac or through street that complies with the standards in Subsection E, *Cul-de-Sacs* and the City's Engineering Design Standards and Specifications. The surety shall remain effective for an allotted time in lieu of the continuation of such street..
 8. *Traffic Generation.* All streets shall be designed to support the traffic generated from the land uses and densities they serve.

9. *Nonresidential Development.* In nonresidential developments, the arrangement of streets and other accessways shall consider the arrangement of lots, the location of rail facilities, the provision of alleys, truck loading and maneuvering areas, pedestrian movements, and parking areas so as to minimize conflicting movements between the various types of traffic, including pedestrians.
 10. *Dedication.* If a portion of a street designated on the Major Thoroughfare Plan is located within the proposed subdivision, the total required right-of-way width shall be dedicated. If such street is located adjacent to the outer edge of the subdivision, the amount of right-of-way to be dedicated shall be determined by the proposed alignment of the thoroughfare, and in most cases, no less than one-half of the required right-of-way.
 11. *Half-Streets.* Except as provided for in the paragraph above, perimeter half-streets shall not be permitted. The Planning and Zoning Commission may recommend, and the City Council may approve a new perimeter street where the subdivider dedicates and improves the entire required street right-of-way within the subdivision boundaries.
- B. Circulation.** Circulation shall take place in a new subdivision according to the following standards.
1. *Perimeter Arterials.* Arterial streets shall not be located within a residential subdivision. They may only be located on the perimeters of a residential subdivision. A residential subdivision shall not be located adjacent to an expressway. For a nonresidential parcel or tract located adjacent to an expressway, the following shall apply:
 - a. If an existing local or collector street accesses the expressway, the parcel or tract shall take access to such local or collector street.
 - b. If no arterial access is available, access to the expressway shall be provided by a local or collector street. No local street shall have direct access to an expressway.
 2. *Residential Direct Access.* Except in the RA, Rural-Agricultural zoning district, direct access to arterial or collector streets from a single- or two-family property is prohibited. Alternative methods of providing access where such properties abut an arterial or collector street are permitted, including, but not limited to, the following techniques.
 - a. The subdivision may have reverse frontage lots that back onto the arterial or collector and front onto a parallel local street. In such cases, the words "access prohibited" shall be placed in the applicable areas on the face of the final plat. Increased setbacks in accordance with the zoning district provisions in [Section 14.102, Base Districts and Standards](#), and subdivision fences or walls in accordance with [Sec. 14.103.3, Accessory Use and Structure Standards](#), shall be required.
 - b. The subdivision may have a series of permitted cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to a parallel local street, with the rear line of their terminal lots backing onto the arterial street. The "access prohibited" plat note, increased setback, and screening and buffering requirements described in Paragraph a, above, shall also apply.
 - c. The subdivision may have marginal access streets or service roads separated from the arterial or collector by a planting strip with access to the arterial or collector street at suitable points.
 - d. The subdivision may have alleys that meet the standards in Subsection F, *Alleys*, below.
 - e. The applicant may propose such other treatment as may be necessary to protect residential properties and separate traffic, as approved by the City Engineer.
 3. *Local Street Conversion.* New subdivisions shall be designed so that future development shall not require the conversion of local streets to collector or or arterial streets.

4. *External Access Points.*

- a. New subdivisions require sufficient external access points to the existing or future street network and shall be provided in accordance with Table 14.302.3-1, *External Access Points*.

Table 14.302.3-1, <i>External Access Points</i>	
Number of Buildable Lots	Minimum External Access Points
50 or fewer	1
51 to 100	2
101 or more	3

- b. Subdivisions containing more than 125 lots shall not be eligible for relief under the provisions in [Sec. 14.606.6, Waiver](#).

C. **Intersections.**

- 1. *Local Streets and Alleys.* New local streets and alleys shall not intersect directly with arterial streets.
- 2. *Ninety-Degree Intersections.* Streets shall be designed to intersect at right angles, and shall not in any case intersect at an angle of less than 75 degrees. An oblique street shall be curved approaching an intersection, and shall be approximately at a right angle to the other street for at least 100 feet from the intersection. No more than two streets shall intersect at any one point.
- 3. *Alignment.* Proposed new intersections along an existing street shall, wherever practicable, directly align with existing intersections on the opposite side of the street. Any centerline off-set shall meet the requirements in Table 14.302.3-1, *Minimum Intersection Separation and Off-Sets*. No off-sets shall be less than 150 feet and no intersection off-set shall be allowed for new arterials streets.

Table 14.302.3-1, <i>Minimum Intersection Separation and Off-Sets</i>					
New Street	Existing Intersecting Street				
	Expressway	Arterial, Major or Minor		Collector, Nonresidential or Residential	Local
		35 mph or Lower	40 mph or Greater		
Collector	NA	300 feet	600 feet	300 feet	NA
Local	NA	300 feet	600 feet	150 feet	150 feet

TABLE NOTES: NA = Not applicable

- 3. *Curb Radius.* The minimum and maximum curb radii at the intersection of any two streets or a driveway and a street shall conform to the requirements in [Sec. 14.203.7, Access](#). Alley intersections and abrupt changes in alignment within a block shall have the corners rounded to permit safe vehicular movement in accordance with standard engineering practices.
- 4. *Grade.* Intersections shall be designed with a flat grade wherever practical.
- 5. *Sight Distance.* Intersections shall be planned and located to provide as much sight distance as possible and shall meet the sight triangle provisions in [Sec. 14.104.1, Measurements](#). Consideration shall be given to both the vertical and horizontal planes. Stopping sight distance shall be provided as the minimum sight distance for all

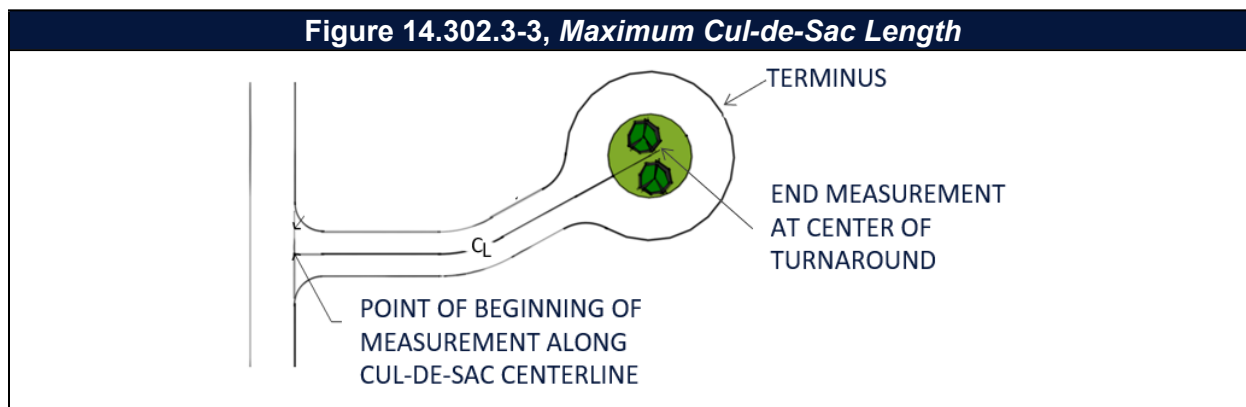
approaches. A subdivider shall remove all earth banks, existing vegetation, etc., that limits this sight distance.

6. *Intersection with State or Federal Highway.* The design of an improvement of an intersection of any new City-maintained street with an existing state or federal highway shall be in accordance with the specifications of the Texas Department of Transportation, but in no case shall the standards be less than the applicable City specifications and the requirements of this UDC.

D. **Dead-End Streets.** Other than cul-de-sacs, permanent dead-end streets are prohibited.

E. **Cul-de-Sacs.** A cul-de-sac shall not exceed a maximum length of 800 feet measured from the nearest right-of-way line of the intersecting street, along the centerline of the cul-de-sac, to the center of the turning radius of the turnaround, as depicted in Figure 14.302.3. The turnaround shall comply with the following minimum standards.

1. *Residential Zoning Districts.* The right-of-way radius shall be a minimum of 50 feet with curb and gutter and 60 feet without curb and gutter. The pavement radius shall be a minimum of 40 feet with curb and gutter and 50 feet without curb and gutter.
2. *Islands or Planters.* An unpaved island may be provided at the center of the turnaround provided that:
 - a. The island is surrounded by a mountable curb.
 - b. The surface of the island is landscaped or covered with decorative pavers.
 - c. Landscaping or other elements located in the island do not interfere with the sight triangle established in [Sec. 14.104.1, Measurements](#).
 - d. The island has a minimum radius of six feet and a maximum radius of 10 feet measured to the back of the curb.
 - e. The island is owned and maintained by a homeowners' or property owners' association.



3. *Nonresidential Zoning Districts.* The right-of-way radius shall be 60 feet with curb and gutter and 70 feet without curb and gutter. Pavement radius shall be 50 feet with curb and gutter and 60 feet without curb and gutter. No islands or planters are permitted.
4. *Terminus of a Cul-de-Sac.* The terminus of a cul-de-sac shall be considered to be the right-of-way line at the end of the cul-de-sac turnaround. The terminus shall be a minimum of 100 feet from the right-of-way line of another street.

F. **Alleys.**

1. **Ownership and Maintenance of Alleys.** Alleys shall be owned and maintained by a homeowners' or property owners' association established in accordance with [Sec. 14.302.13, Private Facilities](#). Deed restrictions shall be recorded with the approved final plat for all subdivisions that include alleys.
2. **Minimum Width.** The minimum right-of-way width for an alley shall be 20 feet and the minimum pavement width shall be 15 feet. Corners shall have a maximum turning radius of 20 feet to permit safe vehicular movement.
3. **Alley Intersections.** Alleys shall intersect other alleys and streets at right angles.
4. **Dead-End Alleys Prohibited.** Dead-end or cul-de-sac alleys shall be avoided unless natural resources, such as floodplains or wetlands prevent their connection to a local street and there is no alternative design that would serve all of the lots with alley access.

Reserve Strips. Proposed streets within a subdivision shall extend to the boundary lines of the tract to be subdivided as required in Paragraph A.7, *Extension to Boundary*, above. Reserve strips controlling access to property shall be prohibited unless the reserve strip is dedicated to the public under conditions approved by the City.

Effective on: 5/20/2019

Sec. 14.302.4 Street Cross-Sections, Bridges, and Railroads

- A. **Street System Minimum Standards.** Streets in a new subdivision or that are required to be extended due to the platting of a new subdivision shall comply with the standards of this UDC, those in the City's Public Infrastructure Design and Development Manual, all other applicable standards of the City Code, and federal and state regulations and specifications.
- B. **Existing Streets.** In the case of a subdivision served by existing streets, and the right-of-way widths of such streets do not meet the requirements of Table 14.302.4-1, *New Street Standards*, and the Comprehensive Plan, the subdivider shall dedicate the following:
 1. **Both Sides.** When the subdivision abuts both sides of the existing street, the subdivider shall dedicate 100 percent of the right-of-way necessary to bring the street into conformance with Table 14.302.4-1.
 2. **One Side.** When the subdivision abuts only one side of the existing street, the subdivider shall dedicate one-half of the right-of-way necessary to bring the street into conformance with Table 14.302.4-1.
 3. **Indirect Impact.** When the subdivision will impact an existing street or right-of-way that does not abut any side to the subdivision, the subdivider shall make the necessary improvements to such street or right-of-way that is roughly proportionate to its development or pay a fee-in-lieu of such improvements subject to approval by the City Council. Such rough proportionality shall be determined by, but not limited to, a traffic impact analysis, studies, and research, prepared by the subdivider's registered professional engineer, to determine the amount of traffic impact as a result from the development for such improvements.
- C. **Thoroughfares.** Whenever a subdivision includes a street which, according to the Major Thoroughfare Plan requires an ultimate cross section with a higher functional classification than a collector street, the developer shall:
 1. **Right-of-Way Dedication.** Dedicate the right-of-way required by the Comprehensive Plan and Table 14.302.4-1 for a collector or arterial street; and
 2. **Street Construction.** Either construct a collector street or pay the cost of constructing a collector street, as determined by the City Engineer. Construction costs to be used in association with this Section shall be based on current typical cost per lineal foot estimates, as determined by the City Engineer. For purposes of this Section, a

subdivision includes a street when the street designated on the Major Thoroughfare Plan is next to or included in the subdivision.

- D. **Bridges.** Bridges of primary benefit to the subdivision shall be constructed at the full expense of the subdivider without reimbursement from the City. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider shall be fixed by special agreement between the City Council and the subdivider. Participation of the City is subject to the discretion of the City Council and subject to the availability of funds.
- E. **Railroad Rights-of-Way and Expressways.** Where so located as to affect the subdivision of adjoining lands, railroad rights-of-way and expressways shall be treated as follows:
 - 1. **Setback.** For residential land uses and districts, a setback of at least 50 feet in depth, in addition to the required setback based on the zoning district, shall be provided adjacent to the railroad right-of-way or expressway.
 - 2. **Parallel Streets.** When a street lying parallel to a railroad right-of-way intersects a street that crosses the railroad at grade, the intersection of such streets shall be a distance of at least 150 feet from the railroad right-of-way; with such measurement made from the street centerline to the edge of the railroad right-of-way. Such distance shall be determined with due consideration to the minimum distance required for future separation of grades by means of appropriate approach gradients.

Effective on: 5/20/2019

Sec. 14.302.5 Street Names and Street Lights

- A. **Street Names.** Street names shall be approved at the time of preliminary plat approval. Names shall not duplicate the name of any existing street in Liberty County. Names shall be sufficiently different in sound and in spelling from other street names in Liberty County. Proposed streets which are substantially in alignment with existing streets shall bear the same name as such existing streets.
- B. **Street Lights.** The following street light requirements apply to public and private streets.
 - 1. **Generally.** A subdivider shall install ornamental metal standards and high pressure sodium vapor lamps within the right-of-way of public streets and within the easements of private streets.
 - 2. **Location.** Street lights shall be installed at all street intersections, at the end of all cul-de-sac or dead-end streets where allowed, and at all significant changes in direction of the roadway. In addition, street lights shall be installed at varying intervals along straight roadways in accordance by the intensity of illumination chosen. Such placement shall be determined by the local electrical provider in coordination with the City Engineer.
 - 3. **Electrical Service.** Except for in the DT, Downtown zoning district, street lights shall be mast arm mounted to the light pole. In the DT zoning district, street lights shall be of a design acceptable to the Director. Street light electrical service shall be installed underground if the electrical system for a redeveloped property is overhead wires with power poles located along the rear lot lines, the electrical service to the street lights shall be underground. If the power poles for a redeveloped property are located adjacent to the street, the electrical service to the street lights may be overhead and the street light mast arms may be mounted on the power poles provided that the required lighting intensity is maintained.
 - 4. **Additional Lighting.** For those subdivisions where citizens would like additional street lighting, the City will provide only the monthly charge for the light. Requests shall be made to the Director and decided upon by the City Council. The City Council shall consider the benefit of the street light to the surrounding area, the cost of service of the

streetlight to the City, and any other factors the Council deems necessary to approve or disapprove the request.

Effective on: 5/20/2019

Sec. 14.302.6 Blocks

A. Length.

1. *Maximum.* Except in the RA zoning district, the maximum block length for a residential subdivision shall be 1,200 feet measured along the centerline of the block (along the rear property lines) between four-way intersections. The maximum block length shall be 2,400 feet between a t-intersection and another intersection.
2. *Minimum.* The minimum block length shall be 600 feet.

B. Width.

1. *Residential Blocks.* Residential blocks shall be of sufficient width to allow for two tiers of lots of the required depth and bufferyards, as required. Exceptions to this prescribed block width shall be permitted for blocks adjacent to major streets, railroads, or waterways; provided other applicable provisions of this Section are met. Block width is measured along the exterior side lot lines of the end lots.
2. *Nonresidential Blocks.* Nonresidential blocks should be of a width suitable for the intended use, with due allowance for off-street parking, cross access, and loading facilities.

Effective on: 5/20/2019

Sec. 14.302.7 Lots

A. Generally. All lots shall be arranged to:

1. *Access.* Provide safe and convenient public and emergency access from approved streets; and
2. *Buildable Lots.* Avoid any foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots.

B. Minimum Standards. Lots shall have a width and area of not less than that required by the provisions set forth in [Section 14.102, Base Districts and Standards](#), and to provide for other site improvements required by this UDC.

C. Side Lot Lines. In general, side lot lines shall be at right angles to straight street lines or radial to curving street lines or cul-de-sac turnarounds. A subdivider may utilize alternative configurations to accomplish a public purpose, such as the preservation of natural resources.

D. Corner Lots. Corner lots shall have the width necessary to allow for the construction of structures that meet the required setbacks from both streets. Corner lots shall allow for the dedication of a radius at the intersection that meets the City's Engineering Design Standards and Specifications.

E. Double-Frontage Lots. Double-frontage lots are prohibited. Where a single tier of lots is necessary to provide separation of residential development from arterial streets or to overcome disadvantages of topography and orientation, reverse frontage lots are required.

F. Direct Access Required. Every building erected or moved and every plat submitted after the effective date of this UDC shall be on a lot or parcel with direct access to one of the following:

1. An improved public street or alley; or

2. An approved private street or alley.

Effective on: 5/20/2019

Sec. 14.302.8 Easements

A. Generally.

1. *Types of Easements.* During development review, an administrative body may require a variety of easements. These easements may be for purposes including, but not limited to:
 - a. Water;
 - b. Wastewater;
 - c. Street lights;
 - d. Other utilities;
 - e. Drainage, floodways, and floodplains;
 - f. Emergency access;
 - g. Vehicle access across properties;
 - h. Pedestrian access; and
 - i. Natural resource or open space conservation.
2. *Dedication and Utility Placement.* The subdivider shall dedicate easements to the public that allow every lot within a subdivision to have access to services listed in Subsection 1, *Types of Easements*, above. Alternatively, the City Engineer may allow such services within the public right-of-way.
3. *Encroachment.* No structure, foundation, slab, or other pertinent improvement shall be placed within any dedicated public easement without written permission from the City Engineer and all impacted franchise utility companies.
4. *Private Easements.* When private easements exist that may potentially interfere with a proposed public dedication or easement, the subdivision shall be designed to mitigate or minimize the number and extent of such conflicts.
5. *Form.* All required covenants and easement instruments shall be submitted on a form acceptable to the City Attorney.

- B. Easement Dedication Statement.** The applicant shall place the Easement Dedication statement located in the Appendix of this UDC on the plat whenever easements are dedicated for public use.

C. Locations and Widths of Public Easements.

1. *Front Location.* Unless otherwise required in this UDC or as otherwise required by the City Engineer or Director, easements shall be provided at the front of all lots. Front easements shall be at least 15 feet in total width, centered on front lot lines; however, larger widths shall be required as pipe size increases as specified in this Article.
2. *Adjacent to Property Under Separate Ownership.* Where the proposed subdivision abuts an unplatted area or property under separate ownership on which no easements exist, and the subdivider cannot arrange for one-half of the 15-foot easement to be dedicated by separate instrument, a 10-foot easement entirely within the proposed subdivision shall be required.
3. *Adjacent to a Future Phase.* When an easement is required along a boundary between a current and future phase of a proposed subdivision, one of the following two options shall be allowed:

- a. One-half of the easement shall be dedicated on the final plat of the current phase, and one-half shall be dedicated by separate instrument; or
 - b. A 10-foot easement shall be dedicated on the final plat of the current phase and a five-foot easement dedicated on the final plat of the future phase.
4. *Side Easement.* If conditions exist which make it impractical to serve lots with front easements, easements may be required along side or rear lot lines. Such easements shall be centered on side lot lines. The width of a side yard easement may be reduced from a total width of 15 feet to a total width of 10 feet, centered on the lot lines, upon approval of the City Engineer and Director, and all affected franchised utility companies.
5. *Water and Wastewater Easements.* All public water and wastewater facilities shall be placed in public easements as described in Table 14.302.8-1, *Minimum Water and Wastewater Easements Required.*

Table 14.302.8-1, Minimum Water and Wastewater Easements Required	
Type of Development	Easement Width (feet)
Individual water or wastewater lines up to 24" in diameter	15
Individual water or wastewater lines greater than 24"	20
Water and wastewater lines up to 24" in the same easement	30
Water and wastewater lines greater than 24" in the same easement	40
Easements along TxDOT right of ways [rights-of-way]	15

6. *Underground.* All utility lines shall be installed underground.
- D. **Street Lights.** Where street lights are required or proposed, the subdivider shall provide street light easements necessary to serve such lights where it is not feasible to install the street light wiring in the public right-of-way. Street light easements shall be a minimum of five feet in width, and shall only be utilized for street light wiring.
- E. **Petroleum Pipeline Easements.** The subdivider shall provide a petroleum pipeline easement of sufficient width for pipelines carrying petroleum products, as determined by the appropriate regulating agency.
- F. **Drainage / Floodway Easements.** The subdivider shall provide drainage easements along all natural and manmade drainage channels and floodways that drain two or more lots or tracts of land according to the following standards:
- 1. *Natural Drainage Channels.* Storm drainage easements shall be provided along existing or proposed open channels with sufficient width for the watercourse to handle the flow from the applicable frequency storm plus a minimum of 20 feet on each side beyond top of bank, for stream buffering, ingress and egress of maintenance equipment, for clearance from fences, for maintenance of the channel bank, and for adequate slopes necessary along the bank.
 - 2. *Enclosed Drainage Systems.* Where enclosed drainage systems are provided that are not within or adjacent to a public street, storm drainage easements a minimum of 20 feet in width shall be provided. Easements shall be centered on the system. Easements shall be wide enough to encompass the system, plus provide ingress and egress for future maintenance operations.
- G. **Floodplain Restriction.** The following provisions shall apply in conjunction with [Section 14.401, Flood Damage Prevention](#).
- 1. *100-Year Floodplain.* The subdivider shall provide floodplain restrictions where necessary along natural drainageways and lakes. Floodplain restrictions shall encompass the area between the dedicated channel and the water surface elevation resulting from a 100-year design frequency storm. The area encompassing the dedicated

channel and the floodplain restriction shall be referred to as the 100-year floodplain. The width of the floodplain shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the city.

2. **Storm Drainage Easement.** Within the 100-year floodplain, the subdivider shall provide storm drainage easements that contain stormwater resulting from the 100-year frequency storm less the amount of stormwater carried in an enclosed system, if any. The width of the easements shall be substantiated by a drainage study, drainage calculations, or other criteria submitted to and approved by the City Engineer.
3. **Floodplain Restriction Statement.** The applicant shall place the Floodplain Restriction statement in the appendix of this UDC in the dedication instrument whenever an easement is proposed for a floodplain.

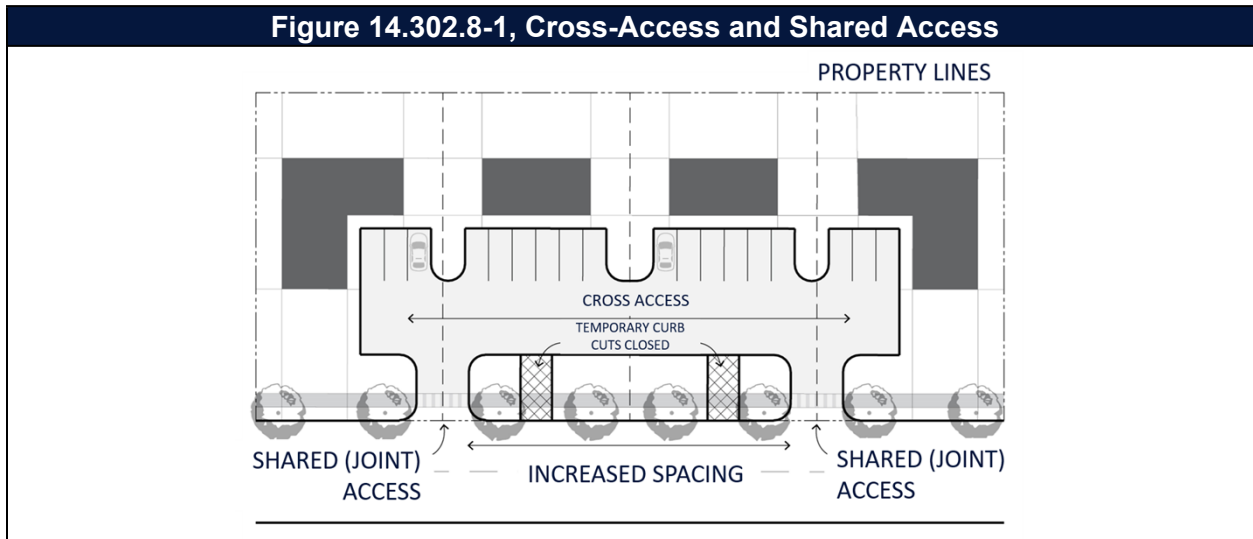
H. **Emergency Access Easements.** The subdivider shall provide emergency access (fire lane) easements where necessary to provide adequate protection for a structure.

1. **Dimensions.** Emergency access easements shall have a minimum width of 28 feet and a minimum height clearance of 14 feet. Any emergency access easement shall either connect at each end to a dedicated public street or be provided with a turnaround having a minimum diameter of 80 feet with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access easements shall be designed and constructed according to standards established for local public streets.
2. **Location.** All structures shall be located within 150 feet of a dedicated and improved emergency access easement or public street.

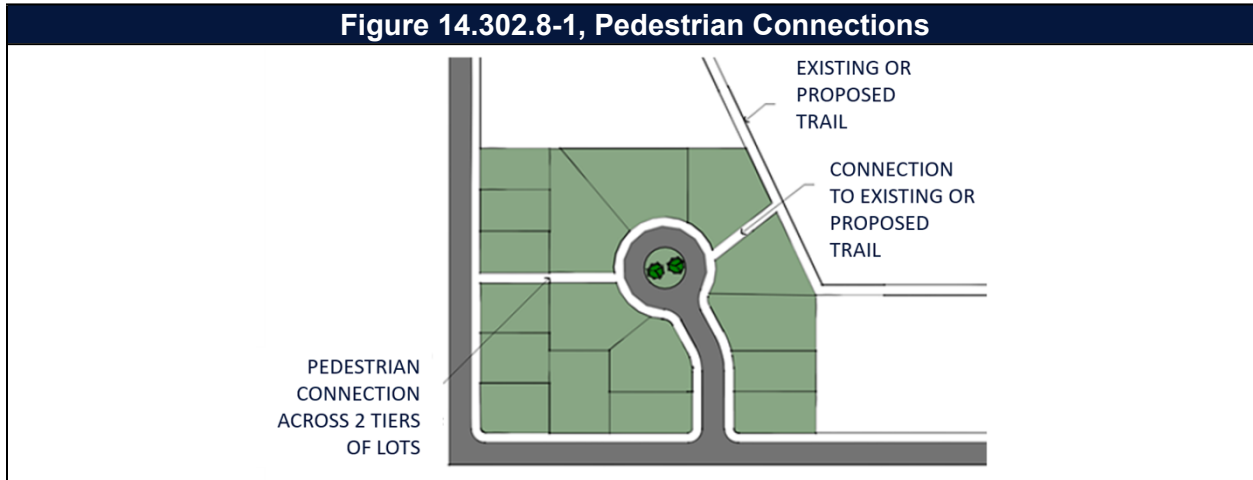
I. **Cross-Access and Shared Access Easements.** The subdivider shall provide cross-access and shared access easements, as depicted in Figure 14.302.8-1, *Cross-Access and Shared Access*, for multifamily, nonresidential, and mixed use developments that front on locally maintained collector or arterial streets, subject to the following standards. Driveway separation and width on locally maintained collector and arterial streets shall comply with [Sec. 14.203.7, Access](#).

1. **Separate Ownership.** Where adjacent properties are separately owned and not part of a common plan of development, the City may require shared access or internal cross access easements, or both, as the parcels are platted, substantially improved, or redeveloped. As such, an administrative body may grant a subdivider temporary individual access if:
 - a. The subdivider demonstrates that the adjacent landowner refused a reasonable offer with regard to cross-access;
 - b. The subdivider demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic; and
 - c. The subdivider records a covenant to ensure that the connection will be provided and access will be consolidated upon the earlier of:
 1. Approval of a plat or development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
 2. The subject parcel and the adjacent parcel coming under common ownership.
2. **Common Ownership or Phased Subdivisions.** Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross access and shared access easements as follows.

- a. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter, in a location suitable for sharing access to the street with the abutting property in the future.
- b. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped.
- c. Cross-access easements shall be a minimum of 24 feet in width.



- J. **Pedestrian Access Easements.** Except for subdivisions where all lots are greater than 10 acres in the RA zoning district, the subdivider shall provide the following pedestrian access easements across a maximum of two tiers of lots. A pedestrian access easement shall be a minimum of 10 feet in width and shall include an all-weather surface with a minimum width of five feet.
1. *Mid-block Pedestrian Connections.* The subdivider shall provide mid-block connections in the form of a pedestrian access easement to bisect blocks greater than 800 feet in length, where such blocks abut an arterial or collector street. In addition, the subdivider shall provide such mid-block connections to establish linkages to common facilities, such as parks, open areas, and public and civic uses.
 2. *Cul-de-Sac Turnaround Pedestrian Connections.* The subdivider shall provide a pedestrian access easement that connects the cul-de-sac turnaround to existing or proposed sidewalks, trails, and common facilities, as depicted in Figure 14.302.8-2, *Pedestrian Connections.*



3. *Trails.* Off-street bicycling and pedestrian trails shall be developed in accordance with the Comprehensive Plan and the Parks Master Plan, to link major attractions and destinations throughout the City, including neighborhoods, common facilities, employment centers, and shopping areas. In addition, a subdivider may provide such trails in the RA and SR zoning district in lieu of sidewalks where all lot widths exceed 200 linear feet in width. Maintenance responsibilities shall be established at the time of a preliminary plat.

K. Conservation Easements.

1. *Permanent Preservation.* Conservation easements are required in order to permanently preserve common open space required by this UDC, and to protect natural resources that are required to be protected.
2. *No Destructive Encroachment.* Other easements that may result in the disturbance of land shall not be permitted to encroach into a conservation easement, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
3. *Responsible Party.* Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other the City, such as a nonprofit land trust or a homeowners or property owners association.
4. *Parties.* All conservation easements shall run in favor of the following two parties:
 - a. All lot or unit owners in the development; and
 - b. The City.

Effective on: 5/20/2019

Sec. 14.302.9 Sidewalks and Accessibility

- A. **Generally.** The subdivider or lot owner shall install concrete sidewalks along public and private streets prior to the issuance of a certificate of occupancy in the case of a single lot or prior to acceptance of subdivision improvements in the case of a subdivision. This requirement applies to all land uses and street classifications, except as modified in this Section. Sidewalks shall be located according to the the requirements of [Sec. 14.302.4, Street Cross-Sections, Bridges, and Railroads](#), and shall be designed to provide direct access to common facilities, such as parks, open areas, public and civic uses, employment centers, and shopping areas.

- B. **Subdivision Construction Plans.** Sidewalks shall be shown on the construction plans for the subdivision, which shall note when sidewalks shall be installed and by whom.
- C. **Single-Family Residential Infill Development.**
1. *Distance From School.* The builder of a new single-family residence in an existing, substantially built-out residential neighborhood shall install a sidewalk, regardless if they will not achieve continuity, if such property is within one-half of a mile from a public elementary, middle, or high school.
 2. *Sidewalk Waiver.* The builder of a new single-family residence in an existing, substantially built-out residential neighborhood in which sidewalks do not exist on the entire block or on the adjacent blocks may apply for a waiver of the requirement to install sidewalks in accordance with [Sec. 14.606.6](#), *Waiver*, provided that the property is not within one-half of a mile from a public elementary, middle, or high school.
- D. **Curb Ramps.** Wheelchair ramps shall be provided at all necessary intersections and as required by the state Department of Licensing and Regulation and the Americans with Disabilities Act .
- E. **Construction.** All sidewalks shall be constructed in a manner acceptable to the City Building Inspector in accordance with the Sidewalk Construction Standards in the Appendix of this UDC and the City's Engineering Design Standards and Specifications. Final inspection shall not take place until all work is complete and accepted by the City.
- F. **Alternative Sidewalk or Trail Plan.** A subdivider may achieve alternative compliance with the standards of this Section upon approval by the Planning and Zoning Commission of an alternative sidewalk or trail plan that provides equal or greater pedestrian circulation. The subdivider shall submit such plan at the time of preliminary plat review. The Planning and Zoning Commission may approve such plan if better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or off-street trails or multi-use pathways on the perimeter of the parcel proposed for development.

Effective on: 5/20/2019

Sec. 14.302.10 Public Water Systems

- A. **Generally.**
1. *Outlets and Size.* Water systems shall be provided with a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply and to furnish adequate fire flows to all lots. All water supply, distribution, pumping and storage improvements shall be designed and constructed in accordance with this UDC, the City's Engineering Design Standards and Specifications, and the Texas Commission on Environmental Quality, and Texas Water Development Board.
 2. *City Limits.* All lots in any subdivision platted within the City limits shall be served by public water systems in accordance with the provisions of this Section. All lots outside the City limits shall be provided with approved community water systems if City services are not available.
- B. **Distribution System.** The water system shall be capable of supplying water to each lot in the subdivision. Any distribution system serving more than one lot shall be considered public.
- C. **Line Oversizing and Extensions.** All water lines shall be extended, where necessary, to the borders of the subdivision for future extensions of the distribution system and shall be valved off. The City may participate in the cost of oversizing lines required to serve land areas or improvements beyond the subdivision in accordance with [Sec. 14.303.2](#), *Cost*

Sharing and City Assistance. Properties already served by water and wastewater shall not be required to install additional facilities unless the current lines are not of adequate capacity or standard to serve the proposed subdivision, in which case the subdivider will be required to install adequate facilities.

- D. **Fire Hydrants.** Fire hydrants shall be spaced every 300 feet along the street or driveways in nonresidential, multifamily, and mixed use subdivisions and every 500 feet along the street for residential subdivisions.

Effective on: 5/20/2019

Sec. 14.302.11 Public Wastewater Systems

A. Generally.

1. Public wastewater improvements shall be designed and constructed in accordance with this UDC, the City's Engineering Design Standards and Specifications, and the Texas Commission on Environmental Quality (TCEQ), and Texas Water Development Board.
2. All lots in any subdivision platted within the City limits shall be served by public wastewater systems in accordance with the provisions of this Section. All lots outside the City limits shall be provided with approved community wastewater systems if City services are not available.

B. Minimum Standards.

1. *Minimum Size.* A wastewater collection main shall have a minimum inside diameter of eight inches. Larger lines may be required, depending on the demand, the size of the service area, and the provisions of the Comprehensive Plan, as determined by the City Engineer.
2. *Line Oversizing and Extensions.* All public wastewater systems shall be designed to serve both the subject property and the full sewer shed area tributary to the sewer system. Where necessary, sewer lines shall be extended to the borders of the development to allow for future extensions of the collection system. The City may participate in the cost of any oversizing of lines required to serve land areas or improvements beyond the development. Properties already served by wastewater systems shall not be required to install additional facilities unless the current lines are not of adequate capacity or standard to serve the proposed development, in which case the subdivider will be required to install adequate facilities.
3. *Manholes.* Manholes shall be placed every 400 linear feet or change in elevation or direction as determined by TCEQ standards.
4. *Alignment.* Wastewater lines shall be designed with straight alignments.
5. *Surface Water and Nondomestic Waste Prohibited.* No connection shall be made to any wastewater system within the City that permits the entrance of surface water or waste of other than domestic sewage characteristics without the specific authorization by the City Engineer.
6. *Backfill.* All lines, including all service laterals, shall be installed and back filled below proposed paved areas to City specifications prior to compaction of subgrade and placement of the paving.
7. *Lifts Stations.* Lift stations shall be designed to the standards of Texas Administrative Code Chapter 217, Design Criteria for Domestic Wastewater Systems. The subdivider shall provide a site plan including, but not limited to, the following relevant information: overall site size, wet well location, electrical panel location, paved areas, service drop location, and location of fence.

8. *Testing.* The subdivider shall provide the following tests to the City Engineer or representative present during testing: hydrostatic test for force main, low air pressure test for gravity sewer, standing for gravity sewer, deflection test for gravity sewer, and vacuum test for manholes. The subdivider shall submit in writing the testing results.
 9. *Public Easements.* All public sanitary sewer facilities shall be placed in public easements as specified in [Sec. 14.302.8, Easements](#).
- C. **Individual Sewer Service Connections.** Service connections (sewer "taps") shall be appropriately sized, installed and marked by stake for each building in a development at the time of construction of sewer improvements.
1. *Duplex, Multiplex, and Apartment Dwelling Units.* Individual sanitary sewer service connections shall be installed for each dwelling unit in a duplex, multiplex, or apartment. Buildings containing more than two dwelling units may provide a common sewerage collection system from the building.
 2. *Standards.* Each service connection shall serve only one building ("sharing" of service connections is prohibited). The individual service connections shall be a minimum of four inches inside diameter and may extend to a common building sewer system or individually to the public sewer. A manhole connection to the public sewer is required for all service connections greater than four inches inside diameter.
 3. *Cleanout.* A cleanout shall be provide at the right-of-way/property line on all service lines.

Effective on: 5/20/2019

Sec. 14.302.12 Storm Drainage

- A. **Generally.** Drainage facilities shall be designed and constructed in accordance with this Section, the City's master drainage plan, and the City's Engineering Design Standards and Specifications. Other hydrologic and hydraulic design methods may be used to satisfy drainage requirements with prior approval by the City Engineer.
- B. **Drainage Improvements Required.** The subdivider shall provide new drainage facilities or the improvement of existing drainage facilities necessary to provide for the storm water drainage needs of the subdivision, in accordance with the requirements of this Section and as necessary to:
1. *Conveyance to Discharge Point.* Provide for the conveyance of all storm water from the subdivision when fully developed to an adequate discharge point;
 2. *General Purpose.* Fulfill any purpose for which the requirements of this Section are imposed;
 3. *Protection.* Adequately protect the subdivision and adjacent properties from flooding, including the effects of the one-hundred-year rainfall event;
 4. *Post-Development.* Ensure that the runoff after development during the one-hundred-year rainfall event shall not be greater than prior to development and shall not negatively impact downstream property or neighboring property;
 5. *Upstream or Downstream Stage.* Properly control any increase in the upstream or downstream stage, concentration, or water surface elevation and erosion caused by the subdivision; and
 6. *Off-Site Drainage.* Provide for the conveyance of off-site storm drainage based on ultimate developed watershed conditions through the subdivision.
- C. **Discharge Points.** All drainage improvements shall be terminated at a discharge point approved by the City. Such discharge point, or outlet, shall be designed and constructed to prevent damage to or overflowing into adjacent property. The City may require creek

improvement, channel lining, energy dissipaters or other low-impact improvements for such outlet to prevent erosion or increase the flow capacity.

- D. **Off-Site Drainage.** Off-site drainage facilities and improvements shall be provided by the subdivider whenever additional storm water runoff from the subdivision would adversely affect any off-site property or overload an existing drainage facility, whether natural or manmade. The on-site runoff shall not be discharged onto adjacent properties, except into existing creeks, channels or storm drains, unless the subdivider obtains drainage or flowage easements from those properties. If the subdivider cannot obtain the necessary easements to make required off-site drainage improvements, upon request of the subdivider, after compliance with the provisions of this Section, the City may bring condemnation proceedings to obtain the off-site drainage easements.
- E. **Floodplains.** Where this Section requires a subdivision to make any drainage improvements in or adjacent to a floodplain to provide for the ultimate base flood, the subdivider may, in lieu of making the required improvements, restrict development in the area subject to flooding because of the failure to provide for the drainage improvements. In such cases, the area to be left undeveloped shall be dedicated to the public as a drainage or conservation easement on the final plat.
1. *Floodplain Restrictions.* The Planning and Zoning Commission shall, when it deems necessary for the health, safety, or welfare of an area and necessary for conservation of water, drainage, and sanitary facilities, or where prohibited in [Section 14.402, Flood Damage Prevention Regulations](#), prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except at the discretion of the Planning and Zoning Commission.
 2. *Creek Restrictions.* Major creeks shall remain in open natural condition; the subdivider may channelize smaller creeks or drainage-ways upon approval by the City Engineer provided they meet the criteria of the Master Drainage Plan and the City's Engineering Design Standards and Specifications. When a creek or excavated channel is to remain open, or in its natural state, the subdivider shall dedicate a drainage or conservation easement to the City.
- F. **Floodways and Improvements.**
1. *Floodways Serving Large Drainage Areas.* Generally, floodways serving drainage areas larger than one square mile in area and that are still functioning primarily in a natural and adequate state shall not be altered to provide for the drainage needs of a subdivision, unless there is no other reasonable means or method to provide for such drainage.
 2. *Clearing.* As part of the required improvements, debris, small brush, vines and other obstructions may be cleared for that portion of any channel located within or on the perimeter of the subdivision, as directed by or upon approval of the City Engineer, prior to the connection of any utilities. The City Engineer may require the subdivider to provide clearing of off-site floodways to the extent necessary to adequately receive or convey stormwater runoff from the subdivision, based on the roughness coefficient during the design process for the final plat.
- G. **Site Erosion Control.** To minimize erosion resulting from the removal of vegetation and to reduce the introduction of erosion materials into the storm drainage systems, all subdivisions shall make use of erosion and sediment control devices in accordance with the recommendations in this UDC and as directed by the City Engineer. The erosion and sediment control devices shall be installed and maintained until sufficient vegetation cover has been provided or has been replaced to control erosion and sediment, as directed by the City Engineer.

- H. **Separation of Stormwater and Wastewater Systems.** Stormwater and wastewater systems shall be used and maintained as separate systems. Drainage facilities shall be designed so they do not connect, direct, or allow stormwater into the wastewater system.
- I. **Street Access Crossing Channels.** No subdivision shall be designed to access a public street across a channel without providing adequate clearance for the channel under design storm conditions as required by the Drainage Criteria Manual.
- J. **Runoff Determination.**
1. *Less Than 200 Acres.* For design purposes, the rainfall duration for drainage areas less than 200 acres will be no less than three hours in duration.
 2. *200 Acres or More.* For design purposes, the rainfall duration for drainage areas 200 acres or more will be no less than six hours of duration.
 3. *The Rational Method.* For drainage areas less than 600 acres and not in the FEMA floodway the peak discharge resulting from storm runoff will be computed by the rational formula ($Q=CIA$); where Q is the discharge in cubic feet per second; C is the runoff coefficient; I is the rainfall intensity in inches per hour; and A is the drainage area in acres.
 - a. Runoff Coefficient (C). Shall consider the slope of the terrain, the character of the land-use, the length of overland flow and the imperviousness of the drainage area and shall be determined from the ultimate land development. The runoff coefficient for the appropriate land uses shall be as follows in Table 14.302.12-1, *Minimum Coefficients*.

Table 14.302.12-1, Minimum Coefficients	
Land Use	Value of C
Residential (single-family) areas	
Lots more than 1/2 acre	0.35
Lots 1/4–1/2 acre	0.45
Lots less than 1/4 acre	0.55
Multifamily areas	
Less than 20 service units/acre	0.65
20 service units/acre or greater	0.80
Business areas	0.80
Shopping centers	0.95
Industrial areas	0.70
Railroad yard areas	0.30
Parks/open space	0.30
Property that cannot be identified	0.70

- b. Design Frequency (I). The design flood frequencies in Table 14.302.12-2, *Minimum Design Flood Frequencies*, shall apply. The time of concentration to be used shall be 10 minutes and refer to the rainfall intensity-duration curve as approved by the City Engineer.

Table 14.302.12-2, Minimum Design Flood Frequencies	
Facility	Minimum Design Frequency (Years)
Street capacity, enclosed pipe system	Local–2 year
	Collector–2 year
	Arterial–10 year
Culverts, bridges, channels and creeks (new and improved)	Shall carry the existing capacity of the stream or 100 year

- c. Area (A). The drainage area, in acres, in determining flows by the rational method shall be calculated by subdividing a map into the drainage areas within the basin contributing stormwater runoff to the system. The design must include the entire drainage basin, not just the subdivision under design unless such area is already designated by the City drainage map. Such area shall include the location of high and low points on street grades, drainage divides in the area, and the general configuration of existing and finishing grades. Calculations for each major storm sewer line shall be shown on a drainage data sheet and shall be included in the proposed plans. All pertinent information (i.e. drainage, areas, time of concentration, rainfall intensity, runoff coefficients, etc.) shall be listed on the data sheet. For drainage areas greater than 600 acres or where the flood insurance administration, Federal Emergency Management Agency (FEMA) has mapped an area, Soil Conservation Service (SCS) unit hydrograph techniques shall be used to compute runoff volumes and peak discharges. This methodology can be found in the SCS Technical Release 55 Urban Hydrology. For project areas that have several hydraulic elements combined (for example, pipes, channels, and culverts), both the rational method and the SCS unit hydrograph method should be used. Where this occurs, the higher discharge from the two methods shall be utilized.
4. *Redevelopment or In-Fill Development*. For a redevelopment or infill project, the following provisions shall apply.
 - a. If the total impervious cover of the redevelopment or infill subdivision is less than or equal to the impervious cover of the site when it was fully built out, no modifications to the existing storm drain are required.
 - b. If the hydraulic gradient of the existing storm drain is below the top of curb, no improvements to the existing storm drain are required.
 - c. If the hydraulic gradient is above the top of curb, no improvements to the existing storm drain are required if:
 1. No structures are threatened;
 2. No capital improvement project is in place for the subject system; and
 3. No structural flooding is threatened by the project.
 - d. If the hydraulic gradient indicates that structures are threatened by flooding, the subdivider may either provide internal storm drains, make improvements to the existing storm drain, or provide on-site detention.
5. *City Projects (Capital Improvement Programs)*. The subdivider may request cost sharing in accordance with [Sec. 14.303.2, Cost Sharing](#), if the City's capital improvement program indicates a larger diameter storm sewer is planned in the vicinity of the subject property.
6. *Street Capacity*. The design of street cross-sections required in [Sec. 14.302.4, Street Cross-Sections, Bridges, and Railroads](#), shall be such that stormwater from a two-year storm will not exceed the top of curb.
7. *Drainage Across Street Intersections* Where drainage is planned to cross street intersections, a concrete valley shall be required.

Effective on: 5/20/2019

Sec. 14.302.13 Deed Restrictions and Private Facilities

A. Establishment of HOA or POA.

1. *Minimum Elements.* A homeowners' association (HOA) or a property owners' association (POA) shall be required to maintain private facilities in a subdivision, including, but not limited to, common open space, recreational amenities, private utilities, or private streets. The subdivider shall record, along with the approved final plat for the subdivision, deed restrictions that are in a form acceptable to the City Attorney and that include, at minimum, the following:
 - a. The establishment of a permanent HOA or POA;
 - b. The requirement for mandatory membership for all lot or unit owners;
 - c. The requirement to maintain a reserve bank account or other surety to guarantee perpetual maintenance of private facilities;
 - d. The right of the HOA or POA to collect dues from lot or unit owners; and
 - e. A perpetual obligation of the HOA or POA to fulfill the responsibilities assigned to it by this UDC at the date of plat approval.
 2. *Optional Elements.* The deed restrictions may include any additional provisions that the subdivider considers desirable with respect to the management and maintenance of the subdivision provided that they do not undermine the required elements listed in Subsection A, *Establishment of HOA or POA*, above.
 3. *Exemption.* The HOA or POA establishment requirement in this Subsection does not apply where individual water wells and/or individual on-site wastewater disposal systems are the only private facility proposed in a subdivision.
- B. Draft Deed Restrictions.** The subdivider shall submit draft deed restrictions along with the preliminary plat. The administrative bodies required to review and make final decisions on a preliminary plat shall review and make final decisions on the deed restrictions in regard to the compliance to the requirements of this UDC or to conditions of approval.
- C. Final Deed Restrictions.** The subdivider shall submit final deed restrictions along with the final plat. The final deed restrictions shall comply with the draft deed restrictions approved with the preliminary plat. The administrative bodies required to review and make final decisions on final plats shall review and make final decisions on the final deed restrictions.
- D. Private Utilities.**
1. *Generally.* Underground utilities shall be located in dedicated utility easements or in street rights-of-way, as appropriate.
 2. *Placement.* The placement and separation of utilities within a designated easement, right-of-way, or development tract shall be as required in the City's Engineering Design Standards and Specifications, except where modifications are approved by the City Engineer.
 3. *Perimeter Easements.* In a perimeter easement where overhead primary electric lines and/or feeders are proposed, such overhead power poles shall be located as near as possible to the perimeter property line of the subdivision.
- E. Private Streets.**
1. *Designed as Public Street.* Private streets shall be designated by plat and designed and constructed to the same requirements as a public street in accordance with this Article.
 2. *Maintenance.* Maintenance of private streets and private street signs shall be the responsibility of a homeowners' or property owners' association. Such association shall be legally bound together by deed restriction, contract, corporation or other instrument that has as one of its purposes the continued care and maintenance of all commonly owned property within the development.

F. **Private Water and Wastewater Facilities.** All private water and wastewater facilities shall be designed and operated in strict compliance with applicable permits, ordinances, regulatory guidance and regulations of the Environmental Protection Agency, Texas Commission on Environmental Quality (TCEQ), Texas Department of Health and the City.

G. **Water Facilities.**

1. *Individual Water Wells.* In addition to the policy criteria listed in Paragraph F.1, *Basic Policy*, above, single- and two-family residential subdivisions may be approved with individual water well facilities according to the following criteria:

- a. The subject property is located more than 1,000 feet from any City water main or appurtenances. The distance shall be measured as the straight-line horizontal distance between the end of the existing city water main or appurtenance to the nearest property boundary of the lot to be served.
- b. Water wells are not utilized in any commercial sale of water.
- c. An applicant for approval of an individual water well shall submit the following evidence to the City Engineer:
 1. A utility availability application;
 2. Water quality tests;
 3. An affidavit stating that no more than the applicant will use the well and/or the well water will not be used in any commercial sales; and
 4. A certified cost estimate of well installation.

2. *Private Water Systems.* In areas where development requires water services for more than one facility and the cost of extending and tying onto the City system is prohibitive, privately-owned water facilities may be considered and approved according to the policy criteria listed in Paragraph F.1, *Basic Policy*, above, and the following criteria:

- a. The subject property is located more than 1,000 feet from any City water main or appurtenances. The distance shall be measured as the straight-line horizontal distance between the end of the existing city water main or appurtenance to the nearest property boundary of the lot to be served.
- b. The subdivider provided certified evidence from a registered professional engineer that the system will meet all City, state, and federal health and water quality standards.
- c. Provisions shall be made to design the water system to provide adequate fire protection for the development in accordance with the City's Engineering Design Standards and Specifications. The sizing and material quality of all facilities shall be oversized to meet any future phases of the development.
- d. Perpetual private maintenance is guaranteed by such means as a homeowners' or property owners' association, bonds, or other means approved by the City Attorney.
- e. The operator of the system will be certified by the TCEQ.
- f. The City shall have the right to inspect the system periodically to determine if such system is being operated and maintained according to industry standards.
- g. The City may accept existing or annexed private water systems for operation and maintenance when the City's water lines are connected to such system, provided the system has been designed, constructed and operated in accordance with accepted industry and City standards. Such private systems with necessary easements for future maintenance shall be dedicated to the City at no cost.

- h. Prior to such acceptance by the City, such water lines and facilities shall be inspected and evaluated for characteristics including, but not limited to, standards, adequacy, and condition.

H. Wastewater Facilities.

1. *Permitting.* Before the permit process for individual on-site wastewater facilities can begin, the subdivider proposing a residential or nonresidential subdivision with on-site wastewater facilities shall submit materials listed in the appendix of this UDC. Such materials shall be prepared by a licensed professional engineer or registered sanitarian along with the preliminary plat application.
2. *Land Use Requirements for On-Site Wastewater Systems.*
 - a. Utilizing Private Water Well. Lots utilizing private water wells that have on-site wastewater systems shall have a minimum area of one acre.
 - b. Utilizing Public Water System. Lots utilizing public water systems that have on-site wastewater systems shall have a minimum area of one-half acre.
 - c. Environmental Management. The wastewater facility plan shall demonstrate compliance with [Article 14.400, Environmental Management](#), when the subject property is in a floodplain or floodway.
3. *Individual On-Site Wastewater Systems.* Individual on-site wastewater systems may be considered and approved according to the criteria listed in Paragraph F.1, *Basic Policy*, above, and the following criteria:
 - a. The subject property is more than 1,000 feet from any City wastewater main or appurtenances. The distance shall be measured as the straight-line horizontal distance between the end of the existing City wastewater main or appurtenance to the nearest property boundary of the lot to be served;
 - b. The City Engineer certifies in writing that the topography of such premises makes normal connection with such existing sanitary main impractical or impossible;
 - c. The operation of an on-site wastewater facility is feasible on the premises and will meet the standards and requirements of this UDC;
 - d. All other jurisdictions of on-site wastewater facility shall be unlawful within the City or the extraterritorial jurisdiction; and
 - e. The subdivider has submitted the following evidence to the City Engineer:
 1. Proof of application submission to TCEQ and to include:
 - a. A map and statement of justification;
 - b. Affidavits that no more than one residence or nonresidential facility shall utilize such on-site wastewater facility;
 - c. A site evaluation and construction plan of the on-site wastewater facility system prepared by a licensed professional engineer or registered sanitarian; and
 - d. An affidavit of the results of the percolation tests.
 2. Upon review of this evidence, the City Engineer may issue a] on-site wastewater facility permit.
4. *Aerobic Treatment Systems.* Developments may be approved with individual aerobic treatment systems according to the following criteria:
 - a. An individual aerobic treatment system with effluent disposal may be installed to serve an individual residence, commercial or industrial facility if:

1. The subject property is located more than 1,000 feet from any City wastewater main or appurtenances. The distance shall be measured as the straight-line horizontal distance between the end of the existing City wastewater main or appurtenance to the nearest property boundary of the lot to be served;
 2. The City Engineer certifies in writing that the topography of such premises makes normal connection with such existing sanitary main impractical or impossible;
 3. The operation of an on-site wastewater facility is feasible on the premises and will meet the standards and requirements of this UDC; and
 4. All other jurisdictions of on-site wastewater facility shall be unlawful within the City or the extraterritorial jurisdiction.
- b. Individual aerobic treatment systems with effluent disposal shall be installed in accordance with the standards established by the TCEQ and the design criteria adopted by the City.
- c. An applicant for approval of an individual septic tank shall submit the following evidence to the City Engineer:
1. Map and statement of justification;
 2. Affidavits that no more than one residence, commercial or industrial facility shall be utilizing such on-site wastewater facility;
 3. A site evaluation and construction plan of the on-site wastewater facility system prepared by a licensed professional engineer or registered professional sanitarian; and
 4. Upon review of this evidence, the City Engineer may issue a permit for the individual aerobic treatment system.
5. *Wastewater Treatment Systems.* In areas where development requires water services for more than one facility and the cost of extending and tying onto the City system is prohibitive public or, privately owned facilities may be considered and approved by the City according to the following general criteria:
- a. The subject property is located more than 1,000 feet from any city sanitary main or appurtenance. The distance shall be measured as the straight-line horizontal distance between the end of the existing city sanitary sewer main or appurtenance to the nearest property boundary of the lot to be served.
 - b. The applicant of the proposed alternative system provides certified evidence from a registered professional engineer that the system will meet all city, state, and federal health and water quality standards.
 - c. The sizing and material quality of all facilities will meet the City standards and the present and any future phases to the concerned development.
 - d. Perpetual private maintenance is guaranteed by such means as a homeowners' or property owners' association, bonds or other means approved by the City Attorney.
 - e. Operators of the system will be certified by TCEQ.
 - f. The City shall have the right to inspect the system periodically to determine if such system is being operated and maintained according to industry standards.
 - g. The review and approval procedures for such wastewater treatment system shall proceed concurrently with the normal platting process and engineering plan approval process as outlined in this article, except for applications under these alternative water and wastewater facilities proposals, which shall first require review and recommendation from the City Engineer and final approval for the City Council.

- h. The City may accept existing and annexed private wastewater treatment system for operation and maintenance when the City's wastewater lines are connected to such system, provided the system has been designed, constructed and operated in accordance with accepted industry and city standards. Such private system shall be dedicated to the City at no cost.
- i. Prior to such acceptance by the City, such water and wastewater lines and facilities shall be inspected and evaluated as to standards, adequacy, condition, etc.

I. Alternative Ownership Arrangements.

1. *Alternative Ownership Types.* The residential standards of this UDC with respect to lot area and width and building setbacks relate to the development of dwellings on legally platted lots that are intended to be owned in fee-simple by the landlord or residents of the dwellings. However, the standards are not intended to preclude other ownership types, such as single ownership of all units (rentals); condominiums (in which the land is owned in common by the owners of the condominium units); or common maintenance communities (in which fee-simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to account for such alternative ownership arrangements.
2. *Compliance with UR District.* The proposed pattern of development is allowed if the subdivider demonstrates that it will comply with the maximum gross density and applicable street, interior and exterior side, and rear setbacks as if it were conventionally platted with lots that meet the minimum requirements for the comparable housing types established in [Sec. 14.102.6, UR, Urban Residential](#).
3. *Maintenance and Ownership Agreement.* Any subdivision with alternative ownership arrangements having attached units and/or common areas shall have a common maintenance or ownership agreement and shall be required to file all covenants and declarations governing those agreements at the time of platting.

Effective on: 5/20/2019

Sec. 14.302.14 Open Space and Park Dedication

- A. **Generally.** This Section provides standards for dedicated open spaces, which includes recreational areas, common open space, stormwater management areas, and parks, as a function of subdivision development.
- B. **Principles.**
 1. *Integrated Design.* Generally, open spaces shall be integrated into the subdivision to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource preservation and management.
 2. *Trails and Drainage Corridors / Waterbodies / Watercourses.* Open space shall be designed to provide trails along drainage corridors, waterbodies, and watercourses. The landscaping along drainage corridors, waterbodies, and watercourses shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the drainage corridor or watercourse for the residents of the subdivision.
 3. *Other Open Spaces.* Formal open spaces shall be designed to provide areas of focus within the development. Landscaping, furniture, and other amenities for pedestrians shall be installed to enhance this effect.
- C. **Dedication of Open Space .** The subdivider of a conventional residential or mixed use subdivision shall dedicate the amount of land required by the open space ratio specified in

the applicable zoning district in [Section 14.102, Base Districts and Standards](#). The subdivider of a cluster or planned subdivision shall dedicate the amount of land required by the open space ratio in [Sec. 14.102.13, Non-Conventional Neighborhood Development Standards](#).

- D. **Fee in-Lieu of Dedication.** The subdivider of a conventional subdivision may make a deposit to the City in-lieu of dedication of open space in accordance with the following regulations:
1. *When Allowed.* The subdivider may pay a fee in-lieu of dedication under the following circumstances:
 - a. When less than three acres is required to be dedicated;
 - b. When a replat within the City limits is submitted with increased density; or
 - c. An administrative body reviewing the plat determines that sufficient open space area is already in the park zone of the proposed subdivision, or the potential for that park zone would be better served by expanding or improving an existing open space.
 2. *Fee.* The subdivider shall deposit in the City's park development fund, money equivalent to the raw land value of the area required for dedication in Subsection C, *Dedication of Open Space*, above. The money shall be used exclusively for the expansion or improvement of a park in the same park zone as the proposed subdivision unless the City determines that sufficient park area already exists in the park zone of the proposed subdivision.
 3. *Value Determination.* The Director, based on the opinion of a Texas Licensed Real Estate Appraiser provided by the subdivider, shall determine the value of the raw land during review of the preliminary plat.
 4. *Cluster and Planned Subdivisions.* A subdivider shall not be permitted to pay a fee in-lieu of dedication for a cluster or planned subdivision.
- E. **Phases.** When a subdivision is to be developed in phases, or by units, so that the actual platting of the open space area to be dedicated is not done until the second or later phases, the subdivider shall complete and deliver to the City with the final plat of the first phase of the subdivision, documents that provide for the dedication of the open space area, or the fee in-lieu of dedication.
- F. **City Improvement.** The City may improve the dedicated park area when the subdivider has completed all permanent required improvements on the area of the subdivision that is adjacent to the dedicated parkland and when the City has collected sufficient fees in-lieu within the park zone of the subdivision. The City shall improve any dedicated park by filling and grading as may be required, and may place basic playground equipment, watering systems, park shelter, and necessary greenery.
- G. **Dual Park and Easement, Drainage Facilities, or Water Features.**
1. *Partial Credit.* Land that is encumbered by easements, detention areas, ponds and drainage channel borders, or other similar characteristics shall qualify for public open space in accordance with the following calculation. Twenty-five percent of the encumbered open space shall qualify as required open space.
 2. *Example.* A 20-acre open space dedication with five acres of combined detention area, pond and easements shall count as 16.25 required acres. (15 acres + (5 acres x .25) = 16.25 acres).
 3. *Additional Conditions.* Additional conditions apply to encumbered open space including:
 - a. Detention areas shall have:
 - i. Side slopes of a five-to-one ratio unless otherwise approved by the City Engineer;

- ii. Gravity flow or a pumping system designed to remove all algae;
 - iii. A bottom with a minimum area of 50 feet x 100 feet in dimension unless otherwise approved by the City; and
 - iv. Field areas with a level, domed design suitable for field sports.
- b. Drainage ditches and lake borders shall have:
1. Side slopes of a five-to-one ratio unless otherwise approved by the City Engineer;
 2. Pedestrian and bicycle all-weather trails;
 3. An average minimum width of 30 feet and a minimum width of 20 feet beyond the top of bank; and
 4. Drainage ditches and lake borders with meandering, natural contour appearances.
- H. **General Open Space Standards.** Open space conveyed to the City in a conventional, cluster, or planned neighborhood shall meet the standards below.
1. *Minimum Street Frontage.* Required open space shall have frontage on a public street, measured in linear feet, equal to or greater than the square root of the total square footage of park area to be conveyed. For example, a 20-acre open space shall have a minimum street frontage of 933 feet. (20 acres = 871,200 square feet. The square root of 871,200 = 933.38)
 2. *Floodplain.* A minimum of 50 percent of the dedicated open space within a subdivision shall be outside of the 100-year floodplain.
 3. *Access or Visibility.* A proposed subdivision adjacent to required open space area shall not be designed to restrict reasonable access or visibility to the open space.
 4. *Schools.* Recreational areas within a new school site platted along with the subdivision may be utilized to meet up to 50 percent of the open space dedication requirements upon approval of the Commission, as well as the appropriate school district. In order to be eligible for this credit, the school grounds must be open to the public.
 5. *Adjacent Streets.* Any local street built adjacent to a park shall be constructed to residential collector standards to ensure access and prevent traffic congestion.
- I. **Cluster Neighborhood Open Space Standards.** In addition to the applicable standards in Subjection H, *General Open Space Standards*, above, open space conveyed to the City in a cluster neighborhood shall meet the standards below.
1. *Active and Passive.* A minimum of 25 percent of the required open space shall be active open space.
 2. *Interconnection.* Open space land shall be interconnected to existing and potential open space on adjacent properties, as well as to other internal open space in the subdivision to provide a continuous network within and adjoining the subdivision.
 3. *Structures.* Except for pavilions, playing fields, and structures and improvements for storm water drainage, wastewater treatment, or water supply, passive open space shall be free of all structures.
 4. *Wastewater Treatment and Water.* The square footage set aside for wastewater treatment and water supply shall not be credited toward the minimum required open space.

Effective on: 5/20/2019

Sec. 14.302.15 Markers and Monuments

- A. **Generally.** The subdivider's registered professional land surveyor shall provide reference monuments and markers in the subdivision, based on National Geodetic Vertical Datum (NGVD)..
- B. **Permanent Markers.** The surveyor of shall install permanent markers at all corners of block lines and at the point of intersection of curves and tangents. Such markers shall be iron rods a minimum of three-fourths of an inch in diameter and 36 inches in length. The surveyor shall place the rod flush with the finished grade, at the required locations.
- C. **Concrete Monuments.** The surveyor shall install one benchmark for each 10 acres of property, or fraction thereof, in a manner suitable to the City Engineer, with its location and elevation as shown on the approved and recorded final plat. Permanent benchmarks shall be concrete posts five feet in length and six inches in diameter with the top to be at least 12 inches below the finished grade.
- D. **Lot Markers.** The surveyor shall install a permanent marker at each corner of all lots. Such marker shall be an iron rod a minimum of one-half inch in diameter and 24 inches in length. The surveyor shall place each rod flush with the average ground elevation, or the rod may be countersunk, if necessary, to avoid being disturbed.

Effective on: 5/20/2019

Section 14.303: Public Improvements Dedication and Acceptance

Sec. 14.303.1 Dedication of Improvements

- A. **General.** All dedications shall be indicated on the face of the plat. Verbose dedications may be accomplished by a separate recorded instrument which is referenced on the face of the plat.
- B. **Development Contract Required.**
1. *Applicability.* For all subdivisions in which public or private improvements are to be constructed and dedicated or conveyed to the public or to a homeowners' or property owners' association, a development contract is required to ensure the improvements are properly done.
 2. *Submittal.* The subdivider shall submit the necessary copies of the development contract as determined by the City Engineer, along with any required bonds, escrow agreements, insurance certificates, or other documents, on forms approved by or provided by the City Attorney. Such materials shall be executed by the City Manager prior to the development being approved for construction.
- C. **Contents of Development Contract.** The development contract shall be in a form and contain provisions deemed necessary by the City Attorney. The contract shall contain, but not be limited to, the following provisions:
1. *Description and Cost.* A description of the improvements, their locations, and contract prices or, if there is no contract amount yet determined, the estimated costs certified by a licensed professional engineer and approved by the City Engineer.
 2. *Specifications.* The improvements will be constructed in accordance with the provisions of this Article and the City's Engineering Design Standards and Specifications.
 3. *Inspection and Orders.* The contractor and subcontractors will cooperate with and abide by the orders of the City Engineer, and other applicable City staff in constructing the improvement.
 4. *Insurance.* The subdivider or contractor will comply with the insurance requirements applicable to the City's public works projects and provide certificates evidencing such insurance coverages to the City.
 5. *Performance Bond.*
 - a. If applicable, the subdivider shall provide a performance bond as required in [Section 2253.021 of the Texas Local Government Code](#) and in conformance with the City's Engineering Design Standards and Specifications, in the amount of 100 percent of the cost of constructing the public improvements.
 - b. The bond shall be furnished on the form approved by the City Attorney and shall include a provision insuring the repair and replacement of all defects in the improvements due to faulty materials and workmanship that appear within one year from the date of acceptance of the improvements. The performance bond shall be issued by a surety company authorized to do business in the State of Texas and acceptable to the City. In lieu of a bond, the owner may substitute, upon approval either an irrevocable letter of credit on the form provided by the City or acceptable as to form and legality by the City Attorney, and issued by any bank duly chartered

under the laws of the state; or cash deposit to and acceptable by the city in a bank or trust company.

6. **Payment Bond.**

- a. If applicable, the subdivider or contractor shall provide a payment bond as required in Section 2253.021 of the Texas Local Government Code, in the amount of 100 percent of the cost of constructing the public improvements.
- b. The bond shall be furnished on a form approved by the City Attorney and shall be issued by a bonding company authorized to do business in the State of Texas and acceptable to the City. In lieu of a bond, the owner may substitute either an irrevocable letter of credit on the form provided by the City or acceptable as to form and legality by the City Attorney, and issued by any bank duly chartered under the laws of the state; or cash deposit to and acceptable by the City in a bank or trust company.

7. **Occupancy.** That the owner shall not allow any purchaser, lessee, or other person to occupy any building within the development until all improvements are accepted by the City; that upon violation of such restriction, the City may take whatever action is lawfully necessary to restrain such occupancy.

- E. **Subdivider to Install Improvements.** The subdivider shall install all improvements to the standards in this Article and the City's Engineering Design Standards and Specifications. All improvements shall be incorporated into the construction plans required for plat approval.

Effective on: 5/20/2019

Sec. 14.303.2 Cost Sharing and City Assistance

- A. **Cost of Improvements and City Participation.** The City Council may authorize cost participation with the subdivider for the construction of public improvements in advance of construction as funds are available. Any requests by the subdivider for reimbursement shall be made in writing and shall be presented to the Development Review Committee for study. The Committee, along with other relevant city personnel shall present findings, along with recommendations for payment, to the City Council for final decision.
- B. **Subdivider to Extend Utilities to Subdivisions.** If the existing City improvements are not within or adjacent to a proposed subdivision, the subdivider, unless exempt, shall construct the necessary extension as specified in this Article. . All necessary easements must be recorded as required by law before service is extended to the subdivision. In cases where easements cannot be secured, the subdivider may petition the City to authorize condemnation proceedings. However, the subdivider is liable for any cost associated with retaining legal counsel and expert witnesses necessary to effectuate the condemnation proceedings and shall execute a contract with the City that shall provide for procedure to be followed.
1. **Criteria for Extensions.** For the City to consider using condemnation authority for assistance to extend utilities to a proposed subdivision, clear evidence of public need and interest must be shown by the applicant. The following criteria are presented as guidelines in considering such public need or interest:
 - a. The proposed extension must be in accordance with the Comprehensive Plan, the City's Engineering Design Standards and Specifications, and adopted City policies.
 - b. The proposed extension must be such that it will be able to serve other development areas.

- c. The proposed extension will substantially help the city economy. For example, it would serve a new plant that employs over 50 people.
 - d. The proposed extension will help alleviate a critical community need. For example, it would alleviate an area with flooding problems.
 - e. The extension, if for immediate health reasons, can be construed as an overwhelming public need.
2. **Review Procedure.** A subdivider requesting assistance must present a written application justifying a public need and interest. In addition, the subdivider must present written evidence that every practical attempt has been made to secure needed easements. This evidence must include an appraisal by an independent fee appraiser as to the current market value and damages, if any, of the easement and documentation that an offer has been made of at least the amount of the appraisal. The Development Review Committee shall review the request and make a recommendation to the Planning and Zoning Commission. Upon notice of such application, the Director, at least 10 days prior to the hearing, shall notify all property owners within 200 feet of the proposed path of the extension. The Planning and Zoning Commission shall hold a public hearing on the request and make a recommendation to the City Council, who shall take final decision.

Effective on: 5/20/2019

Sec. 14.303.3 Installation and Guarantees

- A. **Installation or Guarantee of Improvements.** The Commission shall not review a final plat until one of the following has occurred:
1. **Installation.** The subdivider has installed all improvements required in this Article and the improvements have been accepted for maintenance by the City Engineer in accordance with [Sec. 14.303.4, Acceptance](#). Such improvements shall be in accordance with the approved construction plans. The subdivider may construct the improvements in phases.
 2. **Guarantee.** The City Engineer has accepted a performance bond in the amount equal to 100 percent of the estimated cost of installation of the required improvements as estimated on current cost data provided by the subdivider's engineer, whereby improvements may be made and installed without cost to the City in the event of default of the subdivider.
- B. **One Year Maintenance Period.** To qualify for acceptance of maintenance of improvements, any and all required improvements proposed for acceptance by the City must be maintained by the developer or subdivider for a minimum of one year after the date of acceptance by the City Engineer. Such guarantee of improvements shall be in the form of a financial instrument acceptable to the City Attorney.

Effective on: 5/20/2019

Sec. 14.303.4 Acceptance

- A. **Pre-Construction Conference.** A pre-construction conference between the subdivider, the subdivider's licensed professional engineer and contractor, and the Development Review Committee is required prior to commencement of any permanent public improvements that the City is proposed to maintain. Representatives of public and franchise utilities shall be notified of the conference and may be required by the City to review the proposed improvements.
- B. **Construction Inspections.**
1. **Engineer and Contractor Duties.** The subdivider's engineer shall design, stake, and help interpret the plans during construction of improvements. The subdivider's contractor shall

construct the improvements in accordance with this Article and approved construction plans. The subdivider, engineer, and contractor, as appropriate, shall maintain daily contact with the City Engineer during construction of improvements.

2. *City Engineer Inspection.* The City Engineer shall inspect any and all phases of construction.
3. *Stop-Work Order.* The City Engineer may, at any time, issue a stop-work order when, in his or her judgment, the requirements of this Article or of the City's Engineering and Design Standards and Specifications have been violated.
4. *Activities Requiring City Engineer Approval.* None of the following shall take place without approval of the City Engineer:
 - a. Covering of wastewater, water, or storm sewer pipe; .
 - b. Application to the street subgrade of flexible base material, subgrade material, or stabilization; or
 - c. Pouring of concrete or application of asphaltic surface to the street base.

C. Procedure for Acceptance.

1. *Required Documents.* When construction of the required improvements is complete, the subdivider's licensed professional engineer shall notify the City Engineer and request an inspection of the work. The following documents shall be submitted for review and approval prior to the scheduled inspection date:
 - a. Development engineer affidavit of construction compliance;
 - b. Independent testing laboratory affidavit of materials compliance;
 - c. Contractor/contractors affidavit of construction compliance;
 - d. Development engineer's drainage facilities construction statement; and
 - e. One complete set of as-built documents of all improvements that have been constructed.
2. *Initial Inspection.* The City Engineer shall inspect the improvements and issue a punch list of any deficiencies.
3. *Existing Conditions.* The inspection shall document the existing condition of all public improvements and appurtenances. The public improvements and appurtenances must be in strict compliance with all federal, state, county and applicable municipal regulations, codes, statutes and policies in effect at the time of the request for acceptance. Conditions that shall be noted on this inspection report consist of, but shall not be limited to:
 - a. On curb and gutter roads, pavement cracks, pavement settlement, birdbaths, lack of joint sealing, spalling joints, other pavement irregularities, cracked curbing, missing curbs, dirt, trash or other debris in right-of-way, broken, cracked, sunken or debris filled storm sewer inlets, broken driveways or sidewalks;
 - b. Bridges, drainage structures, utilities and all construction located within the public right-of-way or directly affecting the proper function of the system of public streets;
 - c. A complete system of signage and traffic control devices in compliance with the Texas Manual on Uniform Traffic Control Devices;
 - d. Water and wastewater system and all other appurtenances associated with the system; and
 - e. Any and all other items related to the safe operation and maintenance of a complete system of public improvements.

7. *Scheduling Final Inspection.* The subdivider shall schedule final inspection within 60 days of the initial inspection or a complete reinspection may be required along with a new punch list of deficiencies.
8. *Preliminary Acceptance.* After all deficiencies have been corrected and a final inspection has been completed, the City Engineer shall issue a recommendation to the City Council for the acceptance of the improvements.
9. *Rejection.* If the City Engineer rejects the improvements and if the subdivider fails to remedy all noted deficiencies, the City Attorney shall proceed to enforce the performance bond. The City Engineer shall not preliminarily accept any further improvements until the subdivider remedies all noted deficiencies.
10. *City Council Acceptance.* Upon recommendation by the City Engineer, the City Council shall accept, accept with conditions, or reject the improvements into the city maintenance system.

Conditions of Acceptance.

1. *Eligible Improvements.* Acceptance of the public improvements into the City maintenance system shall only constitute acceptance of roads, streets, bridges, stormwater drainage systems, water systems, wastewater systems, public open spaces, and their related appurtenances.
 2. *Ineligible Improvements.* Detention facilities shall not be accepted for maintenance by the City. Only 100-year capacity open ditch type drainage channels meeting all the requirements of this Article shall be considered for acceptance into the City maintenance system.
- E. **Release of Bond.** The City Attorney shall release the performance bond when all applicable public improvements are accepted into the City maintenance system.



Effective on: 5/20/2019

ARTICLE 14.400: ENVIRONMENTAL MANAGEMENT

Contents:

Section 14.401: Flood Damage Prevention

Section 14.402: Flood Hazard Reduction

Section 14.401: Flood Damage Prevention

Sec. 14.401.1 Statutory Authorization

This Section is adopted under the authorization of the Legislature of the [State of Texas in the Flood Control Insurance Act, Texas Water Code, Section 16.315](#), which has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Effective on: 5/20/2019

Sec. 14.401.2 Findings of Fact

- A. **Flood Hazard Areas.** The flood hazard areas of the City are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- B. **Creation of Losses.** These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

Effective on: 5/20/2019

Sec. 14.401.3 Statement of Purpose and Disclaimer

- A. **Purpose.** It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. *Life Safety.* Protect human life and health;
 2. *Expenses.* Minimize expenditure of public money for costly flood control projects;
 3. *Rescue and Relief.* Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. *Business Interruptions.* Minimize prolonged business interruptions;
 5. *Damage to Public Facilities.* Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 6. *Tax Base.* Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. *Notification.* Insure that potential buyers are notified that property is in a flood area.

- B. **Warning and Disclaimer or Liability.** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any of its officials or employees for any flood damages that result from reliance on or lawful administrative decisions made under this Article.

Effective on: 5/20/2019

Sec. 14.401.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Article uses the following methods:

- A. **Danger Uses.** Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. **Vulnerable Uses.** Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. **Alteration of Floodplains.** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. **Development Activities.** Control filling, grading, dredging and other development which may increase flood damage;
- E. **Flood Barriers.** Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Effective on: 5/20/2019

Sec. 14.401.5 General Standards

- A. **Lands to which This Article Applies.** This Article shall apply to all areas of special flood hazard within the jurisdiction of this UDC.
- B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Liberty County, Texas and Incorporated Areas" dated May 2, 2008 with accompanying flood insurance rate maps (FIRM and/or FBFM) dated May 2, 2008 and any revisions to such report or map are hereby adopted by reference and declared to be a part of this Article.
- C. **Compliance.** No structure or land shall be located, altered, or have its use changed without full compliance with the terms of this Article and other applicable regulations.

Effective on: 5/20/2019

Section 14.402: Flood Hazard Reduction

Sec. 14.402.1 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in accordance with [Sec. 14.603.7, Floodplain Development Permit](#), to ensure conformance with the provisions of this Article.

Effective on: 5/20/2019

Sec. 14.402.2 General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. **Anchoring.** All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. **Flood Damage Minimization.** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. **Materials.** All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. **Electrical, Mechanical, and Plumbing Systems.** All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. **Water Supply.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- F. **Wastewater.** New and replacement wastewater systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- G. **On-Site Systems.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Effective on: 5/20/2019

Sec. 14.402.3 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Sec. 14.401.5.B, Basis for Establishing the Areas of Special Flood Hazard](#), [Sec. 14.501.8.B, Duties and Responsibilities of the Floodplain Administrator](#), or [Sec. 14.402.4.C, Base Flood Elevation Data](#), the following provisions are required.

- A. **Residential Construction.** New construction and substantial improvement of any residential structure other than a manufactured home shall have the lowest floor (including basement), elevated to or above the base flood elevation. A licensed professional engineer, architect, or registered professional land surveyor shall submit a certification to the Floodplain Administrator verifying that the standard of this Subsection is satisfied.
- B. **Mixed Use or Nonresidential Construction.** New construction and substantial improvements of any mixed use or nonresidential structure shall either have the lowest floor

(including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

C. **Enclosures.** For new construction and substantial improvements, fully enclosed areas below the lowest floor may be used solely for parking of vehicles, building access, or storage. These areas shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

1. *Openings on Walls.* A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. *Bottom of Openings.* The bottom of all openings shall be no higher than one foot above grade; and
3. *Coverings or Devices.* Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. *Access.* Access to the enclosed area must be the minimum necessary to allow for parking of vehicles (garage door), storage (standard exterior door), or entry to the living area (stairway or elevator).
5. *No Habitable Space.* The interior portion of the enclosed areas may not be partitioned, temperature-controlled, or finished into separate rooms.

D. **Manufactured Homes.**

1. *Zone A.* All manufactured homes placed within Zone A on a community's Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. *Zones A1-30, AH, and AE.* Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood..

3. **Other Manufactured Homes.** Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection 2 of this Section be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational Vehicles.

1. **Standards.** Recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM shall either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of Section 3.715(a), and the elevation and anchoring requirements for manufactured homes in subsection D., *Manufactured Homes*, of this Section.
2. **Highway Use.** A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Effective on: 5/20/2019

Sec. 14.402.4 Standards for Subdivision Proposals

- A. **Applicable Provisions.** All subdivision proposals which, for the purposes of this Section, include the placement of manufactured home parks shall be consistent with all applicable provisions of this Article.
- B. **Permit.** All subdivision proposals shall meet the Floodplain Development Permit requirements of [Sec. 14.603.7](#), *Floodplain Development Permit*.
- C. **Base Flood Elevation Data.** The applicant shall generate base flood elevation data for subdivision proposals and other proposed development that is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to [Sec. 14.401.5.B](#), *Basis for Establishing the Areas of Special Flood Hazard*, and [Sec. 14.501.8.B](#), *Duties and Responsibilities of the Floodplain Administrator*.
- D. **Adequate Drainage.** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- E. **Public Facilities.** All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

Effective on: 5/20/2019

Sec. 14.402.5 Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in [Sec. 14.401.5.B](#), *Basis for Establishing the Areas of Special Flood Hazard* are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. **Residential Structures.** All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- B. **Mixed Use and Nonresidential.** All new construction and substantial improvements of mixed use and nonresidential structures shall:
 - 1. *Elevation.* Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 - 2. *Watertight.* Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- C. **Certification.** A licensed professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section are satisfied.
- D. **Drainage Paths.** Within zones AH or AO adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Effective on: 5/20/2019

Sec. 14.402.6 Floodways

Located within areas of special flood hazard established in [Sec. 14.401.5.B](#), *Basis for Establishing the Areas of Special Flood Hazard*, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- A. **Encroachments Generally.** Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. **Permitted Encroachments.** If subsection A, *Encroachments Generally*, above is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of this Section.
- C. **Increase in BFE.** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.



Effective on: 5/20/2019

ARTICLE 14.500: ADMINISTRATIVE BODIES AND PROVISIONS

Contents:

Section 14.501: Official and Administrative Bodies Established and Authorized

Section 14.502: Administrative Provisions

Section 14.501: Official and Administrative Bodies Established and Authorized

Sec. 14.501.1 City Council

- A. **Established.** The City Council is established in the City's Home Rule Charter.
- B. **Powers and Duties.** The City Council shall have the authority to make final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.

Effective on: 5/20/2019

Sec. 14.501.2 Planning and Zoning Commission (Commission)

- A. **Established.** This Section establishes a Planning and Zoning Commission (Commission).
- B. **Powers and Duties.**
 - 1. *Matters in this UDC.* The Commission shall have the authority to make recommendations or make final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.
 - 2. *Matters Outside of this UDC.* The Commission shall have the following additional powers and duties. The Commission shall:
 - b. Act as an advisory body to the Council relating to the widening or extension of public improvements and utilities; and
 - c. Recommend a Comprehensive Plan and amendments of the Plan to the City Council, along with Corridor and Special Area Plans and their amendments.
 - d. Make an annual report of each year to the Council as to the Commission's activities.
- C. **Membership.**
 - 1. *Numbers.* The Commission shall consist of seven members.
 - 2. *Composition.* The Commission shall be composed of members who meet the following qualifications or characteristics:
 - a. Except for one member who is a resident of the Dayton Extraterritorial Jurisdiction (ETJ), residents in the City of Dayton for a minimum of two years;
 - b. One resident of the Dayton ETJ;
 - c. No conviction of a felony;
 - d. No delinquency on any City taxes or utilities;
 - e. Qualified City of Dayton voter at the time of appointment;

- f. No determination of being mentally incompetent by a final judgment of a court of law; and
 - g. Demographically representative of the city.
- D. **Appointments.** The City Council shall appoint members of the Commission for terms of two years, or until their successors are appointed. Terms begin from the date of appointment. The Council shall appoint four members in every even-numbered year, and three members in every odd-numbered year. In making the initial appointments, the Council shall designate four of their appointments to serve two years and three of their appointments to serve one year.
- E. **Vacancies and Removal.** The Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Council may vote to remove a member for good cause at any time in a public meeting.
- F. **Officers and Staff.** The Commission shall elect a Chairperson and Vice-Chairperson at the first meeting of each calendar year. The Director shall serve as Secretary to the Commission.
- G. **Quorum and Voting.** A quorum shall consist of a majority of the entire membership of the Commission, and any issue to be voted on shall be resolved by a majority of those members present. The Chairperson shall be entitled to vote upon any question, but shall have no veto power.
- H. **Meetings and Procedures.**
1. *Frequency, Location, Date, and Time.* The Commission shall meet not less than once each month, unless there are no items for it to review. Meetings shall be held at the place, time, and date stated on the notice of meeting posted at City Hall. Meetings shall be open to the public, and held in conformance with [Texas Local Government Code Chapter 552, Public Information](#). The Chairperson may call a special meeting following required notice.
 2. *Absences.* Any member of the Commission who misses three consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving, and the Council shall appoint a new interim member to fill the vacancy.
 3. *Rules of Procedure.* The Commission may establish its own rules of procedure, provided that such shall not conflict with the laws applicable to the Commission or the provisions of this UDC.

Effective on: 5/20/2019

Sec. 14.501.3 Board of Adjustment (BOA)

- A. **Established.** This Section establishes a Board of Adjustment (BOA), with membership, qualifications, and terms of office in accordance with and controlled by the provisions of [Texas Local Government Code Section 211.008, Board of Adjustment](#).
- B. **Powers and Duties.** The BOA shall have the authority to make final decisions on the development review applications denoted in Table [14.602.10-1, Development Review Summary Table](#).
- C. **Alternate Members.** The City Council may appoint alternate members of the BOA to temporarily serve in the absence of a permanent member. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. The City Council may fill a vacancy among the alternate members in the same manner as a vacancy among the regular members.

D. Meetings and Procedures.

1. *Time and Place of Meetings.* The BOA shall meet not less than once each month, unless there are no items for it to decide upon. All BOA meetings shall be open to the public and held in conformance with [Texas Local Government Code Chapter 522, Public Information](#). The Chairperson may call a special meeting following required notice.
2. *Rules of Procedure.* The BOA may establish its own rules of procedure, provided that such shall not be in conflict with the laws applicable to the BOA or the provisions of this UDC.

Effective on: 5/20/2019

Sec. 14.501.4 Development Review Committee (DRC)

- A. **Established.** This Section establishes a coordinated and centralized committee, known as the Development Review Committee (DRC), that is composed of the City staff members with an interest in development review for the purpose of making recommendations on certain applications established in this UDC.
- B. **Powers and Duties.** The DRC shall have the authority to make recommendations on the development review applications denoted in Table [14.602.10-1, Development Review Summary Table](#).
- C. **Membership.** The DRC shall be composed of the following City staff members.
 1. *Chairperson.* The Director shall serve as the Chairperson of the DRC and shall be responsible for all procedures, guidance, coordination, scheduling, and recommendations of the Committee.
 2. *Other City Staff Members.* In addition to the Chairperson, other City staff members of the DRC shall include the:
 - a. City Manager;
 - b. Assistant City Manager of Development Services;
 - c. City Engineer;
 - d. Director of Public Works;
 - e. Fire Marshal;
 - f. Building Official; and
 - g. Any other City employee deemed necessary upon determination by the City Manager.
 3. *Non-City Staff Members.* Other staff from various local, county, state, or federal agencies may participate in the development review process as needed from time to time.
- D. **Applicant Meeting.** The applicant may meet with the DRC to receive its comments and recommendations on an application, so as to allow the applicant to make any recommended or desired changes, corrections, or modifications.

Effective on: 5/20/2019

Sec. 14.501.5 Director of Planning (Director)

- A. **Generally.** The Director of Planning (Director) is a member of the City staff who is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications). The Director shall designate City staff members to manage applications through the review process, to be points of contact for applicants, and shall perform such other duties as may be required in this UDC. The Director may also delegate review

responsibilities to other members of the City staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.

- B. **Powers and Duties.** The Director shall have the authority to make recommendations or final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.

Effective on: 5/20/2019

Sec. 14.501.6 Building Official

- A. **Powers and Duties Relative to Matters in this UDC.** The Building Official shall have the authority to make final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.
- B. **Powers and Duties Relative to Matters Outside of this UDC.** In addition to the powers and duties set forth above, the Building Official shall perform duties as outlined in the remainder of the City Code.

Effective on: 5/20/2019

Sec. 14.501.7 City Engineer

- A. **Powers and Duties Relative to Matters in this UDC.** The City Engineer shall have the authority to make final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.
- B. **Powers and Duties Relative to Matters Outside of this UDC.** In addition to the powers and duties set forth above, the City Engineer shall perform duties as outlined in the remainder of the City Code.

Effective on: 5/20/2019

Sec. 14.501.8 Floodplain Administrator

- A. **Designation of the Floodplain Administrator.** The City Manager shall appoint a floodplain administrator to administer and enforce the relevant provisions of this UDC and other appropriate sections of [Code of Federal Regulations \(CFR\) Title 44, Emergency Management and Assistance](#), pertaining to floodplain management.
- B. **Powers and Duties.**
1. *Recommendations and Final Decisions.* The Floodplain Administrator shall have the authority to make recommendations or final decisions on the development review applications denoted in Table 14.602.10-1, *Development Review Summary Table*.
 2. *Other Powers and Duties.* The Floodplain Administrator shall have the following additional powers and duties. The Floodplain Administrator:
 - b. Shall maintain and hold open for public inspection all records pertaining to the floodplain provisions of this UDC;
 - c. Shall review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including [Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334](#)) from which prior approval is required;
 - d. Shall make the necessary interpretation, where interpretation is needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

- e. Shall notify, in riverine situations, adjacent communities and the Texas Water Development Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- f. Shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- g. Shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of [Section 14.402, Flood Hazard Reduction](#) when base flood elevation data has not been provided in accordance with [Sec. 14.401.5.B, Basis for Establishing the Areas of Special Flood Hazard](#);
- h. Shall maintain a record of all actions involving a Floodplain Variance and shall report such Variances to FEMA upon request.
- i. Shall require that no new construction, substantial improvements, or other development (including fill) be permitted within zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), when a regulatory floodway has not been designated, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
- j. May, under the provisions of CFR Title 44, [Chapter 1, Section 65.12](#), of the National Flood Insurance Program regulations, approve certain development in zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the City first completes all of the provisions required by Section 65.12.



Effective on: 5/20/2019

Section 14.502: Administrative Provisions

Sec. 14.502.1 Applicability of UDC

No person may use, occupy, subdivide, or develop land, or use, occupy, erect or modify buildings, signs, or other structures, except in accordance with all applicable provisions of this UDC. For purposes of this section, the “use” or “occupancy” of a building or land relates to anything and everything that is done to, on, or in that building or land.

Effective on: 5/20/2019

Sec. 14.502.2 Conformity with UDC

Every administrative body vested with the authority to make a final decision on a development review application under this UDC may not issue an approval for any use, structure, subdivision, or improvement that conflicts with any provision of this UDC.

Effective on: 5/20/2019

Sec. 14.502.3 Abrogation and Conflicting Provisions

- A. **Abrogation.** Except for those provisions of the City Code explicitly repealed upon the adoption of this UDC, this UDC is not intended to repeal, abrogate, or impair any existing public or private laws, easements, covenants, or deed restrictions.
- B. **Conflict.**
1. *Public Restrictions.* The following provisions apply to laws adopted by a federal, state, or local legislative body.
 - a. Where this UDC conflicts with another local, state, or federal law, whichever the Director finds imposes the more stringent restrictions controls. Where the Director finds conflicting provisions to be equally stringent, then the provision more recently adopted controls.
 - b. Where the text of this UDC conflicts with its tables or illustrative material, the text controls. Where a table of this UDC conflicts with an illustration, the table controls.
 2. *Private Restrictions.* The City does not interpret or enforce private restrictions, including, but not limited to, deed restrictions, covenants, or easements, unless it is a party to them. If the City is a party to private restrictions, and such restrictions conflict with this UDC, then the more stringent restrictions control.

Effective on: 5/20/2019

Sec. 14.502.4 Minimum Requirements

- A. **Interpretation.** In the interpretation and administration of this UDC, all provisions shall be:
1. Considered as minimum requirements for promotion of the Purposes of this UDC; and
 2. Liberally construed in favor of the City.
- B. **Other Applicable Requirements.** The approval of any development review application in accordance with the requirements of this UDC shall not relieve the applicant from the responsibility of complying with all other applicable requirements of any other local, state, or

federal agency having jurisdiction over the land uses, structures, or improvements for which the approval was issued.

Effective on: 5/20/2019

Sec. 14.502.5 Severability

- A. **Generally.** If a court of competent jurisdiction holds any provision of this UDC to be illegal or invalid, the remainder of this UDC shall not be affected. .
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this UDC to a particular structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in such judgment.

Effective on: 5/20/2019

Sec. 14.502.6 Official Zoning Map

- A. **Generally.** Zoning districts are shown on the map entitled "official zoning map" of the City. The official zoning map is on file and available for inspection during regular business hours at City Hall.
- B. **Force and Effect.** The official zoning map, together with all legends, references, symbols, boundaries, and other information, is adopted by reference as a part of this UDC.
- C. **Effective Date.** The effective date of an ordinance approving a Zoning Map Amendment shall be the date specified in the ordinance itself, and not the date of revision of the official zoning map.
- D. **Status of the Zoning Map.** The official zoning map that is on file at City Hall shall control in the event of a conflict between the map that is on file and any other reproduction of the official zoning map.
- E. **Interpreting the Zoning Map.** Where the official zoning map appears to be unclear regarding the location of district boundaries, the Director shall make a determination using the following criteria.
 - 1. *Rights-of-Way or Easements.* Where district boundaries appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the Director shall construe the zoning boundary to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the official zoning map, the features on the ground control.
 - 2. *City Limits.* Where district boundaries are indicated as approximately following City limits, the Director shall consider the City limits as the district boundaries.
 - 3. *Property Lines.* Where district boundaries are indicated as approximately following property lines, the Director shall consider such lines to be the boundaries.
 - 4. *Watercourses.* The Director shall construe boundaries shown as following, or approximately following, the centerline of drainageways, streams, waterbodies, or other watercourses, as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the Director shall construe the zoning district boundary as moving with the centerline.
 - 5. *Unsubdivided Land or No Identifiable Feature.* On unsubdivided land, or where a district boundary follows no identifiable feature, the location of the boundary, unless the same is indicated by dimensions, shall be determined by applying, in order, the following rules:
 - a. *Legal Description.* The boundary shall be according to the legal description or field notes in the ordinance establishing the district boundaries.

- b. *Text Dimensions*. The boundary shall be located by reference to dimensions shown in the text on the official zoning map, if any.
- c. *Map Scale*. The boundary shall be located using the scale of the official zoning map.

Effective on: 5/20/2019

Sec. 14.502.7 Zoning of Annexed Territory

- A. **Generally**. If land is annexed from Liberty County into the City, it shall be zoned in accordance with the Future Land Use Map as set out in the City's Comprehensive Plan. Table 14.102.1-1, *Zoning Districts*, denotes the future land use classes of the Comprehensive Plan and their associated zoning districts. Property owners may petition the City for different zoning of the property in accordance with [Sec. 14.604.2, Official Zoning Map Amendment](#). Simultaneous processing of the annexation and the zoning map amendment is permitted.
- B. **RA Zoning**. If the City Council finds that land for annexation has an inadequate level of public facilities to serve permitted uses in the zoning district that would apply in Subsection A, *Generally*, above, the Council may annex the property under the RA, Rural Agricultural zoning district. Public facilities include, but are not limited to, utilities, roads, solid waste services, or public safety facilities (fire, police, emergency services).

Effective on: 5/20/2019

Sec. 14.502.8 Transitional Provisions

- A. **Generally**. It is the intent of the City Council to respect the property rights of applicants with existing or pending development approvals.
- B. **Effect on Existing Ordinances**. The City's ordinances in effect prior to the effective date of this UDC, unless expressly repealed or amended by this UDC, or by some other Council action, remain in effect; provided, however, that where this UDC is more restrictive or where it includes additional provisions (including those that are inconsistent or in conflict with existing ordinances) the City shall enforce this UDC as set out in [Sec. 14.502.3, Abrogation and Conflicting Provisions](#).
- C. **Pending Applications**.
 - 1. *Generally*. Each development review application shall be evaluated only in light of the adopted ordinances and technical regulations in effect at the time that each complete application is submitted.
 - 2. *Stale Applications*. Pending development review applications that are not pursued with due diligence may expire pursuant to [Sec. 14.602.9, Stale Applications and Extensions](#).
- D. **Development Approvals that Predate the UDC**.
 - 1. *Generally*. Development approved prior to the effective date of this UDC may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
 - 2. *Duration of Approvals*. Development approvals that are valid on the effective date of this UDC are valid until their expiration date; or, if no expiration date is specified in the approval documents or prior regulations, pursuant to Table [14.602.10, Development Review Summary Table](#).



Effective on: 5/20/2019

ARTICLE 14.600: DEVELOPMENT REVIEW PROCEDURES

Contents:

Section 14.601: Purpose and Applicability

Section 14.602: Common Review Procedures

Section 14.603: Administrative Review Procedures

Section 14.604: Legislative Review Procedures

Section 14.605: Quasi-Judicial Review Procedures

Section 14.606: Subdivision Review Procedures

Section 14.601: Purpose and Applicability

Sec. 14.601.1 Purpose

The purpose of this Article is to consolidate and standardize the City's development review procedures.

Effective on: 5/20/2019

Sec. 14.601.2 Applicability

- A. **Generally.** The Sections of this Article apply to all development activity that requires a recommendation or final decision from City staff or a Council, Commission, or Board denoted in [Section 14.501](#), *Administrative Bodies Established and Authorized*.
- B. **Sequence of Development Approval.** Where more than one development review application is required by this UDC in order to initiate, continue, or complete a development on the same property, administrative bodies shall make final decisions in the following sequence. An administrative body shall make final decisions on:
1. Legislative applications prior to final decisions on all other applications;
 2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications;
 3. Subdivision applications prior to final decisions on administrative applications; and
 4. Applications within the same category as Table [14.602.10](#), *Development Review Summary Table*, assigns priority.



Effective on: 5/20/2019

Section 14.602: Common Review Procedures

Sec. 14.602.1 Pre-Application Conference

- A. **Purpose.** The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- B. **Applications Requiring a Pre-Application Conference.** Table 14.602.10, *Development Review Summary Table*, denotes the development review applications that require a pre-application conference by including this Section number (14.602.1) in the "Applicable Common Review Procedures" column.
- C. **Sketch Plan.** The applicant may submit a sketch plan as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.
- D. **Requested Submittals.** At or following the pre-application conference, the Director may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.
- E. **Disclaimer.** Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.
- F. **Continuing Review Process.** After the pre-application conference has occurred, applications that require such conference may subsequently undergo the processes established in [Sec. 14.602.2, Application Submittal and Completeness](#).

Effective on: 5/20/2019

Sec. 14.602.2 Application Submittal and Completeness

- A. **Forms and Fees.** Every development review application required by this UDC shall be submitted in a format and in numbers established by the Director and shall include the corresponding application fee that is established by the Council.
- B. **Authorization to Initiate an Application.** Table 14.602.2-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 14.602.2-1, <i>Application Authorization</i>			
Application Type	Council or Commission	Property Owner ¹	Party Aggrieved by an Administrative Decision ¹
Administrative Applications		♦	
Legislative Applications	♦	♦	
Quasi-Judicial Applications		♦	♦
Subdivision Applications	♦ ²	♦	
TABLE NOTES: ♦ Entity may initiate application ¹ Including his or her agent ² Vacating Plat only			

- C. **Refunds.** Fees for a rejected, denied, expired, voided, or revoked application are not refundable.
- D. **Deadlines.** The Director may establish periodic application submittal deadlines.
- E. **Completeness Review.**
1. *Director Responsibility.* The Director shall review all development review submittals for completeness.
 2. *Meaning of Completeness.* The Director shall deem complete a submittal that contains:
 - a. All of the submittal information required in the application form;
 - b. Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
 - c. The application fee; and
 - d. Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this UDC.
 3. *Applications with Submittal Deadlines.* For application types that have an established submittal deadline, such as a legislative, quasi-judicial, or subdivision applications, the completeness review and notification required in Paragraph 6, *Incomplete Applications*, below, shall be accomplished no later than five business days after the specified submittal deadline.
 4. *Applications without Submittal Deadlines.* For application types that do not have an established submittal deadline, such as administrative applications, the application completeness review and notification required in Paragraph 6, *Incomplete Applications*, below, shall be accomplished no later than five business days from the date the application is submitted.
 5. *Completeness Does Not Equate to Approval.* A determination of completeness does not mean that:
 - a. The contents of the submittal are accurate or that they comply with the standards of this UDC;
 - b. The application will receive a positive recommendation or final decision from the applicable administrative body; or
 - c. During review, additional clarification or information will not be needed.
 6. *Incomplete Applications.*
 - a. If the Director determines a submittal not to be complete, the Director shall:
 1. Notify the applicant in writing with a list of all missing or incomplete items; and
 2. Provide a maximum of 10 business days for the applicant to resubmit the missing or incomplete items.
 - b. If the missing or incomplete items are not submitted within the 10-day period, then the Director shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Director rejects an application, a new application and fee shall be required if the applicant wishes to apply again.

- c. Incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of Texas Local Government Code [Chapter 212](#), [Chapter 245](#), or for any other purpose.

F. **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in [Sec. 14.602.3](#), *Staff Review and Distribution*.

Effective on: 5/20/2019

Sec. 14.602.3 Staff Review and Distribution

A. **Final Decision or Distribution.** After completeness determination, the Director shall, according to the review responsibilities of Table [14.602.10](#), *Development Review Summary Table*:

1. *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;
2. *Review and Decide.* Review and make a final decision on the application; or
3. *Distribute.* Distribute the application to the appropriate administrative body or outside agency, including, but not limited to, utilities and school districts, for recommendation or final decision.

B. **Required Revisions.**

1. *Comments.* During application review, the Director may provide comments from administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.
2. *Resubmittal.* Upon receipt of the resubmittal, the Director may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.

C. **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses the comments provided pursuant to Paragraph B., *Required Revisions*, above (or, after finding that no revisions are required):

1. *Administrative Applications.* If the application is for a review procedure addressed in [Section 14.603](#), *Administrative Review Procedures*, then the City staff member denoted in Table [14.602.10](#), *Development Review Summary Table*, shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in [Sec. 14.602.7](#), *Post-Approval Provisions*.
2. *Legislative, Quasi-Judicial, and Subdivision Applications.* If, according to Table [14.602.10](#), the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

D. **Common Decision Criteria.** In addition to all other applicable provisions of this UDC, administrative bodies shall consider the provisions of [Sec. 14.602.4](#), *Common Decision Criteria*, when making a recommendation or a final decision.

E. **Continuing Review Process.** Applications requiring a public meeting or hearing shall subsequently undergo the processes established in [Sec. 14.602.5](#), *Public Notice*, and [Sec. 14.602.6](#), *Public Meetings and Hearings*.

Effective on: 5/20/2019

Sec. 14.602.4 Common Decision Criteria

In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the decision criteria denoted in Table 14.602.4-1, *Decision Criteria Applicability*. Additional decision criteria may apply and are enumerated in the specific review procedures of this Article.

Table 14.602.4-1, Decision Criteria Applicability				
Decision Criteria	All Applications¹	Legislative Applications	Quasi-Judicial Applications¹	Subdivision Review Applications
The request complies with the applicable standards of this UDC, the City Code, and any applicable county, state, or federal requirements.	♦			
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Conditional Use Permit, Preliminary Plat, Master Development Plan, or Site Development Plan.	♦			
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.		♦	♦	♦
The request promotes the purposes of this UDC as established in Sec. 14.101.2, Purposes , and in other applicable purpose statements in this UDC.		♦	♦	♦
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.		♦ ²	♦	♦
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.		♦ ²	♦	
TABLE NOTES: ♦ = Decision criteria applies ¹ Excluding Appeals of Administrative Decision ² Excluding UDC Text Amendment				

Effective on: 5/20/2019

Sec. 14.602.5 Public Notice

- A. **Generally.** Public Notice of public hearings required in this UDC shall be provided as required by Table 14.602.10-1, *Development Review Summary Table*.
- B. **Procedural Requirements for Notice.**
2. **Contents.** All notices shall contain, at minimum, the following information:
 - a. The name of the owner, applicant, engineer, architect, or other parties involved;
 - b. Lot, block, and address of the subject property, or, if none apply, the general location based on the nearest street intersection;
 - c. For Variances, a reference to the UDC provision that is the subject of the Variance;
 - d. The address, date, and time of the public hearing; and
 - e. The necessary information for obtaining assistance for physically impaired persons who wish to attend the hearing.

3. **Published Notice.** The Director of Planning shall arrange for notice of a required public hearing to be published in one issue of an official newspaper of general circulation in the City or County, as applicable and as required by state law.
4. **Mailed Notice.**
 - a. The Director shall send by United States Postal Service certified mail, return receipt requested, written notice to all owners of property located within 200 feet of the subject property. The list of recipients of the notice shall be based on addresses listed on the City or County tax roll, as applicable.
 - b. The applicant shall bear the cost of mailing the notice.
- C. **Constructive Notice.** Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision.

Effective on: 5/20/2019

Sec. 14.602.6 Public Meetings and Hearings

- A. **Generally.** All public meetings and hearings shall be open to the public except as otherwise provided in [Texas Local Government Code Chapter 552, Public Information](#). However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this UDC are classified as requiring a "public meeting" or "public hearing."
- B. **Public Meetings.**
 1. **Public Meeting Required.** Any legislative, quasi-judicial, or subdivision application that does not require a public hearing prior to a recommendation or final decision requires a recommendation or final decision to be made at a public meeting.
 2. **Consent Agenda.** Any appointed or elected administrative body may establish a consent agenda. The consent agenda may consist of all matters brought before the body for final decision that do not require a public hearing. All items on the consent agenda may be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the administrative body present at the meeting, or by the Director. Items removed from the consent agenda shall be considered on the regular agenda.
- C. **Public Hearings.**
 1. **Procedures.** Elected and appointed administrative bodies may adopt rules of procedure for the conduct of public hearings. The adopted rules of procedure shall reflect the following general procedures.
 - a. Any person may appear at a public hearing, submit evidence, and be heard.
 - b. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
 - c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
 - d. Citizens, applicants, and the City have the right to present expert witnesses.
 - e. The Chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
 2. **Attendance by Applicant at Public Hearing.** An applicant or representative is not required to attend the public hearing at which the subject application is to be considered; however, failure on the part of the applicant or representative to appear at a properly noticed public hearing may constitute grounds for a continuance on a certain new date or closing of the public hearing with public re-notification required.

D. Decisions.

1. *All Decisions.* Except when voice votes are authorized, a vote shall be conducted in such manner that the public may know the vote of each person entitled to vote.
2. *Planning and Zoning Commission and City Council Decisions.* Except where this UDC or state statutes provide otherwise, official action requires the concurring vote of a majority of a quorum present.
3. *Board of Adjustment (BOA) Decisions.* In accordance with [Texas Local Government Code Section 211.009, Authority of Board](#), official actions of the BOA require the concurring vote of 75 percent of the number of regular members of the BOA.

E. Continuing Review Process. Applications receiving approval at a public meeting or hearing may subsequently undergo the processes established in [Sec. 14.602.7, Post-Approval Provisions](#).

F. Successive Applications. The Director shall not accept any application that is substantially similar to an application that was denied at a public meeting or hearing six months prior.

Effective on: 5/20/2019

Sec. 14.602.7 Post-Approval Provisions

A. Conditional Approval or Modification of Application at Public Meeting or Hearing.

1. *Modification.* An applicant may agree to modify an application, including the plans and specifications submitted, in response to questions or comments by persons appearing at a public meeting or hearing or to suggestions or recommendations by the administrative body holding the meeting or hearing.
2. *No Further Action.* Unless such modifications are so substantial that the administrative body determines that it cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials, the administrative body may make a recommendation or conditionally approve the application with the requirement that the formalized approval is not effective until the applicant submits materials reflecting the agreed upon changes to the Director. An administrative body shall not accept any subsequent application and shall make no further approvals related to the subject property until the applicant submits the required modifications.
3. *Referral.* Where deemed appropriate by the final decision making body, modifications may be referred back to the recommending body for review, prior to further consideration.

B. Modification of an Approved Application. Except as provided in Subsection C., below, *Correction of Errors in Approved but Unrecorded Plats*, modifications to approved applications shall be done in accordance with [Sec. 14.603.14, Minor Modification of an Approved Application](#), or, if the change does not meet the criteria for a minor modification, the application shall be resubmitted as a new application.

C. Correction of Errors in Approved but Unrecorded Plats.

1. *Director Review and Approval.* An approved but unrecorded Final Plat, Minor Plat, or Replat that is found to contain an insignificant error, including, but not limited to, scrivener's errors or typographical errors, may be corrected by the applicant, upon approval by the Director. .
2. *DRC Review and Director Approval.* The Director may approve other minor corrections, including, but not limited to, the addition, deletion or relocation of easements, after review by the Development Review Committee.
3. *Amending Plat.* Any correction of a recorded plat shall be in accordance with [Sec. 14.603.4, Minor or Amending Plat](#).

- D. **Revocation of Approval.** An administrative body may revoke any permit or approval it issued where there has been a violation of the provisions of this UDC or a misrepresentation of fact on the application or in the public meeting or hearing.
- E. **Approvals Run With Land.** Unless an elected or appointed administrative body conditions an approval to the contrary, permits or approvals authorizing a particular land use or structure shall run with the land and transfer with the subsequent ownership of the land and structures.
- F. **Recordation of Plat.** The applicant shall record any approved plat with the Liberty County Clerk within the time limits of Table 14.602.10, *Development Review Summary Table*, or the plat shall expire.

Effective on: 5/20/2019

Sec. 14.602.8 Appeals of Legislative, Quasi-Judicial, and Subdivision Decisions

- A. **Appeal of City Council or Board of Adjustment Decision.** Any party aggrieved by or alleging an error in a final decision of the Council or BOA may appeal to a court of competent jurisdiction.
- B. **Appeal of Planning and Zoning Commission Decision.** Any party aggrieved by or alleging an error in a final decision of the Commission may appeal to the City Council within 10 calendar days of the Commission's decision.
- C. **Appeal of Administrative Decision.** Any party aggrieved by or alleging error in a final decision of an administrative official on a matter addressed in this UDC may appeal in accordance with [Sec. 14.605.3](#), *Appeal of Administrative Decision*.

Effective on: 5/20/2019

Sec. 14.602.9 Stale Applications and Extensions

- A. **Generally.** Applicants shall diligently pursue completion of development projects. Accordingly, this Section voids unapproved applications for Administrative, Quasi-Judicial, and Subdivision applications that become stale due to inaction by the applicant. In addition, this Section allows for an extension of the life of such stale applications and of the expiration deadlines established in Table 14.602.10, *Development Review Summary Table*, for approved applications that may expire due to inactivity of the applicant.
- B. **Voiding of Stale Applications.**
 - 1. *Stale.* An unapproved application becomes "stale" after 45 days from receiving review comments if the applicant fails to completely address the comments and allow further processing of the application, unless the Director determines that the applicant is actively pursuing action to address such comments. If the Director makes such determination, then the application becomes stale 90 days after the date of receipt of the comments if the applicant fails to completely address the comments.
 - 2. *Void.* Stale applications automatically become null, void, and expired without further notice 30 days after the date when they became stale if the applicant fails to take action or to request an extension of time.
- C. **Extension of Time.**
 - 1. *Request.* Prior to the expiration of an approved application or unapproved stale application, the applicant may request in writing an extension of the expiration date of up to six months.
 - 2. *Amendments.* If the City Council amends this UDC or adopts other applicable regulations during the period of time when the application was stale, the application shall:

- a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. Become subject to the new regulations and ordinances if the period of time to request an extension lapses.
3. *Expiration of Extension.* Approved applications or unapproved stale applications shall expire after the six-month extension lapses if the Director determines that the applicant is not actively pursuing action to complete the development or address comments.

Effective on: 5/20/2019

Sec. 14.602.10 Development Review Summary Table

- A. **Generally.** Procedures for obtaining development review approval pursuant to this UDC are summarized in this Section.
- B. **Applications and Procedures.** Each application required by this UDC is spelled out in Table 14.602.10, *Development Review Summary Table*, below.

Table 14.602.10-1, Development Review Summary Table							
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Public Notice ²	Applicable Common Review Procedures	Applicable Standards ³
			Recommendation	Final Decision			
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this UDC. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.							
Excavation and Land Clearing Permit (Sec. 14.603.1)	Prior to: 1) Any site grading, excavating, removal, or stockpiling of soil, or land disturbing activity involving a volume of earthwork greater than 100 cubic yards; or 2) Removing three or more trees with greater than six inch diameter at breast height (DBH)	180 days	Building Official		No	Sec. 14.602.2 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.9	Sec. 14.302.2
Site Development Plan (Sec. 14.603.2)	Prior to a Building Permit for new development, redevelopment, or substantial improvement or expansion of development		DRC	Director	No		Article 14.200
Deed Consolidation (Sec. 14.603.3)	Prior to combining two or more adjoining parcels under the same ownership for purposes of development or redevelopment	180 days; None after recordation	Director		No		--
Minor or	Prior to developing a		DRC	Director	No	Article 14.300	

Table 14.602.10-1, Development Review Summary Table							
Amending Plat (Sec. 14.603.4)	minor subdivision or making a minor modification to a recorded plat						
Construction Plans (Sec. 14.603.5)	Concurrent with a Preliminary Plat	180 days	City Engineer		No		Engineering Design Standards and Specifications
Building Permit (Sec. 14.603.6)	Prior to erecting, altering, replacing, relocating, rebuilding, repairing, or restoring a principal or accessory building or structure		Building Official		No		--
Floodplain Development Permit (Sec. 14.603.7)	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)		Floodplain Administrator		No		Article 14.400
Driveway Permit (Sec. 14.603.8)	Prior to construction of a driveway		City Engineer		No		Sec. 14.203.7
On-Site Water or Waste-water Permit (Sec. 14.603.9)	Prior to installing an on-site water or wastewater facility		Director		No		Sec. 14.302.13
Sign Permit (Sec. 14.603.10)	Prior to constructing, installing, placing, relocating a sign or modifying a sign's dimensions or illumination		Building Official	Director	No		Section 14.205
Temporary Use Permit (Sec. 14.603.11)	Prior to establishing a temporary use related to a public or commercial event with an expected peak attendance between 50 and 500 persons		DRC	Director	No	Sec. 14.602.1 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.9	--
Certificate of Occupancy (Sec. 14.603.12)	Prior to occupying a structure	None	Building Official		No	Sec. 14.602.2 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.9	--
Written Interpretation (14.603.13)	None	None, unless UDC is amended to address the interpretation	Director		No		--
Minor Modification of an Approved Application (Sec. 14.603.14)	In order to make a limited modification to a legislative or quasi-judicial application that has	Same as application being modified	Administrative body that made the initial approval		No		--

Table 14.602.10-1, Development Review Summary Table

	already been approved but that has not received a Certificate of Occupancy						
<p>LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.</p>							
UDC Text Amendment (Sec. 14.604.1)	None	None	1st: Director 2nd: PZC	City Council	P15	Sec. 14.602.2 - Sec. 14.602.9	--
Zoning Map Amendment (Sec. 14.604.2)	Prior to establishing or expanding a use or residential density prohibited in the current zoning district		--				
Conditional Use Permit (CUP) (Sec. 14.604.3)	Prior to: 1) Establishing or expanding a use requiring a CUP; or 2) Establishing a temporary use related to a public or commercial event with an expected peak attendance of more than 500 persons	180 days	1st: DRC 2nd: Director 3rd: PZC	M10, P15		Sec. 14.602.1 - Sec. 14.602.9	Sec. 14.103.2
Master Development Plan (Sec. 14.604.4)	Prior to: 1) Establishing a development in an existing or proposed MP zoning district; or 2) Establishing a planned neighborhood in the SR or SU zoning districts.	2 years					Article 14.200
Certificate of Appropriateness (Sec. 14.604.5)	Prior to demolishing, altering, or reconstructing any contributing building within the DT zoning district	180 days	1st: DRC 2nd: Director	PZC		Sec. 14.602.2 - Sec. 14.602.9	Article 14.200
<p>QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this UDC or that are contested by an aggrieved party. The BOA makes final decisions based on findings of fact and analysis of how specific provisions of this UDC and the Comprehensive Plan apply to the site. Such final decisions are characterized by exercise of discretion.</p>							
Variance (Sec. 14.605.1)	Prior to or concurrent with submittal of a Site Development Plan, Building Permit, or Sign Permit	180 days	Director	BOA	M10, P15	Sec. 14.602.2 - Sec. 14.602.9	Article 14.200
Variance,	Prior to or		Floodplain				Article 14.400

Table 14.602.10-1, Development Review Summary Table

Floodplain (Sec. 14.605.2)	concurrent with submittal of a Floodplain Development Permit		Administrator				
Appeal of Administrative Decision (Sec. 14.605.3)	Within 30 days after a final decision by the Director, Building Official, City Engineer, or Floodplain Administrator on a matter addressed in this UDC	None	Director				--
SUBDIVISION APPLICATIONS: Require final decisions related to dividing larger tracts of land into smaller lots. City staff or legislatively appointed administrative bodies take final action based on regulations in this UDC and on technical requirements of various City departments, local and state agencies, and utilities. Such final decisions are characterized by limited discretion.							
Development Plat (Sec. 14.606.1)	Prior to development of a property that does not require a subdivision plat	1 year; None after recordation	1st: DRC 2nd: Director	PZC	No	Sec. 14.602.2 - Sec. 14.602.9	Article 14.300
Preliminary Plat (Sec. 14.606.2)	Prior to Final Plat submittal	1 year; See Sec. 14.606.2 for renewal of a multi-phase Preliminary Plat as each phase receives Final Plat Approval			No	Sec. 14.602.14 - Sec. 14.602.9	
Final Plat (Sec. 14.606.3)	Following approval of a Preliminary Plat, Construction Plans, and either: 1) Acceptance of public improvements; or 2) Approval of performance bond	1 year; None after recordation			No	Sec. 14.602.2 - Sec. 14.602.9	Article 14.300
Replat (Sec. 14.606.4)	In order to add additional lots or public right-of-way to a recorded plat				M15, P15 ⁵		
Vacating Plat (Sec. 14.606.5)	In order to remove the force of a recorded plat covering a property or properties				The administrative body that approved the original Final Plat		
Waiver (Sec. 14.606.6)	Concurrent with submittal of a Plat	When associated plat expires			PZC	No	Article 14.300

TABLE NOTES:

¹ Measured from the date of approval. Expiration occurs if the applicant does not diligently pursue completion of the project or the subsequent required approval. See Sec. 14.602.9, *Inactive and Expired Applications and Extensions*.

² See Sec. 14.602.5, *Public Notice*, for specific provisions on public notification. M10 = Mailed before the 10th day before the PZC hearing. M15 = Mailed before the 15th day before the PZC hearing. P15 = Published before the 15th

Table 14.602.10-1, Development Review Summary Table

day before the Board of Adjustment, PZC, or City Council hearing, as applicable.

³ Aside from the standards of the zoning district for the subject property, as established in [Section 14.102, Base Districts and Standards](#).

⁴ Pre-Application Conference required for Preliminary Plats with 50 lots or greater.

⁵ A public hearing is required if:

(A) During the preceding five years, any of the area to be replatted was zoned for single- or two-family use; or

(B) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

Effective on: 5/20/2019

Section 14.603: Administrative Review Procedures

Sec. 14.603.1 Excavation and Land Clearing Permit

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Excavation and Land Clearing Permits.
- B. **Purpose.** The purpose of an Excavation and Land Clearing Permit is to prevent erosion and to protect trees from clear cutting in preparation for development.
- C. **Exemptions.** The following activities shall not require an Excavation and Land Clearing Permit:
1. *Agricultural Activity.* Gardening and farming;
 2. *Installation and Maintenance.* Landscape installation and maintenance;
 3. *Clearing and Grading.* Land clearing or grading that disturbs an area less than 100 cubic feet;
 4. *Investigative Excavation.* Exploratory digging or boring by a soils engineer, geologist, archeologist, or similar professional for the purposes of investigating site conditions;
 5. *Wells or Utilities.* Excavations for wells or utilities; and
 6. *Mining or Stockpiling.* Land clearing, grading, removal or stockpiling of soil, sand, gravel, or rock as part of a permitted operation, such as a sand and gravel materials plant.
- D. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny an Excavation and Land Clearing Permit, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Pollution.* The request provides reasonable protection from accidental discharge of pollutants or waters containing pollutants into the municipal storm drain system or watercourses.
 2. *Affirmative Findings.* In order to approve an Excavation and Land Clearing Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- A. **Applicant Responsibilities.**
1. *Post-Approval.* After issuance of an Excavation and Land Clearing Permit, the applicant shall:
 - a. Notify the Building Official a minimum of five days before beginning any land disturbing activity;
 - b. Install and maintain all erosion control measures;
 - c. Maintain all road drainage systems, storm water drainage systems, and other facilities;
 - d. Remove sediment resulting from land disturbing activities from adjacent surfaces and drainage courses;
 - e. Allow the Building Official to enter the site to verify compliance or to perform any work necessary to bring the site into compliance with approved permit; and

f. Submit a revised land clearing permit for approval if the nature of the project changes from that proposed under the approved permit.

2. **Revocation.** Failure of the applicant to fulfill any of the above listed duties may result in revocation of the permit.

Effective on: 5/20/2019

Sec. 14.603.2 Site Development Plan

A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Site Development Plans.

B. **Purpose.** The purpose of a Site Development Plan is to ensure that applicable developments comply with all development and design standards of this UDC and, if applicable, with the approved Master Development Plan or Conditional Use Permit for the subject property.

C. **Exemptions.** The following activities shall not require a Site Development Plan:

1. **Residential.** Construction of single- or two-family residence in a improved subdivision or on an unplatted parcel; and

2. **Emergencies.** Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

D. **Transportation Impact Analysis (TIA).** A TIA shall be required for any project requiring Site Development Plan review that, at build-out and according to the Institute of Traffic Engineers *Traffic Engineering Handbook*, can be reasonably expected to generate more than 500 vehicle trip ends during a single day and/or more than 100 vehicle trip ends during a single hour.

E. **Specific Decision Criteria.**

1. **Review and Decision.** In determining whether to approve, approve with conditions, or deny a Site Development Plant, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:

a. **Infrastructure Capacity.** The proposed development does not exceed the capacity of existing and planned infrastructure and public services including, but limited to, systems for water, sewer, drainage, transportation, solid waste removal, and public safety.

b. **Circulation, Accessibility, and Compatibility.** The design of the project provides for vehicle and pedestrian accessibility and circulation within, out of, and into the development and appropriate compatibility and buffering between the development, surrounding land uses (existing or planned), and the natural environment.

c. **Hazards and Nuisances.** The proposed development protects public health and safety against natural and man-made hazards and nuisances which include, but are not limited to, traffic noise, water pollution, and flooding.

2.

Affirmative Findings. In order to approve a Site Development Plan, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

A. **Certificate of Occupancy.** The Building Official shall not issue a Certificate of Occupancy for the subject property unless and until all construction conforms to the approved Building Permit and Site Development Plan.

Effective on: 5/20/2019

Sec. 14.603.3 Deed Consolidation

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Deed Consolidations.
- B. **Purpose.** The purpose of a Deed Consolidation is to allow for the consolidation of adjoining properties under common ownership that have never been subdivided or replatted.
- C. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Deed Consolidation, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Never Subdivided.* The subject properties have never been subdivided or replatted.
 - b. *No Extensions.* The proposal does not require the extension of a street or a public utility.
 - c. *Residential.* The proposal is for a single- or two-family residence on residentially zoned property.
 - d. *No Easements.* No easements exist along property lines between parcels to be consolidated.
 2. *Affirmative Findings.* In order to approve a Deed Consolidation, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- A. **Recordation.** When applying for a Building Permit on the subject property, the applicant shall submit a copy of the recorded consolidated deed.

Effective on: 5/20/2019

Sec. 14.603.4 Minor or Amending Plat

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Minor or Amending Plats.
- B. **Purpose.**
1. *Minor Plat.*
 - a. The purpose of a Minor Plat is to allow for the administrative approval of the subdivision of property into four or fewer lots if the subject property fronts on an existing public street with no need to dedicate new public right-of-way or extend public utilities.
 - b. Any plat that requires a Waiver in accordance with [Sec. 14.606.6](#), *Waiver*, shall require review of the Planning and Zoning Commission.
 2. *Amending Plat.* An Amending Plat is any plat meeting the definition in [Texas Local Government Code \(TLGC\) Section 212.016](#).
- C. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Minor or Amending Plat, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Number of Lots.* The Minor Plat is proposed for the creation of four or fewer lots.
 - b. *Existing Street.* Each lot in the Minor Plat has frontage on an existing public street without the need for the creation or extension of a new public street.
 - c. *Existing Utilities.* Existing public utilities of adequate capacity serve the entirety of the subject property in the Minor Plat without the need for extension.

- d. *TLGC Reference*. The purpose of the Amending Plat is solely one or more of those listed in TLGC [Section 212.016](#).
2. *Affirmative Findings*. In order to approve a Minor Plat, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

Effective on: 5/20/2019

Sec. 14.603.5 Construction Plans

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Construction Plans.
- B. **Purpose**. The purpose of Construction Plans is to provide for the detailed engineering drawings for all improvements required to serve the development. Construction Plans and specifications shall be submitted to the Director for all existing or proposed streets, sidewalks, drainage and utility improvements, and any other public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve a development proposed in a Preliminary Plat.
- C. **Specific Decision Criteria**.
 1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny Construction Plans, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Standards and Specifications*. The Construction Plans conform to the City's Engineering Design Standards and Specifications.
 2. *Affirmative Findings*. In order to approve Construction Plans, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- A. **Responsibility of Applicant's Engineer**. The applicant's engineer of record is responsible for the accuracy, completeness and conformance to city standards. The purpose of the City review is to ensure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City has no project engineering responsibility. The engineer certifying the plans is responsible for the accuracy and completeness of the documents submitted for review and actual construction. The City reserves the right to require corrections to actual conditions in the field which are found to be contrary to or omitted from submitted plans.

Effective on: 5/20/2019

Sec. 14.603.6 Building Permit

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Building Permits.
- B. **Purpose**. The purpose of a Building Permit is to ensure that applicable structures are built in conformance with this UDC, the approved Site Development Plan, and the City's Building Code.
- C. **Specific Decision Criteria**.
 1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny a Building Permit, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Building Code*. The proposal complies with the City's Building Code.
 - 2.

Affirmative Findings. In order to approve a Building Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

- B. **Platting.** The Building Official shall not issue a Building Permit, as required by the City's Building Code, for any principal structure unless:
1. *Recorded Plat.* The subject property is part of a plat recorded with the Liberty County Clerk; or
 2. *Improvements.* Required or proposed improvements associated with a Final Plat under review have been either installed or guaranteed in accordance with [Sec. 14.303.3, Installation and Guarantees](#).

Effective on: 5/20/2019

Sec. 14.603.7 Floodplain Development Permit

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Floodplain Development Permits.
- B. **Purpose.** The purpose of a Floodplain Development Permit is to ensure that all development proposed within a special flood hazard area and all development constructed, installed, commenced, improved, or maintained within a special flood hazard area, complies with the applicable provisions of this UDC.
- B. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Floodplain Development Permit, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Danger to Life and Property.* The danger to life and property due to flooding or erosion damage is minimal.
 - b. *Susceptibility to Flood Damage.* The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner is minimal.
 - c. *Sweeping of Materials.* The danger that materials may be swept onto other lands to the injury of others is minimal.
 - d. *Compatibility.* The proposed use is compatible with existing and anticipated development.
 - e. *Emergency Access.* The property is safely accessible in times of flood for ordinary and emergency vehicles.
 - f. *Costs of Governmental Services.* The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems are reasonable.
 - g. *Expected Floodwaters.* The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site are manageable.
 - h. *Waterfront Necessity.* A waterfront location is necessary for the facility, where applicable.
 - i. *Alternative Locations.* Alternative locations, not subject to flooding or erosion damage, are not available for the proposed use.

2. *Affirmative Findings*. In order to approve a Floodplain Development Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

Effective on: 5/20/2019

Sec. 14.603.8 Driveway Permit

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Driveway Permits.
- B. **Purpose**. The purpose of a Driveway Permit is to ensure that driveways are designed and installed in conformance with this UDC, the approved Site Development Plan, if applicable, and the City's Engineering Design Standards and Specifications.
- C. **Specific Decision Criteria**.
 1. In determining whether to approve, approve with conditions, or deny a Driveway Permit, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Standards and Specifications*. The proposal complies with the City's Engineering Design Standards and Specifications.
 2. *Affirmative Findings*. In order to approve a Driveway Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

Effective on: 5/20/2019

Sec. 14.603.9 On-Site Water or Wastewater Permit

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to On-Site Water and Wastewater Permits.
- B. **Purpose**. The purpose of an On-Site Water or Wastewater Permit is to ensure that such facilities are located and installed in a manner that preserves public health and safety.
- C. **Specific Decision Criteria**.
 1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny an On-Site Water or Wastewater Permit, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - f. *Economic Feasibility*. The subject property is located in an area that is impractical or economically infeasible to connect to the City's centralized water distribution and/or wastewater collection system.
 - g. *Master Plans*. The proposal complies with the City's water distribution and/or wastewater collection system master plans;
 - h. *Environmental Factors*. The suitability of the soil conditions, topography, and other environmental factors affecting the development for the installation of the individual on-site wastewater disposal systems;
 - i. *Lot Characteristics*. The total number of lots, size of lots, and overall density of the development is suitable for on-site water or wastewater;
 - j. *Impact on Surroundings*.
 1. The impact on surrounding properties and environmentally sensitive areas adjacent to the development is minimal and buffer areas are available;and
 2. The impact on surrounding properties' ability to develop with suitable access to water and/or wastewater facilities is minimal; and

- k. **City Code.** The development fails to meet Article 11.200, *Mandatory Water and Sewer Connections*, of the City Code.
2. **Affirmative Findings.** In order to approve an On-Site Water or Wastewater Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

Effective on: 5/20/2019

Sec. 14.603.10 Sign Permit

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Sign Permits.
- B. **Purpose.** The purpose of a Sign Permit is to ensure that a sign is built in conformance with this UDC.
- C. **Exceptions.** The following activities shall not require a Sign Permit:
 1. **Demolition.** Removal of a sign if the applicant obtains a Demolition Permit for the structure on which the sign is mounted;
 2. **Changing Copy.** Changing of permanent or changeable copy on an approved sign; and
 3. **Maintenance.** Ordinary maintenance, repair, painting, repainting, or cleaning a sign that does not involve structural changes or modifications.
- D. **Emergencies.** In an emergency situation, a property owner may initiate work without first applying for a Sign Permit. However, the owner shall apply for a Sign Permit within 24 hours after the first working day.
- E. **Electrical Code.** All illuminated signs shall be subject to the provisions of the City's electrical code

Effective on: 5/20/2019

Sec. 14.603.11 Temporary Use Permit

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Temporary Use Permits.
- B. **Purpose.** The purpose of a Temporary Use Permit is to ensure that temporary uses comply the requirements of this UDC and that they do not become permanent uses or structures.
- C. **Typical Uses.**
 1. **Listed Uses.** Uses that require a Temporary Use Permit include, but are not limited to, the following:
 - a. Public special events;
 - b. Sales events, such as:
 1. Commercial outdoor sales events;
 2. Seasonal sales;
 3. Sidewalk sales; or
 4. Truckload sales; and

b. Construction and storage, such as

1. Asphalt or concrete batching;
2. Placement of portable storage units; or
3. Placement of shipping containers.

2. *Unlisted Uses.* The Director may interpret other uses as requiring a Temporary Use Permit based on the provisions in [Sec. 14.103.1](#), *Unlisted of Functionally Similar Uses*.

D. Duration of Permit and Frequency.

1. *Public Special Events.* A Temporary Use Permit for a public special event shall have a duration of four consecutive days, not including set-up and tear-down, unless modified by the Director, and shall be approved a maximum of two times a year for the same property.

2. *Sales Event.* A Temporary Use Permit for a sales event shall have a maximum duration of seven consecutive days and shall be approved a maximum of four times a year for the same nonresidential use.

3. *Construction and Storage.*

a. Except for asphalt and concrete batching, a Temporary Use Permit for construction and storage shall have a maximum duration of 60 consecutive days and shall be approved a maximum of one time a year for the same property.

b. The duration of a Temporary Use Permit for asphalt or concrete batching shall coincide with the use of the facility for a specified construction project.

E. Exemptions. The following activities shall not require a Temporary Use Permit:

1. *Stadiums, Amphitheaters, and Parks.* Events in athletic stadiums, amphitheaters, and City parks;

2. *Farms Markets.* City-sponsored farmers market or other special events held within the public rights-of-way or on City-owned property; or

3. *Other.* Other public events where the expected attendance is less than 50 persons.

F. Specific Decision Criteria.

1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Temporary Use Permit, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:

a. *Health, Safety, and Welfare.* The temporary use does not endanger or is not materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the temporary use.

b. *Accessibility.* The temporary use does not create any violations of the Americans with Disabilities Act, the Texas Accessibility Standards, or the accessibility standards adopted by the City.

c. *Traffic Control.* If the Director of Planning deems it necessary, property access will be controlled by special traffic personnel paid for by the applicant based on the applicant's written communication from the Police Department.

d. *Restrooms.* Adequate on-site restroom facilities are provided at a rate of one toilet and one urinal per 50 expected attendees.

e. *Trash and Recycling.* Trash containers and recycling bins are placed in convenient area and the applicant has a plan for trash removal within 12 hours after closing on the final day of the event.

- f. *Appearance and Nuisances.* The temporary use is compatible in intensity, appearance, and operation with surrounding land uses in the area, and it does not unduly impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of pollution.
 2. *Affirmative Findings.* In order to approve a Temporary Use Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- G. **Additional Conditions.** The Director, in coordination with other City staff as may be necessary, may establish additional conditions that are desirable to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City as a whole. These may include, but are not limited to, the following:
1. *Hours of Operation.* Modification or restrictions on hours of operation.
 2. *Clean Up.* Posting of a performance bond to ensure clean up and removal of signs, equipment, trash, and other similar items; or
 3. *Refusal.* The Director may refuse to issue a permit if the use is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance of an event to ensure it can be properly managed.

Effective on: 5/20/2019

Sec. 14.603.12 Certificate of Occupancy

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Certificates of Occupancy.
- B. **Purpose.** The purpose of a Certificate of Occupancy is to certify that a completed project complies with the provisions of this UDC, the Building Code, approval conditions, the Site Development Plan and Building Permit, and all other pertinent ordinances. It is unlawful to occupy any building or structure unless the Building Official has issued a full, partial, or temporary certificate of occupancy.
- C. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Certificate of Occupancy, the review body shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Building Code.* The finished project complies with the City's Building Code.
 2. *Affirmative Findings.* In order to issue a Certificate of Occupancy, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. **Accessory Structures.** Residential accessory buildings or structures shall not require a separate certificate of occupancy, but may be included in the Certificate of Occupancy for the principal structure on the same lot, provided that such accessory structures are completed at the same time as, or subsequent to, the principal structure.

Effective on: 5/20/2019

Sec. 14.603.13 Written Interpretation

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Written Interpretations.
- B. **Purpose.** The purpose of a Written Interpretation is to provide any applicant with an administrative interpretation of the terms, provisions, or requirements of this UDC if the application of the terms, provisions, or requirements are not obvious.

- C. **Standards for Interpretations.** The Director may base the interpretation on:
1. The materials or scenario posed by the applicant;
 2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in a dictionary of common usage;
 3. The provisions of [Article 14.900, Word Usage](#);
 4. The purpose statement for the UDC section that is subject to interpretation;
 5. Any provision of this UDC, the Comprehensive Plan, Texas State law, or Federal law that are related to the same subject matter;
 6. Any technical meanings of words used in the provision subject to interpretation;
 7. Other interpretations rendered by the Director associated with the same or related provisions of this UDC;
 8. The legislative history of the provision subject to interpretation; or
 9. Sources outside of the UDC that provide additional information on the provision in question, such as technical or professional literature.
- D. **No Legal Advice.** No written interpretation shall be construed as legal advice.
- E. **Final Decision.** For purposes of appeal, a Written Interpretation is deemed a final decision.
- F. **Recordkeeping.** The Director shall keep records of interpretations made pursuant to this Section, which he or she may periodically present to the Planning and Zoning Commission in accordance with [Sec. 14.604.1, UDC Text Amendment](#).

Effective on: 5/20/2019

Sec. 14.603.14 Minor Modifications of an Approved Application

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Minor Modifications of an Approved Application.
- B. **Purpose.** The purpose of a Minor Modifications of an Approved Application is to allow an applicant to make insignificant changes to an approved application that has not yet received a Certificate of Occupancy, without requiring the application to go through the entire review process again.
- C. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Minor Modification of an Approved Application, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following that apply:
 - a. *Gross Floor Area (GFA).* An addition to a structure does not exceed 10 percent of the previously approved total GFA of the structure.
 - b. *Height.* Additional height of a structure does not exceed 10 percent of the previously approved height.
 - c. *Position.* A shift in a structure position is less than 10 feet.
 - d. *Density.* The overall density of the project does not increase as a result in the change in GFA, height, or position.
 - e. *Condition of Approval.* The proposal does not violate a condition of approval for the original application.



2. *Affirmative Findings.* In order to issue a Minor Modification of an Approved Application, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. **Other Modifications.** All other modifications that do not meet the Specific Decision Criteria in Subsection C., above, shall require submittal of a new application.



Effective on: 5/20/2019

Section 14.604: Legislative Review Procedures

Sec. 14.604.1 UDC Text Amendment

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to UDC Text Amendments.
- B. **Purpose.** The purpose of a UDC Text Amendment is to change the text of this UDC.
- C. **Specific Decision Criteria.** In determining whether to approve, approve with modifications, or deny a UDC Text Amendment, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - 1. *Impact Mitigation.* The proposal helps to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, storm water management, wildlife protection, and vegetation; or will be neutral with respect to these issues.
 - 2. *Strategic Objectives.* The proposal advances the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated City objectives.
- D. **Referral back to Commission.** Instead of making a final decision on the proposed amendment, the City Council may refer the proposal back to the Planning and Zoning Commission for further consideration for a period not to exceed 90 days from the date of referral.
- E. **No Retroactive Cure of Violations.** The amendment of the text of this UDC may transform a legally nonconforming situation into a conforming one. However, no text amendment shall for the sole purpose of curing a violation of any part of this UDC.

Effective on: 5/20/2019

Sec. 14.604.2 Zoning Map Amendment

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Zoning Map Amendments.
- B. **Purpose.** The purpose of a Zoning Map Amendment is to change the zoning district of a property on the official zoning map from one zoning district to another.
- C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a Zoning Map Amendment, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - 1. *Compatibility.* The range of uses and the character of development that is allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property.
 - 2. *Property Dimensions.* The subject property has sufficient dimensions to accommodate reasonable development that complies with the requirements of this UDC, including parking and buffering requirements.
 - 3. *Need.* The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property suggests a need for the proposed zoning district in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.

- D. **Additional Conditions.** A request for a Zoning Map Amendment may be conditioned upon adherence to an applicant's Site Development Plan, which may limit the uses on or design of the site. The Site Development Plan may be processed concurrently with the rezoning request and may be approved, approved with conditions, or denied in accordance with [Sec. 14.603.2, Site Development Plan](#).
- E. **Protest Against Rezoning.** A Zoning Map Amendment shall not become effective except by a favorable vote of three-fourths of all members of the City Council if either of the following sign a valid protest against the Amendment:
1. *Subject Property.* Owners of 20 percent or more of the land included in such proposed Amendment; or
 2. *Within 200 Feet.* Owners of 20 percent of the land within 200 feet of the subject property, including any intervening public street.

Effective on: 5/20/2019

Sec. 14.603.3 Conditional Use Permit

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Conditional Use Permits.
- B. **Purpose.** The purpose of Conditional Use Permit (CUP) review is to determine if conditional uses, as denoted in each zoning district in [Section 14.102, Base Districts and Standards](#), should be allowed on a property subject to standards and a public hearing.
- C. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a CUP, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Concentration.* The conditional use does not create an unwanted concentration of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
 - b. *Location.* There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
 1. Providing a needed community service;
 2. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
 3. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
 4. Making more efficient use of public infrastructure.
 2. *Affirmative Findings.* In order to approve a CUP, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. **Conditions of Approval.** An administrative body may recommend, and the City Council may attach, conditions of approval to the CUP approval in order to mitigate its impacts such that it complies with the associated decision criteria or to assure and monitor continued compliance with this UDC. Conditions shall be roughly proportional to the impacts to which they are addressed. The subject matter of conditions may include, but shall not be limited to, the following:
1. Additional landscaping or buffering;

2. Building or façade improvements;
3. Specification of hours of operation;
4. Limitations on the activities related to the use;
5. Noise abatement measures;
6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
7. Measures to control, mitigate, or direct traffic;
8. Parking, loading, stacking, and site circulation adjustments;
9. Restrictions on outdoor displays, sales, or storage;
10. Standards and assurances regarding the maintenance of property;
11. Restrictions on signs that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
12. An expiration date for the permit, before which the applicant must renew the permit, either administratively or legislatively, at the discretion of the Council, in order for the conditional use to continue to operate.

Effective on: 5/20/2019

Sec. 14.604.4 Master Development Plan

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Master Development Plans.
- B. **Purpose.** The purpose of a Master Development Plan is to provide a site layout for property developed within the MP, Master Planned zoning district, or using the planned neighborhood option in the SR, Suburban Residential or SU, Semi-Urban zoning districts. Review of the master development plan shall occur concurrently with the Zoning Map Amendment to an applicable zoning district, if such an Amendment is necessary. If such an Amendment is not necessary, then review shall occur prior to any other development activity for the project taking place.
- C. **Binding Characteristics.** Approval of the master development plan establishes:
 1. *Context, Transitioning, and Buffering.* The context of the proposed development relative to adjoining and adjacent development and the proposal for transitioning and buffering such uses;
 2. *Uses, Scale, and Compatibility.* The locations and types of residential, nonresidential, and public or institutional land uses; their scale and design relationships; and methods to ensure compatibility between the various uses and adjacent properties;
 3. *Density.* Minimum and maximum gross densities, block sizes, lot patterns, and heights of residential uses;
 4. *Bulk.* Maximum gross square footages, building coverage, and heights of nonresidential uses;
 5. *Parking and Circulation.* The proposed parking and circulation plans;
 6. *Transportation.* The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian, bicycle, and public transit improvements;
 7. *Open Space.* General locations, means of continuity and connectivity, and the extent of open space to be dedicated for public or private purposes;

8. *Environmental Features.* Areas of environmental sensitivity to be protected and preserved, including floodplains and riparian areas, wetlands and water bodies, steep slopes, forested areas, and other such areas; and

9. *Phases.* Phases of development.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a Master Development Plan, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:

1. *Phasing.* The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for transition from the early phases to completion, relating to the intensity of uses and parking.

2. *Undeveloped Space.* Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, buffering of uses, and for passive and active use are connected and continuous throughout the development.

3. *Complete Streets and Parking.* The streets are designed for multi-modal purposes, including as access and transit ways, for on-street parking, and safe use of pedestrians and bicyclists, and the parking is well-distributed and designed to preserve an urban streetscape.

4. *Walkability.* The connections within and between buildings, civic spaces, parking areas, and to the surrounding development; the presence of amenities and other pedestrian improvements; and the proximity of origins and destinations both internal and external to the development are such that walking and bicycling are safe and viable modes of transportation.

5. *Quality Design.* The design of buildings and hardscape and landscape areas help to establish visual interest, aesthetic appeal, and a unique identity for the development, including as key considerations human-scale amenities, integration of civic spaces for public interaction, and protection from the environmental elements.

6. *Building Form and Massing.* The placement, arrangement, size, and relationships of buildings relative to streets, pedestrian and civic spaces, and one another create an urban environment.

7. *Site Layout.* The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment.

8. *Mix of Housing Types and Uses.* The development contains at least three different housing types.

Effective on: 5/20/2019

Sec. 14.604.5 Certificate of Appropriateness

A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Certificates of Appropriateness.

B. **Purpose.** The purpose of Certificate of Appropriateness review is to ensure that no person carries out demolition, alteration, or reconstruction of any contributing building in the DT, Downtown zoning district without compliance with the design standards of [Sec. 14.202.5.DT, Downtown Zoning District](#). Certificate of Appropriateness approval is required in addition to, and not in lieu of, any required Building Permit.

C. **Exemptions.** The following activities are exempt from the requirements of this Section:

1. *Unfit for Occupancy.* Demolition of a contributing structure that the Building Official deems "unfit for human occupancy";
 2. *Ordinary Maintenance.* Ordinary maintenance on any structure that does not involve demolition, alteration, or reconstruction;
 3. *Non-Contributing Structure.* Demolition, alteration, or reconstruction of a building that the Director deems as non-contributing.
- D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a Certificate of Appropriateness, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
1. *Historic Use or Minimal Change.* The property is used as it was historically or will be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 2. *Historic Character of Property.* The historic character of a property is retained and preserved. The applicant has avoided proposing removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property.
 3. *Distinctive Features.* The applicant has proposed to preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property.
 4. *Repair and Replacement.* The applicant has proposed to repair rather than replace deteriorated historic features. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials. The applicant has substantially documented the replacement of missing features.
 5. *Gentlest Means.* The applicant has undertaken chemical or physical treatments, if appropriate, using the gentlest means possible, without using treatments that cause damage to historic materials.

Effective on: 5/20/2019

Section 14.605: Quasi-Judicial Review Procedures

Sec. 14.605.1 Variance

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Variances.
- B. **Purpose.** The purpose of a Variance is to provide limited relief from the requirements of this UDC in those cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this UDC.
- C. **Prohibitions and Exceptions.** Some requests for relief are not within the jurisdiction of the Board of Adjustment (BOA), and are therefore, either prohibited or not subject to this Section. These requests are:
1. *Use and Sign Type Variances.* Variances are prohibited that would allow a use or a sign type in a zoning district in which the use is prohibited.
 2. *Variances to Other Laws or Regulations.* Variances to State or federal laws are prohibited unless such authority is expressly granted to the City.
 3. *Conditions of Approval.* An applicant may seek modifications to conditions of approval with a new application submittal.
 4. *Nonconformities.* Variances that would have the effect of make existing nonconforming structures, site improvements, parking, or landscaping conforming are not allowed. Nonconforming situations are subject to the requirements of [Article 14.700](#), *Nonconformities*.
 5. *Parking Credits and Reductions.* Adjustments to the amount of parking spaces required may be authorized in accordance with [Sec. 14.203.2](#), *Parking Credits and Reductions*.
 6. *Floodplain Variances.* Variances to the requirements of [Section 14.401](#), *Flood Damage Prevention*, and [Section 14.402](#), *Flood Hazard Reduction*, may be authorized in accordance with [Sec. 14.605.2](#), *Variance, Floodplain*.
 7. *Subdivision Standards.* Relief from the requirements of [Section 14.302](#), *Subdivision Design Standards*, may be authorized in accordance with [Sec. 14.606.6](#), *Waiver*.
- D. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Variance, the applicable review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. The granting of the Variance is not based on a hardship which is self-imposed.
 - b. The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property.
 - c. The hardship is based on circumstances which are unique to the property for which the Variance is sought and not circumstances common to other properties.
 - d. The Variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure.

- e. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 - f. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
2. *Affirmative Findings*. In order to approve a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- E. **Conditions of Approval**. An Director may recommend, and the BOA may attach, conditions of approval to the Variance approval in order to mitigate its impacts such that it complies with the associated decision criteria. Conditions shall be roughly proportional to the impacts to which they are addressed. The subject matter of conditions may include, but shall not be limited to, the following:
1. Drainage standards calculated to minimize the effect of the increased slope;
 2. Additional landscaping or buffering;
 3. Building or façade improvements;
 4. Limitations on the activities related to the use;
 5. Noise abatement measures;
 6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
 7. Measures to control, mitigate, or direct traffic;
 8. Parking, loading, stacking, and site circulation adjustments;
 9. Restrictions on outdoor displays, sales, or storage;
 10. Standards and assurances regarding the maintenance of property; and
 11. Restrictions on signs that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech).

Effective on: 5/20/2019

Sec. 14.605.2 Variance, Floodplain

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Floodplain Variances.
- B. **Purpose**. The purpose of a Floodplain Variance is to provide limited relief from the requirements of [Section 14.401](#), *Flood Damage Prevention*, and [Section 14.402](#), *Flood Hazard Reduction*, where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this UDC.
- C. **Variance Prohibition**. Floodplain Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. **Historic Structures**.
1. *National Register and State Inventory*. Floodplain Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this Section.
 2. *Decision Criteria*. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that:
 - a. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and

- b. The Variance is the minimum necessary to preserve the historic character and design of the structure.
- E. **Half-Acre lots.** Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [Sec. 14.603.7.B](#), *Specific Decision Criteria*, have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the Variance increases.
- F. **Conditions of Approval.** Upon consideration of the factors in this Section, the BOA may attach such conditions to the granting of Variances as it deems necessary to further the purpose and objectives of this UDC, and specifically those set out in [Sec. 14.401.3](#), *Statement of Purpose and Disclaimer*.
- G. **Prerequisites for Granting Variances.**
- 1. *Minimum Necessary.* The BOA shall only issue a Floodplain Variance upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. *Prerequisites.* Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in:
 - 1. Increased flood heights;
 - 2. Additional threats to public safety;
 - 3. Extraordinary public expense;
 - 4. Create nuisances;
 - 5. Cause fraud on or victimization of the public; or
 - 6. Conflict with existing local laws or ordinances.
 - d. The BOA may issue a Floodplain Variance for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1. The criteria outlined in subsection (a)-(i) are met; and
 - 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- H. **Notification.** Any application to which a Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Effective on: 5/20/2019

Sec. 14.605.3 Appeal of Administrative Decision

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Appeals of Administrative Decisions.
- B. **Purpose.** The purpose of an Appeal of Administrative Decision is to provide a vehicle for appeal of any final decision of the Director, Building Official, City Engineer, or Floodplain Administrator on an application set out in [Section 14.603](#), *Administrative Review Procedures*.

- C. **Notice of Appeal.** Within 30 days after the date of an administrative final decision, an appeal may be initiated to the Director, in writing, by any person aggrieved by the decision or by any official or department of the City affected by the decision. In the notice, the appellant shall set out all grounds for the appeal.
- D. **Transmission of Records.** The staff person whose decision is appealed shall transmit to the BOA all of the documents constituting the record of the appealed action.
- E. **Effect of Appeal.** The filing of an Appeal of Administrative Decision stays all proceedings in furtherance of the final decision appealed, unless the administrative official from whom the appeal is taken certifies in writing to the BOA that, by reason of facts stated, a stay would in his or her opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the BOA or by a court of competent jurisdiction on application or notice to the officer from whom the appeal is taken and on due cause shown.
- F. **Burden of Proof in Appeals.** The BOA shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.
- G. **Specific Decision Criteria.** In determining whether to affirm or reverse, in whole or in part, or modify the appealed decision, the applicable review bodies shall consider, and the BOA shall make findings on the following:
 - 1. *Record and Evidence.* The administrative decision was appropriate considering the written record of the case and the evidence presented.
 - 2. *UDC Requirements.* The decision reflects the requirements contained in this UDC.
- H. **Effect of Decision.** In exercising its authority under this Section, the BOA shall have the final decision making powers of the administrative official from whom the appeal is taken.



Effective on: 5/20/2019

Section 14.606: Subdivision Review Procedures

Sec. 14.606.1 Development Plat

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Development Plats.
- B. **Purpose.** Pursuant to the [Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050](#), the purpose of a Development Plat is to allow for development of a property for non-agricultural purposes:
1. *Never Platted or Replatted.* That has not been platted or replatted prior to April 29, 2013, unless expressly exempted in this UDC;
 2. *Exemption from Subdividing.* For which the property owner claims an exemption from the requirements to submit a Minor, Amending, Preliminary, or Final Plat or a Replat;
 3. *Private Access.* For which the only access is a private easement or street; or
 4. *Greater than Five Acres.* The division of which will result in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.
- C. **Exceptions.** No Development Plat shall be required where the land to be developed has received Final Plat or Replat approval prior to April 29, 2013.
- D. **Specific Decision Criteria.**
1. *Review and Decision.* In determining whether to approve or deny a Development Plat, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Safety Hazard.* The proposed development will not create a safety hazard on a public roadway (such as by not providing adequate on-site parking or vehicle maneuvering space for a restricted access/gated entrance).
 - b. *Public Improvements.* Appropriate agreements for acceptance and use of public improvements to serve the development have been tendered.
 - c. *Standards and Specifications.* The proposed development conforms to the design and improvement standards contained in the City's Engineering Design Standards and Specifications.
 2. *Required Approval.* If the Commission finds that a Development Plat complies with all applicable decision criteria, then it is required to approve the Plat.

Effective on: 5/20/2019

Sec. 14.606.2 Preliminary Plat

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Preliminary Plats.
- B. **Purpose.** The purpose of a Preliminary Plat is to provide sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with the Master Development Plan, if applicable, and the requirements of this UDC prior to submittal of a Final Plat.

C. Specific Decision Criteria.

1. *Review and Decision.* In determining whether to approve or deny a Preliminary Plat, the review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. *Standards and Specifications.* The proposed development conforms to the design and improvement standards contained in the City's Engineering Design Standards and Specifications.
 - b. *Other Review Bodies.* If applicable, approval from the Dayton Independent School District, Liberty County Commissioner's Court, and any legislative-created districts.
2. *Required Approval.* If the Commission finds that a Preliminary Plat complies with all applicable decision criteria, then it is required to approve the Plat.

D. Transportation Impact Analysis (TIA). A TIA shall be required for any Preliminary Plat that, at build-out and according to the Institute of Traffic Engineers *Traffic Engineering Handbook*, can be expected to generate more than 500 vehicle trip ends during a single day and/or more than 100 vehicle trip ends during a single hour.

E. Commission Final Decision.

1. *30-Day Deadline.* The Commission shall make a final decision on the Preliminary Plat at a regularly scheduled meeting held within 30 days of the date the Plat is submitted. This deadline may be extended an additional 30 days if the applicant requests or consents in writing to the extension to act upon the Plat.
2. *No Action.* If no action is taken by the Commission at the end of the 30-day period, without the request or consent of an extension, the Plat shall be deemed to have been approved.

F. Appeal. If the final decision on the Preliminary Plat is appealed, a vote of three-fourths of the City Council members shall be rendered to overturn the Commission's decision.

G. No Public Dedication. Approval of the Preliminary Plat shall not constitute the acceptance of any public improvements.

Effective on: 5/20/2019

Sec. 14.606.3 Final Plat

A. Generally. In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Final Plats.

B. Purpose. The purpose of a Final Plat is to serve as the official recorded map of the property to be developed, showing the boundaries, lots, public streets, easements, and other significant facilities and features that are necessary to serve the development. The Final Plat shall conform to the approved Preliminary Plat.

C. Land Not to be Excluded.

1. *Avoidance.* A Final Plat shall generally not exclude land that could otherwise be included for the purpose of avoiding requirements of this UDC, including, but not limited to, the requirement to improve existing perimeter streets or to dedicate a street designated on the Major Thoroughfare Plan. If such property is excluded for good reason, the Commission may still impose the requirement if compliance with the requirement is reasonably necessary to serve the development.
2. *Remainder Tracts.* In no case shall a Final Plat exclude land so as to leave a remainder of such size, shape or location as not to be developable in substantial compliance with the requirements of this UDC.

D. Specific Decision Criteria.

1. **Review and Decision.** In determining whether to approve or deny a Final Plat, the applicable review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. The Plat displays a certificate of completion signed, sealed, and dated by the developer's engineer of record and approval of all public improvements by the City Engineer.;
2. **Required Approval.** If the Commission finds that a Final Plat complies with all applicable decision criteria, then it is required to approve the Plat.

E. Commission Final Decision.

1. **30-Day Deadline.** The Commission shall make a final decision on the Final Plat at a regularly scheduled meeting held within 30 days of the date the Plat is submitted. The deadline may be extended an additional 30 days if the applicant requests or consents in writing to the extension to act upon the Plat.
2. **No Action.** If no action is taken by the Commission at the end of the 30-day period, without the request or consent of an extension, the Plat shall be deemed to have been approved.

F. Appeal. If the final decision on the Final Plat is appealed, a vote of three-fourths of the City Council members shall be rendered to overturn the Commission's decision.

G. Illegal Subdivision. Where an applicant seeks approval of a Final Plat for land that was subdivided in violation of this UDC, state law, or any prior ordinance, and the development cannot comply with this UDC because of the unlawful subdivision, the Commission may deny the Plat.

H. Preliminary Plat Renewal.

1. **Phasing.** For a development to be constructed in phases, the Final Plat may include only a portion of the land included in the Preliminary Plat.
2. **Five-Year Period.** Where only a portion of an approved Preliminary Plat is submitted for Final Plat approval, a Final Plat of the remaining area may be submitted at any time within five years of the date of Preliminary Plat approval.
3. **Renewal and Expiration.** If a Final Plat of the remaining area has not been submitted within the five-year time period, the portion of the Preliminary Plat for which no Final Plat has been submitted shall be deemed null and void. However, if at least one phase of the Preliminary Plat has received Final Plat approval, its public improvements have been completed, and it has been recorded with the Liberty County Clerk, an extension to the five-year time limit shall be automatically granted.

I. No Acceptance of Public Improvements. Approval of the Final Plat shall not constitute the acceptance of any public improvements unless the City Council specifically agrees to such acceptance.

J. Recording of Final Plat.

1. **Submittal.** The applicant shall provide the following to the Director after approval of the Final Plat:
 - d. One mylar of the Final Plat reproducible true to scale twenty-four inch by thirty-six inch;
 - e. Tax certificate(s) from the County Clerk and school district stating that no taxes are delinquent against the property;
 - f. The appropriate filing fees as described in the City fee schedule;
 - g. A digital copy of "as-built" plans or bonds in lieu of construction as specified below:

1. The applicant shall submit a certified set of "as-built" plans for the subdivision as approved by the City Engineer. The "as-built" plans shall illustrate that the layout and line and grade of all public improvements are in accordance with the construction plans, as approved for the subdivision and that said improvements are ready for dedication to the City, and are free and clear from any and all liens and encumbrances. Such "as-built" plans shall be accompanied by an estimate and quantity sheet indicating quantities for streets, drainage, and utility construction along with all structural appurtenances to be dedicated to the public as part of the proposed subdivision.
 2. All applicable bonds or other City-approved financial instruments for guarantee of improvements and maintenance period after approval.
2. **Recording** . Within 10 days of receipt and approval of the above documents, the Director shall record the approved Final Plat with the Liberty County Clerk. After the plat has been recorded, the Director shall issue to the subdivider the necessary copies of the approved and signed Final Plat along with the Liberty County filing number.

Effective on: 5/20/2019

Sec. 14.606.4 Replat

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Replats.
- B. **Purpose**. The purpose of a Replat is to allow a property owner to add additional lots or public rights-of-way to a recorded plat without prior vacation.
- C. **Replatting Without Vacating Preceding Plat**. In accordance with [Texas Local Government Code Section 212.014, 212.0145 and 212.015](#), a Replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the Replat:
 1. Is signed and acknowledged by only the owners of the property being replatted;
 2. Is approved, after a public hearing on the matter, if required in [Table 14.602.10-1, Development Review Summary Table](#), by the Commission; and
 3. Does not attempt to amend or remove any covenants or restrictions.
- D. **Utilities**. The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the Replat. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

Effective on: 5/20/2019

Sec. 14.606.5 Vacating Plat

- A. **Generally**. In addition to the applicable required procedures in [Section 14.602, Common Review Procedures](#), the following shall apply to Vacating Plats.
- B. **Purpose**. The purpose of a Vacating Plat is to eliminate the subdivision of property reflected by a prior recorded plat, whereby the subdivided land would return to a single unit of property.
- C. **Vacation of Plat**. In accordance with [Texas Local Government Code Section 212.013](#), a recorded plat may be vacated pursuant to the following.
 1. *Common Ownership*. The owners of the tract covered by a plat may vacate the plat at any time before any lot in the subdivision is sold.

2. *Separate Ownership.* If lots in the subdivision have been sold, the subdivision, or any part of the subdivision, may be vacated on the application of all the owners of lots in the subdivision with approval obtained in the manner prescribed for the original plat for the subdivision.
3. *When Vacated.* The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
4. *Execution and Recording.* On the execution and recording of the vacating instrument, the vacated plat has no effect.
5. *Utilities.* The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the vacation procedure. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

D. Government Initiated Plat Vacation.

1. *Generally.* The Council may vacate a plat of an approved subdivision when:
 - a. No lots within the approved plat have been sold within five years from the date that the plat was approved;
 - b. The City is unable to obtain funds from the subdivider's bonding company with which to complete construction of unfinished and abandoned public improvements, except that the vacation shall apply only to lots owned by the subdivider or its successor; or
 - c. The plat has been of record for more than five years and the Council determines that the further resale of lots within the subdivision presents a threat to public health, safety, and general welfare, except that the vacation shall apply only to lots owned by the subdivider or its successors.
2. *Notice.* Prior to initiating a plat vacation, the Council shall follow the notice requirements set forth in [Texas Local Government Code Section 212.015](#).

- E. Utilities.** The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the Vacating Plat. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

Effective on: 5/20/2019

Sec. 14.606.6 Waiver

- A. **Generally.** In addition to the applicable required procedures in [Section 14.602](#), *Common Review Procedures*, the following shall apply to Waivers.
- B. **Purpose.** The purpose of a Waiver is to allow relief from the standards in [Section 14.302](#), *Subdivision Design Standards*, which may be considered concurrently with a Preliminary or Final Plat, Minor Plat, or Replat, to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this UDC.
- C. **Specific Decision Criteria.**
 1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a Waiver, the applicable review bodies shall consider the applicable common decision criteria in [Sec. 14.602.4](#) and the following:
 - a. Strict application of the standard requested to be waived renders platting of the subject property unfeasible.
 - b. The Waiver requested is the minimum necessary that will make possible platting of the subject property.
 - c. The reason for the Waiver is based on a minimum of one of the following:

1. The particular physical surroundings, shape, or topographical conditions of the subject property; or
 2. Achieving alternative compliance with the standard requested to be waived in a manner not contemplated in this UDC.
- d. The subdivider has incorporated elements articulated in [Sec. 14.302.1](#), *Design Principles*, to compensate for non-compliance with the standards requested to be waived.
2. *Affirmative Findings*. In order to approve a Waiver, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.



Effective on: 5/20/2019

ARTICLE 14.700: NONCONFORMITIES

Contents:

Section 14.701: Purpose and General Provisions

Section 14.702: Types of Nonconformities

Section 14.703: Conversion of Minor Nonconformities

Section 14.701: Purpose and General Provisions

Sec. 14.701.1 Purpose

The purpose of this Article is to:

- A. **No Expansion.** Ensure that nonconforming uses do not expand;
- B. **Protection.** Protect conforming uses from nuisances that may be associated with nonconformities;
- C. **Curtain Investment.** Curtail substantial investment in nonconformities that are contrary to the purpose of this UDC;
- D. **Elimination.** Eliminate substantially damaged or abandoned nonconformities whose degrees of incompatibility with adjacent lands uses are high; and
- E. **Balance.** Balance the City's objective to eliminate nonconformities with a landowner's right to maintain and make use of a nonconformity.

Effective on: 5/20/2019

Sec. 14.701.2 General Provisions

- A. **Types of Nonconformities.** There are five general types of nonconformities addressed in this Article.
 1. *Nonconforming Uses.* The following uses are nonconforming uses:
 - a. Uses that were lawfully established but are not currently listed as permitted or conditional uses;
 - b. Uses that do not meet the requirements of [Section 14.103](#), *Specific Use Standards*; and
 - c. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
 2. *Nonconforming Structures.* The following are nonconforming structures:
 - a. Structures that were lawfully established but fail to meet a numerical standard in [Section 14.102](#), *Basic Districts and Standards*; and
 - b. Structures that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.
 3. *Nonconforming Lots of Record.* A lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this UDC, is a nonconforming lot of record. Lots that are held in common, but which individually do not meet lot area or dimensional standards, are curable nonconformities. Where a landowner owns several nonconforming lots that abut each other, they may be combined to create

conforming lots or, if full conformity is not possible, they may be combined to the extent that the combination increases the degree of conformity.

4. **Nonconforming Signs.** A lawfully established sign that fails to meet the applicable requirements of [Section 14.205, Signs](#), is a nonconforming sign.
5. **Nonconforming Site Elements.** The following site elements are nonconforming if there were lawfully established but do not meet the standards of [Article 14.200, Design and Site Development Standards](#).
 - a. Building exterior material or design,
 - b. Parking, loading, or stacking areas or driveways;
 - c. Development landscaping or bufferyards; and
 - d. Outdoor lighting.

B. Unlawful Uses, Structures, or Signs. This Article does not legalize uses, structures, or signs that were established, constructed, or modified without the required approvals. Such uses, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are violations of this UDC and any other applicable law. Likewise, this Article does not legalize unlawful subdivisions of property that may have occurred before the effective date of this UDC.

C. Nonconformities Created by Public Action. Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal, state, or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remainder parcel in terms of setback, lot size, or other applicable standards of this UDC. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other routine site plan approvals.

D. Maintenance and Alterations.

1. **Maintenance.** Routine maintenance of a nonconforming structure or sign, or of a conforming structure containing a nonconforming use, is permitted, including necessary non-structural repairs, painting, change in message on a sign, and incidental alterations that do not extend or intensify the nonconforming uses or the life of the nonconforming structures.

2. **Alterations.**

a. No structural alteration shall be made to any nonconforming structure or sign or to a structure containing a nonconforming use except if:

1. The alteration is required by law;
2. The alteration will result in eliminating the nonconforming use, structure, or sign; or
3. The alteration will not maintain or increase the degree of nonconformity.

b. For example, in regard to paragraph a.3, above, if a structure is set back three feet from a property line and this UDC requires five feet, then no portion of an addition shall come closer to the property line than the minimum required five feet.

E. Major and Minor Nonconforming Uses and Structures. Nonconforming uses and structures are classified as major or minor, as follows:

1. **Major.** Major nonconforming uses or structures are those that generate nuisances or represent such incompatibility with adjacent properties and/or the Comprehensive Plan that they should be eliminated.

2. *Minor*. Minor nonconforming uses or structures are those not classified as major nonconformities.
- F. **Determination of Nonconforming Status**. The property owner bears the burden of demonstrating to the Director:
1. *Classification*. The classification of a nonconformity as minor; and
 2. *Establishment*. That a nonconformity was lawfully established.
- G. **Elimination of Nonconforming Status**. The owner of a nonconformity may employ the mechanisms denoted in Table 14.701.2-1, *Elimination of Nonconforming Status*, in an attempt to eliminate the nonconformity.

Table 14.701.2-1, Elimination of Nonconforming Status	
Nonconformity	Mechanism to Eliminate Nonconforming Status
Use	Conversion of the existing use to a conforming use.
	Approval of a Zoning Map Amendment to a district in which the use is permitted.
	Approval of a Conditional Use Permit in accordance with Section 14.703, Conversion of Minor Nonconformities .
Structure	Modification of the structure to conform.
	Approval of a Variance to allow the structure as built.
	Approval of a Zoning Map Amendment o district to which the structure would conform.
	Approval of a Conditional Use Permit in accordance with Section 14.703, Conversion of Minor Nonconformities .
Sign	Modification of the sign to conform.
	Replacement of the sign with a permitted sign type
Lot of Record	Approval of a Replat.
	Combination of properties held in common ownership to create a conforming lot.
Site Elements	Modification of the improvement to conform.



Effective on: 5/20/2019

Section 14.702: Types of Nonconformities

Sec. 14.702.1 Uses

- A. *All Nonconforming Uses.* The following shall apply to major and minor nonconforming uses.
1. A nonconforming use shall not be changed to another nonconforming use.
 2. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.
 3. If the use of only a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not be changed back to the nonconforming use.
- B. *Major Nonconforming Uses.*
1. Discontinuance of a major nonconforming use for a period of six consecutive months constitutes abandonment of the use, regardless of the owner's intent. A major nonconforming use shall not be re-established on the property after it is abandoned unless the City Council approves a Zoning Map Amendment in accordance with [Sec. 14.604.2](#) that makes the prior use conforming.
 2. A major nonconforming use shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not used or occupied on the effective date of this UDC or any amendment that made the use nonconforming.
 3. No structures containing a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
- C. *Minor Nonconforming Uses.*
1. Discontinuance of a minor nonconforming use for a period of 12 consecutive months constitutes abandonment of the use, regardless of the owner's intent. A minor nonconforming use shall not be re-established on the property after it is abandoned unless the property owner converts the nonconforming use to a conforming use in accordance with [Section 14.703, Conversion of Nonconformities](#), prior to the end of the six-month period.
 2. No minor nonconforming use shall be expanded or extended in such a way as to:
 - a. Occupy any open space or landscaped area that is required by this UDC;
 - b. Exceed pervious cover, intensity, or height limitations of the zoning district in which the use is located;
 - c. Occupy any land beyond the boundaries of the property as it existed on the effective date of this UDC; or
 - d. Displace any conforming use in the same building or on the same property.

Effective on: 5/20/2019

Sec. 14.702.2 Structures

- A. **Damage or Destruction.** If a major or minor nonconforming structure is damaged or partially destroyed by any means, the structure may be restored to its original dimensions provided that:

1. **Percentage.** The damage or destruction does not exceed 50 percent of the gross floor area (GFA) of a major nonconforming structure or 66 percent of the GFA of a minor nonconforming structure;
 2. **Permit.** A Building Permit is obtained for repairs within six months of the date the building was damaged;
 3. **Construction.** The construction is commenced within six months after obtaining the required Building Permits; and
 4. **No Increase.** The original nonconformity is not enlarged, increased, or extended.
- B. **Existing Nonconforming Structures in the Regulated Floodway.** It is the intent of the City that no permanent buildings or structures be located or substantially improved in the Regulated Floodway, except according to the standards in [Article 14.400, *Environmental Management*](#), and that existing nonconforming structures shall be removed upon abandonment. As such, a property with an abandoned nonconforming structure in the Regulated Floodway shall not be eligible for any development review approval until the property owner removes the abandoned nonconforming structure.

Effective on: 5/20/2019

Sec. 14.702.3 Signs

- A. **Damage or Destruction.** If a nonconforming sign is damaged or destroyed by any means and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the fair market value of the sign at the time of the damage, it shall be removed or brought into compliance with this UDC.
- B. **No Message.** If a nonconforming sign does not display any message for a period of six months, it shall be removed or brought into conformance with this UDC.
- C. **Removal.** If a nonconforming sign is removed for any reason, it shall not be replaced unless the replacement sign conforms to this UDC.
- D. **Danger.** A nonconforming sign that the Building Official determines to be a danger to public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this UDC.
- E. **Removal of Certain Prohibited Signs.** Signs made of materials identified in [Sec. 14.205.3.C, *Prohibited Sign Materials*](#), and placed in locations identified in [Sec. 14.205.3.E, *Prohibited Sign Locations*](#), shall be removed within 30 days after the effective date of this UDC.

Effective on: 5/20/2019

Sec. 14.702.4 Lots

- A. **Combination of Lots to Increase Conformity.**
 1. **Combination.** Where a property owner owns more than one abutting nonconforming lot of record, the lots shall be combined to create fully conforming lots prior to any other development application submittal for the property. Or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity.
 2. **No Combination.** A property owner is not required to combine lots pursuant to Paragraph A.1, above, if:
 - a. The combination of lots would not address the nonconformity;
 - b. The combination of lots would disrupt the lotting pattern of the street, for example, by creating an internal through on a street segment that does not include any other through lots;

- c. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down or the property undergo a Zoning Map Amendment in order to comply with this UDC; or
- d. The combination of lots would result in regularly shaped lots being combined into a single lot with an irregular shape, such as a flag lot.

B. Construction on Nonconforming Lots of Record. A nonconforming lot of record that cannot be combined with another lot in accordance with Subsection A, *Combination of Lots to Increase Conformity*, may be built upon if, as of the effective date of this UDC:

1. *Permitted Use.* The use is permitted in the zoning district in which the lot is located;
2. *Sufficient Frontage.* The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use; and
3. *Setbacks and Height.* All setbacks and height requirements are met, except that the Director may authorize a reduction of required setbacks of up to 10 percent, provided that the Director finds that the reduction does not allow a building that would be larger than a building that would be permitted on the minimum conforming lot in the zoning district.

Effective on: 5/20/2019

Sec. 14.702.5 Site Elements

- A. Generally.** Table 14.201.1-1, *Design and Site Development Standards Applicability*, shows when development, redevelopment, or improvements to a site require compliance with [Article 14.200](#), *Design and Site Development Standards*. Over time, such development activities will have the effect of removing the majority of nonconforming site elements in the jurisdiction of this UDC; however, this Section ensures that the site elements listed in [Sec. 14.701.2.A.2](#), *Nonconforming Site Elements*, that met the requirements of previous development regulations are not modified to increase their degree of nonconformity.
- B. Nonconforming Driveway.**
1. *Continuance.* Any nonconforming driveway access is permitted to continue as a nonconforming driveway until:
 - b. *Additional Access.* Any additional driveway is constructed for the subject property or for the unified development of which it is a part; or
 - c. *Repaving or Reconstruction.* The driveway requires reconstruction or repaving.
 2. *Termination.* If the criteria in Subsection B., *Nonconforming Driveway*, are met, the nonconforming driveway shall no longer be permissible, and the Director shall require driveway access to meet the requirements of this [Article 14.200](#). The Director may block any such nonpermissible driveways after notice is mailed to the property owner of record.
- C. Other Nonconforming Site Elements.** No other nonconforming site element may be modified except to bring the site element into greater compliance with the requirements on [Article 14.200](#).



Effective on: 5/20/2019

Section 14.703: Conversion of Minor Nonconformities

Sec. 14.703.1 Purpose

In many instances, minor nonconformities are integral parts of the City's character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use or structure may be made conforming pursuant to this Section in order to remove the potential stigma that may be associated with the "nonconforming" designation.

Effective on: 5/20/2019

Sec. 14.703.2 Procedure and Decision Criteria

- A. **Procedure.** An owner of a minor nonconforming use or structure may apply for a Conditional Use Permit (CUP) that, upon approval, has the effect of:
1. Making the use or structure conforming; or
 2. Allows re-establishment or reconstruction of a minor nonconforming use or structure beyond the limits established in [Section 14.702, Types of Nonconformities](#).
- B. **Exclusions.** This procedure only applies to minor nonconforming uses and structures and does not apply to any other type of nonconformity.
- C. **Decision Criteria.**
1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a CUP under this Section, the review bodies shall consider the applicable review criteria in this UDC and the following:
 - a. *Minimal Nonconformities.* The structure or use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's function.
 - b. *Patrons and Employment.* Nearby residents regularly patronize or are employed at the subject property.
 - c. *Nuisances.* Construction or management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
 - d. *Previous Complaints.*
 1. There is no material history of complaints about the structure or use; or
 2. The conditions of the CUP will eliminate the sources of the complaints.
 - e. *Disincentive for Maintenance.* The structure or use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
 2. *Affirmative Findings.* In order to approve a CUP, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. **Conditions.** The BOA may impose conditions relative to the establishment or expansion of bufferyards, landscape areas, or other site elements, or other limitations necessary to ensure that the structure or use will not become a nuisance.



Effective on: 5/20/2019

ARTICLE 14.800: ENFORCEMENT AND REMEDIES

Contents:

Section 14.801: Enforcement Procedures

Section 14.802: Remedies

Section 14.801: Enforcement Procedures

Sec. 14.801.1 Director Responsibilities

The Director shall:

- A. Enforce the provisions of this UDC;
- B. Provide in writing the specific areas of noncompliance to the person or entity in violation of any provision of this UDC; and
- C. Bring violations or lack of compliance to the attention of the City Attorney or other appropriate authority .

Effective on: 5/20/2019

Sec. 14.801.2 Violations

- A. **Complaints.** Any person may file a written complaint to the Director on a suspected violation of this UDC. The Director shall record the complaint immediately, investigate, and take action as provided in this Article.
- B. **Notice of Violation.**
 1. *Mailed Notice.* The Director shall send a violation notice by certified mail, postage pre-paid, return receipt requested, to the property owner on which the violation is taking place.
 2. *Notice Contents.* The notice shall contain the violation description, address or location of property, date of noticed infraction, steps to correct, and the deadline to correct the infraction.
- C. **Timeframe for Violation to be Corrected.** Failure to correct the violation within 15 business days from the date of mailing the letter shall constitute an offense.
- D. **Correction.** Correction of the violation in the manner stipulated by the violation notice at any point during this enforcement process, shall deem the notice null and void, and enforcement activity shall cease.
- E. **Existing Violations.**
 1. *Generally.* Any violation of the repealed provisions of the City Code that this UDC replaced shall continue to be a violation under this UDC and shall be subject to the penalties and enforcement set out in this Article unless the use, development, construction, or other activity complies with the provisions of this UDC.
 2. *Fines and Penalties.* Payment of fines shall be required for any civil penalty assessed under the repealed provisions of the City Code, even if the original violation is no longer considered a violation under this UDC.

Effective on: 5/20/2019

Sec. 14.801.2 Penalties

- A. **Misdemeanor Offense.** Violation of the provisions of this UDC or failure to comply with any of its requirements (including violations of conditions of approval and safeguards established in connection with grants of Variances or Conditional Use Permits) shall constitute a misdemeanor.
- B. **Punishment.** Any person who violates this UDC or fails to comply with any of its requirements ,shall upon conviction, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case.
- C. **Successive Days.** Each day such violation continues shall be considered a separate offense.
- D. **Associated Parties.** The owner or tenant of any full or partial building, structure, or premises, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

Effective on: 5/20/2019

Section 14.802: Remedies

Sec. 14.802.1 Non-Judicial Remedies

The Director, with assistance from other applicable City staff members, may enforce any violation of this UDC prior to, and without, judicial process by:

- A. **Withholding Permits.** The Director may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of this UDC or those of a referral agency.
- B. **Temporarily Revoking Permits.** The Director may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
- C. **Suspending Permits.** The Director may suspend any permits to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
- D. **Revoking Permits and Approvals.**
 1. *Generally.* Any permit or other approval required by this UDC may be revoked:
 - a. When the Director determines that there is a violation of any provision of this UDC;
 - b. When the Director determines that the permit or approval was issued in error or based on false representation;
 - c. Upon the request of a referral agency with jurisdiction and due cause; or
 - d. When the Director, or City Engineer, as appropriate, determines that there is a departure from the approved plans required under the permit, this UDC, or the City's Engineering Design Standards and Specifications.
 2. *Notice.* Written notice of permit or approval revocation shall state a time frame to correct the violation.
 3. *Effect of Notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
 4. *Failure to Correct.* After the period to correct the violation lapses, as specified in [Sec. 14.801.2.C, Timeframe for Violation to be Corrected](#), and arrangements acceptable to the Director have not been made, the Director may:
 - a. File litigation in a court of competent jurisdiction; and/or
 - b. Remove or correct such violation and place a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.
- E. **Stopping Work.**
 1. *Issuance.* With or without revoking permits, the Director shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation of this UDC by issuing a written stop work order.
 2. *Stop Work.* The permittee and/or operator shall immediately stop all activity until authorized, in writing, by the Director to proceed.
- F. **Issuing Cease and Desist Orders.** The Director may issue a cease and desist order to close unlawful uses or to halt a violation of this UDC.



Effective on: 5/20/2019

Sec. 14.802.2 Judicial Remedies

The City may seek the following judicial remedies or any other judicial remedy as permitted by law to enforce this UDC in any court of competent jurisdiction:

- A. **Injunctive Relief.** The City may seek an injunction to stop any violation issued under this UDC. Such relief may include revocation or termination of permits, including Conditional Use Permits. In any court proceedings in which the City seeks a preliminary injunction, it shall be presumed that a violation of this UDC is, or may be, an injury to the public health, safety, or general welfare or that public health, safety, or general welfare may be irreparably injured.
- B. **Abatement.** The City may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the violating property to the condition in which it existed prior to a violation.
- C. **Civil Liability.** The Director:
 1. Has the authority to issue a citation and deliver it to a person believed to be committing a civil violation; and
 2. Is declared to be the official with the duty of enforcing this UDC with respect to:
 - a. Appearing and testifying in any trial held with respect to a citation;
 - b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred;
 - c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
 - d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.
- D. **Criminal Liability.**
 1. *Punishment.* Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of this UDC may be punished by fines and / or imprisonment, as prescribed by law, for each week or partial week, that the violation or noncompliance has continued.
 2. *Responsible Parties.* Every person concerned in the violation of, or showing failure to comply with this UDC, whether the person directly commits the act, or aids or abets the act, and whether present or absent, shall be proceeded against and held as a principal.



Effective on: 5/20/2019

ARTICLE 14.900: WORD USAGE

Contents:

Section 14.901: Rules of Construction, Acronyms, and Abbreviations

Section 14.902: Definitions

Section 14.901: Rules of Construction, Acronyms, and Abbreviations

Sec. 14.901.1 Rules of Construction

- A. **General.** All provisions, terms, phrases and expressions contained in this UDC shall be construed in order that the true intent and meaning of the Council may be fully implemented.
- B. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
 - 1. "Day" means a calendar day.
 - 2. "Month" means a calendar month.
 - 3. "Year" means a calendar year.
- C. **Reference to Director.** Unless otherwise specified, any reference to "the Director" shall be deemed to be a reference to the Director of Planning for the City, or otherwise titled by the City Manager.
- D. **Reference to Commission.** Unless otherwise specified, any reference to "the Commission" shall be deemed to be a reference to the Planning and Zoning Commission.
- E. **Reference to Board or BOA.** Unless otherwise specified, any reference to "the Board" or "the BOA" shall be deemed to be a reference to the Board of Adjustment.
- F. **Reference to Council.** Unless otherwise specified, any reference to "the Council" shall be deemed to be a reference to the City Council.
- G. **Delegation of Authority.** Whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision or Section specifies otherwise.
- H. **Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
 - I. **Text, Tables, and Illustrations.** In case of any difference of meaning or implication between the text of this UDC and any illustrations, the text shall control. In case of a conflict between the text and a table, the text shall control. In case of a conflict between a table and an illustration, the table shall control.
- J. **Other Regulations.** Where this UDC references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by other regulations or publications, requirements for compliance are no longer in effect.
- K. **Examples.** The use of the terms "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

L. Additional Rules of Construction.

1. The terms "shall," "will," or "must" are mandatory and are synonymous. The term "may" is discretionary. The term "and" indicates that all items being referred to are connected and inclusive. The term "or" indicates that one or more of the items being referred to shall or may apply.
5. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
6. Words used in the plural number include the singular and vice-versa.
7. "Person" includes an individual, a corporation, a partnership, and an incorporated association of persons such as a club.
8. The term "building" includes a "structure"; a "building" or "structure" includes any part of the building;
9. The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
10. Words not defined in this UDC but defined in any other part of the Dayton City Code shall be deemed to have the meaning provided in the City Code. Words not defined in this UDC or in any other part of the City Code shall have the most appropriate meaning provided in a dictionary in common usage.



Effective on: 5/20/2019

Sec. 14.901.2 Acronyms and Abbreviations

This Section shows the acronyms and abbreviations used in this UDC and their meanings.

Ac. = Acre

Effective on: 5/20/2019

BFE = Base Flood Elevation

Effective on: 5/20/2019

BOA = Board of Adjustment

Effective on: 5/20/2019

BP = Business Park Zoning District

Effective on: 5/20/2019

BR = bedroom

Effective on: 5/20/2019

CFR = Code of Federal Regulations

Effective on: 5/20/2019

CO = Certificate of Occupancy

Effective on: 5/20/2019

Commission = Planning and Zoning Commission

Effective on: 5/20/2019

Council = City Council

Effective on: 5/20/2019

CUP = Conditional Use Permit

Effective on: 5/20/2019

Director = Director of Planning

Effective on: 5/20/2019

DRC = Development Review Committee

Effective on: 5/20/2019

DT = Downtown Zoning District

Effective on: 5/20/2019

DU = Dwelling Unit

Effective on: 5/20/2019

EN = Established Neighborhood Zoning District

Effective on: 5/20/2019

ETJ = Extraterritorial Jurisdiction

Effective on: 5/20/2019

FEMA = Federal Emergency Management Agency

Effective on: 5/20/2019



FHMB = Flood Hazard Boundary Map

Effective on: 5/20/2019

FIRM = Flood Insurance Rate Map

Effective on: 5/20/2019

FIS = Flood Elevation Study.

Effective on: 5/20/2019

GC = General Commercial Zoning District

Effective on: 5/20/2019

GFA = Gross Floor Area

Effective on: 5/20/2019

HOA = Homeowners Association

Effective on: 5/20/2019

IN = Industrial Zoning District

Effective on: 5/20/2019

M10 = Mailed before the 10th day before the PZC hearing in accordance with [Sec. 14.602.5](#), *Public Notice*

Effective on: 5/20/2019

M15 = Mailed before the 15th day before the PZC hearing in accordance with [Sec. 14.602.5](#), *Public Notice*

Effective on: 5/20/2019

Max. = Maximum

Effective on: 5/20/2019

Min. = Minimum

Effective on: 5/20/2019

MP = Master Planned Zoning District

Effective on: 5/20/2019

NA = Not Applicable

Effective on: 5/20/2019

NP = Not Permitted

Effective on: 5/20/2019

NGVD = National Geodetic Vertical Datum

Effective on: 5/20/2019

OSHA = Occupational Safety Health Administration

Effective on: 5/20/2019

POA = Property Owners Association

Effective on: 5/20/2019

P15 = Published before the 15th day before the Board of Adjustment or City Council hearing in accordance with [Sec. 14.602.5](#), *Public Notice*

Effective on: 5/20/2019



PZC = Planning and Zoning Commission

Effective on: 5/20/2019

RA = Rural / Agricultural Zoning District

Effective on: 5/20/2019

RV = Recreational Vehicle

Effective on: 5/20/2019

SFA = Single-family attached dwelling

Effective on: 5/20/2019

SFD = Single-family detached dwelling

Effective on: 5/20/2019

Sq Ft = square feet

Effective on: 5/20/2019

SR = Suburban Residential Zoning District

Effective on: 5/20/2019

SU = Semi-Urban Residential Zoning District

Effective on: 5/20/2019

TCEQ = Texas Commission on Environmental Quality

Effective on: 5/20/2019

TIA = Transportation Impact Analysis

Effective on: 5/20/2019

TLGC = Texas Local Government Code

Effective on: 5/20/2019

TMUTCD = Texas Manual on Uniform Traffic Control Devices

Effective on: 5/20/2019

TxDOT = Texas Department of Transportation

Effective on: 5/20/2019

UDC = Unified Development Code

Effective on: 5/20/2019

UR = Urban Residential Zoning District

Effective on: 5/20/2019

Section 14.902: Definitions

A

Abut/Abutting means to physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term "adjacent."

Effective on: 5/20/2019

Agriculture Use Category contains nonresidential uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.

Examples of primary uses in this category include:

Chick hatchery; Domestic animal raising including cattle, horses, hogs, donkeys, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, or animal breeding and development; Floriculture, horticulture, pasturage, row and field crops, viticulture, or orchard; Greenhouse, retail or wholesale; Livestock sale or auction; Stable, private and noncommercial; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office; Barn, silo, stable (private) or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse, commercial or noncommercial; Home occupation; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; Roadside stand; and Slaughtering, processing and packaging of animals raised on-site

Effective on: 5/20/2019

Access means a way or means of approach to provide physical entrance and exit to a property.

Effective on: 5/20/2019

Accessory Structure means a structure detached from but located on the same lot as the principal building/structure, the use of which is incidental and accessory to that of the principal building/structure. Structures covered by this definition include, but are not limited to, a detached garage, a storage building or workshop which is clearly subordinate and incidental to the principal use of the structure.

Effective on: 5/20/2019

Accessory Use means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Effective on: 5/20/2019

Adjacent means lying near or close to. (See Abut/Abutting.)

Effective on: 5/20/2019



Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Effective on: 5/20/2019

Aisle means the traveled way by which cars enter and depart parking spaces.

Effective on: 5/20/2019

All-Weather Surface means an improved surface that is constructed of four inches of concrete or a similar material.

Effective on: 5/20/2019

Alley means a public or private street primarily designed to serve as secondary access to the side or rear of properties whose primary frontage is on some other street.

Effective on: 5/20/2019

Ancillary Exterior Wall means any building facade that is visible from a public right-of-way, residential property, or public open space, but that is not the primary exterior wall .

Effective on: 5/20/2019

Annexation means the extension of the boundaries of the city to incorporate area adjacent to the city and within the city's extraterritorial jurisdiction (ETJ), and in accordance with the provisions of [Chapter 43 of the Texas Local Government Code](#).

Effective on: 5/20/2019

Apartment means a building located on a single lot designed or altered for occupancy by three or more families living independently of each other and entirely separated from any other dwelling by setbacks on all sides. A single proprietor owns all dwelling units.

Effective on: 5/20/2019

Applicant means a person submitting an application for development.

Effective on: 5/20/2019

Appurtenance means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Effective on: 5/20/2019

Arcade means a succession of arches, created by columns or piers, to form a covered walkway.

Effective on: 5/20/2019

As-Built Plans means a set of detailed plans and documents specifying how public improvements depicted on a Final Plat were actually constructed.

Effective on: 5/20/2019

Asphalt or Concrete Batching means a temporary light manufacturing use for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction of a specific site or project, and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, and the storage and maintenance of required equipment. This facility does not include the retail sale or wholesale of finished asphalt or concrete products.

Effective on: 5/20/2019

B

Bank or Credit Union means an establishment that is engaged in the business as a bank or trust company, and is federally chartered or state chartered. The term also includes credit unions that are federally or state chartered, and mortgage companies that provide mortgage loans as a principal part of their operation, with the loans secured by an interest in real property as collateral for the loan.

Effective on: 5/20/2019

Base Flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Effective on: 5/20/2019

Base Flood Elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the base flood.

Effective on: 5/20/2019

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Effective on: 5/20/2019

Bed and Breakfast Home means an overnight accommodation in an existing single-family dwelling or detached accessory dwelling units where the primary use is a single-family home, engaged in providing overnight or otherwise temporary lodging for the general public and, if meals are provided, they are served only to overnight guests and residents.

Effective on: 5/20/2019

Bed and Breakfast Inn means an overnight accommodation in a former single-family dwelling or detached guesthouses on a lot where the property owner provides management, cleaning, and meal services to overnight guests, and may or may not reside on site.

Effective on: 5/20/2019

Berm means landscaped earthen hill of three feet height or greater.

Effective on: 5/20/2019

Biodigester means an alternative energy system that utilizes anaerobic digestion for the primary purpose of producing energy. Mechanisms and processes that are part of the digester, including but not limited to separators and refining equipment, produce biogas, which is used for production of electricity and pipeline-quality natural gas. A biodigester may refine digestate as a secondary function to produce soil amendments, fertilizer, and other similar products.

Effective on: 5/20/2019

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.

Effective on: 5/20/2019

Brick means a solid or hollow masonry unit of clay or shale mixed with sand, molded into a rectangular-shape while in a plastic state, then baked in a kiln, and meeting ASTM International standards C216.

Effective on: 5/20/2019



Building Code means regulations governing building design, construction and maintenance. The City of Dayton’s Building Code is published by the International Code Council, 2003 Edition, as amended, and the National Electrical Code, 2003 Edition, as amended.

Effective on: 5/20/2019

Building Official means the chief building inspector of the City.

Effective on: 5/20/2019

Building means a structure, or parts of a structure, that has a roof and walls, and that is intended to shelter people, animals, property, or business activity, and includes any structure used or intended to be used for supporting or sheltering a use or occupancy.

Effective on: 5/20/2019

Bufferyard means a specified land area, located parallel to and within the outer perimeter of a property and extending to the property line, together with the plantings required within the buffer. A buffer may also contain a barrier such as a wall or fence where additional screening is necessary to achieve the required level of buffering.

Effective on: 5/20/2019

Bufferyard, Type A means a bufferyard that is 10 feet in width. A structural Type A Bufferyard contains the following screening and plantings per 100 linear feet:

- A. A six-foot fence, wall, or berm;
- B. 1 canopy trees;
- C. 1 evergreen tree or 2 ornamental trees; and
- D. 10 shrubs.

Alternatively, a natural Type A Bufferyard contains the following plantings per 100 linear feet:

- A. 1 canopy trees;
- B. 2 evergreen trees or 4 ornamental trees; and
- C. 15 shrubs.

Effective on: 5/20/2019

Bufferyard, Type B means a bufferyard that is 15 feet in width. A structural Type B Bufferyard contains the following screening and plantings per 100 linear feet:

- A. A six-foot fence, wall, or berm;
- B. 2 canopy trees;
- C. 2 evergreen trees or 4 ornamental trees; and
- D. 15 shrubs.

Alternatively, a natural Type B Buffeyard contains the following plantings per 100 linear feet:

- A. 2 canopy trees;
- B. 3 evergreen trees or 6 ornamental trees; and
- C. 20 shrubs.

Effective on: 5/20/2019

Bufferyard, Type C means a bufferyard that is 20 feet in width. The structural Type C Bufferyard contains the following screening and plantings per 100 linear feet:

- A. a six-foot fence, wall, or berm;

- B. 3 canopy trees,
- C. 2 evergreen trees or 4 ornamental trees, and
- D. 20 shrubs.

Alternatively, a natural Type C Bufferyard contains the following plantings per 100 linear feet:

- A. 3 canopy trees;
- B. 3 evergreen trees or 6 ornamental trees; and
- C. 20 shrubs.

Effective on: 5/20/2019

Building Setback Line means a line or lines within a property defining the minimum horizontal distance required between a structure and property line.

Effective on: 5/20/2019

Business Purposes means the erection or use of any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Effective on: 5/20/2019

C

Caliper means the diameter of a tree trunk, as measured at 18 inches above natural ground level.

Effective on: 5/20/2019

Campground or Recreational Vehicle Park means an establishment that accommodates campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles in a temporary, seasonal manner. They may also provide overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventures such as trail riding, water activities and hiking. These establishments may provide facilities and services such as cabins, washrooms, food services and recreational activities.

Effective on: 5/20/2019

Certificate of Occupancy means a document issued by the Building Official allowing the occupancy or use of a structure.

Effective on: 5/20/2019

Channel Letters or Symbols means a three-dimensional graphic sign element that includes a "channel" in which a light source is installed. A front-lit channel letter or symbol has an illuminated channel with a translucent face that allows light to shine through the face of the letter. A back-lit channel letter or symbol has an opaque face so that illumination from the letter or symbol is directed at the surface behind the letter or symbol, thereby producing a "halo" or "silhouette" effect around the letter or symbol.

Effective on: 5/20/2019

City means the City of Dayton, Texas.

Effective on: 5/20/2019

City Council means the governing or legislative authority of the City of Dayton, Texas.



Effective on: 5/20/2019

City Manager means the City of Dayton, Texas city manager or designee.

Effective on: 5/20/2019

Cluster means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel (as in conventional subdivision development). Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources.

Effective on: 5/20/2019

Commercial Outdoor Sales Event means the periodic outdoor sales of merchandise on-site by occupants of a commercial or mixed use lot or parcel.

Effective on: 5/20/2019

Comprehensive Plan means the planning documents and related material officially adopted by the City of Dayton, containing the goals, objectives and policies pertaining to urban growth, community facilities, infrastructure, circulation, housing, and other subjects related to the development of the city.

Effective on: 5/20/2019

Concrete Masonry Unit means indented, hammered, or split face concrete.

Effective on: 5/20/2019

Conditions of Flood Hazard means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Effective on: 5/20/2019

Conduit means any open or closed device for conveying flowing water.

Effective on: 5/20/2019

Construction Plan means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision.

Effective on: 5/20/2019

Contributing Building means a historic building that is at least 50 years old that retains a significant amount of its physical integrity, whether exposed or concealed, and character-defining features or that is associated with significant people or events.

Effective on: 5/20/2019

Critical Root Zone means a circular region measured outward from the tree trunk to the drip line representing the area of roots that must be maintained or protected for the tree's survival.

Effective on: 5/20/2019

Cul-de-Sac means a local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

Effective on: 5/20/2019

D



Day Care Use Category contains public and civic uses providing care, protection, and supervision for at least 17 children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Examples of primary uses in this category include:

Adult care center; Child care center; Nursery school or pre-school; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Food preparation and dining facility; Minor utilities; and Recreation facility

Effective on: 5/20/2019

Dedication means the grant of an interest in property to the public for public use and benefit.

Effective on: 5/20/2019

Deed means a legal document conveying ownership of real property.

Effective on: 5/20/2019

Deed Restriction. See Restrictive Covenant.

Effective on: 5/20/2019

Density means the average number of housing units per unit of land generally expressed as “dwelling units per acre.”

Effective on: 5/20/2019

Design Storm Event means rainfall intensity upon which the drainage facility will be sized.

Effective on: 5/20/2019

Developer means the legal or beneficial owner(s) of land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interest in such land. Also, any person, developer, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Effective on: 5/20/2019

Development means the subdivision of land or any manmade change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, conversion, improvement, or enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operations.

Effective on: 5/20/2019

Drainage Area Map means an area map of watershed which is subdivided to show each area served by each subsystem.

Effective on: 5/20/2019

Drip Line (Landscaping) means a vertical line extending from the outermost branches of a tree to the ground.

Effective on: 5/20/2019

Dwelling means a building, or portion thereof, which is used exclusively for human habitation.

Effective on: 5/20/2019

Dwelling, Duplex means a building containing two dwelling units on a single lot, designed to be occupied by two families living independently of each other. The term is synonymous with "two-family dwelling".

Effective on: 5/20/2019

Dwelling, Group Residential means a dwelling that houses unrelated individuals, including nursing homes, half-way houses, dormitories, rooming/boarding houses and other similar facilities.

Effective on: 5/20/2019

Dwelling, Apartment means a building located on a single lot designed or altered for occupancy by five or more families living independently of each other and entirely separated from any other dwelling by setbacks on all sides. A single proprietor owns all dwelling units.

Effective on: 5/20/2019

Dwelling, Multiplex means a building with three to four dwelling units on a single lot designed to resemble a large single-family detached dwelling. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.

Effective on: 5/20/2019

Dwelling, Patio Home means a single-family detached dwelling with front and rear setbacks and a single side setback.

Effective on: 5/20/2019

Dwelling, Single-Family Detached means a building located on a single lot, designed exclusively for occupancy by one family and entirely separated from any other dwelling by setbacks on all sides.

Effective on: 5/20/2019

Dwelling, Single-Family Attached means two attached single-family dwellings located on two separately platted lots that share a common firewall along the interior lot line.

Effective on: 5/20/2019

Dwelling, Townhouse means a set of attached dwelling units in a row of at least three, but no greater than seven, of such units, each of which is located on a separate lot and is separated from the others by common fire-resistive walls.

Effective on: 5/20/2019

Dwelling Unit means a single unit providing complete, independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Effective on: 5/20/2019

E

Easement means a grant of one or more property rights by the property owner to and for the use of the public, a corporation or other persons, for a designated part of his property, and for a specified purpose.

Effective on: 5/20/2019

Educational Facilities Use Category contains public and civic uses including schools at the elementary, middle, or high school level that provide basic academic education. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Examples of primary uses in this category include:

College, university or seminary; Nursing or medical school not associated with a hospital; Public or private elementary, middle or high school; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Assembly hall; Associated office and storage; Athletic facilities; Auditorium or theater; Before-and after-school day care; Concession; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; and Recreation facility

Effective on: 5/20/2019

Engineering Design Standards means the specifications and standards for the construction of public improvements in the City of Dayton. Design standards and specifications for public works construction are available from the department of planning and community development.

Effective on: 5/20/2019

Erect means to build, construct, attach, hang, place, suspend, affix, or paint a sign.

Effective on: 5/20/2019

Exterior Wall means the outermost wall surface of a building, excluding doors and windows.

Effective on: 5/20/2019

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Effective on: 5/20/2019

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Effective on: 5/20/2019

Extraterritorial Jurisdiction (ETJ) means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Dayton, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of one mile.

Effective on: 5/20/2019

F

Facing or Surface means the surface of the sign upon, against, or through which a message is displayed or illustrated on the sign.

Effective on: 5/20/2019



Family means one or more persons related by blood or marriage, including adopted children, or a group of not to exceed three persons not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, motel, club, or similar dwelling for group use.

Effective on: 5/20/2019

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

Effective on: 5/20/2019

Fire Marshal means the chief fire hazard and arson inspector of the city.

Effective on: 5/20/2019

Flag Lot means a lot with:

- A. Less than the minimum required frontage on a public or private street;
- B. Access to the street by a narrow strip of land; and
- C. Its largest portion situated behind adjoining lots that front on the street.

Effective on: 5/20/2019

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Effective on: 5/20/2019

Flood Insurance Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Effective on: 5/20/2019

Flood Fringe means the area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and received shallower waters and less velocities, as defined by FEMA.

Effective on: 5/20/2019

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Effective on: 5/20/2019

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Effective on: 5/20/2019

Floodplain means the stream channel, the floodway and the flood fringe, as defined by FEMA.

Effective on: 5/20/2019

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Effective on: 5/20/2019

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Effective on: 5/20/2019

Floodplain or Floodprone Area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Effective on: 5/20/2019

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,

Effective on: 5/20/2019

Floodway, Regulatory means the flood corridor of a river or other watercourse that is reserved in order to discharge the 100-year flood, as defined by FEMA.

Effective on: 5/20/2019

Floor Area Ratio means the gross floor area of all buildings on a lot, divided by the lot area.

Effective on: 5/20/2019

Foster Home means a child-care facility that provides care for not more than six children for 24 hours a day.

Effective on: 5/20/2019

Fuel Sales means any structure, land area, or other premises, used for the retail dispensing or sales of vehicular fuels.

Effective on: 5/20/2019

Functional Street Classification System means a hierarchical circulation system for the safe and efficient operation of vehicles which provides for the gradation in function from access to movement, as illustrated in Figure 2. The functional street classifications are expressway, major arterial, minor arterial, collector, and local. Each is defined herein.

Effective on: 5/20/2019

Functionally Dependent Use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Effective on: 5/20/2019

G

Government Facilities Use Category contains public and civic uses including offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Examples of primary uses in this category include:

Town, city, county, state or federal office, parking lot or maintenance area; Detention center, jail or prison, publicly-owned and operated; Emergency services, police or fire station; Post office; Utility office; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated helicopter landing facility; Associated storage; Day care for children of employees; Dormitory; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees or inmates; Meeting space; Minor utilities; and Recreation facility

Effective on: 5/20/2019

Grade means:

- A. The slope of a road, street, or other public way, specified in percentage (%) terms.
- B. The average elevation at ground level of the buildable area, i.e., the area conforming to all setback requirements, of a lot, tract or parcel of land.

Effective on: 5/20/2019

Grass means any of numerous grass species that will attain a thick green cover of turf over the available soil area.

Effective on: 5/20/2019

Greenhouse or Nursery an establishment primarily engaged on the propagation of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

Effective on: 5/20/2019

Groundcover means plants of species which will not generally reach a height of more than two feet, installed in such a manner as to form a continuous cover over the ground. Groundcover includes sod, ornamental grasses, shrubs, mulch, or perennial or seasonal plantings.

Effective on: 5/20/2019

Group Living Use Category contains residential uses including the occupancy of a structure by a group of people that does not meet the definition of the Household Living Use Category. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.

Examples of primary uses in this category include:

Assisted living facility; Boarding house; Family home; Foster home; Fraternity, sorority, or dormitory; Group home for the physically and/or mentally disabled, that is not considered a single-family residence; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office; Facilities for treatment of sickness, injuries or surgical care; Food preparation and dining facility; Greenhouse or nursery (noncommercial); Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and Other miscellaneous household amenities

Effective on: 5/20/2019

H

Hardscape means the non-living elements used in landscape such as decorative walls, ledges, fountains, sculptures, stone paths, etc.

Effective on: 5/20/2019

Health Department means the Texas Department of State Health Services and/or the City-County Health Department.

Effective on: 5/20/2019

Heavy Industrial Use Category contains uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare..

Examples of primary uses in this category include:

Manufacture, assembly or processing of acid, acetylene gas, aircraft, alcoholic beverages (wholesale), ammonia, asbestos and asbestos products, asphalt, automobiles or trucks, batteries, bones, boxes or crates or pallets, brick or tile or terra cotta, building materials, celluloid, cement, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, hemp, insecticide, lacquer, lard, lime, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paint, paraffin, petroleum, plaster of Paris, plastic, poison, porcelain, recreational vehicles, railroad vehicles and equipment, rubber, salt, shellac, tallow, tar, tires, trailers, turpentine, varnish, vinegar, wax, or yeast

Additional uses include: Arsenal; Boiler works; Bulk storage of explosive or hazardous materials; Coke oven; Concentrated animal feeding operation; Concrete batching and asphalt processing and manufacture; Feed milling; Fertilizer storage; Grain elevator; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Rice dryer; Sawmill; Smelter; Slaughtering, packaging or processing of animals; Wrecking, junk or salvage yard; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales related to the primary use; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; and Single attached residential unit for caretaker

Effective on: 5/20/2019

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Effective on: 5/20/2019

Historic Structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Effective on: 5/20/2019

Home Occupation means any occupation that is carried out within the home or within a structure which is an accessory to the home.

Effective on: 5/20/2019

Household Living Use Category contains residential uses including occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

Examples of primary uses in this category include:

Apartment; Duplex; Industrialized housing; Manufactured home on a parcel or platted lot, stand-alone; Manufactured home park; Multiplex; Patio home; Single-family attached dwelling; Single-family detached dwelling; Townhouse; Upper-story residential; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Adult or child care home; Domestic storage; Family home; Garage, private or shed; Home occupation; Leasing office for manufactured home park or apartment complex; Minor utilities; Model home with sales office in model home; Pool house; Private community center; Solar panel array; Swimming pool; and Other miscellaneous household amenities

Effective on: 5/20/2019

Hydraulic Grade Line means a line representing the pressure head available at any given point within the drainage system.

Effective on: 5/20/2019

I

Illuminated Sign means a sign utilizing internal or external lights, which make the message more readable, typically, but not necessarily, during hours of darkness.

Effective on: 5/20/2019

Impervious Surface means the area of a parcel where significant amounts of water cannot penetrate into the ground due to the presence of impervious surfaces, including building footprints. Examples of impervious surfaces are asphalt and concrete. Examples of pervious surfaces include vegetated areas, semi-pervious paving, and wood decks.

Effective on: 5/20/2019

Improvement means any manmade, immovable item, which becomes part of, placed upon, or is affixed to, real estate.

Effective on: 5/20/2019

Infill Development means new development or redevelopment of vacant or underused property that is already served by infrastructure and is surrounded by existing development .

Effective on: 5/20/2019

Individual Sewage Disposal System means a septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

Effective on: 5/20/2019

Indoor Recreation Use Category contains commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Examples of primary uses in this category include:

Adult business; Bar or nightclub; Bowling alley; Convention center; Dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Indoor firearms range; Movie or other theater; Pool hall; Skating rink; Tattoo parlor; Tennis or racquetball facility; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor

Effective on: 5/20/2019

Industrialized Housing means a single-family detached or duplex residential structure that is:

- A. Designed for the occupancy of one or more families;
- B. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
- C. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

The term is synonymous with "modular home".

Effective on: 5/20/2019

J

Effective on: 5/20/2019

K

Effective on: 5/20/2019

L

Label means a metal inspection-label or plate which has been permanently affixed by the manufacturer or by an approved testing agency to a manufactured home or recreational vehicle or to associated equipment and that contains:

- A. A serial number, if required,
- B. The specifications of the vehicle or the equipment to which it is attached; and

C. Refers to any standards that have been met in the construction of such vehicle or equipment.

Effective on: 5/20/2019

Land Disturbing Activity means clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

Effective on: 5/20/2019

Land Surveyor, Registered Professional means a land surveyor licensed and registered in the State of Texas.

Effective on: 5/20/2019

Land Use means a description of how land is occupied or utilized.

Effective on: 5/20/2019

Landscaped Area means an area devoted to and consisting of trees, grass, plant materials and other features used primarily for landscaping purposes, which is installed to meet the requirements of this article. For purposes of meeting the requirements of this article, undeveloped portions of the site shall not be considered landscaped area.

Effective on: 5/20/2019

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Effective on: 5/20/2019

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Effective on: 5/20/2019

Light Industrial Use Category contains uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods, usually from basic finished inputs such metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Examples of primary uses in this category include:

Manufacture or assembly of appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, medical instruments, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, toys

Additional uses include: Bakery, wholesale; Biodigester; Bottling or canning; Brewery; Building and development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Food processing; Janitorial and building maintenance service, exterminator, maintenance yard or facility; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research, testing, and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; Single attached residential unit for caretaker; and Wholesale and/or retail sales

Effective on: 5/20/2019

Lot means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Effective on: 5/20/2019

Lot Lines mean the lines bounding a lot or parcel.

Effective on: 5/20/2019

Lot Line, Front means on an interior lot or parcel, the lot line separating the lot from the street right-of-way; on double frontage lot, the lot line separating the lot from the street right-of-way from which access is provided to the lot; and on a corner lot, the lot line separating the lot from the street right-of-way which is designated on the plat as the front.

Effective on: 5/20/2019

Lot Line, Rear means the lot line opposite and most distant from the front lot line.

Effective on: 5/20/2019

Lot Line, Interior Side means any lot line other than a front or rear lot line. If such side lot line abuts street right-of-way it is considered an exterior side lot line; if it abuts another lot or parcel it is considered an interior side lot line.

Effective on: 5/20/2019

Lot of Record means a lot which is a part of an approved plat, the map of which has been recorded in the office of the Liberty County Clerk.

Effective on: 5/20/2019

Lot, Corner means a lot located at the intersection of and abutting two or more streets.

Effective on: 5/20/2019

Lot, Double Frontage means a lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

Effective on: 5/20/2019

Lot, Interior means a lot other than a corner lot.

Effective on: 5/20/2019



Lot, Reverse Frontage means a double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Effective on: 5/20/2019

Lot, Zero Lot Line means a lot where the outside wall of a patio home is located on a side property line.

Effective on: 5/20/2019

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Effective on: 5/20/2019

M

Manufactured Home, HUD-Code means structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

Effective on: 5/20/2019

Manufactured Home Park means a parcel (or contiguous parcels) of land upon which three or more manufactured homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer, and electrical services available. A manufactured home park is not a recreational vehicle park.

Effective on: 5/20/2019

Manufactured Home Sales Lot means a parcel or tract of land, which is used by a manufactured home or recreational vehicle dealer for the sale of manufactured homes or recreational vehicles.

Effective on: 5/20/2019

Manufactured Home Stand means that part of a manufactured home park, which has been improved for the placement of the manufactured home including all required appurtenances and having provision for available utility connections.

Effective on: 5/20/2019

Manufacturer means the manufacturer of a manufactured home or a recreational vehicle.

Effective on: 5/20/2019

Masonry means natural and manufactured stone material, granite, marble, architectural concrete block, brick, stucco, tilt wall concrete panels, and similar materials as designated by the Director of Planning. This term does not include Exterior Insulation Finishing System (EIFS) or similar materials.

Effective on: 5/20/2019

Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Effective on: 5/20/2019

Medical Facility Use Category contains public and civic uses providing medical or surgical care to patients. Some uses may offer overnight care.

Examples of primary uses in this category include:

Acupuncture clinic; Blood or blood plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice or nursing home; Hospital; Medical or dental office or laboratory; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility

Effective on: 5/20/2019

Microbrewery means a facility for the brewing of beer that produces less than 10,000 barrels per year, for on-site consumption, and which possesses the appropriate licenses from the state of Texas. It may often include a tasting room and retail space to sell the beer to patrons on-site.

Effective on: 5/20/2019

Mobile Home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Effective on: 5/20/2019

Multifamily Dwelling Complex means a multiplex or apartment complex.

Effective on: 5/20/2019

Multiplex means a building with three to four dwelling units on a single lot designed to resemble a large single-family detached dwelling. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.

Effective on: 5/20/2019

N



New Construction means for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Effective on: 5/20/2019

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Effective on: 5/20/2019

O

Occupant means the person or persons who occupy or own a building.

Effective on: 5/20/2019

Off-Site means any property not located within the area of the subject property.

Effective on: 5/20/2019

Off-Site Improvements means any utility, paving, grading, drainage, structure, or modification of topography, that is, or will be located on property not within the boundary of the property to be developed.

Effective on: 5/20/2019

Off-Street Parking means a type of parking wherein the maneuvering of the vehicle while parking and backing out, as well as parking itself, is done entirely off of the street right-of-way, and where access to the area is by means of driveway approach built to the standards of the City of Dayton.

Effective on: 5/20/2019

Office Use Category contains commercial activities conducted in an office setting and generally focusing on business, professional or financial services.

Examples of primary uses in this category include:

Offices or agencies for services such as advertising, bill collection, charitable organization, consulting, counseling, data processing, investment or brokerage, real estate or insurance, sales, temporary employment or travel

Additional uses include: Bank or credit union; Professional service such as lawyer, accountant, designer, bookkeeper, engineer or architect; TV or radio studio; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower

Effective on: 5/20/2019

On-Site means any property located within the subject property.

Effective on: 5/20/2019

Outdoor Display Area means any outdoor area where motor vehicles, trailers, semitrailers or other motor-driven equipment are stored throughout the day and night, and are held for the purpose of sales or lease as an entire or complete unit.

Effective on: 5/20/2019

Outdoor Recreation Use Category contains commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Examples of primary uses in this category include:

Outdoor activity such as archery range, batting cage, firearms range, swimming pool, tennis court, or water park

Additional uses include: Amphitheater; Amusement park; Animal racing or training; Campground; Fairgrounds or rodeo grounds; Farmers market, outdoor; Flea market, outdoor; Golf course, driving range or mini-golf course; Paintball facility; Recreational vehicle park; Stable, public or commercial; Stadium, arena, running track or ball field; Track, vehicle race; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker

Effective on: 5/20/2019

Outdoor Storage means the storage of especially large quantities of materials or products associated with any industry or business. Such storage requires a structure designed for and/or devoted to the containment of the item, such as oil storage tank or grain elevator.

Effective on: 5/20/2019

Overnight Accommodations Use Category contains commercial bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Examples of primary uses in this category include:

Bed and breakfast home; Bed and breakfast inn; Hotel or motel; Resort; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool

Effective on: 5/20/2019

Owner means the owner or lessor, whether one or more, of the premises on which a manufactured home park or manufactured home lot is operated when such person is not a licensee.

Effective on: 5/20/2019

P

Parcel means a contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Effective on: 5/20/2019

Parking, Commercial Use Category contains commercial facilities that provide parking that is not accessory to a primary use, for which a fee may or may not be charged.

Examples of primary uses in this category include:

Park-and-ride facility; Parking lot or structure, commercial; Truck, tractor, trailer or bus storage or parking yard, lot, or garage; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; and Minor utilities

Effective on: 5/20/2019

Parking Row means a row of parking spaces that are parallel to each other and take access to a parking aisle or street. Parking rows may exist as singular rows, or may be located back-to-back to each other providing access to different, but parallel parking aisles.

Effective on: 5/20/2019

Parks and Open Areas Use Category contains public and civic uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Examples of primary uses in this category include:

Botanical garden or nature preserve; Cemetery, columbarium, mausoleum, or memorial park; Dog park, publicly-owned; Park or playground; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales area related to the primary use; Boat launch; Concession; Dining area; Minor utilities; and Recreation facility

Effective on: 5/20/2019

Passenger Terminal Use Category contains public and civic or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.

Examples of primary uses in this category include:

Airport or heliport; Bus passenger terminal, taxi dispatch center, train passenger terminal; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated retail sales area related to the primary use; Concession; Fleet maintenance; Freight handling area; Fueling facility; and Minor utilities

Effective on: 5/20/2019

Parking Space means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Effective on: 5/20/2019

Pervious means any material that permits full or partial absorption of storm water into previously unimproved land

Effective on: 5/20/2019

Place of Assembly Use Category contains public and civic facilities where people assemble for civic, educational, religious, philosophical or cultural purposes.

Examples of primary uses in this category include:

Assembly, meeting, event or exhibition hall; Church, mosque, synagogue, or temple; Community center; Library; Museum; Philanthropic institution; Senior or youth center; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Assembly hall; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care; Food preparation and dining facility; Garden; Library; Minor utilities; Nursery school or pre-school; Recreation facility; and Residences for clergy

Effective on: 5/20/2019

Planned Neighborhood means a land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Effective on: 5/20/2019

Planning and Zoning Commission means the Planning and Zoning Commission of the City of Dayton.

Effective on: 5/20/2019

Plat, Amending means a correction to a recorded plat, that does not require a Replat or a Vacation.

Effective on: 5/20/2019

Plat, Final means a map of a land subdivision prepared according to applicable laws of the State of Texas and ordinances of the city and county having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

Effective on: 5/20/2019

Plat, Minor means a plat of land which includes four or fewer lots, and which does not necessitate the extension of streets or municipal facilities.

Effective on: 5/20/2019

Plat, Preliminary means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

Effective on: 5/20/2019

Portable Storage Unit means an enclosed storage container less than 20 feet in length that may be used to transport goods, but may then also be stationary on a single site for any period of time before or after transport. The term includes, but is not limited to:

- A. A truck container, with or without the chassis attached to it;
- B. A portable on demand (POD) moving container; or
- C. A pre-assembled storage structure.

Effective on: 5/20/2019

Plat, Unrecorded means a plat which has been approved by a city or county, but has not been recorded with the Liberty County Clerk.

Effective on: 5/20/2019

Plat, Vacated means a plat which is vacated through the procedures described in this UDC, and is made legally void.



Effective on: 5/20/2019

Primary Exterior Wall means the building facade that is closest to the adjacent street with the highest functional classification.

Effective on: 5/20/2019

Principal Structure means a building/structure in which is conducted the principal use of the lot on which it is located.

Effective on: 5/20/2019

Private Utility means a business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communications.

Effective on: 5/20/2019

Professional Engineer means an engineer registered to practice in the State of Texas.

Effective on: 5/20/2019

Property Line means the lines bounding a property.

Effective on: 5/20/2019

Public Improvement means any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational, energy or similar essential services.

Effective on: 5/20/2019

Public Special Event means any planned special event or gathering held on private property, regardless of whether a fee is charged, which invites the general public to an identifiable place and at a specified time and is likely to generate visitors sufficient in quantity to obstruct, delay, or interfere with the safe and orderly movement of pedestrian or vehicular traffic. Public Special Events may include, but are not limited to, outdoor gatherings; auctions; art sales; outdoor festivals, concerts, or parades; carnivals; circuses; outdoor meetings; special athletic activities (e.g., running races), and special entertainment at commercial properties, etc. Alcohol may or may not be served; however, if it is served, an appropriate license from the state of Texas is required.

Effective on: 5/20/2019

Q

Effective on: 5/20/2019

R

Rational Formula means a method for calculating the peak runoff for a storm drain system using the following equation for runoff: $Q=CIA$.

Effective on: 5/20/2019

Recreational Vehicle (RV) means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Effective on: 5/20/2019

Redevelopment means change in land use that alters the impervious cover from one type of development to either the same or another type, and takes advantage of the existing infrastructure in place as a drainage outlet.

Effective on: 5/20/2019

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Effective on: 5/20/2019

Replat means a change in a recorded plat which does not require the vacation of the preceding plat.

Effective on: 5/20/2019

Reserve Strip means a prohibited narrow, linear strip of property, usually separating a parcel of land and a roadway or easement, that is characterized by limited depth which will not support development and which will prevent access to the roadway or easement from the land adjacent to the reserve strip.

Effective on: 5/20/2019

Residential Subdivision means a development that includes single- or two-family detached or attached dwellings; townhouses; multiplexes; and/or apartments.

Effective on: 5/20/2019

Restaurant Use Category contains commercial establishments that prepare and sell food for on-premises or off-premises consumption.

Examples of primary uses in this category include:

Candy, yogurt, or ice cream shop; Catering establishment; Coffee shop; Microbrewery; Pizza delivery facility; Restaurant, standard; Restaurant, drive-in or drive-through; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Drive-through facility; Minor utilities; Outdoor dining area; and Recreational facility

Effective on: 5/20/2019

Restrictive Covenant means a restriction on the use of land usually set forth or referred to in the deed. Such covenants usually run with the land and are binding upon subsequent owners of the property.

Effective on: 5/20/2019

Retail Sales and Service Use Category contains commercial establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Examples of primary uses in this category include:

Sales-Oriented:

Store selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages, animal feed, antiques, appliances, art, art supplies, baked goods (retail), bicycles, books, building supplies, cameras, candy, carpet and floor coverings, crafts, clothing, collectibles, computers, convenience goods, electronic equipment, electronic and mixed media, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement supplies, household products, jewelry, luggage, medical supplies, musical instruments, office supplies, pawned items, pets, pet supplies, pharmaceuticals, photographic supplies, picture frames, plants, postal supplies (non-governmental), printed materials, produce, school or teacher supplies, second-hand goods indoors or at a flea market, seeds, souvenirs, shoes, sporting goods, stationery, tobacco, electronic cigarettes, and related products, toys, and vehicle parts and accessories

Service-Oriented:

Animal grooming; Barber or beauty shop; Driving, vocational, trade, and other commercial school; Dry cleaning and pressing establishment; Funeral home or mortuary; Laundromat; Kennel; Massage, nail, or tanning establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Pet groomer; Photocopy, blueprint, package shipping, and quick-sign service; Photography studio; Psychic or medium; Shoe repair; Tailor; Taxidermist; Upholsterer; Urgent care or emergency medical center; and Veterinary clinic or hospital

Repair-Oriented:

Store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service Use Category, and including, but not limited to: appliances, bicycles, clocks, electronics, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches.

Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker

Effective on: 5/20/2019

Right-of-Way means property or right-of-way owned by the city, county, or state and used for the purposes of roads, highways, drainage, and public utilities.

Effective on: 5/20/2019

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Effective on: 5/20/2019

Roadway means the improved or unimproved portion of a street intended for the accommodation of vehicular traffic.

Effective on: 5/20/2019

S

School, High means an educational facility that teaches students from grades 9 to 12.

Effective on: 5/20/2019

Seasonal Sale means the temporary outdoor sale of merchandise from private property related to a holiday event (for example, sale of pumpkins in the fall, holiday trees, or Fourth of July or New Year fireworks).

Effective on: 5/20/2019

Self-Service Storage Use Category means commercial facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Examples of primary uses in this category include:

Boat or recreational vehicle storage; Mini-warehouse or multistory enclosed storage facility; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached dwelling unit for caretaker

Effective on: 5/20/2019

Semi-Pervious Paving means a surfacing system composed of structural units with void areas filled with pervious materials such as sand or grass turf so that at least sixty-five percent of the surface area is permeable.

Effective on: 5/20/2019

Setback means a stated minimum distance from a lot line to a building, structure, or use.

Effective on: 5/20/2019

Service Area means a specific area representing the maximum limits served by a particular utility.

Effective on: 5/20/2019

Service Building means a structure housing toilet facilities, lavatories, bathing facilities, and such other facilities as may be required or permitted under the provisions of this article and which is used in connection with the operation of a manufactured home park.

Effective on: 5/20/2019

Shallow Flooding Area means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1-percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Effective on: 5/20/2019

Sheet Flow means overland storm runoff that is not conveyed in a defined conduit and is typically in excess of the capacity of the conduit.

Effective on: 5/20/2019

Shipping Container means a container with strength suitable to withstand shipment, storage, and handling, which is typically a large reusable steel box used for intermodal shipments.

Effective on: 5/20/2019

Shrub means a woody plant of low or medium height, usually multistemmed.



Effective on: 5/20/2019

Sidewalk means a paved surface area usually paralleling and separated from the roadway, used as a pedestrian-way.

Effective on: 5/20/2019

Sidewalk Sale means a temporary, special outdoor sale conducted on public or private sidewalks immediately adjacent and contiguous to commercial or mixed use buildings; provided, the merchandise being sold is consistent with the merchandise of the adjacent and contiguous business.

Effective on: 5/20/2019

Sign means any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character which is:

- A. A structure, or is attached to, or in any manner represented, on a building or other structure,
- B. Placed out of doors in view of the general public, and
- C. Used for purposes of advertisement, announcement, declaration, demonstration, display, identification, or expression.

The term sign shall include the sign structure.

Effective on: 5/20/2019

Sign, A-Frame means a portable, non-illuminated sign consisting of two sign faces hinged at the top and separated at the bottom so that it is self-standing, which is for the purpose of directing attention to a business, commodity, service, or entertainment offered within a building on the site upon which the sign is located.

Effective on: 5/20/2019

Sign, Access means a freestanding on-premise sign located at the entry or exit of a vehicle use area that may or may not give exit or entry directions or facility information.

Effective on: 5/20/2019

Sign, Awning means a projecting sign attached to, hung from, or painted on a canopy or covered structure which extends beyond the building line or property line.

Effective on: 5/20/2019

Sign, Cabinet means a sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a box or cabinet that houses the lighting source and equipment.

Effective on: 5/20/2019

Sign, Channel means means a sign comprised of fabricated or formed three-dimensional letters, numbers, and/or symbols.

Effective on: 5/20/2019

Sign, Development Entry means a sign at the entrance to a residential or mixed use development.

Effective on: 5/20/2019

Sign, Directory means an outdoor sign listing and identifying the occupants within retail centers, industrial centers, office complexes, institutional campuses (e.g. medical center, hospital, etc.), and other multi-tenant mixed use or nonresidential sites.

Effective on: 5/20/2019

Sign, Fascia or Parapet means a sign that is attached to that portion of a building's exterior wall the projects above the roof line of the building. A parapet sign is a wall sign and does not project above the roof line or parapet line, whichever is higher.

Effective on: 5/20/2019

Sign, H-Frame means a sign that is supported by a metal frame that has two tines inserted into the flutes of the plastic or cardboard sign face and is manually pushed into the ground. These signs are usually temporary in nature.

Effective on: 5/20/2019

Sign, Hanging means a sign that is suspended over a walkway or a sidewalk, street, or other public right-of-way.

Effective on: 5/20/2019

Sign, Inflatable means a sign or component of a sign that is supported by one or more air chambers that may be sealed or kept inflated by blowers. The phrase includes, but is not limited to balloons, tubes in motion, and inflatable sign structures.

Effective on: 5/20/2019

Sign, Marquee means a permanent roof-like structure suspended over a walkway or a sidewalk, street, or other public right-of-way, constructed of rigid materials that is supported by and extending from the facade of a building and which is designed to include manual or electronic changeable copy.

Effective on: 5/20/2019

Sign, Menu Board means a sign erected in conjunction with a use that incorporates a drive-through or drive-in generally used to provide service or product options and pricing for customers in a vehicle or on foot.

Effective on: 5/20/2019

Sign, Monument means any freestanding sign having a low profile and made of masonry, metal, rounded wood planks or beams, durable plastic or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base.

Effective on: 5/20/2019

Sign, Off-Premises means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or that directs persons to any location not on the premises.

Effective on: 5/20/2019

On-Premises Sign means any sign identifying or advertising the person, activity, goods, business, products, or services primarily sold or offered for sale on the premises or property where the sign is installed and maintained when such premises is used for business purposes.

Effective on: 5/20/2019

Sign, Pole means a sign supported by one or more columns, poles, uprights, or braces that are less than 50 percent of the sign face and that anchored in or on the ground and not attached to any building.

Effective on: 5/20/2019

Sign, Political means a sign which is primarily political in nature or which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected noncommercial free speech.

Effective on: 5/20/2019

Sign, Portable means any sign designed or constructed to be easily moved from one location to another and which is mounted upon or designed to be mounted upon a wheeled carrier or other framed structure.

Effective on: 5/20/2019

Sign, Projecting means a sign attached to and extending beyond the exterior wall of a building or structure so that the sign face is generally perpendicular to the exterior wall.

Effective on: 5/20/2019

Sign, Pylon means a freestanding sign that is affixed to one or more pylons or poles, designed so that the combined width of the poles or pylons is at least 50 percent of the width of the sign face.

Effective on: 5/20/2019

Sign, Roof means a sign placed, inscribed, or supported upon a roof or upon any structure that extends above the roof line of the building.

Effective on: 5/20/2019

Sign, Stake a temporary freestanding sign attached to a wood stake.

Effective on: 5/20/2019

Sign, Temporary means any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, with or without words, intended to be displayed for a limited period of time on a residential or nonresidential property.

Effective on: 5/20/2019

Sign, Wall means any sign mounted parallel to a wall of a building.

Effective on: 5/20/2019

Sign, Wind Device means any flag, banner, pennant, streamer, balloon, or similar sign made of cloth, canvass, plastic, or other flexible material, with or without a frame or other supporting structure that moves or is designed or intended to move or blow in the wind.

Effective on: 5/20/2019

Sign, Window means any sign, poster, or other similar material affixed on commercial properties or that is painted directly on a window, affixed to the inside of a window, or hung within 12 inches of a window promoting any message, including but not limited to, grand openings and special events (commercial and non-commercial), provided the sign or signs do not exceed 25 percent of each window area, is not illuminated, or within three feet of a public door.

Effective on: 5/20/2019

Sign Permit means a permit issued by the City to erect a sign. Additionally, a Sign Permit refers to the continuing authorization by the City for the permit holder to maintain and operate a sign while such sign conforms to the provisions of this UDC.

Effective on: 5/20/2019

Sign Structure means any structure, device, or system which supports or is capable of supporting a sign.

Effective on: 5/20/2019

Site Plan means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all other information required by this article.

Effective on: 5/20/2019

Social Service Use Category contains public and civic uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

Examples of primary uses in this category include:

Domestic abuse or transient shelter; Drug, alcohol or psychiatric treatment center, in-patient; Halfway house; Soup kitchen; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Class rooms; Day care for children of employees or clients; Dormitory; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility

Effective on: 5/20/2019

Special Flood Hazard Area means the land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Effective on: 5/20/2019

Stacking Space means a 10 foot by 20 foot space used to determine the number of car lengths needed for drive-through facilities.

Effective on: 5/20/2019

Start of Construction means:

- A. For floodplain management purposes, includes substantial improvement and means:
1. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date.
 2. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
 3. Permanent construction does not include the land disturbing activity needed to prepare the land for development (e.g., clearing, grading and filling); nor does it include the installation of streets, sidewalks, and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure.
 4. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- B. For other purposes, that a Building Permit or other written permit required to be issued by the City has been issued, and authorized work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the construction until completion, such as the clearing of rights-of-way, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures. Control of weeds and cutting of vegetation, without more, do not qualify as "start of construction."

Effective on: 5/20/2019

Stealth Tower means a tower that is camouflaged to be unrecognizable as a telecommunications facility and shall include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structures, antennas integrated into architectural elements such as church spires or window walls, and antenna structures designed to resemble light poles, flagpoles or trees.

Effective on: 5/20/2019

Stone Material means hard, durable, naturally occurring, all-weather stone, cut stone, dimensioned stone, and manufactured stone products.

Effective on: 5/20/2019

Stream Channel means the area of the floodplain which carries the normal flow of the watercourse.

Effective on: 5/20/2019

Street means a public or private right-of-way which is used, or is intended to be used for passage or travel by motor vehicles.

Effective on: 5/20/2019

Street, Collector means a residential or nonresidential street that connects arterials to local streets and that collects traffic and distributes it to the arterial network. As compared to arterial streets, collector streets accommodate smaller traffic volumes over shorter distances.

Effective on: 5/20/2019

Street, Expressway means these facilities include interstate highways, freeways, expressways, parkways and loops, and provide for the rapid and efficient movement of large volumes of traffic between regions and across the urban area. Direct access to abutting property is not an intended function of these facilities.

Effective on: 5/20/2019

Street, Frontage, Access or Service means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access.

Effective on: 5/20/2019

Street, Local means streets function to provide access to abutting property and to collect and distribute traffic between parcels of land and collector or arterial streets.

Effective on: 5/20/2019

Street, Major Arterial means a street that provides a high degree of mobility, serves relatively high traffic volumes, has high operational speeds, and serves a significant portion of through travel or long distance trips.

Effective on: 5/20/2019

Street, Marginal Access means a local street, parallel and adjacent to a collector or arterial street, but separated from it by a planted strip, that provides access to abutting properties.

Effective on: 5/20/2019

Street, Minor Arterial means a street similar in function to a major arterial, except providing a higher degree of local access and distribution of medium traffic volumes for shorter distance trips than major arterials.

Effective on: 5/20/2019

Street, Oblique means a street that generally runs neither parallel nor perpendicular to a street that it intersects.

Effective on: 5/20/2019

Street, Rural means a street that provides access to residential and agricultural uses, that connects such uses to streets of higher classification, and that is designed to provide transportation and infrastructure service in a rural or suburban cluster setting.

Effective on: 5/20/2019

Street Yard Area means:

- A. The area of a lot that lies between the street right-of-way line and the actual front wall plane of the building. For the purposes of this definition, steps and unenclosed porches shall be excluded, but the building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting on a street.
- B. On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way lines and their corresponding actual front wall planes.

Effective on: 5/20/2019

Structure means any constructed or erected man-made object having an ascertainable stationary location on land or in water, whether or not affixed to the land, as well as a manufactured home.

Effective on: 5/20/2019

Structure (Floodplain) means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Effective on: 5/20/2019

Subdivider means a person applying to subdivide land. May also be referred to as applicant.

Effective on: 5/20/2019

Subdivision means the division of any lot, tract or parcel of land into two or more parts. Such term also includes the resubdivision or platting of any lot, tract or parcel of land.

Effective on: 5/20/2019

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Effective on: 5/20/2019

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This phrase includes structures which have incurred substantial damage, regardless of the actual repair work performed. The phrase does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Effective on: 5/20/2019

T

Telecommunications Tower means any structure erected for the purpose of supporting equipment that serves as a telecommunications relay point for cellular telephones, personal communications services (PCS), digital communications, or similar service that is regulated by the 1996 Federal Telecommunications Act.

Effective on: 5/20/2019

Temporary Use means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

Effective on: 5/20/2019

Thin Brick means brick-like material that does not have the thickness of conventional brick but is at least one-half inch thick and meets the latest version of ASTM International standard C-1088.

Effective on: 5/20/2019

Thoroughfare Master Plan means the adopted general plan for guiding thoroughfare system improvements, including the existing and planned extension of city streets and highways. The plan ensures the reservation of adequate right-of-way on appropriate alignments and of sufficient width to allow the orderly and efficient expansion and improvement of the thoroughfare system to serve existing and future transportation needs.

Effective on: 5/20/2019

Tree means a self-supported woody plant of a species which will normally grow to a mature height of at least 15 feet in the Dayton area.

Effective on: 5/20/2019

Tree, Canopy means a tree with a mature height of 30 feet or more. See Plant List in the Appendix of this UDC.

Effective on: 5/20/2019

Tree, Evergreen means means a broad leaf evergreen tree or cone-bearing evergreen tree that, at maturity, typically has a height of greater than 35 feet. See Plant List in the Appendix of this UDC.

Effective on: 5/20/2019

Tree, Ornamental means a tree with a mature height of less than 30 feet. See Plant List in the Appendix of this UDC.



Effective on: 5/20/2019

Truckload Sale means the temporary sale of merchandise outdoors from the back or bed of a truck or trailer by persons who are not employed by the owners, managers, or tenants of the property on which the sale occurs.

Effective on: 5/20/2019

TV or Radio Studio means an establishment containing one or more broadcast studios for over-the-air, cable, or satellite delivery of radio or television programs.

Effective on: 5/20/2019

U

Unified Development means a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

Effective on: 5/20/2019

Upper-Story Dwelling means a dwelling unit located above the first floor of an otherwise nonresidential structure.

Effective on: 5/20/2019

Utility, Major Use Category contains public and civic uses including public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel.

Examples of primary uses in this category include:

Cell tower; Electrical substation; Electric or gas generation plant; Solar panel array (wall- or ground-mounted and greater than 850 square feet); Telecommunications facility; Water treatment plant; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures

Effective on: 5/20/2019

Utility, Minor Use Category contains public and civic uses including public or private infrastructure serving a limited area with no on-site personnel.

Examples of primary uses in this category include:

Telecommunication antenna collocated on an existing structure; Public or municipally-owned utilities; Solar panel array (roof-mounted or ground-mounted 850 square feet or less); Stormwater retention or detention facility; Telephone exchange; Water or wastewater pump station; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures

Effective on: 5/20/2019

V



Variance means a deviation from the required norm that may be granted following certain procedures specified in this UDC.

Effective on: 5/20/2019

Variance, Floodplain means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Effective on: 5/20/2019

Vehicle Sales and Service Use Category contains commercial uses related to direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Minor Vehicle Service provide service while the customer waits, same day pick-up of the vehicle, or allow customers to leave a vehicle on-site for less than 24 consecutive hours.

Examples of primary uses in this category include:

General:

Car wash; Fuel sales; Manufactured home, mobile home, portable building or trailer sales or rental; Truck stop; Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats and recreational vehicles)

Major Vehicle Repair:

Alignment shop; Auto body shop; Auto upholstery shop; Towing service; and Other repair of cars, trucks, motorcycles, RVs and boats not included in Minor Vehicle Servicing below

Minor Vehicle Servicing:

Auto detailing; Battery sales and installation; Bed liner installation; Minor scratch and dent repair; Quick lubrication facilities; and Tire sales and mounting

Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing

Effective on: 5/20/2019

Vehicle Use Area means any open or unenclosed area used by three or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

Effective on: 5/20/2019

Vertical Mixed Use Building means a building that combines residential and nonresidential uses in the same building with residential uses only located above the first floor.

Effective on: 5/20/2019

Violation means the failure of a use, structure, or other development to be fully compliant with this UDC.

Effective on: 5/20/2019

W

Warehousing and Freight Movement Use Category contains industrial uses involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Examples of primary uses in this category include:

Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, separate warehouse used by retail store; Bus shop, garage or storage; Express hauling; Food packing and distribution; Motor freight or truck terminal; Outdoor storage yard; Semi-trailer parking; Trucking company; Warehouse for consumer goods sold online; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Outdoor storage yard; Recreation facility; and Single attached residential unit for caretaker

Effective on: 5/20/2019

Waste-Related Service Use Category contains industrial uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Examples of primary uses in this category include:

Animal waste processing; Animal waste energy converter; Composting facility; Landfill; Manufacture and production of goods from composting organic material; Recycling facility; Tire recycling or recapping; Wood chipping; Wrecking yard; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Fleet maintenance; Fueling facility; Minor utilities; and Repackaging and shipment of byproducts

Effective on: 5/20/2019

Wastewater Connections means the connection consisting of the pipes, fittings and appurtenances from the drain outlet of the manufactured home, recreational vehicle or existing mobile homes to the inlet of the corresponding sewer riser pipe of the sewer system serving the manufactured home park.

Effective on: 5/20/2019

Wastewater Riser means that portion of the pipe of the sewer lateral which extends vertically to the ground elevation and terminates at a building or manufactured home stand.

Effective on: 5/20/2019

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Effective on: 5/20/2019

Wholesale Trade Use Category contains industrial uses involved in the sale, lease, or rent of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Examples of primary uses in this category include:

Fuel sales, wholesale; Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and Other uses that the Director interprets to meet the characteristics of this Use Category

Typical accessory uses include:

Associated office and storage; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Medical clinic for employees; Meeting space; Minor fabrication; Minor utilities; Product repair; Repackaging of goods; and Single attached residential unit for caretaker

Effective on: 5/20/2019

X

Effective on: 5/20/2019

Y

Effective on: 5/20/2019

Z

Effective on: 5/20/2019

APPENDIX

This Appendix is a supplement to this Unified Development Code. The Director may amend or remove portions, or the entirety, upon consultation with the Development Review Committee.

Plant Lists

- A. **Generally.** The following tables set out the approved and prohibited types of plants that may be used in landscape areas and bufferyards.
- B. **Approved Large Trees.** Table A-1, *Canopy Tree List*, sets out the canopy trees that may be used to satisfy the landscaping requirements of this UDC.

Table A-1, <i>Canopy Tree List</i>	
Botanical Name	Common Name
Fagus grandifolia	American Beech
Fraxinus velutina	Arizona Ash
Taxodium distichum	Bald Cypress
Phoenix canariensis	Canary Island Date Palm
Ulmus crassifolia	Cedar Elm
Quercus falcate var. pagodifolia	Cherrybark Oak
Ulmus parvifolia	Chinese Elm
Fraxinus pennsylvanica	Green Ash
Quercus virginiana	Live Oak
Quercus Nuttallii	Nuttall Oak
Carya illinoensis	Pecan
Acer rubrum 'Drummondii'	Red Maple
Sabal palmetto	Sabal Palm
Quercus Shumardii	Shumard Oak
Pinus Elliottii	Slash Pine
Quercus falcate	Southern Red Oak
Pinus glabra	Spruce Pine
Quercus Michauxii	Swamp Chestnut Oak
Plantanus occidentalis	Sycamore
Washingtonia robusta	Washingtonia Palm
Quercus nigra	Water Oak
Quercus alba	White Oak
Quercus phellos	Willow Oak
Tracycarpus fortunei	Windmill Palm
Ulmus alata	Winged Elm

- C. **Approved Ornamental Trees.** Table A-2, *Ornamental Tree List*, sets out the ornamental trees that may be used to satisfy the landscaping requirements of this UDC.

Table A-2, <i>Ornamental Tree List</i>	
Botanical Name	Common Name
Michelia Figo	Banana Shrub, Magnolia Fuscata
Juniperus chinensis	"Glauca" Blue Vase Juniper

Table A-2, Ornamental Tree List	
Botanical Name	Common Name
Callistemon rigidus	Bottlebrush
Ilex cornuta	"Burfordii" Burford Holly
Camellia japonica	Camellia
Camellia Sasanqua	Camellia Sasanqua, upright
Livistona chinensis	Chinese Fan Palm
Chioanthus virginicus	Chinese Fringe Tree
Ilex cornuta	"Rotunda" Chinese Holly
Pistacia chinesis	Chinese Pistachio
Ternstroemia gymnanthera	Cleyera
Lagerstroemia indica and hybrid	Crape Myrtle
Ilex cornuta	"Burfordii Nana" Dwarf Burford Holly
Ilex crenata	"Compacta" Dwarf Japanese Holly
Myrica pusilla	Dwarf Wax Myrtle
Koelreuteria bipinnata	Golden Rain Tree
Quercus glauca	Japanese Evergreen Oak
Eriobotrya japonica	Loquat
Prunus mexicana	Mexican Plum
Crataegus marshallii	Parsley Hawthorn
Butia capitata	Pindo Palm
Prunus cerasifera	Purple Leaf Plum
Betula nigra	River Birch
Ilex attenuata	"Savannah" Savannah Holly
Elaeagnus pungens	Silverberry
Magnolia virginiana	Sweet Bay Magnolia
Cercis Canadensis	Texas Redbud

D. **Approved Evergreen Trees.** Table A-2, *Evergreen Tree List*, sets out the evergreen trees that may be used to satisfy the landscaping requirements of this UDC.

Table A-3, Evergreen Tree List	
Botanical Name	Common Name
Ilex opaca	American Holly
Cupressus arizonica	Arizona Cypress
Prunus caroliniana	Cherry Laurel
Cedrus deodara	Deodar Cedar
Pinus thunbergii	Japanese Black Pine
Pinus Taeda Loblolly	Loblolly Pine
Juniperus virginiana	Red Cedar
Magnolia grandiflora	Southern Magnolia
Myrica cerifera	Waxmyrtle
Trachycarpus fortunei	Windmill Palm
Ilex vomitoria	Yaupon

E. **Approved Shrubs.** Table A-4, *Shrub List*, sets out the shrubs that may be used to satisfy the landscaping requirements of this UDC.

Table A-4, Shrub List

Botanical Name	Common Name
Large	
Laurel noblis	Bay
Aesculus pavia	Buckeye
Rhus virens	Evergreen Sumac
Rhus lanceolata	Flameleaf Sumac
Sophora secundiflora	Texas Mountain Laurel
Pistacia texana	Texas Pistache
Medium	
Abelia grandiflora	Glossy Abelia
Mahonia trifoliata	Agarita*
Leucophyllum sp.	Texas Sage
Forestiera pubescens	Elbow Bush
Rhus aromatica	Frangrant Sumac
Colubrina texensis	Hogplum*
Juniperus sp.	Juniper
Rosa chinensis x (Mutablis)	Mutablis Rose, Butterfly Rose, Old Blush
Punica granatum	Pomegranate
Jasminum mesnyi	Primrose Jasmine
Aloysia gratissima	White Brush*
Small	
Callicarpa americana	American Beautyberry
Agave americana	Agave, century plant
Malpighia glabra	Barbados Cherry
Berberis thunbergii atropurpurea	Barberry
Cotoneaster glaucophylla	Grayleaf Cotoneaster
Juniperus sp.	Juniper
Asclepias tuberosa	Mexican Butterfly Weed
Poliomentha longiflora	Mexican Oregano
Pavonia lasiopetala	Rock rose
Rosmarinus officinalis	Rosemary, Upright
Hesperaloe parviflora	Red Yucca
Yucca spp.	Yucca

F. **Approved Groundcover, Ornamental Grasses, and Perennials.** Table A-5, *Approved Groundcover and Ornamental Grasses* sets out the shrubs that may be used to satisfy the landscaping requirements of Article 4.4, Tree Preservation, Buffering, and Landscaping.

Table A-5, Approved Groundcover and Ornamental Grasses

Botanical Name	Common Name
Groundcover	
Trachelospermum asiaticum	Asiatic Jasmine
Trachelospermum jasminoides	Confederate Jasmine
Aquilegia spp., A. hinckleyana	Hinckley's Columbine*
Lantana sp.	Lantana
Rivina humilis	Pigeonberry*
Rosmarinus officinalis	Rosemary, prostrate
Santolina sp.	Santolina
Juniperus sp.	Trailing Juniper

Table A-5, Approved Groundcover and Ornamental Grasses	
Botanical Name	Common Name
Verbena spp.	Verbena*
Achillea millefolium	Yarrow
Ornamental Grasses	
Andropogon gerardi	Big Bluestem
Tripsacum dactyloides	Eastern Gamagrass
Chasmanthium latifolium	Inland Seaoats
Schizachyrium scoparium	Little Bluestem
Miscanthus sinensis	Maiden Grass
Muehlenbergia lindheimeri	Muhly Grass*
Pennisetum setaceum 'Rubrum'	Purple Fountain Grass
Bouteloua curtipendula	Sideoats Grama
Panicum virgatum	Switchgrass

G. **Prohibited Plants.** Table A-6, *Prohibited Plants*, sets out the plants that are prohibited in all landscape areas.

Table A-6, Prohibited Plants List	
Botanical Name	Common Name
Alternanthera philoxeroides	Alligatorweed
Cardiospermum halicacabum	Balloonvine
Orobanche ramosa	Branched Broomrape
Schinus terebinthifolius	Brazilian Peppertree
Pyrus calleryana	Callery "Bradford" Pear
Alhagi maurorum	Camelthorn
Triadica sebifera	Chinese Tallow Tree
Myriophyllum spicatum	Eurasian Watermilfoil
Convolvulus arvensis	Field Bindweed
Landoltia punctata	Giant Duckweed
Arundo donax	Giant Reed (Poaceae)
Convolvulus arvensis	Hedge Bindweed
Eichhornia azurea	Hyacinth, Rooted Water
Eichhornia crassipes	Hyacinth, Floating Water
Hydrilla verticillata	Hydrilla
Rottboillia cochinchinensis	Itchgrass
Cuscuta japonica	Japanese Dodder
Pueraria Montana var. lobata	Kudzu
Lagarosiphon major	Lagarosiphon
Melaleuca quinquenevria	Paperbark
Lythrum salicaria	Purple Loosestrife
Tamarix spp. Saltcedar	Saltcedar
Salvinia (all species)	Salvinia
Nassella trichotoma	Serrated Tussock
Panicum repens Torpedograss	Torpedograss
Solanum Viarum	Tropical Soda Apple
Ipomeoea aquatic	Water Spinach
Pistia stratiotes	Waterlettuce

