Chapter 14

City of Crandall

Unified Development Code

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Acknowledgements

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(3) Conserve, develop, protect and utilize natural resources, in keeping with the public interest; 95
(4) Prevent the overcrowding of land and avoid undue concentration or diffusion of population; 95
(5) Protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings; 95
(6) Provide for open space; 95
(7) Minimize pollution of air and water, assure the adequacy of drainage facilities, safeguard water resources and preserve the integrity and aesthetic quality of the community; 95
(8) Lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic; and 95
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(e) The size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if: 96
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(2) A developer who disputes the determination made under SECTION 1G(1) above may appeal to the City Council. At the appeal hearing, the developer may present evidence and testimony under procedures adopted by the City Council. After hearing any testimony and reviewing the evidence, the City Council shall make a determination within thirty (30) days following the final submission of any testimony or evidence by the developer. If the City Council takes no action within thirty (30) days, the appeal shall be deemed to have been denied. 99

(3) A developer may appeal the determination of the City Council to a county or district court of the county in which the development project is located within thirty (30) days after the final determination by the City Council. 99

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(1) The provisions of this UDC shall be interpreted and applied as the minimum requirements for the promotion of public health, safety and general welfare. 99

(2) Whenever the requirements of this UDC are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes the higher standards, as determined by the City Manager, shall apply..... 100

(3) The issuance of any permit, certificate or approval in accordance with the standards and requirements of this UDC shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other county, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued. 100

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(a) The original Official Zoning Map shall be maintained by the City Secretary; 101
(b) One (1) copy of the Official Zoning Map shall be maintained in the office of the City Planner; 101
(c) One (1) copy of the Official Zoning Map shall be filed with the City Building Official; and 101
(d) One (1) electronic copy of the Zoning Map shall be posted on the City's website. 101
(2) The boundaries of the zoning districts as set out in SECTION 5E are and shall be delineated upon the Official Zoning Map of the City; said map being a part of this UDC as fully as if the same were set forth herein in detail. 101
(3) All amendments to the Official Zoning Map shall be made immediately after their enactment and the date of the change shall be the effective date of the amending ordinance adopted by the City Council. The two (2) copies of the official Zoning Map identified in SECTION 2A(1) above, shall be updated quarterly to reflect changes adopted by ordinance of the City Council. 101
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(b) Boundaries indicated as following platted lot lines shall be construed as following such lot lines. 102
(c) Boundaries indicated as following City limits shall be construed as following such City limits. 102
(d) Boundaries indicated as following shorelines of creeks shall be construed to follow such shorelines; and in the event of their movement, the boundaries shall be construed as moving with the actual shoreline. Boundaries indicated as following the centerlies of streams, rivers, canals, lakes or other bodies of water should be construed to follow such centerlines. 102
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(f) An application filed on or after the effective date of this amended and restated UDC shall be deemed complete on the eleventh (11th) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in SECTION 4B(2)(e) above..... 113
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(d) Any proposed amendment is consistent with the goals and objectives of the Comprehensive Plan; 118
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(c) Whether it is feasible to annex the property, and any intervening or adjacent and abutting property which is needed for utility rights-of-way, into the City in conformity to Chapter 43 of the LGC; 124
(d) Whether the utility extension would compromise the City's ability to timely provide adequate water or wastewater facilities to property inside the City; 124
(e) Whether the utility extension will lead to premature development that cannot be served efficiently and timely by emergency services and roadway, drainage or park facilities; 124
(f) Whether the utility extension is financially feasible to the City given the proposed means of financing the extension; 124
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(i) The extent to which the proposed agreement promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City. 124
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(a) The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on

economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district. 124
(b) Approval of a variance legitimizes a condition that would otherwise be a violation of this UDC and authorizes a property owner to submit subsequent development applications consistent with the approved variance. 125
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(b) Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district; 125
(c) The hardship is in no way the result of the applicant's own actions; and 125
(d) The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. 126
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(b) Approval of a special exception authorizes a property owner to submit subsequent development applications consistent with the approved special exception. 126
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(b) That granting the special exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards. 127
(c) That granting the special exception will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks or other land use considerations. 127
(d) That granting the special exception will not adversely affect adjoining property values in any material way. 127
(e) That granting the special exception will be generally consistent with the purposes and intent of this UDC. 127
(f) That the use or special exception being sought is specifically identified in the permitted uses section of the controlling zoning district for the subject property as identified in this UDC. 127
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5) Provisions for securing the obligations of the agreement consistent with SECTION 4N(7) below; and 132
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(c) The proposed plan for construction or alteration conforms to the City's adopted Building Code and other applicable construction codes adopted by the City; 136
(d) All applicable fees, including impact fees, have been paid; 136
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(2) No such use, or change of use, shall take place until a CO therefor shall have been issued by the Building Official. 137
(3) A record of all COs shall be kept on file in the City Secretary's office, and copies shall be furnished upon request to any person in accordance with Texas law. 137
(4) Procedure for New or Altered Buildings - Written application for a CO for a new building or for an existing building that is to be altered shall be made at the same time as the application for the building permit for such building. Said CO

shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this UDC, or other regulations that are enforced by the Building Official. Said CO shall be issued by the Building Official after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this UDC and City building codes. 137

(5) Procedure for Vacant Land or a Change in Building Use - Written application for a CO for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Building Official. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official. If the proposed use is found to be in conformity with the provisions of this UDC and other applicable City codes, the CO shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official within ten (10) days following receipt of the application. 137

(6) Contents of CO - Every CO shall contain the following information:..... 137

(a) Building permit number; 137
(b) The address of the building; 137
(c) The name and address of the owner; 137
(d) A description of that portion of the building for which the CO is issued; 137
(e) A statement that the described portion of the building has been inspected for compliance with the requirements of the City's building codes for the particular group and division of occupancy; 137
(f) The name of the Building Official; 138
(g) Use(s) allowed; 138
(h) Maximum number of persons/occupants; and 138
(i) Issue date of the CO. 138

(7) Posting of CO - The CO shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official. 138

(8) Revocation of CO - The Building Official may, in writing, suspend or revoke a CO issued under the provisions of this UDC whenever the CO is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this UDC or the building code and other codes adopted by the City, and any amendments thereto. 138

(9) Temporary CO - Pending the issuance of a regular Certificate, a temporary CO may be issued by the Building Official for a time period not exceeding one hundred eighty (180) calendar days during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary CO shall only be upon a finding by the Building Official that early occupancy of the premises prior to completion will not, in his/her opinion, be detrimental to the occupant's or others' health, safety or welfare. Issuance of a temporary CO shall not be construed to alter the respective rights, duties or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this UDC. 138

(10) CO for Nonconforming Uses - A CO shall be required for all lawful nonconforming uses of land and/or buildings created by adoption of this UDC. Application for such CO for a nonconforming use shall be filed with the Building Official by the owner or occupant of the structure or land that is occupied by the nonconforming use within one (1) year following the effective date of this UDC. It shall be the duty of the Building Official to issue a CO for a lawful nonconforming

use upon receipt of application for same, but failure to apply for such CO for a nonconforming use (i.e., by the owner or occupant of the premises) shall be evidence that said nonconforming use was either illegal or did not lawfully exist as of the effective date of this UDC. 138
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(2) Additional Dimensional and Development Standards..... 139
(a) All lots developed shall comply with the lot area, minimum setbacks and height requirements established in SECTION 5E for the zoning district(s) in which the lot(s) is/are located. 139
(b) All lots developed for nonresidential purposes shall comply with lot, area, minimum setbacks, and maximum height requirements established for the zoning district(s) in which the lot(s) is located, as established in SECTION 5E. 139
(c) All lots shall have at least the minimum area, width and depth as indicated in SECTION 5E. 139
(d) Platted subdivisions established by a duly approved plat filed prior to adoption of this UDC shall be exempt from meeting any new lot width, depth, and/or square footage requirements..... 139
(e) No lot existing at the time of passage of this UDC shall be reduced in size below the minimum area requirements set forth in SECTION 5E. 139
(f) Minimum lot size requirements shall not apply to previously platted lots that are annexed into the City, but shall apply in the event of a vacation and replat of such property. All other requirements of this UDC shall, nevertheless, apply. 139
(g) No portion of any building on a residential lot may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in SECTION 5E, unless otherwise listed below:..... 140
1) Where the frontage on one (1) side of a street is divided by two (2) or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage between the nearest intersecting streets. 140
2) Where the building setback line has been established by plat and exceeds the requirements of this UDC, the more restrictive setback line shall apply. 140
3) The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed twenty-four inches (24"). 140
4) Side Yards: Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting, not to exceed, twelve inches (12") into the required side yard, and roof eaves projecting, not to exceed, twenty-four inches (24") into the required side yard..... 140
5) Rear Yards: Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty inches (30") above the general ground level of the graded lot, except for accessory buildings as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting, not to exceed, twenty-four inches (24") into the required rear yard..... 140
6) Where lots have double frontage, running from one (1) street to another, a required front yard setback shall be provided on both streets. 140
7) Mixed Use Building: In a building serving dwelling and other uses, in any district, the height and area regulations applicable to nonresidential buildings shall apply. 140
8) There shall be only one (1) residential dwelling on each platted residential lot of a duly recorded plat. 140
C. ZONING DISTRICT BOUNDARIES 140

(1) Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines..... 140
(2) Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines..... 141
(3) Boundaries shown as approximately following City limits shall be construed as following such City limits. 141

(4) Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines. 141
(5) Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainage ways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines. 141
(6) Boundaries shown as parallel to, or extensions of, features described in SECTION 5C(1) through SECTION 5C(5) above shall be so construed. The scale of the Map shall determine distances that are not specifically indicated on the Zoning Map. 141
(7) Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts. 141
(8) The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is specifically stated that the zoning classification shall not apply to the street. 141
(9) Where physical features on the ground are at variance with information shown on the Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of SECTION 5C(1) through SECTION 5C(8) above, then the BOA shall interpret the zoning district boundaries. If the BOA cannot ascertain the zoning of the property, then the property shall be considered classified as “A” (Agricultural district) in the same manner as provided for newly annexed territory. 141
(10) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "A" (Agricultural district) in the same manner as provided for newly annexed territory. 141
(11) Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No. 050406, as amended), adopted on May 8, 2006, and the effective date of this Ordinance are indicated in approximate locations on the Zoning Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change. 141

D. ZONING DISTRICTS ESTABLISHED 141

(1) The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations, and other standards, as set out in this section apply to each district. Zoning districts are established in compliance with adopted Comprehensive and Thoroughfare Plans. The districts established herein shall be known as: 142
(2) Permitted Uses 142
(3) Special Requirements for Single-Family (SF) Zoning Districts 142
(a) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes, and shall be parked and stored behind the front building façade of the main structure (i.e., the house). 142

(b) Electrical fencing and barbed wire are prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres..... 142
(c) Open storage is prohibited (except for usable materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment that is in usable and running condition, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties)..... 143
(d) Single-family homes, including town homes and manufactured homes, with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25'). 143
(e) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of parking spaces) is built elsewhere on the lot within the proper setbacks, not exceeding the maximum lot coverage, etc. 143
(f) Swimming pools shall comply with the City of Crandall's codes/ordinances pertaining to same. 143
(g) Site plan approval shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the Agricultural District. Any nonresidential land use which may be permitted in this district shall conform to the NS-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. 143
(h) Other Regulations - As established by SECTION 7, SECTION 8, and SECTION 9 of this UDC. 143
(4) Special Requirements for Certain Nonresidential Zoning Districts 143
(a) Parking requirements are as set forth in SECTION 10 of this UDC. 143
(b) Minimum Exterior Construction Standards – See SECTION 9E of this UDC. All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations). 143
(c) Driveway Spacing (i.e., distance between driveways, measured edge-to-edge): 143
1) Arterial street – One driveway per two hundred (200) linear feet of frontage. 143
2) Collector street – One driveway per one hundred (100) linear feet of frontage. 144
3) Local/residential street – One driveway per fifty (50) linear feet of frontage unless a platted lot's frontage is less than fifty feet (50') but in conformance with the Development Standards' requirements for minimum lot frontage, in which case one driveway shall be allowed per platted lot. 144
4) Minimum distance from driveway to street corner – Seventy-five feet (75'), as measured from the street corner radius point of tangency. Fifty feet (50') may be permitted via site plan approval by the City Council, upon recommendation by the Commission, provided that the lesser distance of fifty feet (50') is approved in writing by the City Manager or, if located on a State roadway, it is approved in writing by the local representative of the Texas Department of Transportation. 144
(d) Site Plan Review - Review and approval of a site plan by the Commission and the City Council (in accordance with SECTION 8N of this UDC) shall be required for any tract/lot within these zoning districts. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council. 144
(e) Landscaping Requirements – Landscaping is required for these zoning districts. See SECTION 9G of this UDC. 144
(f) Screening Requirements – Screening is required in these zoning districts. See SECTION 9H of this UDC..... 144
(g) Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager may require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. 144
(h) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes. 144
(i) Where outside storage or display of merchandise is allowed, the following requirements shall be met: 144
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall meet the following requirements: 144
a) Storage 144
i) Shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the property (except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two displays per calendar year); 144
ii) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way; and 145
iii) Shall not extend into public right-of-way or onto adjacent property 145
b) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees). 145

2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP) in accordance with SECTION 5I of this UDC, shall be limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of SECTION 9H of this UDC (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods (see provisions for outside display above). 145
3) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner. 145
(j) Other regulations apply as established in SECTION 7, SECTION 8, and SECTION 9 of this UDC. 145

E. ZONING DISTRICTS 145

(1) A - Agricultural District 145
(a) General Purpose and Description 145
(b) Maximum Height 146
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. 146
2) Forty-five feet (45') for uninhabited agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any front, side or rear property line. 146
3) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 146
4) Other requirements (see SECTION 7 and SECTION 9, of this UDC). 146
(c) Area Regulations 146
1) Size of Lots 146
a) Minimum Lot Area - Five (5) acres. 146
b) Minimum Lot Width - Two hundred and fifty feet (250'). 146
c) Minimum Lot Depth - Two hundred feet (200'). 146
2) Size of Yards 146
a) Minimum Front Yard - Fifty feet (50'). 146
b) Minimum Side Yard - Fifteen percent (15%) of the lot width, but need not exceed fifty feet (50'); twenty-five feet (25') from a street right-of-way line for a corner lot. 146
c) Minimum Rear Yard - Twenty-five feet (25'). 146
3) Maximum Lot Coverage 146
4) Parking Regulations 146
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') s measured from the street right-of-way line. 146
b) Other - See SECTION 10 of this UDC. 146
5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet. 146
6) Minimum Roof Pitch – 4:12 146
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 146

(2) SF-E - Single-Family Estate Residential District 146
(a) General Purpose and Description 147
(b) Maximum Height 147
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. 147
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 147
3) Other requirements (see SECTION 7 and SECTION 9, of this UDC). 147
(c) Area Regulations 147
1) Size of Lots 147
a) Minimum Lot Area - Forty thousand (40,000) square feet; maximum density one (1) dwelling unit per acre. 147
b) Minimum Lot Width - One hundred and twenty feet (120'). 147
c) Minimum Lot Depth - One hundred and twenty feet (120'). 147
2) Size of Yards 147
a) Minimum Front Yard - Forty feet (40'). 147
b) Minimum Side Yard - Twenty-five feet (25'); twenty-five feet (25') from a street right-of way line for a corner lot. 147
c) Minimum Rear Yard - Twenty-five feet (25'). 147
3) Maximum Lot Coverage 147
4) Parking Regulations 147

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line. 147
b) Other - See SECTION 10 of this UDC. 147
5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet. 148
6) Minimum Roof Pitch – 4:12 148
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 148
(3) SF-20 - Single-Family Residential-20 District 148
(a) General Purpose and Description 148
(b) Maximum Height 148
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. 148
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 148
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). 148
(c) Area Regulations 148
1) Size of Lots 148
a) Minimum Lot Area - Twenty thousand (20,000) square feet; maximum density two (2) dwelling units per acre. 148
b) Minimum Lot Width - One hundred ten feet (110'). 148
c) Minimum Lot Depth - One hundred twenty feet (120'). 148
2) Size of Yards 148
a) Minimum Front Yard - Thirty feet (30') 148
b) Minimum Side Yard – Fifteen feet (15'); twenty-five feet (25') from a street right-of-way line for a corner lot. 148
c) Minimum Rear Yard – Twenty-five feet (25'). 148
3) Maximum Lot Coverage 148
4) Parking Regulations 149
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line. 149
b) Other - See SECTION 10 of this UDC. 149
5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet. 149
6) Minimum Roof Pitch – 4:12 149
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 149
(4) SF-12.5 - Single-Family Residential-12.5 District 149
(a) General Purpose and Description 149
(b) Maximum Height 149
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. 149
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 149
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). 149
(c) Area Regulations 149
1) Size of Lots 149
a) Minimum Lot Area - Twelve thousand five hundred (12,500) square feet; also, the minimum average lot area shall be thirteen thousand five hundred (13,500) square feet in order to provide diversity in lot sizes within each SF-12.5 neighborhood; maximum density three (3) dwelling units per acre. 149
b) Minimum Lot Width – Eighty-five feet (85'). 149
c) Minimum Lot Depth - One hundred twenty feet (120'). 150
2) Size of Yards 150
a) Minimum Front Yard – Twenty-five feet (25'). 150
b) Minimum Side Yard – Ten feet (10') for interior side yard; twenty-five feet (25') from a street right-of-way line for a corner lot. 150
c) Minimum Rear Yard - Twenty-five feet (25'). 150
3) Maximum Lot Coverage 150
4) Parking Regulations 150
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line. 150
b) Other - See SECTION 10 of this UDC. 150
5) Minimum Floor Area per Dwelling Unit – One thousand eight hundred (1,800) square feet; also, the minimum average floor area shall be two thousand (2,000) square feet in order to provide diversity in house sizes within each SF-12.5 neighborhood. 150

6) Minimum Roof Pitch – 4:12 ... 150
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. ... 150
(5) SF-9 - Single-Family Residential-9 District ... 150
(a) General Purpose and Description ... 150
(b) Maximum Height ... 150
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. ... 151
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. ... 151
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). ... 151
(c) Area Regulations ... 151
1) Size of Lots ... 151
a) Minimum Lot Area - Nine thousand (9,000) square feet; also, the minimum average lot area shall be ten thousand (10,000) square feet in order to provide diversity in lot sizes within each SF-9 neighborhood; maximum density three and one-half (3.5) dwelling units per acre. ... 151
b) Minimum Lot Width – Seventy-five feet (75’). ... 151
c) Minimum Lot Depth - One hundred ten feet (110’). ... 151
2) Size of Yards ... 151
a) Minimum Front Yard – Twenty-five feet (25’) ... 151
b) Minimum Side Yard – Ten feet (10’) for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street. ... 151
c) Minimum Rear Yard - Twenty-five feet (25’). ... 151
3) Maximum Lot Coverage ... 151
4) Parking Regulations ... 151
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25’) as measured from the street right-of-way line. ... 151
b) Other - See SECTION 10 of this UDC. ... 151
5) Minimum Floor Area per Dwelling Unit – One thousand six hundred and fifty (1,650) square feet; also, the minimum average floor area shall be one thousand seven hundred and fifty (1,750) square feet in order to provide diversity in house sizes within each SF-9 neighborhood. ... 151
6) Minimum Roof Pitch – 4:12 ... 151
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. ... 151
(6) SF-6.5 - Single-Family Residential-6.5 District ... 152
(a) General Purpose and Description ... 152
(b) Maximum Height ... 152
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. ... 152
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. ... 152
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). ... 152
(c) Area Regulations ... 152
1) Size of Lots ... 152
a) Minimum Lot Area - Six thousand five hundred (6,500) square feet; also, the minimum average lot area shall be seven thousand two hundred (7,200) square feet in order to provide diversity in lot sizes within each SF-6.5 neighborhood; maximum density four and one-half (4.5) dwelling units per acre. ... 152
b) Minimum Lot Width – Sixty-five feet (65’). ... 152
c) Minimum Lot Depth - One hundred feet (100’). ... 152
2) Size of Yards ... 152
a) Minimum Front Yard – Twenty-five feet (25’). ... 152
b) Minimum Side Yard – Eight feet (8’) of the lot width for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street. ... 152
c) Minimum Rear Yard - Twenty-five feet (25’). ... 152
3) Maximum Lot Coverage ... 152
Forty percent (40%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined. ... 152
4) Parking Regulations ... 153
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25’) as measured from the street right-of-way line. ... 153
b) Other - See SECTION 10 of this UDC. ... 153
5) Minimum Floor Area per Dwelling Unit – One thousand five hundred (1,500) square feet; also, the minimum average floor area shall be one thousand six hundred and fifty (1,650) square feet in order to provide diversity in house sizes within each SF-6.5 neighborhood. ... 153

6) Minimum Roof Pitch – 4:12 153
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 153
(7) SF-PH - Single-Family Residential-Patio Home District (Zero-Lot-Line Homes) 153
(a) General Purpose and Description 153
(b) Permitted Uses 153
(c) Maximum Height 153
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less. 153
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 153
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). 153
(d) Area Regulations 153
1) Size of Lots 154
a) Minimum Lot Area - Four thousand five hundred (4,500) square feet; also, the minimum average lot area shall be five thousand two hundred (5,200) square feet in order to provide diversity in lot sizes within each SF-PH neighborhood; maximum density six (6) dwelling units per acre. 154
b) Maximum Project Size - The maximum size of a patio home development shall be ten (10) acres. 154
c) Minimum Lot Width – Forty-five feet (45'). 154
d) Minimum Lot Depth - One hundred feet (100'). 154
2) Size of Yards 154
a) Minimum Front Yard – Twenty feet (20’); twenty-five feet (25') to the garage door face for front-entry homes. 154
b) Minimum Side Yard - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a residential or collector street, and twenty-five feet (25’) required on corner lots adjacent to an arterial street. 154
c) Minimum Rear Yard - Twenty feet (20’); twenty-five feet (25’) for rear garage entry 154
3) Maximum Lot Coverage 154
4) Parking Regulations 154
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus one (1) additional parking space on a paved driveway. 154
b) Visitor Parking - One half (0.5) parking space per dwelling unit (off-street) which is located within six hundred feet (600’) of the dwelling unit. 154
c) Other - See SECTION 10 of this UDC. 154
5) Minimum Floor Area per Dwelling Unit – One thousand five hundred (1,500) square feet. 154
6) Minimum Roof Pitch – 4:12 154
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 154
(e) Special Requirements 154
1) Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the residential or collector street side, or twenty-five feet for a corner lot on an arterial street). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house that is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24"). 155
2) Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities. 155
3) Usable Open Space Requirements - Except as provided below, any patio home subdivision shall provide useable open space that equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger-sized streets. Useable open space shall not be required for a patio home development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. Usable open space shall meet the requirements of SECTION 7D(4). 155
4) Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-9 zoning district. 155
(8) SF-TH – Single Family Residential-Town Home District 155
(a) General Purpose and Description 155
(b) Maximum Height 156
1) Three (3) stories, or forty feet (40') for the main building/house, whichever is less. 156

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc. 156
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). 156
(c) Area Regulations 156
1) Size of Lots 156
a) Minimum Lot Area - Two thousand five hundred (2,500) square feet per dwelling unit; also, the minimum average lot area shall be three thousand hundred (3,000) square feet in order to provide diversity in lot sizes within each SF-TH neighborhood; maximum density eight (8) dwelling units per acre. 156
b) Maximum Project Size - The maximum size of a town home development shall be ten (10) acres. 156
c) Minimum Lot Width – Twenty-five feet (25'). 156
d) Minimum Lot Depth - One hundred feet (100'). 156
2) Size of Yards 156
a) Minimum Front Yard – Twenty-five feet (25’). 156
b) Minimum Side Yard – None between buildings. Ten feet (10’) of the lot width for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street. 156
c) Minimum Rear Yard - Twenty feet (20’); twenty-five feet (25’) for rear garage entry 156
3) Maximum Lot Coverage 156
4) Parking Regulations 156
a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus one (1) additional parking space on a paved driveway. 156
b) Visitor Parking - One half (0.5) parking space per dwelling unit (off-street) which is located within six hundred feet (600’) of the dwelling unit. 157
c) Other - See SECTION 10 of this UDC. 157
5) Minimum Floor Area per Dwelling Unit – One thousand (1,000) square feet. 157
6) Minimum Roof Pitch – 4:12 157
7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC. 157
(d) Special Requirements 157
1) All town home developments are subject to site plan review and approval by the City Manager. The site plan shall show the typical layout of the town home lot and an overall layout of the development. 157
2) Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities. 157
3) Usable Open Space Requirements - Except as provided below, any town home development shall provide usable open space which equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a town home development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the development is either developed for use(s) other than town homes or is restricted by zoning to not permit town home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. Usable open space shall meet the requirements of SECTION 7D(4). 157
4) Single-family lots consisting of detached dwellings constructed in this district shall conform to the standards as set forth in the SF-6.5 zoning district. 157
(9) MF-15 – Multi-Family Residential-15 District (Apartments) 157
(a) General Purpose and Description 157
(b) Maximum Height 158
1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house; where a structure exceeds twenty-five feet (25’) in height, it shall be set back from the front property line two (2) additional feet beyond the required front yard setback for each foot above twenty-five feet (25’) in height. 158
2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, carports, gazebo, clubhouse, mail kiosks, laundry rooms, etc. 158
3) Other requirements (see SECTION 7 and SECTION 9,of this UDC). 158
(c) Area Regulations 158
1) Size of Lots 158
a) Minimum Lot Area – Three thousand (3,000) square feet per dwelling unit, not to exceed fifteen (15) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be ten (10) acres. 158
b) Minimum Lot Width - Eighty feet (80'). 158
c) Minimum Lot Depth - One hundred twenty feet (120') 158
d) Special Exception - If a property was platted or zoned for MF-15 prior to the effective date of this Ordinance, then it can remain its original size and configuration and does not have to meet the minimum project size, lot width or lot depth stated above. The property shall conform to all other MF-15 development standards

herein, unless the building setbacks shown on a recorded plat vary from those contained herein, in which case the platted setbacks shall prevail unless a replat modifies same. 158
2) Size of Yards 158
a) Minimum Front Yard - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards. See SECTION 7I(2) of this UDC for additional setback requirements. 158
b) Minimum Side and Rear Yard - Twenty feet (20'), unless adjacent to a single-family, duplex, patio home or single-family attached district; then side and rear setbacks shall be according to the height of the multi-family building, as follows: 158
i) One-story building – twenty-five feet (25'). 159
ii) Two-story building – sixty feet (60'). 159
iii) Over two-story building – seventy-five feet (75'). 159
c) Building Separation 159
i) One-story buildings - Fifteen feet (15') for buildings without openings; twenty feet (20') for buildings with openings. 159
ii) Two-story buildings (or a two-story building adjacent to a one-story building) -Twenty feet (20') for buildings without openings; twenty-five feet (25') for buildings with openings. 159
iii) Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) - Twenty-five feet (25') for buildings with or without openings. 159
3) Minimum Floor Area per Dwelling Unit 159
a) Efficiency unit - Five hundred (500) square feet per unit. 159
b) One-bedroom unit - Seven hundred twenty-five (725) square feet per unit. 159
c) Two- or more bedroom unit - Eight hundred seventy-five (875) square feet for the first two bedrooms, plus an additional one hundred twenty-five (125) square feet for each bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.). 159
4) Maximum Lot Coverage 159
5) Parking Regulations 159
a) 1.5 spaces for each efficiency or one-bedroom unit. 159
b) 2 spaces for each two-bedroom unit. 159
c) 2.5 spaces for each three-bedroom unit. 159
d) 3 spaces for each four- or more-bedroom unit. 159
e) The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit, at least one (1) of which shall be enclosed (i.e., garage) for each dwelling unit. 159
f) No parking space may be located closer than ten feet (10') from any building or closer than two feet (2') from any side or rear lot line. 160
g) All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, low masonry walls that match the exterior finish of main buildings, or any combination of the above. 160
h) See SECTION 10 of this UDC, for additional requirements. 160
6) Minimum Exterior Construction Standards – See SECTION 9E of this UDC. 160
(d) Special Requirements 160
1) Usable Open Space Requirements – Except as provided below, any multi-family development shall provide usable open space which equals or exceeds fifteen percent (15%) of the total lot area. Usable open space areas shall be in conformance with SECTION 7D(4). 160
2) Landscape Area Requirements – A minimum of twenty percent (20%) of the total lot area shall be devoted to a combination of landscaping (i.e., pervious surface area) and usable open space (see above). See SECTION 9G of this UDC for landscaping requirements. 160
3) Refuse Facilities - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way, and at least six (6) cubic yards of refuse container volume shall be provided for every thirty (30) dwelling units (or portion thereof). A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with SECTION 9H(2)(e) of this UDC. 160
4) Screening Requirements – See SECTION 9H for screening requirements. 160
5) A swimming pool shall be provided in multi-family developments of fifty (50) or more units. 160
6) One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public arks or on public school playgrounds. 160
7) Single-family, patio home, duplex, or townhome residential units constructed in this district shall conform to SF-9, SF-PH or SF-TH district standards, respectively. 161
8) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes. 161

9) Open storage is prohibited. 161
10) All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses). 161
11) A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles. 161
12) Buildings shall not exceed two hundred feet (200') in length. 161
13) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street. 161
14) All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel. 161
15) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas. 161
16) Site plan approval (see SECTION 8N of this UDC) shall be required for any multi-family or nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-15 district. Any nonresidential land use which may be permitted in this district shall conform to the NS-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. 161
17) Other Regulations - As established by SECTION 7, SECTION 8, and SECTION 9 of this UDC. 161
(10) SF-MH – Single-Family Residential-Manufactured Home District 161
(a) General Purpose and Description 161
(b) Maximum Height 162
1) The maximum height for any structure in the manufactured home district shall be thirty-five feet (35'). 162
2) The average height of the manufactured home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet (3'). 162
(c) Area Regulations 162
1) Size of Lots 162
a) Minimum Lot Area – Six thousand six hundred (6,600) square feet. 162
b) Minimum Lot Width – Sixty feet (60'). 162
c) Minimum Lot Depth – One hundred ten feet (110'). 162
2) Size of Yards 162
a) Minimum Front Yard – Twenty-five feet (25'). 162
b) Minimum Side Yard – Seven and one-half feet (7.5'); ten feet (10') from a street right-of-way line for a corner lot. 162
c) Minimum Rear Yard – Twenty feet (20'). 162
3) Maximum Lot Coverage 162
4) Soil and Ground Cover 162
5) Drainage 163
(d) Street Lighting 163
(e) Parking Requirements 163
(f) Carports 163
(g) Manufactured Home Installation 163
1) Axle and hitch assemblies shall be removed at the time of placement on the foundation. 163
2) Each manufactured home shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior materials of the primary structure. 163
(h) Fire Safety Standards 163
1) Access for Fire Fighting 163
2) Water Supply Facilities for Fire Department Operations 163
(i) Recreation Area 164
(j) Utilities 164
(k) Plat Required 164
(l) Miscellaneous Requirements 164
1) Every manufactured home lot owner shall be responsible for ensuring compliance with all requirements of this UDC including proper installation of the manufactured home, proper installation of all utility connections and proper tie-down of the manufactured home. 164
2) Skirting with the necessary vents, screens and/or openings shall be required on all manufactured homes and shall be installed within thirty (30) days after the placement of the manufactured home. 164

3) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions: ... 164
a) The storage area shall have a base of impervious material; ... 164
b) Stored items shall not interfere with the underneath inspection of the manufactured home; and... 164
c) The storage area shall be enclosed by skirting. ... 164
(11) MHP – Manufactured Home Park ... 164
(a) General Purpose and Description ... 164
(b) Maximum Height ... 165
1) The maximum height for any structure in the manufactured home park district shall be thirty-five feet (35'). 165
2) The average height of the manufactured home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet (3'). ... 165
(c) Area Regulations ... 165
1) Size of Lots ... 165
a) Minimum Lot Area – Forty-three thousand five hundred sixty (43,560) square feet; minimum lot area for each space... 165
b) Minimum Lot Width – Not applicable. ... 165
c) Minimum Lot Depth – Not applicable. ... 165
2) Manufactured Home Park Size of Yards ... 165
a) Minimum Front Yard – Twenty-five feet (25'). ... 165
b) Minimum Side Yard – Twelve and one-half feet (12.5'); fifteen feet (15') from a street right-of-way line for a corner lot. ... 165
c) Minimum Rear Yard – Twenty-five feet (25'). ... 165
d) Setback – For structures, other than the manufactured home, on each space, the minimum setback from any space line shall be at least ten feet (10'). ... 165
e) Distance – The minimum distance between manufactured homes at any point shall be twenty-five feet (25'). 165
3) Recreational Vehicle Park Size of Yards ... 165
a) Minimum Front Yard – Twenty-five feet (25'). ... 165
b) Minimum Side Yard – Ten feet (10'); twenty-five feet (25') from a street right-of-way line. ... 165
c) Minimum Rear Yard – Twenty-five feet (25'). ... 165
d) Setback – For other structures on each space, the minimum setback from any space line shall be at least ten feet (10'). ... 165
e) Distance – The minimum distance between recreational vehicles at any point shall be twenty-five feet (25'). 166
f) Property line – No RV shall be placed or erected closer than five feet (5') from the property line separating the RV park from adjoining property, measuring from the nearest point of the RV. ... 166
4) Maximum Lot Coverage ... 166
5) Soil and Ground Cover. ... 166
6) Drainage ... 166
7) Storage Facilities ... 166
(d) Street Lighting ... 166
(e) Access, Traffic Circulation and Parking ... 166
1) Internal Streets and Signage ... 166
2) Signs Prohibiting Parking Required ... 167
3) Internal Street Construction and Maintenance ... 167
4) Emergency Ingress and Egress ... 167
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11) Access ... 168
(f) Street lighting ... 168
(g) Fire Safety Standards ... 168
1) Access for Fire Fighting ... 168
2) Water Supply Facilities for Fire Department Operations ... 169
(h) Recreation Area ... 169
1) Recreation Area Required ... 169
2) Size of Recreation Area ... 169

3) Playground Location 169
(i) Utilities 169
(j) Plat Required 169
(k) Manufactured Home Miscellaneous Requirements 170
1) Each manufactured home space shall have a minimum space size of sixty feet (60') by one hundred ten feet (110') for each manufactured home. 170
2) Carports – See SECTION 7C of this UDC. 170
3) Manufactured Home Installation 170
a) Axle and hitch assemblies shall be removed at the time of placement on the foundation. 170
b) Each manufactured home shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior materials of the primary structure. 170
4) Every manufactured home lot owner shall be responsible for ensuring compliance with all requirements of this UDC including proper installation of the manufactured home, proper installation of all utility connections and proper tie-down of the manufactured home. 170
5) Skirting with the necessary vents, screens and/or openings shall be required on all manufactured homes and shall be installed within thirty (30) days after the placement of the manufactured home. 170
6) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions: 170
a) The storage area shall have a base of impervious material; 170
b) Stored items shall not interfere with the underneath inspection of the manufactured home; and 170
c) The storage area shall be enclosed by skirting. 170
7) Refuse and Garbage Handling 170
a) The storage, collection and disposal of refuse in a manufactured home park shall be so conducted as to create no health hazards, rodent harborage or air pollution. One or both of the systems described in the paragraphs b) and c) below shall be used in every park 170
b) If refuse is gathered at the individual spaces, it shall be stored in fly-tight, watertight, rodent-proof containers, and shall be located at each manufactured home space. Containers for this use shall be provided in sufficient number and capacity to properly store all refuse. 170
c) Centrally located refuse containers having a capacity of three (3) cubic yards or larger may be provided. If provided, such containers shall be so designed as to prevent spillage and container deterioration, and to facilitate cleaning around them. 171
d) The manufactured home park owner or agent shall ensure that refuse containers, if provided within the manufactured home park, are maintained in a sanitary and usable condition. 171
(l) Recreational Vehicle Miscellaneous Requirements 171
1) Size and Marking of Units or Sites 171
2) Water Supply 171
3) Collection and Removal of Waste and Garbage; Wastewater System 171
4) Compliance 171
(12) O – Office 171
(a) General Purpose and Description 171
(b) Maximum Height 172
1) Two (2) stories or thirty-five feet (35') for the main building(s). 172
2) One (1) story or fifteen feet (15') for accessory buildings. 172
3) Other (see SECTION 7 and SECTION 9,of this UDC) 172
(c) Area Regulations 172
1) Size of Lots 172
a) Minimum Lot Area - Six thousand (6,000) square feet. 172
b) Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along U.S. Highway 175 frontage 172
c) Minimum Lot Depth - One hundred feet (100'). 172
2) Size of Yards 172
a) Minimum Front Yard - Thirty feet (30') from the ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 172
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below). 172
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for each story (or fraction thereof) above one story in height. 172
d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in

accordance with the City's Building Code is used, and when approved by the City Council on the site plan. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures. 172
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 173
4) Maximum Floor-Area Ratio (FAR) – One to one (1:1). 173
5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of fifty percent (50%) lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements. 173
(d) Outside Display and Storage of Merchandise 173
1) Outside display or storage of merchandise and seasonal items is prohibited. 173
(13) NS – Neighborhood Service 173
(a) General Purpose and Description 173
(b) Maximum Height 173
1) Two (2) stories or thirty-five feet (35') for the main building(s). 173
2) One (1) story or 15 feet for accessory buildings. 173
3) Other (See SECTION 7 and SECTION 9 of this UDC). 173
(c) Area Regulations 173
1) Size of Lot 173
a) Minimum Lot Area - Six thousand (6,000) square feet. 173
b) Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along U.S. Highway 175 frontage 173
c) Minimum Lot Depth - One hundred feet (100'). 173
2) Size of Yards 173
a) Minimum Front Yard - Thirty feet (30') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 173
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below). 174
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for each story (or fraction thereof) above one story in height. 174
d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures. 174
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 174
4) Maximum Floor-Area Ratio (FAR) – One to one (1:1). 174
5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements. 174
(d) Outside Display and Storage of Merchandise 174
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than twenty feet (20') from the main building or within any required front, side or rear yard. 174
2) Long-term or permanent open storage is prohibited. 174
(14) R – Retail District 174
(a) General Purpose and Description 174
(b) Maximum Height 175
1) Two (2) stories or thirty-five feet (35') for the main building(s). 175

2) One (1) story or fifteen feet (15') for accessory buildings. 175
3) Other (See SECTION 7 and SECTION 9,of this UDC). 175
(c) Area Regulations 175
1) Size of Lot 175
a) Minimum Lot Area - Six thousand (6,000) square feet. 175
b) Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along U.S. Highway 175 frontage 175
c) Minimum Lot Depth - One hundred feet (100'). 175
2) Size of Yards 175
a) Minimum Front Yard - Thirty feet (30') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 175
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below). 175
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height. ... 175
d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures. 175
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 176
4) Maximum Floor-Area Ratio (FAR) – One to one (1:1). 176
5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements. 176
(d) Outside Display and Storage of Merchandise 176
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than twenty feet (20') from the main building or within any required front, side or rear yard. 176
2) Long-term or permanent open storage shall require issuance of a SUP. 176
(15) BP – Business Park District 176
(a) General Purpose and Description 176
1) To preserve natural and historic resources; maintain and enhance surface and ground water quality; and promote architecturally attractive buildings and structures. 176
2) To ensure that the nature, scale, and function of uses pose no significant or unusual risk to the public health, safety, and welfare. 176
3) To ensure that the nature, scale, and function of uses generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances and do not emit harmful radiation or pollution into the air, water, or ground. 176
(b) Maximum Height 176
1) Two (2) stories or thirty-five feet (35') for the main building(s). 177
2) One (1) story or 15 feet (15') for accessory buildings. 177
3) Other (See SECTION 7 and SECTION 9,of this UDC). 177
(c) Area Regulations 177
1) Size of Lot 177
a) Minimum Lot Area - One-half acre (21,780 square feet) for any Business Park-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any Business Park-zoned lot or site located within Tier Two. 177
b) Minimum Lot Width - One hundred twenty feet (120') for any Business Park-zoned lot or site located within Tier One, and seventy-five feet (75') for any Business Park-zoned lot or site located within Tier Two.. 177
c) Minimum Lot Depth – One hundred seventy-five feet (175') for any Business Park-zoned lot or site located within Tier One, and one hundred feet (100') for any Business Park-zoned lot or site located within Tier Two. 177
2) Size of Yards 177

a) Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements)..... 177
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)..... 177
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height. ... 177
d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side-yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures..... 177
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 178
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 178
(d) Outside Display and Storage of Merchandise..... 178
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard..... 178
2) Long-term or permanent open storage shall require issuance of a SUP. 178
(16) OTC – Old Town Crandall District..... 178
(a) General Purpose and Description 178
(b) Maximum Height 178
1) Two (2) stories or thirty-five feet (35') for the main building(s). 178
2) One (1) story or fifteen feet (15') for accessory buildings. 178
3) Other (See SECTION 7 and SECTION 9 of this UDC). 178
(c) Area Regulations 178
1) Size of Lot..... 178
a) Minimum Lot Area - none specified. 178
b) Minimum Lot Width - twenty-five feet (25'). 178
c) Minimum Lot Depth - one hundred feet (100'). 178
2) Size of Yards..... 178
a) Minimum Front Yard - to match existing sidewalk width, or a minimum of eight feet (8') from the back of the street curb where no sidewalk exists. 178
b) Minimum Side Yard - zero feet (0') if next to another Town Square district building, or shall match the required front yard setback if on a street or alley corner. 179
c) Minimum Rear Yard - twenty-five feet (25'). 179
3) Maximum Lot Coverage – sixty-five percent (65%) including main and accessory buildings. 179
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 179
(d) Parking Requirements 179
1) For existing structures/uses (in existence prior to the effective date of this UDC) - Any existing parking, or lack of same, for any existing structure or use within the TS district shall be considered a conforming parking arrangement (including head-in and off-site parking arrangements in existence prior to the effective date of this UDC). Additional parking shall only be required for significant additions to an existing building, for significant expansion of an existing use (as determined by the City Manager), and for a newly constructed building within the district. In the event of destruction of an existing structure within the Old Town Crandall district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking spaces in accordance with this UDC (this can be additional head-in or off-site parking spaces, provided that this was the parking arrangement that existed for such structure prior to the effective date of this UDC, and provided that such space is available without compromising other properties' rights, access, or public safety). 179
2) For new structures and uses - One (1) space per two hundred and fifty (250) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. For any use which cannot provide off-street parking due to the size or location of the lot, such parking may be provided on other property not more than two hundred feet

(200') from the site. In cases where the parking requirement cannot be achieved, up to seventy-five percent (75%) of the parking requirement may be waived by the City Council on the site plan, or may be provided as head-in parking spaces and/or off-site with City Council approval on the site plan for such an alternative arrangement. ... 179

(e) Special Requirements ... 179

1) Site Plan Review – Public hearing, review and approval of a site plan by the Commission and the City Council shall be required for site redevelopment or the construction of any new structure within the Old Town Crandall district. No certificate of occupancy shall be issued unless all construction and development conforms to the site plan as approved by the City Council. ... 179

2) For site redevelopment or new construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the site plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the Old Town Crandall district shall be compatible with the styles and scale of other adjacent buildings, and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the downtown area. ... 180

3) The City Manager may require submission of additional information and materials (possibly actual samples of materials to be used) during the site plan review process. ... 180

4) A public hearing is required by the Commission and the City Council for all site plans within the Old Town Crandall district. Development standards for all uses in the Old Town Crandall district shall be established on the site plan and all supporting information will be required at the time of approval. ... 180

(f) Design Standards for the Old Town Crandall District ... 180

1) Façades of new, reconstructed and renovated buildings shall be compatible with, and shall promulgate and enhance, the period design of the original Main Street buildings. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades provided that they enhance the overall design aesthetic and period character of the downtown area. ... 180

2) Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, concrete, or cementitious fiber board trim, and colors shall be tones that are complementary to the predominant facade colors. Wood trim may also be used for refurbishing existing buildings to their original construction condition (i.e., wood shall not be used for trim on newly constructed buildings). Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors which were not typically used in early Texas downtowns shall not be used). ... 180

3) Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style. The use of paned windows (rather than large single-pane modern storefront style windows) shall be required on all new buildings in the Old Town Crandall district. ... 181

4) Façade openings shall comprise at least forty percent (40%) of the building's façade area. ... 181

5) Awnings/Canopies ... 181

a) Ratios -- Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building. 181

b) Projection -- Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than eight feet (8') outward from the building face/surface. ... 181

c) Colors and Materials -- A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material that is complementary to the period or building style (metal shall be allowed only if comparable and complimentary to the gazebo, but plastic shall be prohibited). 181

d) Movement -- Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures. ... 181

6) Pedestrian Streetscape - Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole. ... 181

7) Planters, window boxes, planter boxes and containers, street furniture, street and building lighting, benches, trash receptacles, bollards, street signs, building signage, and other streetscape furnishings shall be complementary to the historical time frame of the OTC area, and shall be located not more than five feet (5') from the building front/facade or shall be located within the pedestrian zone directly in front of the applicable building or business. The City shall be authorized to create and maintain a "pattern book" to guide, and regulate, the selection of all streetscape amenities and fixtures for the purpose of ensuring compatibility among such amenities and fixtures

within the Old Town Crandall district. Conformance and compatibility with such designs shall be required, and installations that are not in keeping with these designs and with the Old Town Crandall district's overall historic image shall be removed if so directed by the City. 181
8) Long-term and permanent open storage is prohibited in the Old Town Crandall district. 182
9) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but limited to the following: 182
a) Shall not be placed/located more than twelve feet (12') from the main building or within any required front, side or rear yard. 182
b) Shall not occupy any on-street or off-street parking spaces. 182
c) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street). 182
d) Shall only be located in front of the property/business that is selling the item(s). 182
e) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees). 182
f) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner. 182
10) Architectural Design – The architectural design of buildings and sites shall strive to achieve the following objectives: 182
a) Architectural compatibility; 182
b) Human scale design; 182
c) Integration of uses; 182
d) Encouragement of pedestrian activity; 182
e) Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; 182
f) Buildings that contain special architectural features to signify entrances; and 182
g) All building materials shall be established on architectural elevations and supporting information. 182
11) Other Regulations – As established in SECTION 7, SECTION 8, and SECTION 9 of this UDC. 183
(17) HB – Highway Business District 183
(a) General Purpose and Description 183
1) To provide space for highway-oriented commercial uses. 183
2) To provide adequate and appropriate separation and/or buffering of general business uses and residential or less intensive commercial areas. 183
(b) Maximum Height 183
1) Two (2) stories or thirty-five feet (35') for the main building(s). 183
2) One (1) story for accessory buildings. 183
3) Other (See SECTION 7 and SECTION 9, of this UDC). 183
(c) Area Regulations 183
1) Size of Lot 183
a) Minimum Lot Area - One-half acre (21,780 square feet) for any nonresidentially-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any nonresidentially-zoned lot or site located within Tier Two. 183
b) Minimum Lot Width - One hundred twenty feet (120') for any nonresidentially-zoned lot or site located within Tier One, and seventy-five feet (75') for any nonresidentially-zoned lot or site located within Tier Two. 183
c) Minimum Lot Depth - One hundred seventy-five feet (175') for any nonresidentially-zoned lot or site located within Tier One, and one hundred feet (100') for any nonresidentially-zoned lot or site located within Tier Two. 183
2) Size of Yards 183
a) Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 183
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below). 184
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height. ... 184
d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the

configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures..... 184
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 184
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 184
5) Parking Requirements - As established by SECTION 10 of this UDC. 184
6) Minimum Exterior Construction Standards – See SECTION 9E of this UDC. All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations)..... 184
(d) Outside Display and Storage of Merchandise..... 184
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard..... 184
2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP). 185
(18) C – Commercial District 185
(a) General Purpose and Description 185
(b) Maximum Height 185
1) Two (2) stories or thirty-five feet (35') for the main building(s). 185
2) One (1) story or fifteen feet (15') for accessory buildings. 185
3) Other (See SECTION 7 and SECTION 9,of this UDC). 185
(c) Area Regulations 185
1) Size of Lot..... 185
a) Minimum Lot Area - One-half acre (21,780 square feet) for any Commercial-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any Commercial-zoned lot or site located within Tier Two. 185
b) Minimum Lot Width - One hundred twenty feet (120') for any Commercial-zoned lot or site located within Tier One, and seventy-five feet (75') for any Commercial-zoned lot or site located within Tier Two. ... 185
c) Minimum Lot Depth – One hundred seventy-five feet (175') for any Commercial-zoned lot or site located within Tier One, and one hundred feet (100') for any Commercial-zoned lot or site located within Tier Two.. 185
2) Size of Yards..... 185
a) Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements)..... 185
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below)..... 185
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height. ... 186
d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures..... 186
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 186
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 186
(d) Outside Display and Storage of Merchandise..... 186
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard..... 186
2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP). 186
(19) LI – Light Industrial District..... 186
(a) General Purpose and Description 186
1) To accommodate select commercial activities that may be appropriate near industrial uses and which may serve the immediate needs of the industrial uses and those employed therein. 187

2) To ensure that the nature, scale, and function of uses pose no significant or unusual risk to the public health, safety, and welfare. 187
3) To ensure that the nature, scale, and function of uses generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances and do not emit harmful radiation or pollution into the air, water, or ground. 187
(b) Maximum Height 187
1) Two (2) stories or thirty-five feet (35') for the main building(s). 187
2) One (1) story or fifteen feet (15') for accessory buildings. 187
3) Other (See SECTION 7 and SECTION 9, of this UDC). 187
(c) Area Regulations 187
1) Size of Lot 187
a) Minimum Lot Area - One-half acre (21,780 square feet) for any LI-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any LI-zoned lot or site located within Tier Two. 187
b) Minimum Lot Width - One hundred twenty feet (120') for any LI-zoned lot or site located within Tier One, and seventy-five feet (75') for any LI-zoned lot or site located within Tier Two. 187
c) Minimum Lot Depth – One hundred seventy-five feet (175') for any LI-zoned lot or site located within Tier One, and one hundred feet (100') for any LI-zoned lot or site located within Tier Two. 187
2) Size of Yards 187
a) Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 187
b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below). 187
c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height. 187
d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures. 187
3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 188
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 188
(d) Outside Display and Storage of Merchandise 188
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard. 188
2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP). 188
(20) IP – Industrial Park District 188
(a) General Purpose and Description 188
(b) Maximum Height 188
1) Thirty-five feet (35') for main building(s). 188
2) One (1) story or fifteen feet (15') for accessory building(s). 188
3) Other (See SECTION 7 and SECTION 9,of this UDC). 188
(c) Area Regulations 188
1) Size of Lot 188
a) Minimum Lot Area – One acre (43,560 square feet) for any IP-zoned lot or site located within Tier Two (IP zoning shall not be located within Tier One, so shall not be located closer than 300 feet from U.S. Highway 175 or a major thoroughfare – however, an IP-zoned lot or site may derive access from U.S. Highway 175 or other major thoroughfare via a public street or a private entrance that passes through other appropriately zoned property provided that the applicable street right-of-way or common fire lane/access easement is dedicated by plat or by other recorded instrument that is acceptable to the City). 188
b) Minimum Lot Width – One hundred feet (100') for any IP-zoned lot or site located within Tier Two (within Tier One, an entrance for an IP-zoned lot or site from U.S. Highway 175 or other major thoroughfare shall be the width of the access-giving public street or private fire lane/access easement). 189
c) Minimum Lot Depth – One hundred fifty feet (150') from the front (i.e., addressed) street right-of-way line. 189
2) Size of Yards 189

a) Minimum Front Yard - Fifty feet (50') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements). 189
b) Minimum Side and Rear Yard – Twenty-five feet (25') unless adjacent to a residentially zoned property (see below). 189
c) Minimum Side or Rear Yard Adjacent to a Residential District – Fifty feet (50') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height. 189
3) Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.). 189
4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1). 189
(d) Special Requirements 189
1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard. 189
2) Long-term or permanent open storage is allowed but shall be limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of SECTION 9H of this UDC (i.e., cannot be visible from any public street or adjacent property). Long-term or permanent open storage that does not conform to all of the above requirements may be allowed by applying for and obtaining a Specific Use Permit (SUP) in accordance with SECTION 5I. 189
(21) PD – Planned Development District 190
(a) General Purpose and Description 190
(b) Application Requirements 190
1) Application Required 190
2) Accompanying Applications 190
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4) Minimum Planned Development District Size 190
a) Single-Family Residential: two (2) acres; 190
b) Multi-Family Residential: two (2) acres; 190
c) Nonresidential: two (2) acres; or 190
d) Mixed Residential and Nonresidential: five (5) acres. 190
(c) Processing of Application and Decision 190
1) Submittal 190
2) Notification Requirements 191
a) Written notice prior to consideration by the Commission; and 191
b) Published notice prior to consideration by the City Council. 191
3) Commission Recommendation 191
4) Decision by City Council 191
(d) Development Standards 191
1) Development standards for each PD shall be set forth in the ordinance granting the PD and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate. 191
2) In the PD, the particular controlling, or base, zoning district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete). 191
3) The ordinance granting a PD shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each controlling zoning district or districts and a general statement citing the reason for the PD request. 192
4) The PD shall conform to all other sections of the UDC, unless specifically exempted in the granting ordinance. 192
(e) Conceptual and Development Plan 192
1) Conceptual Plan: The applicant shall submit a conceptual plan. The plan shall show the applicant's intent for the use of the land within the proposed PD in a graphic manner and shall be supported by written documentation of proposals and standards for development. 192
a) A conceptual plan for residential land use shall show general use(s), thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data. 192
b) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include, but is not limited to, the types of use(s), topography, and

boundary of the planned development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is used in drafting the final development plan. 192
c) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the City Manager. If an agreement cannot be reached regarding whether or not a change of detail conforms to the original concept plan, the City Council shall determine the conformity..... 192
2) Development Plan: This plan shall set forth the final plans for development of the PD and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan shall be acted on by the City Council, upon recommendation of the Commission. The development plan may be submitted for the total area or any section of the planned development. The development plan shall include: 193
a) A site inventory analysis including a scale drawing of existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development and including a delineation of any flood prone areas; 193
b) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; sidewalks and trails; the points of ingress and egress from existing and proposed streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet (5'); 193
c) A site plan in accordance with SECTION 8N of this UDC; 193
d) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted; and 193
e) An architectural plan showing elevations and signage style to be used throughout the development. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by City staff, the Commission and the City Council. 193
(f) Criteria for Approval 193
1) Whether the proposed PD implements and conforms to the policies of the adopted Comprehensive Plan; .. 193
2) Whether the proposed PD promotes the health, safety, and general welfare of the City and the safe, orderly, efficient and healthful development of the City;..... 193
3) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified; 194
4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area; 194
5) The extent to which the proposed PD will result in a more superior development than could be achieved through conventional zoning; 194
6) Whether all of the applicant's taxes owed to the City on the subject property have been paid in full (no application will receive final approval until all taxes due are paid in full); and..... 194
7) Whether other criteria are met which, at the discretion of the Commission and City Council, are deemed relevant and important in the consideration of the PD. 194
(g) Amendments..... 194
1) Corrections in spelling, distances and other labeling that do not affect the overall development concept; ... 194
2) Changes in building position or layout that are less than ten feet (10') or ten percent (10%) of the total building project or area;..... 194
3) Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent (5%); and 194
4) Changes in parking layouts as long as the number of required spaces and general original design are maintained. 194
F. INITIAL ZONING UPON ANNEXATION 194

(1) Newly annexed property shall be deemed to be zoned Agricultural ("A") until such a time that the property becomes zoned to another permanent zoning district. However, as soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or by property owners of the annexed area, initiate proceedings to formally and legislatively establish Agricultural District zoning on the newly

annexed territory, whereupon the City Manager shall commence public notification and other standard procedures for zoning amendments as set forth in this UDC. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.); however, zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council, after due consideration of the zoning request has been considered by the Commission. 194
(2) The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in this UDC and all other applicable State laws. 195
(3) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification. The Commission may consider the request for zoning and make a recommendation to the City Council prior to final adoption of the annexation ordinance. Any recommendation by the Commission shall be conditioned upon approval of the annexation of the property by the City Council. The City Council may act on an ordinance to establish the initial zoning of the property being annexed at the same meeting as the action on the annexation ordinance so long as final approval of the annexation ordinance occurs prior to final approval of the ordinance to establish the zoning and provided further that both the annexation of the property and the zoning of the property have been properly noticed pursuant to SECTION 4C of this UDC. 195
(4) Within an area classified as A-Agricultural: 195
(a) No permit for the construction of a building or use of land shall be issued by the Building Official, other than a permit which will allow the construction of a building or use permitted in the Agricultural District, unless and until such territory has been classified in a zoning district other than the Agricultural District by the City Council in the manner prescribed in this UDC, except as provided in paragraph (b). 195
(b) If plans and preparations for developing a property for a use other than those specified in the Agricultural District were already in progress prior to annexation of the property into the City, then the City Council may, at its discretion, authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following: 195
1) An application for a building permit for the proposed building or use must be made to the Building Official within ninety (90) days after annexation of the property into the City; and 195
2) The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City. 196
(c) In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the Comprehensive Plan. Upon approval by the City Council, the City Manager shall notify the Building Official of such approval. 196
G. ZONING CHANGE/ZONING MAP AMENDMENT 196
(1) Applicability 196
(a) The City Council, from time to time, on its own motion, by request of the City Manager or by application from a property owner, may establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change or Zoning Map amendment is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City. 196
(b) Approval of a zoning change or Zoning Map amendment authorizes a property owner to submit subsequent development applications consistent with the amendment. 196

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(a) Application Required....196
(b) Accompanying Applications....196
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(c) Commission Recommendation....197
(d) Decision by City Council....197
(e) Consideration of Previously Denied Amendments....197
(4) Criteria for Approval....198
(a) Whether the proposed zoning change or Zoning Map amendment implements and conforms to the policies of the City's Comprehensive Plan;....198
(b) Whether the proposed zoning change or Zoning Map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;....198
(c) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;....198
(d) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;....198
(e) Whether there have been environmental and/or economical changes which warrant the requested change;....198
(f) Whether there is an error in the original zoning of the property for which a change is requested;....198
(g) Whether all of the applicant's taxes owed to the City on the subject property have been paid in full (no application will receive final approval until all taxes due and owing are paid in full); and....198
(h) Whether other criteria are met, which, at the discretion of the Commission and the City Council, are deemed relevant and important in the consideration of the amendment.....198
(5) Protests....198
(a) If a proposed zoning change or Zoning Map amendment is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council according to LGC Section 211.006(d), as amended. The protest must be written and signed by the owners of at least twenty percent (20%) of either:....198
1) The area of the lots or land covered by the proposed zoning change or Zoning Map amendment; or....198
2) The area of the lots or land immediately adjoining the area covered by the proposed zoning change or Zoning Map amendment and extending two hundred feet (200') from that area.....198
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H. PERMITTED USE TABLE 199
(1) Use of Land and Buildings....199
(2) Permitted Principal Uses....199
(3) Uses Not Listed....204
(4) New and Unlisted Uses....204
(a) It is recognized that new or unlisted types of land use may seek to locate in the City. In order to provide for such contingencies, a determination of any new or unlisted form of land use shall be made in accordance with this section. 204
(b) It is recognized that the Permitted Use Table may require amendment, from time to time, to allow for uses that are not permitted. In the event an amendment to the Permitted Use Table is required, the procedure for the amendment shall be the same as required for an amendment to the text of the UDC in accordance with SECTION 4G of this UDC. 204
I. SPECIFIC USE PERMIT (SUP) 204
(1) Applicability....204
(2) Application Requirements....204
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(c) Tax Certificate Required....204
(3) Processing of Application and Decision....204
(a) Submittal....204

(b) Notification Requirements 205
1) Written notice prior to consideration by the Commission; and 205
2) Published notice prior to consideration by the City Council. 205
(c) Commission Recommendation 205
(d) Decision by City Council 205
(4) Criteria for Approval 205
(a) The proposed use at the specified location is consistent with and conforms to the policies embodied in the adopted Comprehensive Plan; 205
(b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and is allowed by such regulations with the approval of a SUP; 205
(c) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods; 205
(d) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood; 206
(e) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; 206
(f) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties; 206
(g) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are allowed by the SUP process and are necessary to render the use compatible with adjoining development and the neighborhood; 206
(h) The proposed use and associated site plan promote the health, safety and general welfare of the City and the safe, orderly, efficient and healthful development of the City; 206
(i) No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and 206
(j) Other criteria which, at the discretion of the Commission and City Council are deemed relevant and important in the consideration of the SUP. 206
(5) Conditions 206
(6) Expiration of Specific Use Permit 206
(a) A building permit, if necessary, for the use has not been approved within two (2) years of the approval of the SUP; 206
(b) A building permit approved as a result of the approval of the SUP expires within two (2) years of the approval of the SUP; 206
(c) The use has been abandoned or discontinued for a period of time exceeding six (6) months; or 207
(d) The SUP expires in accordance with its terms. 207
SECTION 6 - NONCONFORMING USES, LOTS AND STRUCTURES 207
A. PURPOSE AND INTENT 207
(1) Within the districts established by this UDC, or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this UDC was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this UDC to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this UDC are met. 207
(2) It is further the intent of this UDC that nonconforming uses, lots and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district. 207
(3) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the zoning districts involved. 207

B. NONCONFORMING STATUS 207

(1) Except as provided in SECTION 6I, any use, platted lot or structure that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, shall be deemed a nonconforming use, platted lot or structure provided that: 207

(a) Such use, platted lot or structure was in existence under, and in compliance with, the provisions of the previous City zoning code, and has been in regular and continuous use since such time; 207

(b) Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the previous City zoning code, and has been in regular and continuous use since such time; or 207

(c) Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time. 207

(2) Except as provided in SECTION 6I below, any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this UDC or any amendment hereto, shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use, platted lot or structure. 207

C. CONTINUING LAWFUL NONCONFORMING USE OF LAND AND STRUCTURES 207

(1) A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created, if any. 208

(2) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use. 208

D. EXPANSION OF NONCONFORMING USES AND STRUCTURES 208

(1) A nonconforming use may not be extended. 208

(2) A nonconforming use occupying a structure shall not be extended to occupy land outside the structure. 208

(3) A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this UDC. 208

E. ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURES OR LAND 208

(1) If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this UDC, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied. 208

(2) A nonconforming use or structure shall be deemed “abandoned” in the following circumstances: 208

(a) The use ceases to operate for a continuous period of one hundred eighty (180) calendar days; 208

(b) The structure remains vacant for a continuous period of 180 calendar days; or 208

(c) In the case of a temporary use, the use is moved from the premises for any length of time. 208

(3) Any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this UDC is hereby made and

declared to be nonconforming by this UDC. Within one hundred eighty (180) calendar days following the effective date of this UDC such open/outside storage use shall cease. The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners. 208

F. LIMITATIONS OF NONCONFORMING USES 208

(1) A nonconforming use shall not be changed to another nonconforming use. 208

(2) A nonconforming use may be changed to a conforming use; provided, however, that, once such change is made, the use shall not be changed back to a nonconforming use. 209

(3) A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use, provided the degree of nonconformity of such structure shall not be increased by such change in conforming uses. 209

G. RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE 209

(1) If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll, is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this UDC. 209

(2) If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll, is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the 365 calendar day reconstruction period may be extended by the City Manager, at his/her sole discretion. 209

(3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in SECTION 6D and SECTION 6F above. 209

(4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this UDC. 209

(5) Nothing in this UDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll. 209

H. RELOCATION OF NONCONFORMING STRUCTURE 209

I. NONCONFORMING LOTS 209

(1) The following types of platted lots shall be deemed in conformance with the provisions of this UDC, notwithstanding the fact that such lot does not meet the standards of this UDC in the zoning district in which it is located: 210
(a) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or..... 210
(b) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located..... 210
(2) Nothing in this UDC shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this UDC..... 210
(3) A lot of record located within the Agriculture (A) zoning district that is nonconforming may be occupied by a single-family dwelling provided that all applicable zoning standards with regard to building setbacks, building size and design criteria are met. 210
J. NONCONFORMING MANUFACTURED HOUSING 210
(1) Notwithstanding any of the provisions of this SECTION 6, the owner of a nonconforming manufactured home or mobile home may remove the manufactured home or mobile home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home, and is at least as large in living space as the prior structure..... 210
(2) Except in the case of a fire or natural disaster, the owner of the manufactured home is limited to a single replacement of the manufactured home on the same property..... 210
(3) A property owner who has a manufactured home or mobile home which has been placed on a lot in violation of the terms of this UDC shall not have the right to replace the illegal use..... 210
K. AMORTIZATION 210
(1) The BOA, on its own motion or at the direction of the City Council or an interested property owner, may inquire into the existence of any nonconforming use in the City, and after public hearing and investigation into the conditions created by the use including fire or health hazards created by the use and any other danger or nuisance to the public due to or created by any condition or use existing on the property, require the discontinuance or termination of such nonconforming use. The owner of the nonconforming use under investigation by the BOA shall have no fewer than ten (10) days written notice prior to the day of the public hearing. The BOA, after having heard from any affected parties and the public, shall prescribe a reasonable time period for compliance, discontinuance and termination of the nonconforming use that allows for amortization of the owner's actual investment in the use that occurred before the time that the use became nonconforming. 210
(2) In prescribing said time period, the BOA shall consider the following factors:211
(a) The capital investment in structures, fixed equipment and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property at the time the use became nonconforming; 211
(b) Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases and discharge of mortgages;..... 211
(c) Any return on investment since inception of the use, including net income and depreciation; and..... 211
(d) The anticipated annual recovery of investment, including net income and depreciation. 211

(3) If the BOA establishes an amortization (or compliance) date for a nonconforming use, the nonconforming use must cease operation on that date and it may not operate thereafter unless it becomes a conforming use. 211
(4) For purposes of this SECTION 6K, "owner" means the owner of the nonconforming use at the time of the BOA's determination of an amortization (or compliance) date for the nonconforming use. 211
(5) The BOA shall have the power to subpoena witnesses, documents and things; administer oaths; punish for contempt; and may require the production of documents and other things, under such regulations as it may establish or deem appropriate. 211
(6) This SECTION 6K is subject in all events to the owner's rights set forth in LGC Chapter 245 and LGC Section 211.017. 211
SECTION 7 - SUPPLEMENTAL USES AND GENERAL REGULATIONS 211
A. ANTI-MONOTONY REQUIREMENTS 211
(1) Purpose 211
(a) The purpose of this chapter is to preserve the aesthetically pleasing character of Byron's residential districts by promoting same; protect and enhance property values; and promote the easy identification of houses, by encouraging new dwelling unit constuction of distinctive design and discouraging excessive similarity among adjacent dwellings. Establishment of a Gated Community 211
(2) Residential Construction – Design Variety 211
(a) No building permit shall be issued for any new single-family detached dwelling unit which is similar in appearance to any dwelling on the same street which is within two lots distance of it. However, those single-family dwellings with a signed sales contract or application for building permit bearing a date prior to the adoption of this ordinance shall be exempt from the provisions of this chapter. 211
(b) A dwelling on a corner lot may be considered dissimilar to another if the two dwellings face different streets. On cul-de-sac turnarounds, no dwelling shall be similar in appearance to another dwelling on the turnaround. 212
(3) Similarity Standards 212
(a) For the purpose of this chapter, "similar in appearance" means a dwelling which is identical, or nearly identical, to another in any three of the following characteristics: 212
1) Roof type (gable, hip, mansard, gambrel, flat, combination); 212
2) Roof height; 212
3) Approximate dimensions (height and length) of the front wall closest to the front lot line; 212
4) Shape of the front elevation silhouette; 212
5) Relative locations and sizes of windows in the front elevation; 212
6) Relative location and dimensions of garage door(s), if included on the front elevation; 212
7) Type(s) of siding (e.g., brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation. 212
(b) Housing Styles. If adjacent lots as defined in this chapter contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. Housing styles shall consist of the following: ranch, bi-level, tri-level, 1 and ½ story, two-story, and three-story. 212
(4) Administration 212
(a) If the building and zoning officer, or person acting in that capacity, finds that the dwelling for which a building permit is requested is similar in appearance to a dwelling for which a building permit has been issued within two lots distance and facing the same street, the building and zoning officer shall deny the permit request for noncompliance with this chapter. 212
1) Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling, according to the criteria specified herein; 212
2) Appeal the decision of the building and zoning officer to the health and ordinance/public health committee of the city council; 212
3) In appealing the interpretation of the code to the health and ordinance/public health committee, an applicant for a building permit shall present evidence sufficient to demonstrate conformity with this chapter, such as architectural drawings. Shape of the front elevation silhouette 212
(b) If the health and ordinance/public health committee finds in favor of the applicant, the building and zoning officer shall issue a building permit, so long as such application has met all other appropriate requirements. If the health

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(b) These regulations may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued but is not yet built. In such instances, the builder shall request, and the health and ordinance/public health committee may grant, an exception from this chapter.... 213
(c) These regulations may be waived for residential planned unit developments in which similarity of architectural form and style among dwellings is integral to the success of a unified plan, in which the high quality of building materials, building plans, and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the health and ordinance/public health committee may grant, an exception from this chapter as a condition of a planned unit development.... 213
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(3) Homeowners Association ("HOA").... 214
(a) A HOA shall be established for a gated community and creation shall be so noted on the plat. The following "Maintenance Agreement" statement shall appear on the final plat:.... 214
(b) The HOA shall be directly responsible to, and controlled by, the property owners involved, to provide for operation, repair and maintenance of all common areas, fences, walls and all common facilities including, but not limited to, streets, sidewalks or other infrastructure that are part of the common facilities.... 214
(c) The HOA Covenants, Conditions and Restrictions ("CCRs") must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant HOA infrastructure. This reserve fund shall not be commingled with any other HOA fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a gated community with concrete streets shall be a minimum of twenty (20) years.... 214
(d) All owners of property within the subdivision shall automatically be members of the HOA by virtue of their ownership of property within the subdivision and any annexed areas.... 215
(e) The City shall be granted permission and practical access to enter the subdivision at any time without liability when on official business. Further, the City shall be authorized to remove any obstructions including, but not limited to, any gate and guard house, upon noncompliance by the HOA or if necessary for emergency vehicle access. The cost of removal of any obstruction shall be assessed to the owner or, if a common facility, to the HOA.... 215
(f) The HOA shall provide access for fire, ambulance, and police services, mail deliveries, school buses, garbage pickup, and utilities. Access must not require drivers to exit their vehicles.... 215
(g) Repair and maintenance of common facilities shall be conducted on a schedule acceptable to the City and shall be undertaken promptly by the HOA.... 215
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(a) All streets and sidewalks within a gated community shall be private streets, shall be maintained by the HOA, and shall be constructed in accordance with City standards.... 215
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(a) Subject to approval and acceptance of the City Council, the HOA for a gated community may dedicate private streets to the City for public access and maintenance.... 215

(b) The HOA shall submit a written request, signed by HOA officers, to the City Council requesting such acceptance of the dedication. The written request shall be accompanied by a petition containing the signatures of the owners of sixty-seven percent (67%) of the existing lots in the subdivision. 215
1) All of the infrastructure must be brought up to the City's then-effective development standards, at the sole cost and expense of the HOA and its members, and in a condition that is acceptable to the City 216
2) All security stations, gates, and other structures not consistent with a public street development must be removed at the sole cost and expense of the HOA and its members. 216
3) All monies in the reserve fund must be delivered to the City. 216
4) The subdivision plat shall be submitted to the City as a replat and upon review and approval, shall be filed with the Kaufman County clerk to dedicate the streets, public utility easements, storm sewer easements and any other public easements to the City. An ordinance converting the private streets to public streets must be approved by the City Council prior to the filing of said subdivision replat. 216
5) The CCRs must be modified and refiled to remove requirements specific to private street subdivisions. 216
(c) All repairs, maintenance, or reconstruction of private streets shall be approved and accepted by the City prior to conversion. All conversion, dedication and replatting costs shall be paid by the HOA. 216

C. ACCESSORY USES AND STRUCTURES 216

(1) No accessory use or structure shall be permitted without a primary use or structure. 216
(2) Accessory buildings, as permitted herein, shall occupy more than forty percent (40%) of the required rear yard. 216
(3) Accessory buildings shall be set back at least three feet (3') from common property lines and may not be located within an easement. 216
(4) No accessory building may be closer than ten feet (10') to the main building. 216
(5) No accessory use or structure shall be allowed in the front yard or in front of the front building line. 216
(6) Attached accessory uses or structures shall comply with the front, side and rear setbacks and height restrictions established for the primary structure in this UDC. 216
(7) Accessory structures must be architecturally compatible with the primary structure. 216
(8) The wall height of the accessory building shall be limited to not more than eight feet (8') and total building height shall not exceed fifteen feet (15'). This limitation is only applicable to platted subdivisions with a specific lot size, e.g., eighty feet (80') by one hundred feet (100'), and is not intended to be applicable for a one (1)-owner, multiple-acre residence. For a one (1)-owner, multiple-acre residential lot a variance is not required; however, the total building height cannot exceed thirty-five feet (35'). 216
(9) Storage buildings that are accessory to a principal residential use on the same lot shall require site plan approval prior to building permit issuance. 217
(10) The minimum separation between a main structure and detached accessory structure other than a carport shall be ten feet (10'). 217
(11) The minimum separation between the main building and an in-ground or above-ground pool, spa, hot tub, playhouse, sauna or gazebo which does not exceed one story in height may be less than ten feet (10') if the structure is contiguous with or an integral part of the primary structure, and/or the accessory structure is engineered by a professional engineer to ensure the integrity of the existing (primary structure) foundation. 217
(a) Such plans indicating the design for an accessory structure shall be submitted to the Building Official for review in connection with the issuance of a building permit; and 217
(b) Setback distances for in-ground or aboveground pools, spas, hot tubs and saunas shall be measured to the outside edge of the beam (structural edge) of the pool, spa, etc. 217

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3) Carports shall not be located within required landscaping areas....217
4) The maximum height of the carport entry shall be ten feet (10'). 217
5) All parking spaces located under the carport shall be of concrete....217
6) Carports shall be structurally sound, as determined by the Building Official. 217
(b) Manufactured Home Districts 217
1) A carport may not be constructed in such a way that any part of the structure encroaches into a required setback as provided in the underlying zoning district. 217
2) The maximum height of the carport entry shall be ten feet (10').....217
3) Driveways to the carport and parking spaces under the carport shall be constructed of concrete. 217
4) Parking spaces shall be a minimum of ten feet (10') by twenty feet (20'). 217
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3) Shall be erected over a driveway constructed of concrete;....218
4) Shall not exceed one (1) story in height;....218
5) Shall be open on two (2) or more sides; and 218
6) Shall be constructed of the same material as the primary structure.....218

E. HOME OCCUPATIONS 218

(1) Purpose and Intent 218
(a) Protect residential areas from adverse impact of activities associated with home occupations. 218
(b) Permit residents of the City a reasonable opportunity to use their homes as a place of livelihood and for the production or supplement of personal and family income. 218
(c) Establish criteria and development standards for home occupations conducted in residential units. 218
(2) Home Occupations--Required Conditions 218
(a) The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence. 218
(b) No interior or exterior business sign shall be permitted. 218
(c) No mechanical equipment shall be used except equipment of a type that is similar in character to equipment normally used for purely domestic or household purposes or for hobby purposes....218
(d) Retail sales shall be prohibited on the premises. 218
(e) No more than one (1) person other than the immediate family permanently residing on the premises shall be employed in the home occupation....218
(f) No more than one home occupation shall be permitted within any single dwelling unit.....218
(g) A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.....218
(h) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.....219
(i) There shall be no exterior storage of materials to be used in conjunction with a home occupation. 219
(j) A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's code enforcement officer pertaining to a violation under this section shall be considered final, unless formally appealed to the BOA within thirty (30) days of the code enforcement officer's written determination.....219
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(b) Permit Required....219
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3) The decision of the City Manager may be appealed to the BOA in accordance with SECTION 3D(3)(a) of this UDC. 219
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F. USABLE OPEN SPACE REQUIREMENTS 220

(a) Areas provided as usable open space shall meet the following criteria: 220
1) All residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Commission may recommend, and the City Council may allow, this distance to be increased to up to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees or other natural features on the site can be preserved by increasing the distance. 220
2) Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Usable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan and subdivision plat approval, the Commission may recommend, and the City Council may allow, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and the surrounding area. 220
3) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating usable open space. 220
4) Within usable open space areas, there shall be at least one (1) large shade tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper, and at least twenty-five percent (25%) of the trees shall be non-deciduous (for qualifying tree species, see SECTION 9G(9)(a) of this UDC for the City's Approved Plant List). 220
5) A usable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision. 221
6) Usable open space areas must be easily viewed from adjacent streets and homes. Side or rear yard fences along common open space areas shall be of open, decorative iron design, and shall not exceed six feet (6') in height adjacent to the open space and for a distance of ten feet (10') perpendicular or radial to the open space area. 221
(b) Credit for Off-Site Open Space - At the time of site plan and subdivision plat approval, the Commission may recommend, and the City Council may allow, up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the City Council. The guidelines below may assist in considering if credit is appropriate: 221
1) Adjacency - Is at least fifteen percent (15%) of the patio home development's boundary adjacent to park land? 221
2) Accessibility - Are there defined pedestrian connections between the development and the park land? 221
3) Usability - Is the park land immediately adjacent to the development suitable for use and accessible by residents? 221
4) Design Integration - Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land? 221
5) Landscaped Areas - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement. 221

G. LIGHTING AND GLARE STANDARDS 221

(1) Purpose and Intent 221
(2) Applicability 221
(a) The regulations contained in this section are applicable only within the corporate limits of the City. 222
(b) Compliance with the regulations in this section is strongly encouraged for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City. 222
(c) All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits shall be required to comply with this UDC. This UDC does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this UDC if it is determined by the City Manager that it creates a nuisance or a potential safety hazard. 222

(d) All outdoor lighting fixtures existing and legally installed and operating before the effective date of this UDC shall be exempt from this UDC unless they are determined to create a nuisance or a safety hazard. When existing lighting fixtures become inoperable, their replacements shall be subject to the provisions of this UDC. 222
(e) Modifications to nonconforming lighting fixtures shall also comply with this section. 222
(f) In the event of a conflict between this section and any other section of this UDC or any other regulation of the City, the more stringent requirements shall apply. 222
(3) Exemptions 222
(a) Publicly maintained traffic control devices; 222
(b) Street lights installed prior to the effective date of this UDC; 222
(c) Temporary emergency lighting (fire, police, repair crews); 222
(d) Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right-of-way ("ROW"); . 222
(e) Moving vehicle lights; 222
(f) Navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by state or federal law; 222
(g) Signs and associated lighting that conform to the sign regulations of this UDC; 222
(h) Seasonal decorations with lights in place no longer than sixty (60) days; 222
(i) Other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction); 222
(j) Covered porch lighting on residences provided that each external light fixture does not exceed one-hundred fifty (150) watts; and 222
(k) Security lights of any output that are controlled by a motion sensor switch provided they do not exceed 0.25 foot-candle at the property line and do not remain illuminated for a duration that exceeds ten to twelve (10-12) minutes after activation. 222
(4) Submittals 223
(a) Plans indicating the location, type, and height of lighting fixtures including both building-mounted and ground-mounted fixtures; 223
(b) A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer; 223
(c) Photometric data, which may be furnished by the manufacturer, showing the angle of light emission; 223
(d) Detailed site lighting plan illustrating the foot-candle power measured throughout the site; and 223
(e) Additional information as may be required by the Commission in order to determine compliance with this UDC. 223
(5) General Standards 223
(a) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and shall not create or cause excessive glare onto adjacent properties and public street rights-of-way. 223
(b) Outdoor lighting must be "full cut-off" and hooded, shielded, and/or aimed downward. 223
(c) The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No illumination may spill onto adjacent property. 223
(d) Any bright light shining onto an adjacent property or street that would result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant. 223
(e) Existing fixtures may be adapted to comply with this UDC by adding a properly designed hood or shield, or by redirecting any upward mounted fixture downward onto the ground surface, sign, or illuminated structure. 223
(f) All outdoor lighting fixtures shall be designed, located, and maintained to minimize light trespass and all direct illumination shall be kept within the boundaries of the property upon which the light fixture is positioned. 223
(g) When approved, accent lighting shall be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building edge. 224
(h) Spotlights on landscaping and foliage shall be limited to one hundred fifty (150) watts output. The light shall be shielded and so as not to create a nuisance or safety hazard. 224
(i) No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard. 224
(j) Minimum lighting intensities shall be measured parallel with the ground with the photo sensor surface pointed to the zenith. Maximum lighting intensities shall be measured perpendicular to the line of sight between the observer and the lighting fixture measured six feet above ground level with the photo sensor surface pointed directly at the light fixture. 224
(6) Specific Nonresidential Lighting Requirements 224
(a) The maximum allowable intensity of lighting for any nonresidential use shall be 0.25 foot-candles measured at the property line or at the street ROW line. 224
(b) Light poles shall have a maximum height equal to the maximum height allowed for the main building in each zoning district or shall be equal in height to the tallest building located on the property on which the light is placed, whichever height is less. 224

(7) Special or Temporary Lighting -- Low Wattage 224
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(a) Ensure that the location and use of antenna facilities and antennas do not compromise the aesthetic quality of the community; 224
(b) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City; 224
(c) Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal; 224
(d) Encourage co-location on both new and existing antenna facilities; 224
(e) Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques; and 225
(f) Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently. 225
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(c) Driveway Surfaces 226
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(b) Undeveloped Residential ("UR") 229
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2) Is a part of a recorded subdivision but has not had a building permit issued for a residential structure; and 229
3) Is not located within the calculated limits of the Developed Residential threshold, set forth below. 229
(c) Wireless Corridors ("WC") 229
(d) Developed Residential ("DR") 229
1) A recorded subdivision that has had at least one (1) building permit for a residential structure; or 230
2) Within six hundred feet (600') of areas described in this SECTION 7F(7)(d). 230
(8) Antenna Facility Impact Levels 230
(a) Monopole: A monopole tower requires a SUP. The antenna equipment may not extend more than five feet (5') above the highest point on the monopole. 230

(b) Level 4 Stealth Facility: The antenna on a Level 4 Stealth Facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is neither screened nor hidden. For the purpose of this type of facility, a pole or tower may be reconstructed to structurally hold the antenna but the height of the structure cannot be increased. 230
(c) Level 3 Stealth Facility: The antenna on a Level 3 Stealth Facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna shall be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings. 230
(d) Level 2 Stealth Facility: The antenna on a Level 2 Stealth Facility is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development. 230
(e) Level 1 Stealth Facility: The antenna on a Level 1 Stealth Facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development. 231
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(a) Application 231
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2) A narrative detailing the proposed Antenna Facility. The narrative shall describe or reflect the following: 231
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b) The height of the proposed tower; 231
c) Why the Antenna Facility is necessary at the proposed location; 232
d) The name(s) of the telecommunications providers or other users of the antenna or tower and a description of the intended use of each user; 232
e) Whether the applicant has made an effort to co-locate the facilities proposed for this Antenna Facility on existing antenna facilities in the same general area, identifying the location of these existing sites, a detailed description of these efforts and why these existing sites were not feasible; 232
f) All studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage; 232
g) Written documentation from existing sites' owners and/or operators which confirm the statements provided; 232
h) Whether the existing sites allow/promote co-location and, if not, a description why not; 232
i) Whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, a statement identifying each reason and the basis of each reason; and 232
j) All state or federal agency approval letters. 232
3) A site plan of the proposed Antenna Facility at a scale of 1" = 30'. The site plan should be on a single 24" X 36" sheet and shall include: 232
a) A survey and legal description of the proposed Antenna Facility; 232
b) A detail on how access to the site is to be achieved; 232
c) A plan view layout of the proposed Antenna Facility clearly showing: 232
i) The location of the facility; 232
ii) All equipment and structures in the proposed Antenna Facility; 232
iii) The required off-street parking space; 232
iv) Distances to property lines; 232
v) Required setbacks; 232
vi) Adjacent land uses and zoning designations; 232
vii) Existing structures on the site; 232
viii) Required landscaping or screening of the base of the tower; 232
ix) All recorded and proposed easements; and 232
x) Natural features, such as water courses and trees. 233
4) Elevation drawings showing: 233
a) The design and height of the proposed Antenna Facility; 233
b) Detailed drawings of all structures and equipment; and 233
c) Screening requirements. 233
5) If the requested location is in a residential district, evidence that an effort has been made to locate the facility in a nonresidential district, identifying the location of these nonresidential district sites, and describing these efforts and why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage. 233

6) A map showing the proposed provider's current coverage area for the City. The map must show the roadway network and be labeled. The applicant must also provide propagation analysis showing the areas the proposed provider's existing antenna currently covers, and the areas the applicant's existing sites and the requested site would cover. The propagation analysis must be labeled and have a legend. 233
7) A description of the applicant's master antenna facilities plan for the City. Attach maps and other related documents and provide information indicating each phase of the plan. 233
(b) Consideration of Application 233
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2) The potential for interference with the enjoyment of the use surrounding properties; 233
3) Aesthetics; 233
4) Impact, including but not limited to, the surrounding topography, surrounding tree coverage and foliage; .. 233
5) Proposed buffering; 233
6) The design of the Antenna Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; 233
7) The proposed height of the Antenna Facility relative to surrounding structures; 233
8) The zoning district and the adjoining zoning districts of the property for which the SUP is sought; 233
9) Compliance with the City's regulations; and 233
10) The availability of suitable alternative sites. Suitable alternative site(s) shall mean a location or locations that would provide the same or better signal coverage than the proposed site for which a SUP is requested. The applicant shall provide documentation supporting his contention that alternative site(s) are not suitable and/or available. 234
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(d) Written Report 234
I. TEMPORARY STRUCTURES 234
(1) A temporary structure may not be brought on-site until a building permit for the construction or refurbishing of the permanent structure has been issued by the Building Official. All temporary manufactured structures shall be required to comply with the following: 234
(a) Time Limit: Permits issued for temporary manufactured structures shall be valid for two (2) years or when the permanent structure is completed and occupied, whichever is sooner. Any further extension shall require City Council approval. 234
(b) Dimensions: Minimum dimensional requirements for temporary uses or structures shall be those established in the district in which the temporary use or structure is located. 234
(c) Parking: Minimum parking requirements for temporary manufactured structures shall be the number according to the proposed use for the building. 234
(2) Temporary Construction Buildings: Temporary building and material storage areas to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Building Official. ... 234
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(1) All Uses Must Conform 234
(2) Must Comply With Federal and State Regulations 235
(3) Noise 235
(a) Maximum Permissible Daytime* Octave Band: 235
(b) The following corrections shall be made to the Table of octave band-decibel limits above in determining compliance with the noise level standards: 235
1) When noise is present at nighttime, subtract (-7db). 235
2) When noise contains strong pure-tone components or is impulsive (i.e., when meter changes at 10 decibels or more per second), subtract (-7db). 235
3) When noise is present for not more than the following, add (+10db): 235
a) ½ minute in any ½-hour period; 235
b) 1 minute in any 1-hour period; 235
c) 10 minutes in any 2-hour period; or 235
d) 20 minutes in any 4-hour period. 235

(c) Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American National Standards Institute. ... 236
(d) Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified. 236
1) Noises not directly under control of the property owner or user. ... 236
2) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (i.e., during daylight hours). ... 236
3) Noises of safety signals, warning devices and emergency pressure relief valves. ... 236
4) Transient noise of moving sources such as automobiles, trucks, and airplanes. ... 236
5) Events sanctioned by the City of Crandall. ... 236
(4) Smoke and Particulate Matter ... 236
(a) No operation or use shall cause, create, or allow the emission, for more than three minutes in any one hour, of air contaminants that at the emission point or within the bounds of the property are of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the American Society for Testing and Materials ("ASTM") except for when the presence of uncombined water is the only reason for failure to comply, or when such contaminants are emitted inside a building which prevents their escape into the atmosphere. ... 236
(b) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the operation's site per any one (1) hour. ... 236
(c) Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per one thousand (1000) cubic feet of air. ... 236
(5) Odorous Matter ... 236
(a) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. ... 236
(b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by ASTM shall be followed. ... 236
(6) Fire or Explosive Hazard Material ... 237
(a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City of Crandall. ... 237
(b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Crandall Fire Code. ... 237
(7) Toxic and Noxious Matter ... 237
(8) Vibration ... 237
K. SUPPLEMENTAL REGULATIONS 237
(1) Measurement ... 237
(a) Measuring Setbacks - All setback measurements shall be made from the property line. ... 237
(b) Configuration of Lots - Flag lots (i.e., lots with minimal, or panhandle-type, frontage) are prohibited. Through (i.e., double-frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible (see SECTION 9C for regulations pertaining to the configuration of lots). ... 237
(c) Building Setbacks – All setbacks established on a recorded plat shall be enforced, even if they are less than or they exceed the required setbacks in this UDC. Setbacks established on a recorded plat shall only be changed through replat proceedings (see SECTION 8M). ... 238
(2) Front Yard ... 238
(a) On all corner lots, the front-yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side- or rear-yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and townhome uses shall be identified and the front of the structure shall not face the side or rear yard. ... 238

(b) Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage. 238

(c) The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed. 238

(d) Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. 238

(e) Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this UDC are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street. An unenclosed canopy for a gasoline service station pump island may extend beyond the front building line, but shall not be closer than ten feet (10') to any property line or street right-of-way line. 238

(f) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line. 239

(g) If a street block face has existing buildings already constructed along it for fifty percent (50%) or more of its length, and if the front-yard setback for these existing buildings is greater than the front yard required for that zoning district in this UDC, then the front-yard setback of the existing buildings shall supersede the front yard required for that zoning district. New buildings shall conform with the already established front-yard setback along the remainder of the block face unless a variance for a lesser front-yard setback is applied for and granted by the BOA in accordance with this UDC. 239

(3) Side and Rear Yards 239

(a) On a corner lot used for one- or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this UDC, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the City Manager with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this UDC, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district unless otherwise established on the filed plat (in which case replatting is necessary to change the setback lines, per SECTION 8M). 239

(b) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches and patios (on ground floor only) extending into a side or rear yard shall not be enclosed, but upper story balconies may not encroach into a side or rear yard setback. A canopy may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. 239

(c) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line. 239

(4) Special Height Regulations 239

(5) Minimum Dwelling Unit Area 240

(6) Open Storage Areas 240

(7) Sight Visibility 240

(a) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, signs, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') above the ground. The triangular areas are defined as follows: 240

1) Alley intersects a public street right-of-way - The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides. 240

2) Street intersection or intersection of private driveway onto a public street - These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the

right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides. 240
(b) Shrubs and plant materials that are typically less than thirty inches (30") in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of thirty inches (30"). 240
(c) A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above and they are spaced and positioned such that their trunks will not produce a visibility-inhibiting, "picket-fence" effect when they attain mature size. 240
(8) Nonresidential Structures in Residential Districts 241
L. MOBILE FOOD VENDORS 241
(1) Mobile food vendors are subject to the following regulations: 241
(a) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy; 241
(b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy; 241
(c) Mobile food vendors shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor; 241
(d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property; 241
(e) A mobile food vendor must secure a health permit from the State of Texas, and an annual permit from Building Inspections prior to the operation of such use; 241
(f) All mobile food venders must make arrangements to properly dispose of trash; 241
(g) Mobile food vendors cannot cook food on site; 241
(h) Signage for mobile food venders must comply with the City of Crandall sign regulations; 241
(i) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Crandall; 241
(j) Mobile food vendors shall not be located within 25 feet of an entrance of a primary building that holds the Certificate of Occupancy; 241
(k) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City's Thoroughfare Plan; 241
(l) Mobile food vendors may operate only during the business hours of the primary business on the property; 242
(m) A drive through is not permitted in conjunction with the mobile food vendor; and 242
(n) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads. 242
SECTION 8 - DEVELOPMENT STANDARDS 242
A. PURPOSE AND APPLICABILITY 242
(1) The purpose of this SECTION 8, Development Standards, is to promote sound planning in the subdivision of land, and to provide consistent rules, which protect the public health, safety, and welfare while allowing the legal platting of land. The regulations herein have been made after careful study of existing local conditions and the desirable future development of the City. It is not the City's desire or intent to regiment the design of subdivisions of property and their environs, but rather to recommend the utilization, to the fullest extent possible, of good, sound, modern subdivision planning principles. 242
(2) It is intended that as much freedom as possible be allowed the individual owners and subdividers in the design and ultimate development of new subdivisions so that they will contribute innovation, individuality, and character to the community's new residential neighborhoods, commercial developments, and industrial districts. At the same time, these rules are intended to assure that such development provides for: 242
(a) Sufficient, adequate major and secondary traffic thoroughfares and public facilities; 242
(b) Minimum standards for facilities; 242
(c) A consistent and equitable pattern of development among neighboring parcels of land; and 242
(d) Consistency with the Comprehensive Plan, Thoroughfare Plan, and other adopted plans. 242

(3) The regulations contained within this section are adopted under the authority of the Constitution and laws of the State of Texas, including particularly LGC Chapters 42, 212, and 242. Pursuant to the authority herein granted, the City Council extends, to all areas within Crandall's city limits and ETJ, the application of all of the terms and provisions in this section establishing rules and regulations governing plats and subdivisions of land. 242

B. GENERAL PROVISIONS 242

(1) The owner of a tract of land located within the city limits or in the ETJ of the City who divides the tract into two (2) or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares parks or other parts, must prepare a plat of the subdivision. A division of a tract under this section includes a division regardless of whether it is made by using a metes-and-bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. 242

(2) No person shall create a subdivision of land within the City or within its ETJ without complying with the provisions of this section, and all plats and subdivisions of any such land shall conform to the rules and regulations set forth in this section.243

(3) In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Code by injunction issued by a court of competent jurisdiction. 243

(4) All land subdivided or platted into lots, blocks and streets within the City or within its ETJ, as provided by state law, shall comply in full with the requirements of this UDC. No plat shall be filed in the office of the county clerk for a tract within the City or its ETJ unless it is recommended by the Commission and approved by the Council. 243

(5) The City has requested Kaufman County not to issue a permit for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or any lot in a subdivision in which the standards contained or referred to herein have not been complied with in full. ...243

(6) No permit shall be issued for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full, unless otherwise provided by law or herein. 243

(7) The City shall not authorize any person nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained or referred to herein have not been complied with in full. ...243

(8) The City shall not authorize any person nor shall the City itself sell or supply any water or sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained or referred to herein have not been complied with in full. 243

(9) Disapproval of a plat by the Commission shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not

impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation, may be vacated by the City in any manner provided by law. 243
(10) On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or part of the provisions of this UDC. 244
(11) In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this UDC may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either at law or in equity, as may be deemed advisable in these premises. 244
(12) The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residential building exists and was in existence prior to passage of this UDC, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this UDC was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this UDC. 244

C. PRE-APPLICATION CONFERENCE 244

D. APPLICATION REQUIRED 244

E. SUBDIVISION MASTER PLAN 244

(1) General 244
(2) Submittal Requirements for Subdivision Master Plan 244
(a) Completeness Requirements 244
1) Appropriate fees; 244
2) Application signed and notarized by owner; 245
3) Agent authorization letter; 245
4) Legal metes-and-bounds description; 245
5) Subdivision master plan checklist; 245
6) Traffic Impact Analysis Determination form; 245
7) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”; 245
8) One (1) folded 11”X17” reduction of each exhibit; 245
9) One (1) CD containing a digital copy of the plan in PDF format; 245
10) Completed application for street name approval; and 245
11) Certified copy of a tax certificate for the subject property. 245
(b) Technical Requirements 245
1) Location/Vicinity map with north arrow; 245
2) Title Block located in lower right corner, including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date; 245
3) County recording block; 245
4) Legend, if abbreviations or symbols are used; 245
5) Name, address and phone number of owner, developer, applicant, and surveyor; 245
6) North arrow; 245
7) Graphic and written scale (minimum 1”=100’); 245
8) Surveyed property boundaries with bearings and distances; 245
9) Legal metes-and-bounds description with calls matching boundary dimensions and distances; 245
10) Lot dimensions; 245
11) Location of significant natural features, including floodplains, water courses and wooded areas; 245
12) Location of significant man-made features, including railroads, buildings, utilities, or physical features; ... 245

13) For residential subdivisions, a minimum of two (2) points of public access to existing public streets;..... 245
14) Right-of-way dedications or reservations;..... 245
15) Location of existing and proposed Federal Emergency Management Agency (FEMA) 100-year floodplain limits with elevations;..... 245
16) Existing and proposed topography at five foot (5') contour intervals including drainage channels and creeks; 245
17) Outline of all property offered to be dedicated to the City for park land dedication; 246
18) Outline of all property to be maintained as private park land;..... 246
19) Land use, zoning, subdivision name, owner name and address, and recording information for all adjacent properties; 246
20) Schematic layout of tract to be subdivided, any remainder tract, and relationship of proposed subdivision to adjacent properties and existing adjoining development; 246
21) Designation of each phase of development, the order of development, and a schedule for the development of each phase;..... 246
22) Table indicating the phasing, acreage, land uses, zoning, and anticipated number and type of dwelling units for each phase; 246
23) Arterial, collector, and local street layout; 246
24) Provision for water, wastewater and storm drainage facilities to serve the development;..... 246
25) Any additional information as requested to clarify the proposed development;..... 246
26) Provide the following notes:..... 246
a) The thoroughfare alignments shown on this exhibit are for illustration purposes and do not set the alignment. Alignment is determined at time of final plat; 246
b) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exist on this site; 246
c) All private open space, common areas, greenbelts, drainage easements, etc. are the responsibility of the developer or its successors and/or assigns; and 246
d) State any and all waivers requested for the master plan; and 246
27) Provide the following acknowledgements and certificates:..... 246
a) Approval of City Planning and Zoning Commission 246
b) Certificate of Surveyor..... 246
c) Certificate of Engineer..... 247

F. SUBDIVISION MASTER PLAN PROCESS 247

(1) Applicability 247
(a) The provisions of this SECTION 8F are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A subdivision master plan is required to provide for review of certain developments for compliance with the Comprehensive Plan, this UDC, any additional adopted plans (i.e., water, wastewater, transportation, drainage), the compatibility of land uses and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat. 247
(b) A subdivision master plan is required for any development meeting the following criteria:..... 247
1) The property is undeveloped, is under one (1) ownership, and is greater than fifty (50) acres in size; 247
2) The proposed subdivision of land is to occur in phases; 247
3) The proposed subdivision will require off-site road, drainage or utility connections or improvements that will have a substantial impact or effect on other properties or developments; or..... 247
4) The property is part of a development agreement. 247
(c) If a preliminary plat encompasses the entire development, a subdivision master plan will not be required. 247
(2) Application Requirements.....247
(a) Application Required..... 247
(b) Accompanying Applications 248
(3) Processing of Application and Decision.....248
(a) Submittal 248
(b) Decision by the Planning and Zoning Commission..... 248
(c) Acceptance of Subdivision Master Plan 248
(4) Criteria for Approval 248
(a) The subdivision master plan is consistent with all zoning requirements for the property or any development regulations approved as part of a development agreement;..... 248
(b) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision; 248
(c) The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion within the time limits proposed; 249

(d) If the land lies within a PD or is part of an approved development agreement, the proposed subdivision master plan conforms to the PD regulations and is consistent with the incorporated conceptual plan or any development regulations contained in the approved development agreement; 249
(e) The location, size and sequence of the phases of development proposed assure orderly and efficient development of the land subject to the plan; and 249
(f) No application made under these provisions will receive final approval until all taxes owed to the City of Crandall on the subject property have been paid in full. 249
(5) Expiration and Extension 249
(a) Expiration 249
(b) Extension 249
(6) Revisions Following Approval of Subdivision Master Plan 249
(a) Minor Changes 249
(b) Amendments 249
G. PRELIMINARY PLAT 250
(1) General 250
(2) Submittal Requirements for Preliminary Plat 250
(a) Completeness Requirements 250
1) Appropriate fees; 250
2) Application signed and notarized by owner; 250
3) Agent authorization letter; 250
4) Legal metes-and-bounds description; 250
5) Preliminary plat checklist; 250
6) Traffic Impact Analysis Determination form; 250
7) Tree survey; 250
8) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”; 250
9) One (1) folded 11”X17” reduction of each exhibit; 250
10) One (1) CD containing a digital copy of the plat in PDF format; 250
11) Completed application for street name approval; 250
12) Preliminary drainage plan; and 250
13) Certified copy of a tax certificate for the subject property. 250
(b) Technical Requirements 250
1) Location/Vicinity map with north arrow; 250
2) Title block located in lower right corner, including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date; 250
3) Legend, if abbreviations or symbols are used; 250
4) Name, address and phone number of owner, developer, applicant, and surveyor; 250
5) North arrow; 250
6) Graphic and written scale (minimum 1”=100’); 250
7) Surveyed property boundaries with bearings and distances; 250
8) Legal metes-and-bounds description with calls matching boundary bearings and distances; 251
9) Lot dimensions including bearing and distances; 251
10) Provide lot and block numbers for every lot (numbers only); 251
11) List the total number of buildable lots; 251
12) Front building setback lines along roadways (provide typical detail of setbacks, including corner lots); 251
13) Provide existing zoning; 251
14) Location of significant natural features, including floodplains, water courses and wooded areas; 251
15) Location of significant man-made features, including railroads, buildings, utilities, or physical features; 251
16) For residential subdivisions, a minimum of two (2) points of public access to existing public streets; 251
17) Areas to be dedicated or reserved for right-of-way including dimensions, area and providing bearings and distances of centerline; 251
18) Recording information for any existing easements (water, sanitary sewer, storm drainage, electric, telephone, gas, cable television, fire lanes, etc.) and rights-of-way and all bearing and distance information on proposed easements including easements filed by separate instrument; 251
19) Location of existing and proposed FEMA 100-year floodplain limits with elevations; 251
20) Existing and proposed topography at five foot (5’) contour intervals including drainage channels and creeks; 251
21) Identify all boundary survey monumentation on the plat. Tie proposed tract to the parent tract monumentation with bearings and distances; 251
22) Boundary lines and acreage of the land to be dedicated to the City for public park land; 251

23) Boundary lines and acreage of land proposed for private parks including note indicating ownership and maintenance responsibility; 251
24) Land use, zoning, subdivision name, owner name and address, and recording information for all adjacent properties; 251
25) For residential subdivisions, a one-foot (1') non-access easement where the rear, front, or side of the property abuts a major or minor arterial; 251
26) Location of City limits boundary and/or county boundary if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary; 251
27) For preliminary plats exempt from requirements for subdivision master plan, designation of each phase of development and the proposed order of development; 252
28) Provide the location of proposed water, wastewater and storm drainage facilities to serve the development including sizes; 252
29) Show proposed street names; 252
30) Any additional information as requested to clarify the proposed development; 252
31) Provide the following notes: 252
a) The thoroughfare alignments shown on this exhibit are for illustration purposes and do not set the alignment. Alignment is determined at time of final plat; 252
b) Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinances and State law and is subject to fines and withholding of utilities and permits; 252
c) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exist on this site; 252
d) If floodplain exists on the property, provide a note stating that the finished floor elevation (FFE) of any structures shall be one foot (1') above the 100-year flood elevation; 252
e) All private open space, common areas, greenbelts, drainage easements, etc., are the responsibility of the developer or its successors and/or assigns; 252
f) Utility note (where applicable); 252
g) Any applicable notes required by TxDOT; 252
h) State any and all waivers requested for the plat; and 252
i) State any and all approved or requested waivers; and 252
32) Provide the following acknowledgements and certificates: 252
a) Owner's Acknowledgement; 252
b) Certification by City Engineer 253
c) Approval of City Planning and Zoning Commission 253
d) Certificate of Platting Surveyor 253
e) Certificate of Platting Engineer 253
f) Utility Provider Certification 254

H. PRELIMINARY PLAT PROCESS 254

(1) Applicability 254
(a) The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this UDC. 254
(b) A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the subdivider and shall provide a preliminary layout of streets, lots, blocks, utilities and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel. 254
(2) Application Requirements 254
(a) Application Required 254
(b) Accompanying Applications 254
(3) Processing of Application and Decision 255
(a) Submittal 255
(b) Decision by the Planning and Zoning Commission 255
(c) Acceptance of Preliminary Plat 255
(4) Criteria for Approval 255
(a) The plat is consistent with all zoning requirements for the property or any approved development agreement; 255
(b) The plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein; 255

(c) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans; ... 255
(d) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; and ... 256
(e) No application made under these provisions will receive final approval until all taxes owed to the City of Crandall on the subject property have been paid in full. ... 256
(5) Expiration and Extension ... 256
(a) Expiration ... 256
(b) Extension ... 256
(6) Revisions Following Approval of Preliminary Plat ... 256
(a) Minor Changes ... 256
(b) Amendments ... 256
I. FINAL PLAT 256
(1) General ... 256
(2) Submittal Requirements for Final Plat ... 257
(a) Completeness Requirements ... 257
1) Appropriate fees; ... 257
2) Application signed and notarized by owner; ... 257
3) Agent authorization letter; ... 257
4) Letter of approval from the City Engineer approving all public infrastructure construction plans; ... 257
5) Legal metes-and-bounds description; ... 257
6) Final plat checklist; ... 257
7) Traffic Impact Analysis Determination form; ... 257
8) Tree survey; ... 257
9) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”; ... 257
10) One (1) folded 11”X17” reduction of each exhibit; ... 257
11) One (1) CD containing a digital copies of the plat in CAD .dxf or dwg and .pdf format; ... 257
12) Completed application for street name approval; and ... 257
13) Certified copy of a tax certificate for the subject property. ... 257
(b) Technical Requirements ... 257
1) Location/Vicinity map with north arrow; ... 257
2) Title block located in lower right corner including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date; ... 257
3) County recording block; ... 257
4) Legend, if abbreviations or symbols are used; ... 257
5) Name, address and phone number of owner, developer, applicant, and surveyor; ... 257
6) North arrow; ... 257
7) Graphic and written scale (minimum 1”=100’); ... 257
8) Surveyed property boundaries with bearings and distances; ... 257
9) Legal metes-and-bounds description with calls matching boundary bearings and distances; ... 257
10) Lot dimensions including bearing and distances; ... 257
11) Provide lot and block numbers for every lot (numbers only); ... 258
12) List the total number of buildable lots; ... 258
13) Front building setback lines along roadways (provide typical detail of setbacks, including corner lots); ... 258
14) Show proposed street names; ... 258
15) Location of significant natural features, including floodplains, water courses and wooded areas; ... 258
16) Provide recording information for any existing easements (water, sanitary sewer, storm drainage, electric, telephone, gas, cable television, fire lanes, etc.) and rights-of-way. Provide all bearing and distance information on proposed easements including easements filed by separate instrument; ... 258
17) For residential subdivisions, a minimum of two (2) points of public access to existing public streets; ... 258
18) Areas to be dedicated or reserved for right-of-way including dimensions, area and providing bearings and distances of centerline; ... 258
19) Location of existing and proposed FEMA 100-year floodplain limits with elevations; ... 258
20) Identify all boundary survey monumentation on the plat. Tie proposed tract to the parent tract monumentation with bearings and distances; ... 258
21) Boundary lines and acreage of the land to be dedicated to the City for public park land; ... 258
22) Boundary lines and acreage of land proposed for private park including note indicating ownership and maintenance responsibility; ... 258
23) Subdivision name, owner name and address, and recording information for all adjacent properties; ... 258

24) For residential subdivisions, a one-foot (1') non-access easement where the rear, front, or side of the property abuts a major or minor arterial; 258
25) Location of City limits boundary and/or County boundary if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary; 258
26) Provide letter from TxDOT regarding drainage and access adjacent to TxDOT right-of-way; 258
27) Any additional information as requested to clarify the proposed development; 258
28) Provide the following notes: 258
a) Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinances and State law and is subject to fines and withholding of utilities and permits; 258
b) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exists on this site; 259
c) If floodplain exists on the property, provide a note stating that the finished floor elevation (FFE) of any structures shall be one foot (1') above the 100-year flood elevation; 259
d) All private open space, common areas, greenbelts, drainage easement, etc., are the responsibility of the developer or its successors and/or assigns; 259
e) Utility note (where applicable); 259
f) Any applicable notes required by TxDOT; 259
g) Note stating that proposed park land to be dedicated to the City will be dedicated by a general warranty deed upon acceptance of the subdivision by the City; 259
h) State any and all waivers requested for the plat; and 259
i) State any and all approved or requested waivers; and 259
29) Provide the following acknowledgements and certificates: 259
a) Owner's Acknowledgement 259
b) Certification by City Engineer 260
c) Approval of City Planning and Zoning Commission 260
d) Certificate of Platting Surveyor 260
e) Certificate of Platting Engineer 260
f) County Recording Block 260
g) Utility Provider Certification 261

J. FINAL PLAT PROCESS 261

(1) Applicability 261
(a) The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto. 261
(b) A final plat may be submitted for any phase of development consistent with an approved preliminary plat. 261
(2) Application Requirements 261
(a) Application Required 261
(b) Accompanying Applications 262
(3) Processing of Application and Decision 262
(a) Submittal 262
(b) Decision by the Planning and Zoning Commission 262
(4) Criteria for Approval 262
(a) The final plat conforms to the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat; 262
(b) The plat is consistent with the phasing plan approved with the preliminary plat (where applicable); and 263
(c) The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC. 263
(5) Expiration and Extension 263
(a) Expiration 263
(b) Extension 263
(6) Revisions to Final Plat 263
(a) Approved Final Plat 263
(b) Conditionally Approved or Denied Plat 263

1) Filing of security in lieu of completing construction shall be in accordance with this UDC. Where public infrastructure improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond from each contractor, three (3) sealed sets of "as built" plans or record drawings, and one (1) CD containing a digital copy of all plans (in a format as determined by the Department of Public Works), together with a letter stating the contractors' compliance with this UDC, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved final plat with any required revisions on mylars and in the format and number required by the Building Official. Where public improvements have yet to be completed in connection with an approved final plat, the property owner shall submit in the format and number required by the City Manager, copies of the approved final plat with any required revisions on mylars and in the format and number required by the City Manager for signing and recording. 263
(c) Upon notification of acceptance of required public improvements or filing of security in lieu of infrastructure construction, the City Manager shall procure the signature of the chair of the Commission on the plat and shall promptly cause the plat to be recorded..... 264

K. MINOR PLAT PROCESS 264

(1) Applicability 264
(2) Application Requirements..... 264
(3) Processing of Application and Decision..... 264
(a) Submittal 264
(b) Minor Plat Approval..... 264
(c) Contents of Minor Plat 265
(4) Criteria for Approval 265
(a) The minor plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved development agreement; 265
(b) All lots to be created by the plat already are adequately served by all required City utilities and infrastructure; and 265
(c) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision;..... 265
(5) Expiration and Extension..... 265
(a) Expiration..... 265
(b) Extension..... 265
(6) Plat Recordation..... 265

L. AMENDING PLAT PROCESS 265

(1) Applicability 265
(a) To correct an error in a course or distance shown on the preceding plat; 266
(b) To add a course or distance that was omitted on the preceding plat;..... 266
(c) To correct an error in a real property description shown on the preceding plat;..... 266
(d) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;..... 266
(e) To show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;..... 266
(f) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;..... 266
(g) To correct an error in courses and distances of lot lines between two (2) adjacent lots if: 266
1) Both lot owners join in the application for amending the plat;..... 266
2) Neither lot is abolished;..... 266
3) The amendment does not attempt to remove recorded covenants or restrictions; and..... 266
4) The amendment does not have a materially adverse effect on the property rights of the other owners in the plat; 266
(h) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; 266
(i) To relocate one or more lot lines between one or more adjacent lots if:..... 266
1) The owners of all those lots join in the application for amending the plat; 266
2) The amendment does not attempt to remove recorded covenants or restrictions; and..... 266
3) The amendment does not increase the number of lots;..... 266
(j) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:..... 266
1) The changes do not affect applicable zoning and other regulations of the municipality; 266

2) The changes do not attempt to amend or remove any covenants or restrictions; and 267
3) The area covered by the changes is located in an area that the Commission or City Council has approved, after a public hearing, as a residential improvement area; or 267
(k) To replat one or more lots fronting on an existing street if: 267
1) The owners of all those lots join in the application for amending the plat; 267
2) The amendment does not attempt to remove recorded covenants or restrictions; 267
3) The amendment does not increase the number of lots; and 267
4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities 267
(2) Application Requirements 267
(3) Processing of Application and Decision 267
(a) Submittal 267
(b) Amending Plat Approval 267
(c) Commission Review of Administratively Approved Plats 267
(4) Contents of Amending Plat 267
(5) Expiration and Extension 268
(a) Expiration 268
(b) Extension 268
(6) Plat Recordation 268
M. REPLAT PROCESS 268
(1) Applicability 268
(2) Application Requirements 268
(3) Processing of Application and Decision 268
(a) Submittal 268
(b) Notification Requirements 269
(c) Decision by the Planning and Zoning Commission 269
(4) Contents of Replat 269
(5) Criteria for Approval 269
(a) The replat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved development agreement; 269
(b) The replat is signed and acknowledged by only the owners of the property being replatted; 269
(c) A public hearing was held and parties in interest and citizens have had an opportunity to be heard; and 269
(d) The replat does not attempt to amend or remove any covenants or restrictions 269
(6) Protests 269
(7) Expiration and Extension 270
(a) Expiration 270
(b) Extension 270
(8) Plat Recordation 270
N. SITE PLAN PROCESS 270
(1) Purpose and Applicability 270
(a) Purpose 270
1) To ensure compliance with the requirements of this UDC; 270
2) To promote better site design; 270
3) To integrate projects more effectively into their surrounding environment; 270
4) To prevent the impairment or depreciation of property values; 270
5) To improve internal vehicular and pedestrian circulation; 270
6) To encourage quality and innovative site-planning techniques; 270
7) To project and enhance the overall general public health, safety and welfare; 270
8) To ensure efficient and safe land development; 271
9) To ensure harmonious use of land; 271
10) To ensure compliance with the Comprehensive Plan and other appropriate design standards; and 271
11) To ensure adequate parking and loading, water supply, drainage and storm water management, sanitary sewer facilities, and other utilities and services. 271
(b) Applicability 271
1) For any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land; 271

2) For any development that contains single-family attached dwelling units; ... 271
3) For any nonresidential development; ... 271
4) Any increase in an existing nonresidential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than twenty-five percent (25%) of the existing building square footage; . 271
5) For any PD or SUP;... 271
6) For any single-family residential development that includes a private amenity or facility or a golf course; and 271
7) No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved site plan and associated engineering/construction plans. The site plan review process shall include, but not be limited to, the following steps: ... 271
a) Pre-application conference;... 271
b) Site plan review and approval; and ... 271
c) Construction of project (after City approval of required site plan and other associated plans, including platting and engineering plans).... 271
(c) Exempted Uses ... 271
1) Construction of one- or two-family dwellings, ordinary accessory structures and related land use activities; 271
2) Ordinary repair and maintenance of existing structures or uses; ... 271
3) Agricultural land use; ... 272
4) Incidental landscaping or grading; ... 272
5) Individual manufactured homes; and ... 272
6) Interior alterations that do not substantially change the nature or use of the structure. ... 272
(2) Application Requirements ... 272
(3) Processing of Application and Decision ... 272
(a) Submittal ... 272
(b) Decision by the Planning and Zoning Commission ... 272
(4) Contents of a Site Plan ... 272
(a) Completeness Requirements ... 272
1) Appropriate fees; ... 272
2) Application signed and notarized by owner; ... 272
3) Agent authorization letter, as required; ... 272
4) Legal metes-and-bounds description; ... 272
5) Site plan checklist; ... 272
6) Traffic Impact Analysis Determination form; ... 272
7) Tree survey;... 272
8) 15 folded black-line or blue-line copies at 18”X24” or 24”X36” as required in the development application; 272
9) One (1) folded 11”X17” reduction of each exhibit; ... 273
10) One (1) CD containing a digital copy of the plan in PDF format; and ... 273
11) Completed application for street name approval. ... 273
(b) Technical Requirements ... 273
1) Location/Vicinity map with north arrow; ... 273
2) North arrow; ... 273
3) Graphic and written scale (minimum 1”=20’); ... 273
4) Approximate distance to the nearest cross street; ... 273
5) Site boundaries, bearings and dimensions, lot lines, site acreage and square footage; ... 273
6) Title block located in lower right corner including subdivision name with lot and block number, acreage, complete legal description including survey name and abstract number, City, county and preparation date; ... 273
7) Legend, if abbreviations or symbols are used; ... 273
8) Name, address and phone number of owner, developer, applicant, and surveyor; ... 273
9) Parking areas and structures with typical parking detail; ... 273
10) Site data summary table providing the following information: ... 273
a) Zoning;... 273
b) Proposed use; ... 273
c) Building area (gross square footage);... 273
d) Building height (feet and number of stories); ... 273
e) Square footage of impervious surface; ... 273
f) Total parking: required/provided (e.g., 44 required/45 provided); ... 273
g) Number of handicap spaces: required/provided (per ADA standards); and ... 273
h) Number of dwelling units and number of bedrooms for multi-family development (if applicable); ... 273

(c) Existing improvements within seventy-five feet (75') of the subject property; 273
(d) Land use, zoning, subdivision name, recording information and owner of adjacent unplatted property; 273
(e) Building locations, size and dimensions, dimensions between buildings on the same lot, building lines and setbacks and use; 273
(f) Dimensions of all drive lanes; 273
(g) FEMA 100-year floodplain with elevation including finished floor elevation. Include floodplain note provided as part of plat; 274
(h) Public streets, private drives and fire lanes with pavement widths, rights-of-way, median openings, turn lanes, existing driveways of adjacent property and driveways shown on approved plans for adjacent property with dimensions, radii and surface type; 274
(i) Distances between existing and proposed driveways; 274
(j) Loading and unloading areas, the location of ramps, crosswalks, sidewalks and barrier free ramps with typical dimensions; 274
(k) Location of off-street loading areas, dumpsters and trash compactors with height and material of screening; 274
(l) Size, location, dimensions and details of all signs and exterior lighting of signs, including type of standards, locations and radius of light and intensity of foot-candles, subject to approval by the Building Official; 274
(m) Location of existing and proposed water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes and other structures on site and adjacent to the site; 274
(n) Show traffic flow arrows and dimensions of drive isles; 274
(o) Inlets, culverts and other drainage structures on-site and adjacent to the site; 274
(p) Existing and proposed easements (utility, floodway and drainage, access, visibility and maintenance, fire lane, etc.); 274
(q) Provide an elevation of all four (4) sides of the building including building materials, colors and dimensions at an architectural scale of ¼" = 1' 0"; and 274
(r) Landscape plan provided on separate sheet and including the following: 274
1) Natural features including tree masses and anticipated tree loss, floodplains, drainage ways and creeks; 274
2) Screening walls, fences, living screens, retaining walls, headlight screens and service area screens, including height and type of construction and/or planting specification; 274
3) Existing/preserved trees including location, size and species; 274
4) Landscaping materials including location, size, etc.; 274
5) Proposed plant materials including locations, species, spacing (if applicable) and size (at time of planting and at maturity); and 274
6) Note irrigation, sprinkler or water systems, including placement of water sources, including the following note: "All green space and landscaping will be maintained by (type) watering system"; and 274
(s) Any additional information as requested to clarify the proposed development. 274
(5) Criteria for Approval 274
(a) The site plan is consistent with the general purpose and intent of the applicable zoning district regulations; 275
(b) The site plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development-related adverse impacts; 275
(c) The site plan does not generate pedestrian or vehicular traffic, which will be hazardous or conflict with the existing traffic patterns in the area; 275
(d) The site plan incorporates features to minimize adverse effects on adjacent properties; 275
(e) Adequate capacity of public or private facilities for water, sewer, electricity and transportation to and through the development are provided to the site; 275
(f) The proposed use and associated site plan promote the health, safety and general welfare of the City and the safe, orderly, efficient and healthful development of the City 275
(6) Revisions to Approved Site Plan 275
(7) Expiration of Site Plan 275
(a) A building permit, if any, for the use has not been approved within two (2) years of the approval of a SUP; 275
(b) A building permit has not been approved within two (2) years of the approval of a site plan as part of a PD; 275
(c) A building permit has not been approved within two (2) years of the approval for the construction of any building on the property for which the site plan was approved; or 275
(d) A building permit that was approved as a result of an approved site plan expires within two (2) years of approval of the site plan. 275
O. WAIVERS 275
(1) General 275
(a) The granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and 276
(b) The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDC. Such findings of the City Council, together with the specified facts

upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDC so that the public health, safety, and welfare may be secured and justice done. 276
(2) The City Council may establish a time period for execution of each granted waiver. 276
(3) Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the City Council meeting at which such exception is granted. 276
(4) The City Council shall not authorize a waiver that would constitute a violation of a valid code or ordinance of the City. 276
SECTION 9 - SITE DESIGN STANDARDS 276
A. GENERAL DESIGN STANDARDS 276
(1) Conformity with Comprehensive Plan 276
(2) Provision for Future Subdivision 277
(3) Standards for Site Improvements 277
B. BLOCKS 277
(1) The length, width and shape of blocks will be determined with due regard to: 277
(a) Provisions of adequate building sites suitable to the special needs of the type of use contemplated (note that the Commission may require that the block and lot size bear reasonable relation to the planned use of the land); 277
(b) Zoning requirements as to lot sizes and dimensions; and 277
(c) Need for convenient access, circulation, control and safety of street traffic. 277
(2) In general, intersecting streets shall be used to determine the block lengths and widths, and shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices. 277
(3) In general, block lengths along minor or secondary streets shall not exceed one thousand feet (1,000') or be less than five hundred feet (500') and along major streets shall not exceed one thousand two hundred feet (1,200') or be less than nine hundred feet (900'). 277
(4) A waiver of the standards of this section may be allowed in cases where physical barriers, property ownership or adjacent existing subdivisions create conditions where a waiver is appropriate. The length of a block may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety. 277
C. LOTS 277
(1) Lot sizes and dimensions shall conform to the minimum requirements of the appropriate zoning district. The lot area shall be computed including all easements. Changes in the required lot sizes and dimensions may only be allowed through rezoning or through the granting of a variance by the BOA. No lot shall be approved which does not meet the minimum requirements of the appropriate zoning district. 277
(2) In residential subdivisions not served by public sewer, the Commission shall require the developer to cause a percolation test to be made. In no case will the lot size in such subdivision be less than one acre (43,560 square feet). 278
(3) Depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. 278

(4) Corner lots shall have sufficient width to permit the required building setback and proper orientation to both streets. 278
(5) Where a residential lot backs up to a railroad right-of-way, high-pressure gas line, industrial area or any other land use which may create a dangerous condition, and where no marginal access street or other street is provided at the rear of such lot, an additional depth of twenty-five feet (25') shall be required. Where a lot sides to any of the above, an additional width of fifteen feet (15') shall be required. A planting screen or non-access easement of at least ten feet (10') shall be provided along the line of lots abutting a railroad right-of-way, high-pressure gas line, industrial area or any other land use which may have a dangerous effect on residential property. 278
(6) Residential lots located on a cul-de-sac shall be at least fifty feet (50') wide at the building line. 278
(7) Residential lots shall be oriented to take advantage of topography; the best relationship to the overall design of the neighborhood; and to minimize the effects of any surrounding depreciating land uses. 278
(8) There shall be no residential lots facing directly upon a major thoroughfare as depicted on the Thoroughfare Plan. 278
(9) All side lines of lots shall be perpendicular to straight street lines and radial to curved street lines except where a waiver to this rule will provide a better street and lot layout. 278
(10) Every lot shall be provided with adequate access to a public street, either by direct frontage on such street. Rear and/or side driveway access to major streets shall be prohibited. 278
(11) Minimum front and side building setback lines at streets and crosswalks shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider, but in no event shall such setback lines be less than those required by the applicable zoning district. The front-line setback shall be measured from the point where the public right-of-way ends to the front face to the building, covered porch, covered terrace or attached accessory building. 278

D. MONUMENTS AND LOT MARKERS 278

(1) Permanent Survey Reference Monuments 278
(2) Other Markers 279
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E. EXTERIOR CONSTRUCTION AND DESIGN STANDARDS 279

(1) Intent 279
(2) Applicability 279
(3) Multi-family and Nonresidential Exterior Material Requirements 279
(a) At least thirty percent (30%) of the front façade shall provide, on the ground level floor, windows and doors that allow for visibility into the commercial building or store. Industrial buildings located within the M-1 and M-2 zoning districts may have fifteen percent (15%) of the front façade as windows and doors. 279
(b) All structures shall have a minimum of one-hundred percent (100%) masonry, excluding doors and windows on all facades. 279
(c) Masonry material shall be defined as that form of exterior construction material consisting of brick, stone, stucco, cemetatious fiberboard, split face concrete masonry units and faux stone or brick 280
(4) Multi-family and Nonresidential Façade Articulation 280
(a) Horizontal Articulation 280

(b) Vertical Articulation 280
(5) Residential Exterior Material Requirements 280
F. PROTECTION OF NATURAL FEATURES 280
G. LANDSCAPING 280
(1) Purpose 280
(2) Enforcement 280
(3) Installation and Maintenance 281
(a) Prior to issuance of a CO for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the site plan. 281
(b) The property owner, HOA or property owners association shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times. . 281
(c) Should any of the plant material used in any landscaping required under this section die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this UDC..... 281
(d) In any case in which a CO is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a CO may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts fiscal surety in a form acceptable to the City in the amount of the estimated cost of such landscaping. Such surety shall be conditioned upon the installation of all landscaping required by the landscape plan within six (6) months of the date of the application and shall give the City the right to draw upon the surety to install or complete the landscaping if the applicant fails to do so. 281
(e) Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping. 281
(f) All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. 281
(g) All landscape materials shall be installed according to American Association of Nurserymen ("AAN") standards. 281
(h) All landscaped areas shall be irrigated with an approved automatic underground irrigation system, designed by an irrigation contractor licensed by the State of Texas, unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality ("TCEQ"), or as may be applicable, its successor entity, and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees. 281
(4) General Landscaping Requirements 282
(a) Trees planted shall be a minimum of three inches (3") measured at 10 inches (10") above ground level at the time of planting. 282
(b) All trees planted to meet the minimum landscaping, mitigation or preservation requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a six inch (6") tree will have a sixty inch (60") or five foot (5') radius or a ten foot (10') diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City, at its option, may require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree. 282
(c) Shrubs, vines and ground cover planted pursuant to this section should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting. 282
(d) Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas may be sodded, plugged, sprigged or seeded, except in swales or othr areas subject to erosion, which shall require installation of solid sod. 282
(e) New landscaped areas shall be prepared so as to achieve a soil depth of at least six inches (6"). The six-inch (6") soil depth shall consist of seventy-five percent (75%) topsoil blended with twenty-five percent (25%) compost. 282
(f) The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to recommendation from the Commission and approval of the City Council at the time of site plan approval. 282
(g) Developers and homebuilders are encouraged to use xeriscape plant materials on model homes to promote use of water-wise landscaping. 282
(h) Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or to impose a safety hazard. 282
(i) Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard. 282

(5) Landscape Installation Required 282
(a) A minimum of twenty percent (20%) of the total land area of any proposed multi-family or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed. 282
(b) All properties shall provide shade trees at a ratio of nine (9) trees per acre (43,560 square feet) of gross lot area. Industrial property shall provide shade trees at a ratio of nine (9) trees per acre, calculated at sixty percent (60%) of the gross lot area or by exclusion of the main enclosure structure ground floor area from the gross lot area, whichever is less. Existing trees may be counted toward meeting the requirements of this section..... 282
1) Every single family residential lot shall provide a minimum of three (3) shade trees which shall include a minimum of one (1) tree in the front yard and one (1) tree in the rear yard. Existing trees that comply with this regulation can be counted towards the required tree planting, provided these trees were adequately protected during construction. 283
2) Any property that is unable to satisfy the tree requirements of this section shall be required to pay tree mitigation fees in accordance with SECTION 9I(4) of this UDC..... 283
(c) The use of native and adapted, drought-tolerant plants is encouraged to meet the requirements of this section. 283
(d) Artificial plants or turf shall not be counted towards meeting the requirements of this SECTION 9G. 283
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(b) Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features; 283
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(d) Size of all plant material to be used;..... 283
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2) There shall be a minimum of one (1) shade tree and five (5) shrubs planted for each four hundred (400) square feet, or fraction thereof of required interior landscape area..... 284
3) Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no farther apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet (ten feet (10') by twenty feet (20')) in size. 284
4) Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area..... 284
(b) Perimeter Landscaping 284
1) Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in width shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping..... 284
2) Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single-family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm. The screening mechanism shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. 285
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(b) Permitted Materials 291
1) Fences may be constructed of pressure-treated wood, decorative metal, poly-coated chain link or similar woven wire mesh, stone, brick, or other materials traditionally used in private fence construction. 291
2) Decorative fences shall be constructed of pressure-treated wood picket, decorative metal, stone or brick, or a combination thereof. Solid surface area of any decorative fence shall not exceed fifty percent (50%) of the total surface area. 291
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1) A living/landscaped screen in conjunction with decorative metal (e.g., decorative iron) fence sections with masonry columns; 294
2) A combination of berms and living/landscaped screening; 294
3) A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or “FenceCrete” type of fence with masonry columns; or 294
4) Some other creative screening alternative if it meets the spirit and intent of this section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Commission finds it to be in the public interest to approve the alternative screening device. 294
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I. TREE PRESERVATION AND MITIGATION 295

(1) Purpose and Intent 295
(a) The purpose of this SECTION 9I is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement of property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited. 295
(b) It is hereby declared that the intent of the City is to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected and Heritage Trees, as defined in paragraph (2)(b) of this section, possible. 295
(2) Applicability and Exemptions 295
(a) The provisions of this section are applicable to the following: 295
1) All new residential and nonresidential development within the City; 295
2) Redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction; 295
3) Any grading, filling or clearing of land in the City limits; and 295
4) Any selective or individual removal of any Protected or Heritage Tree in the City limits. 295
(b) The following definitions shall be applicable to the provisions of this section: 295

1) Protected Trees ... 295
2) Heritage Trees ... 295
3) Damage ... 296
a) Uprooting; ... 296
b) Severance of the root system or main trunk; ... 296
c) Storage of topsoil, construction materials, debris or chemicals within the drip line area; ... 296
d) Compaction of soil within the drip line area; ... 296
e) A grade change that exceeds six inches (6") over more than twenty-five percent (25%) of a drip line area in the natural grade above a root system or within the drip line area; ... 296
f) Pruning or removal of more than twenty-five percent (25%) of the living tissue; or ... 296
g) Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area. ... 296
(c) The following are exempt from the preservation, mitigation and permitting requirements of this section: ... 296
1) Trees located on a platted single-family lot; ... 296
2) Protected Trees located within ten feet (10') of and inside of the building footprint; ... 296
3) Protected Trees located within the area of a proposed on-site sewage facility ("OSSF"); ... 296
4) Protected Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Thoroughfare Master Plan; ... 296
5) Protected Trees located within any utility easement; ... 296
6) Trees damaged or destroyed by floods, fire, wind or other natural causes; ... 296
7) Trees that have been determined by a registered arborist to be dead or dying; and ... 296
8) The following tree species: ... 296
(d) All Heritage Trees to be removed shall be mitigated in accordance with the provisions of this SECTION 9I ... 297
(3) Tree Preservation ... 297
(a) Protected Trees ... 297
(b) Heritage Trees ... 297
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(a) Protected Trees ... 298
(b) Heritage Trees ... 298
(c) Damaged Trees ... 298
(d) Mitigated Trees ... 298
(5) Tree Protection Standards ... 298
(a) All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following: ... 298
1) All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete. ... 298
2) A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree. 298
3) No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected or Heritage Tree without prior written approval of the City Manager at the time of site plan approval. ... 298
4) No person shall attach any rope, wire, nails, advertising posters or other apparatus to any Protected or Heritage Tree. ... 298
(b) The Building Official shall determine the health of oak trees within the City to determine if a tree is threatened by fatal diseases including, but not limited to, Oak Wilt. It is further declared that the loss of oak trees growing on private and public property substantially depreciates the value of property within the City and impairs the safety, good order, general welfare and convenience of the public. It is the intent of the City to control and prevent the spread of Oak Wilt ... 298
1) If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing. ... 299
2) All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees ... 299
(6) Tree Preservation Credits – Nonresidential and Multi-Family Developments 299
(7) To encourage the preservation of existing Protected or Heritage Trees contained within a proposed development, the following minimum tree preservation credits may be provided. Caliper is the diameter of the tree in inches measured at ten inches (10") above the ground. ... 299
(a) Protected Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1), caliper-inch ratio; ... 299

(b) Heritage Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1), caliper-inch ratio; or 299
(c) Protected and Heritage Trees located within a required buffer area shall receive a credit against the minimum buffer requirements at a one-to-one (1:1), DBH-inch ratio. 299
(8) Tree Survey Required 299
(a) Total number of caliper inches on the site; 299
(b) Total number of caliper inches to be removed; and 299
(c) Total number of caliper inches to be preserved. 299
(9) Tree Removal Permit 299
(a) Existing/proposed topography; 299
(b) Location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks; 299
(c) Location, species and size (in DBH) of each Protected and Heritage Tree, except those trees exempted by SECTION 9I(2)(c) above; 299
(d) A tree inventory that summarizes the following: 299
1) Total number of caliper inches on the site; 300
2) Total number of caliper inches to be removed; 300
3) Total number of caliper inches to be preserved; 300
4) Location of any proposed tree mitigation; and 300
5) Any proposed tree preservation credits; and 300
(e) A summary of the tree protection methods to be utilized. 300
(10) Criteria for Tree Removal Permit 300
(a) The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, interference with existing or proposed private or public facilities or services, or if the tree presents a clear public safety hazard. 300
(b) The tree is dead or is physically damaged to the degree that it is clear it is likely to fall and injure persons or property. 300
(c) The tree is located within, or within proximity to, existing or proposed public rights-of-way and is causing damage to existing public or private facilities or services or may cause damage to proposed public or private facilities, and such facilities or services cannot reasonably be relocated or the damage alleviated. 300
(d) The condition or location of the tree presents a clear public safety hazard or the foreseeable danger of property damage to an existing or proposed structure, and such hazard or danger cannot reasonably be alleviated by treatment or pruning. 300
(e) The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e., site design or use standards) or the property is the location for future construction. 300
(f) Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or windbreaks. 300
(g) Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies and the diversity of the species of existing trees in the area; provided, however, consideration shall be given when alternatives to tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zoning district 300
J. PARK AND OPEN SPACE DEDICATION REQUIREMENTS 301
(1) Purpose 301
(a) The purpose of this section is to provide for the adequate provision of park land and open space to meet the needs of a growing citizen population; improvements to existing park land; the establishment, maintenance and operation of a park land dedication fund; the establishment of requirements and procedures for governing required dedications of park land or improvements to existing park land by subdividers of land; and the provision of cash payments-in-lieu of park land dedication by subdividers of land in certain cases. 301
(b) It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and in the best interest of the public health, safety and welfare, and that the only adequate procedure to provide for park land and park improvements is to integrate such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the City's policy to require subdividers of residential subdivisions and lots to provide for park land and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities. 301
(2) Applicability 301
(3) Submittal Requirements 301
(a) Prior to submittal of a subdivision master plan or preliminary plat, a general parks plan shall be submitted and shall contain, at a minimum, the following information: 301

1) Location and size of any proposed parks to be dedicated to the public or to be retained as private park land; 301
2) A statement of the suitability of the park land in meeting the criteria in SECTION 9J(9) of this UDC;..... 301
3) A general park development plan including any proposed improvements; and 301
4) A phasing plan. 301
(b) Prior to submittal of a final plat, a detailed parks plan shall be submitted and shall contain, at a minimum, the following information: 302
1) Location and size of proposed park(s);..... 302
2) A statement of the suitability of the park land in meeting the criteria in SECTION 9J(9) of this UDC; and 302
3) A detailed plan of any proposed improvements, including cost. 302
(c) The Commission shall review the general parks plan prior to approval of a subdivision master plan or preliminary plat. Review should be based upon the Comprehensive Plan, as adopted by the City, and the standards and provisions contained herein regarding the amount and location of park land and payments-in-lieu of park land dedication. 302
(d) All park land to be dedicated to the City shall meet the suitability requirements of SECTION 9J(9). 302
(4) Park Land Dedication Requirements 302
(a) Land Dedication 302
1) Show the location and dimensions of the area proposed to be dedicated for park land;..... 302
2) Show the number of dwelling units to be located within the proposed subdivision (whether single- or multi-family units);..... 302
3) Tell whether all or any part of the property to be dedicated as a park is located in a special flood hazard area, as such areas are defined in this UDC; and..... 302
4) Show the proposed streets and utilities to serve the parcel to be dedicated as park land. 302
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(6) Park Land Development Agreements 303
(7) Park Development 304
(a) A subdivider who elects to dedicate park land in accordance with SECTION 9J(4) above shall improve all dedicated public park land with improvements approved by the City Manager. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the improvements must be completed within one (1) year of the approval of the final plat of the subdivision. No final plat shall be recorded for any subdivision in which completion of the required park land improvements has not been accepted by the City; however, in the event a subdivider requests that a final plat be approved prior to completion of the required improvements, surety for construction of improvements may be provided in the same manner as required of other subdivision and site-related construction in accordance with SECTION 4N(7) of this UDC..... 304
(b) In lieu of constructing the improvements required in SECTION 9J(7)(a) above, the subdivider may elect to make a cash payment-in-lieu of construction to the City to meet the City's current or future recreational needs. If a developer who has dedicated land in accordance with SECTION 9J(4) above elects to make a payment-in-lieu of park development, the City shall utilize those funds for improvement of park land within the subdivision in which the funds are collected. In the event there are remaining funds after development of said park land, the City may utilize the remaining funds to complete improvements in any public park within the City. 304
(c) If the subdivider elects payment-in-lieu of park land dedication in accordance with SECTION 9J(5) above, then the subdivider shall make a cash payment-in-lieu of construction to the City for the required improvements in addition to the payment-in-lieu of park land dedication. Cash payments made in accordance with this paragraph may be utilized to complete improvements in any public park within the City. 304
(d) Cash payments-in-lieu of required improvements shall be calculated by multiplying the number of dwelling units times the price per dwelling unit as established by the fee schedule set from time to time by resolution of the City Council. 304
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1) Amount of Credit ... 306
(h) Criteria for Park Land ... 306
1) The floodplain area is easily accessible and has adequate street frontage. ... 306
2) There has been minimal alteration of the natural character of the waterway, the floodplain area and the associated riparian habitat; however, some improvements may be necessary for City access and maintenance. ... 306
3) In no case will floodplain areas be accepted which are less than one hundred feet (100') in width. ... 306
4) The configuration and topography of the area is suitable for the placement of low-impact facilities such as playgrounds, picnic facilities and open play fields. ... 306
(i) Disturbed Area ... 306
(j) Disclosures ... 306
(k) Trash and Debris ... 307
(l) Areas Not Meeting the Minimum Requirements ... 307
1) provide recreational or educational opportunities for the surrounding community in lieu of park land dedication; ... 307
2) be given a partial credit against the requirement of park land dedication and/or payment of fees; and ... 307
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(1) Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided. ... 309
(2) Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within one hundred fifty feet (150') of the main use. ... 309
(3) If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required. ... 309
(4) Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change. ... 309
(5) All driveways and all required off-street parking spaces shall be on a paved concrete surface. All drive approaches shall be of paved concrete. If an existing drive on a residentially zoned lot is constructed of asphalt, the drive may continue to be asphalt. Parking on an unpaved surface is strictly prohibited. ... 309
(6) Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this section. ... 309
(7) In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed. 309

(8) Recreational vehicles, travel trailers, motor homes, boats, semi-trailers, trailers, or truck-tractors may not be used for on-site dwelling purposes, and shall be parked and stored behind the front building façade of the main structure (i.e., the house). Parking on an unpaved surface is strictly prohibited. 309
(9) In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development. 309
C. SIZE OF SPACE 309

(1) Each standard off-street surface parking space shall measure not less than ten feet (10') by twenty feet (20'), exclusive of access drives and aisles, and shall be of usable shape and condition. 309
(2) Wheel Stops 309
(3) Each parking space designed for parallel parking shall have a minimum dimension of eight feet (8') by twenty-two feet (22')..... 310
(4) Handicap Accessible Parking 310
(a) The number and size of the handicap parking spaces required must follow the federal Americans with Disabilities Act ("ADA") and Texas Accessibility Standards ("TAS"). The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty-inch (60")-wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height. 310
(b) Location. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance. 310
(c) An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and must have a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel. 310
(d) Accessible parking spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98"), minimum vertical height requirement). 311
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(1) Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated: 311
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(3) Mixed Uses 313
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(1) All parking lots shall be striped in a manner that clearly delineates parking spaces, fire lanes and pedestrian crosswalks. 313
(2) Directional arrows shall be provided in all drive lanes and driveways. 313
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G. STACKING REQUIREMENT FOR DRIVE-THROUGH FACILITIES 313

(1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a

drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. 314
(2) All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access..... 314
(3) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. 314
(4) For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces shall be provided. 314
(5) For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided..... 314
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(2) Partial Invalidity: In the event any part or provision of this section is held to be illegal or void by a court of competent jurisdiction, such holding shall not have the effect of making void or illegal any of the other parts or provisions..... 318
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(1) Permit Required 320
(a) No person shall erect, alter or display any sign or allow the erection, alteration, or display of any sign upon any property within the City or its ETJ owned or controlled by them without first obtaining a sign permit to do so from the Building Official, except as hereinafter provided. No sign permit shall be released by the Building Official until after the building permit for the principal building on the site has been issued..... 320

(b) No person shall install and connect electrical systems for a sign within the City or its ETJ without first obtaining an electrical permit to do so from the Building Official, except as hereinafter provided. The Building Official shall not issue an electrical permit for a sign until after the principal sign permit for such work has been issued. 320
(2) Application 320
(a) Completed building permit application obtained from the Building Official. 320
(b) A site plan which includes or reflects: 320
1) The location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected. 320
2) The position of the sign in relation to rights-of-way, easements, buildings or structures and other existing signs. 320
3) Plans that illustrate height, length, width and all other dimensions associated with the sign. Plans shall include all electrical elements of the sign. 320
4) Letter or copy of a contract signed by the owner of the property stating that the applicant has permission to erect such sign. 320
(3) Fees 320
(a) A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid. 320
(b) Where work for which a permit is required by this section has been started prior to obtaining a permit, the fees established by City Council shall be doubled. Payment of such double fees shall not relieve any person(s) from any other penalties prescribed under SECTION 1K, of this UDC, or any other applicable law or ordinance. 320
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(a) Political signs may be erected in accordance with this section upon private premises. Political signs are not allowed on utility poles, in public easements, on public fences or buildings, or on any City property or City right-of-way. A political sign located on private property, which is not the property of the owner of the sign, may only be placed on the property with permission from the property owner. 322
(b) Political signs may not: 322
1) have an effective area greater than thirty-six (36) square feet; 322
2) be more than eight feet (8') high; 322
3) be illuminated; or 322
4) have any moving elements. 322
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1) There is no remainder; or....325
2) The remainder is not of sufficient size or suitable configuration to allow the relocated sign to fully comply with the spacing, setback, and other restrictions in this section.....325
(b) No relocated, detached on-premise sign may have a greater effective area or increased height than it had at its original location, or contain new materials that are more than five feet (5') above grade....325
(c) No detached on-premise sign may be relocated until demolition and other required permits have been applied for and approved by the City.....325
(d) No new electrical or mechanical properties may be added to a relocated, detached on-premise sign, e.g., a non-illuminated sign may not be converted to an illuminated sign.....325
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(4) Number of Signs....333
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(6) Material Requirements 333
(7) Illumination 333
(8) Location Restrictions 333
(9) Additional Restrictions 333
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(b) Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds 333
(c) Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise. 333
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(b) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto or which was considered legally nonconforming thereunder and has since been in continuous or regular use; 337
(c) Was in existence, located and used on the premises at the time it was annexed into the city and has since been in continuous use; or 338
(d) Was in existence and lawfully located and used as an off-premise sign prior to or on the date this UDC was adopted. 338
W. LICENSES 338
(1) Licenses Required 338
(a) Required 338
(b) License 338
1) It is unlawful for any person to perform construction work subject to this section unless the person is licensed as a sign contractor or is exempt under the following: 338
a) A maintenance person who performs maintenance work only upon property owned by the person's employer. 338
b) A maintenance person who performs work upon a property with more than one property owner is deemed to be performing work for the general public and shall be licensed as a sign contractor. 338
(2) It shall be unlawful for any person to: 338
(a) Display a permit, cause a permit to be displayed, or to have in one's possession any license to conduct construction work, knowing it to be fictitious or to have been canceled, suspended or altered; 338
(b) Lend or permit the use of any license for doing any construction work to any person not entitled to it; 338
(c) Fail or refuse to surrender to the City Manager any license for any construction work that has been suspended or canceled; 338
(d) Apply for or have in one's possession more than one current City construction license of the same type; 338
(e) Use a false or fictitious name or address in any application for any license provided for in this section or for any renewal or duplicate of any such license, or to make a false statement or conceal a material fact or otherwise commit fraud in the making and submission of any application; 338
(f) Perform any construction work in the City or its ETJ, for which a license is required without having a valid, current license or while a license is suspended, expired or canceled; 338
(g) Perform any construction work for which a permit is required without having a valid, current permit or after the permit has been suspended, canceled or expired; 338
(h) Fail or refuse to make the necessary repairs or changes as provided in a written notice issued by the City Manager. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected; or 339
(i) Place or leave a property in such condition that it injures or endangers persons or property. 339
(3) Insurance Required 339
(a) It is the duty of all sign contractors who practice their craft within the City to show proof of general commercial liability insurance. A current copy of the insurance policy must be maintained on file with the Building Official of the City or the sign contractor's license may be revoked. The insurance coverage shall include: 339
1) A minimum of $300,000 per occurrence (combined for property damage and bodily injury); 339
2) A minimum of $600,000 aggregated (total amount the policy will pay for property damage and bodily injury coverage); and 339
3) A minimum of $300,000 aggregate for products and completed operation. 339
(b) A licensed applicant or licensee shall file with the Building Official a completed certificate of insurance when applying for an initial license, when changing a business name, or upon request by the City Manager. 339

(4) The Building Official, within thirty (30) days after receipt of the completed application, shall issue the license or give a written refusal setting out the reason(s) for refusal. 339
(a) Application 339
1) Required initial fee (as established by City Council); 339
2) Renewal fee (as established by City Council); 339
3) Completed application; 339
4) Reference from one (1) financial institution; 339
5) Reference from two (2) suppliers; and 339
6) Reference from three (3) customers regarding work performed within the last two (2) years. 339
(b) Renewal 339
(c) Suspension/Revocation 340
1) The license of a person convicted two (2) times within a one-year (1) period of any violation of this section, or other applicable laws and ordinances, may be suspended by the City Manager. 340
2) If the City Manager decides to suspend a sign contractor's license, the City Manager shall notify the licensee of the suspension by first class mail to the licensee's last address on record, or by hand delivery to the licensee. Notice by mail will be deemed received three (3) days after posting. 340
3) The licensee may appeal a suspension decision to the BOA by filing a written request within ten (10) days of receiving notice of the suspension. Within 30 days of receiving an appeal, the BOA shall hold a hearing to determine whether the suspension decision should be sustained or reversed. 340
4) If a licensee's license has been suspended twice in a three (3)-year period, and the licensee then commits another violation under this section or other laws and ordinances applicable hereto, the City Manager shall notify the BOA. The BOA shall then hold a hearing to consider cancellation of the license. 340
5) Enforcement actions taken under this section are not exclusive and do not affect any other remedies for violations of this section or other applicable laws and ordinances. 340
(d) Appeal 340
(e) Electrical License 340
(f) Electrical License Registration 340
1) Registration of Company – Each company providing electrical work shall register with the Building Official and shall provide a copy of general liability insurance in the amount established by the TDLR for electrical contractors. 340
2) Application – A written application to register a company providing electrical work, along with the established filing fee, shall be submitted to the Building Official on a form prescribed by the City. 341
3) Renewal – All registered electrical companies shall renew their registrations annually. All renewal applications shall be due March 1st of each year. 341
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(2) Notice of Violation 341
SECTION 12 - LAND-DISTURBING ACTIVITIES AND DRAINAGE 341
A. CLEARING AND GRADING 341
(1) No removal of trees, land clearing or grading shall occur without the required approvals and permits. Clearing and grading activity shall be limited to the limits of grading area identified on the approved grading plan. A clearing and grading permit is required by the City and can be applied for once the final plat has been recommended by the Commission and approved by the Council. 341
(2) All clearing and grading permits shall be reviewed by the City Engineer and Public Works Department and approved by the City Manager. 341
(3) The following shall be exempt from the requirement for a clearing and grading permit: 341
(a) Grading and clearing in emergency situations involving immediate danger to life and property or substantial fire hazards; 341
(b) The removal of underbrush, dead trees or diseased or damaged trees which constitute a hazard to life and property based upon field inspection verification; and 341
(c) Grading and clearing practices associated with normal agricultural crop operations, excluding timber cutting. 342

B. DRAINAGE 342

(1) Applicability. The provisions of this section shall apply to any capital improvement project, application for subdivision plat, master development plan, or building permit approval except as otherwise provided by this chapter. A stormwater management plan shall be provided as set forth in SECTION 12C... 342

(2) Stormwater Management Program 342

(a) System Criteria 342

1) All stormwater management facilities, or combination of facilities, shall be designed for ultimate development. Drainage facilities for all enclosed pipe systems, streets, and rights-of-way shall be designed for the one hundred-year (100-yr) storm frequency. Channels and creeks, culverts, small bridges, large bridges and floodways between building lines shall also be designed for the 100-year (100-yr) storm frequency. A minimum of one foot of freeboard shall be used when the structure is designed to pass a design storm frequency of 100 years calculated by the City's criteria. Detention facilities and streets are exceptions to the frequency criteria cited above. Detention facility outflows will be designed for five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) frequency storms. 342

2) Three (3) development conditions shall be analyzed for each development: 342

a) Existing Conditions. This refers to current development conditions in the watershed and on-site. Use as the baseline analysis for determining the impact of development. 342

b) Proposed Conditions. This refers to existing conditions with the proposed development added. Use to determine if the increased runoff from the proposed development results in an adverse impact to other properties. 342

c) Ultimate Conditions. This refers to ultimate development conditions within the watershed used to design the drainage facilities. This condition may be used in lieu of subparagraph b), above, to determine if the increased runoff from the ultimate watershed development results in an adverse impact to other properties. ... 342

3) Responsibility to Accept Stormwater. The owner or developer of property to be developed shall be responsible for the conveyance of all stormwater flowing through the property. This responsibility includes the stormwater flowing onto the property by any other developed property as well as the drainage naturally flowing through the property by reason of topography. Future upstream development shall be accounted for by assuming ultimate development when sizing drainage systems as specified in this section. 342

4) Positive Overflow Pathways. Stormwater management facilities for local drainage systems will be designed to ensure that a positive overflow pathway is provided to the nearest one hundred-year (100-yr) conveyance facility. Positive overflow is based on a 100% failure of an enclosed storm system. Downstream structures or proposed lot pads should not be flooded in this event. 343

a) Maintenance of publicly owned facilities will be the responsibility of the City. Maintenance of private facilities is the responsibility of the property owner or the community association and must be specified in the maintenance schedule submitted to the City. A maintenance schedule for both publicly owned and privately owned facilities must be approved by the City Engineer prior to the approval of construction drawings. 343

b) Authorized personnel from the City shall conduct periodic inspections of these facilities and structures. Any required repairs will be consistent with current construction standards. Maintenance issues identified by the City or state during inspections shall be the responsibility of the current owner. 343

5) New Development. Peak stormwater runoff rates from all new development shall be less than or equal to the peak runoff rates from the site's predevelopment conditions for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) design storm events, except as provided in this SECTION 12B. 343

6) Redevelopment. Peak stormwater runoff rates from an area of redevelopment due to zoning or replatting shall be less than or equal to the peak runoff rates produced by existing development conditions for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) design storm events, except as provided in this SECTION 12B. 343

(3) Method of Computing Runoff 343

(a) Calculation Methods 343

1) For drainage areas less than six hundred forty (640) acres, the basis for computing runoff shall be the rational formula or some other method provided it is acceptable to the City Engineer. Hydraulic calculations shall be performed by using the U.S. Army Corps of Engineers HEC-2 "Water Surface Profiles" or HEC-RAS "River Analysis System" computer models. Normal depth channel calculations are permissible for constructed open channels with a uniform geometric cross section where 1) there is no potential for the water surface elevations to be controlled by backwater, and 2) the channel is not in a FEMA floodplain. 343

2) For drainage areas six hundred forty (640) acres or greater, the basis for computing runoff shall be a unit hydrograph method, preferably the Soil Conservation Service (SCS) Dimensionless Unitgraph method as contained in the U.S. Army Corps of Engineers Hydrologic Engineering Center HEC-1 "Flood Hydrograph Package," which document shall be maintained on file with the City Manager and is incorporated herein by reference for all

purposes. For the SCS method, antecedent moisture condition II shall be used in the runoff model. Design rainfall values listed in Table 12-4 shall be used for hydrograph calculations. 344
3) Open channel hydraulic calculations shall be performed by using the U.S. Army Corps of Engineers HEC-2 "Water Surface Profiles" or HEC-RAS "River Analysis System" computer models, as they may be amended, which documents shall be maintained on file with the City Manager and are incorporated herein by reference for all purposes. 344
4) Certain watersheds have hydrologic and hydraulic models that are available through and maintained by the City. Developments proposed within the limits of these watersheds must have the models updated by the consultant to reflect changes in flow, channel configuration (including alterations to vegetation) and channel structures. The consultants' models must use the same computer program that was used in the existing model, e.g., HEC-RAS models will not be accepted where the original model used HEC-2. The updated models shall be submitted to the City Engineer for incorporation into the master models. The City will periodically update the master models to reflect current watershed development conditions. The updated models will be made available for use and distribution as the latest existing condition models for the watershed. 344
(b) Time of Concentration 344
Overland (sheet) flow, shallow concentrated flow and channel flows are components that need to be considered in the calculation of time of concentration. The following methods are recommended for time of concentration calculation: 344
1) Overland flow - flow over plane surfaces: Maximum allowable time is twenty (20) minutes, minimum is five (5) minutes. The overland flow time chart from "Design" by Elwyn E. Seelye may be used to calculate overland flow times. Note that the minimum time has been reduced to five (5) minutes. 344
2) Shallow concentrated flow - overland flow usually becomes shallow concentrated flow after a maximum of three hundred (300) feet: Use Manning's Roughness Coefficient equation (“Manning’s equation”) to estimate travel time for defined swales, bar ditches and street sections, etc. Figure 3-1 from TR-55 "Urban Hydrology for Small Watersheds," SCS 1986, may be used where a geometric section has not been defined. 344
3) Channel flow: Use existing computer models where available or Manning's equation if data is not available. Non-floodplain channel velocities for ultimate watershed development should not be less than six (6) fps when estimating time of concentration. 345
(c) Runoff Coefficients. Runoff coefficients (C value) for use in the rational formula shall not be less than the values shown in Table 12-1 or Table 12-2, as appropriate. 345
(d) Rainfall Intensity. Use Table 12.2 to determine rainfall intensity. 345
(e) SCS Curve Numbers. The hydrologic soil groups are listed in the latest version of the United States Natural Resources Conservation Service [formerly the Soil Conservation Service], "Urban Hydrology for Small Watersheds," Technical Release No. 55 (TR 55), which document is incorporated herein by reference. Soil types may also be based on a Geotechnical Engineering Report. SCS Curve 77 will be used unless evidence is presented to the contrary. 345
(f) Percent Impervious Cover. The percent impervious cover for typical land use types in the City is presented in Table 12-3. 346
(g) Design Rainfall. A twenty four-hour (24-hr) rainfall distribution shall be applied for runoff calculations. Rainfall intensities as adopted for the City appear in Table 12-4 and should be used for HEC-1 input. The lag value for a subarea shall be calculated as 0.6 times the time of concentration. 346
(h) Routing of Runoff. Routing of the runoff hydrograph through the channel from one subarea calculation point to the next in the HEC-1 shall be computed using one of the following methods: 346
1) Overbank/channel storage not significant: Use normal depth channel routing. 346
2) Overbank/channel storage is significant: Use the Muskingum method where a hydraulic model is not available. Use Modified Puls storage method where a hydraulic model is available to develop storage/out flow relationship. 346
3) Kinematic wave method for channel reaches where inflow from overbank runoff or multiple point sources (example: storm sewer outfalls) is significant and where hydrograph attenuation is insignificant. Channel routing methodologies currently being applied in the existing HEC-1 model of the watershed shall not be replaced with a different methodology without approval or direction from the City Engineer. 347
(i) Manning's Roughness Coefficient. Manning's roughness coefficients ("N" values) for use in routing methods or in hydraulic calculations shall be consistent with the values listed in Table 12-5. 347
1) Earth channels--0.035. 347
2) Concrete-lined channels--0.015. 347
3) Reinforced concrete pipe--0.013 347
4) Concrete box culverts--0.013 347
5) Corrugated metal pipe: 347
a) Unpaved 1/2" corrugated--0.024 347
b) Unpaved one (1)-inch corrugated--0.027 347
c) Any other "N" value shall be based on generally accepted engineering principles. 347
(4) Drainage Easements/Rights-of-Way 347

(a) Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width as outlined below. 348
(b) Easements for natural watercourses shall be the one hundred-year (100-yr) floodplain or the twenty five-year (25-yr) plus freeboard, whichever is greater. In floodplain areas where ongoing maintenance is required or the floodplain will be reserved for use by the public, the drainage easements shall be maintained by a public entity and the property will be dedicated to the City as a multi-use drainage easement. A drivable access way shall be provided in floodplain easements for the length of the easement when regular maintenance of the floodplain is required. Diversion of stormwater away from the natural watercourse will not be allowed except within the boundaries of the property controlled by the developer, provided that the diverted water is returned to the watercourse within which it would naturally have been flowing prior to leaving the developer's property. An analysis of the timing of the diverted hydrograph on watersheds greater than twenty (20) acres, as it reenters the receiving watercourse, must be performed to show that the peak flow rate in the receiving watercourse has not been increased as a result of the diversion. 348
(c) An unobstructed access right-of-way connecting the drainage easement with an alley or roadway parallel to or near the easement shall be provided at a minimum spacing of one (1) access right-of-way at approximately one thousand-foot (1,000') intervals. The access right-of-way shall be a minimum of fifteen feet (15') in width and shall be maintained clear of obstructions that would limit maintenance vehicular access. If the flow line of the designed channel incorporates grade control structures or vehicular bridges that would prevent maintenance equipment from accessing that portion of the channel, additional access points may be required. Channel design, earthen or concrete, shall have ramps in the side slopes near the access points that allow maintenance equipment to descend to the floor level of the channel. The maximum allowable ramp slope for vehicular access is seven to one (7:1). Access points adjacent to roadways or alleys shall be provided with a post and cable feature with padlock to prevent unauthorized use. 348
(d) In those cases where drainage easements cross lot and property lines, a statement shall be added to the plat that no fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines. Fencing may be allowed across drainage easements only in accordance with the following restrictions: 348
1) Bottom of fence shall be a minimum of the flow depth, plus freeboard above design flow line of channel or drain. 348
2) A hinged gate will be placed across the entire width of the drainage easement. 348
3) Fence posts located within the easement must be structurally designed to resist damage from the stormwater flows and impact from debris. 349
4) A floodplain development permit shall be required to construct a fence within an easement that is within the one hundred-year (100-yr) floodplain. 349
(e) Interceptor drains shall be constructed prior to the issuance of building permits on any lot that would be affected by natural drainage being intercepted. 349
(f) All developments shall provide for adequate drainage outfall at the lower end of the site into an existing street, alley, drainage, easement or right-of-way, or to the centerline of an existing natural drain. Where a proposed street, storm sewer, or open channel does not discharge into a natural low or into an existing adequate drainage easement, facilities and drainage easements of adequate width to contain the design discharge shall be constructed and dedicated to the centerline of an existing natural low within the same watershed. However, where the natural low lies within the developer's property, the developer will be required only to plat an easement to the centerline of the natural low, provided that the easement is adequate to accommodate the facilities that will be built in conjunction with the future development of that property. 349
(5) Site Design and Grading 349
(a) All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation, and to safeguard life, limb, property and the public welfare in accordance with the Texas Pollutant Discharge Elimination System ("TPDES") General Permit TXR150000, as amended, which documents are incorporated herein by reference for all purposes. 349
(b) Erosion and sedimentation controls, in accordance with the specifications established by the City Engineer in compliance with the National Pollutant Discharge Elimination System ("NPDES") permitting requirements for the City, are required. 349
(c) Projects shall not be considered complete until restoration has been made in accordance with NPDES requirements 349
(d) Where possible, multiple uses of drainage facilities and open space shall be incorporated by the owner or developer into a new subdivision. Alternative uses such as public recreation, horse/bike/hiking trails, walking paths, nature preserves, wildlife habitat areas, etc., are encouraged subject to the approval of the City Manager. 349
(e) A note must be placed on the plat for residential lots, which states that finished floor elevations must be a minimum of eight inches (8") above final adjacent grade. A grading plan shall be prepared and submitted to the City, which indicates typical lot grading for all lots in the subdivision using typical FHA lot grading types (A, B and C). A more detailed grading plan is also acceptable. 349

(6) For projects with an increased impervious area of greater than 0.1 acres, stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to predevelopment or existing development conditions as stated in this UDC..... 350
(a) The maximum allowable outflow rate from the detention facility must be restricted to the flow rate from the undeveloped or existing development tract for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) frequency. Best management practices shall be used in the design of detention facilities in accordance with this section. The timing of the hydrograph released from the detention facility must be checked against the timing of the flow rate in the first open watercourse to prevent any increase in the peak flow rate in the receiving watercourse. For detention basins constructed in-line on an existing watercourse, the creation of the basin shall not increase flood elevations in the channel upstream of the new development boundaries. 350
(b) On-site detention facilities must be privately owned and shall be maintained by the community association or property owner. A maintenance schedule shall be submitted to the City and approved by the City Engineer prior to approval of construction plans. The City will have the right to do periodic inspections of privately owned and maintained detention facilities to ensure that the maintenance schedule is being implemented. Where a detention facility accepts flows from public facilities such as City rights-of-way, the detention facility will be considered a detention facility serving a public purpose and will be dedicated to the City upon completion, and a drainage easement will be dedicated to provide for access to the facility. When a regional detention facility accepts flow from an area exceeding three hundred (300) acres, the facility shall be considered serving a public purpose and shall be dedicated to the City..... 350
(c) Multi-use facilities are encouraged, but not required (multi-use facilities allow for water quality, satisfy NPDES requirements, enhance around water recharge, provide open space, provide recreation or other amenities, and/or provide habitat) and may be utilized so long as each facility meets the standards set forth in subsection (a) of this section and does not increase the rate or volume of erosion above that which would result from the use of a facility without multiple uses. The use of multi-use detention facilities to alleviate existing flooding problems, enhance and provide amenities for older neighborhoods, and support the revitalization of economically depressed areas is encouraged in public and private redevelopment initiatives. 350
(d) Stormwater retention with permanent wet pool or pumped detention systems will not be acceptable methods of stormwater mitigation unless the facility will remain privately owned, operated, and maintained. The City will approve the use of a pumped facilit for private use under the following conditions:..... 350
1) A gravity system is not feasible from an engineering and economic standpoint;..... 351
2) At least two (2) pumps are provided, each of which is sized to pump the design flow rate; 351
3) The selected design outflow rate does not aggravate downstream flooding;..... 351
4) Controls and pumps are designed to prevent unauthorized operation and vandalism; and..... 351
5) Adequate assurance is provided so that the system will be operated and maintained on a continuous basis. 351
(e) Stormwater detention facilities shall be located in topographically depressed areas where possible. When necessary, dams may be constructed to detain flows. All proposed dams shall conform to the following items:..... 351
1) All dams over six feet (6') above existing natural ground shall be approved for safety by the Dam Safety Team of the Texas Commission on Environmental Quality ("TCEQ"), or its successor agency. All other new dams shall be designed in accordance with acceptable design criteria as approved by the City Engineer. 351
2) All hydrology and hydraulic properties of a dam will be reviewed by the City Engineer with regard to spillway design, freeboard hydraulics, backwater curves and downstream effects due to the dam site. 351
3) The spillway section of any earthen dam with a height greater than six feet (6') shall be large enough to pass a probable maximum precipitation ("PMP") flood, as defined by the National Resources Conservation Service ("NRCS"), without overtopping the crest of the dam in accordance with TCEQ regulations..... 351
4) A one hundred-year (100-yr) frequency flood shall be routed through the proposed dam and all land subject to flooding shall be dedicated as drainage easement or right-of-way. An unobstructed fifteen-foot (15') access easement around the periphery of the flooded area shall be dedicated as drainage easement for facilities that require regular mowing or other ongoing maintenance, at the discretion of the City Engineer. An unobstructed fifteen-foot (15') access right-of-way shall be established which connects the drainage easement adjacent to the dam structure to a road or alley. 351
5) Development below existing dams will take into account the original design conditions of the existing dam. Dam breach analysis checks will be required, dependent upon location of development with respect to dam site. 351
6) All spillway discharges shall be adequately routed to the centerline of the natural low below the dam site. The adequate routing of spillway discharges pertains to the hydraulic routing of the one hundred-year (100-yr) frequency flood for dedication of drainage easement limits. PMP on flood routing or breaches will only be considered for safety considerations (that is, the placement of building and the setting of minimum floor slab elevations below the dams). Any proposed concrete dam structure need not have spillway capable of routing a PMP flood; however, it shall be shown to be structurally capable of withstanding any range of flood conditions with regard to possible failure due to sliding, overturning, and structural integrity, up to and including the PMP flood. 352
(7) Streets..... 352

(a) Generally 352
1) Design of streets shall consider public safety and limit potential conflicts between stormwater conveyance, traffic, parking, pedestrian access, ADA requirements, and bicycle traffic. 352
2) Streets draining a watershed greater than one hundred (100) acres must be designed for the one hundred-year (100-yr) frequency storm. 352
3) Streets may be used for stormwater drainage only if the calculated stormwater flow does not exceed the flows outlined in this UDC's Table 3-7 or the velocity does not exceed ten feet (10') per second. 352
4) Where streets are not capable of carrying stormwater, as outlined above, inlets or curb openings discharging to drainage channels or storm sewers shall be provided. Partial flow past the inlet will be allowed when the capacity of all downstream street systems can accommodate the flow. 352
5) Street width shall not be widened beyond the width as determined by the street classification for drainage purposes. 352
6) Stormwater conveyance on streets shall be designed to account for the cumulative impact of peak flows and runoff volumes on the system as the stormwater progresses downgrade. 352
7) Curb cuts for driveways on all streets shall be designed for compatibility with the stormwater conveyance function of streets. 352
8) Potential flooding problems or conflicts at the connection points where new or modified drainage systems (including streets, storm sewers, etc.) and the existing portions of the downstream street system and stormwater conveyance system shall be identified and resolved either in the design of the new or modified drainage system or in modifications to the existing system. 352
9) Dwelling units located on the downhill side of a T-intersection with a street or drainage channel discharging onto the intersection shall be sited so as to avoid obstruction of the drainage patterns 353
(b) An arterial street is a street so designated on the current Thoroughfare Master Plan. One (1) lane in each direction on arterial streets shall remain passable with a flow depth not to exceed 0.30 feet during a twenty five-year (25-yr) storm event. The maximum depth of water in the street section must not exceed seven inches (7") (the height of a standard city curb). 353
(c) A maximum flow depth to the top of curb on a collector street section will be allowed during a one hundred-year (100-yr) storm event. A collector street is a street with a width of forty two feet (42') or more and not shown as an arterial street on the current Thoroughfare Master Plan. 353
(d) Local streets shall be designed on a basis of a five-year (5-yr) frequency. A one hundred-year (100-yr) frequency storm must be contained within the street right-of-way. 353
(e) Alleys shall be designed for five-year (5-yr) frequency within the limits of the alley pavement/curbs and twenty five-year (25-yr) frequency within the right-of-way/easement to carry stormwater. 353
(f) All-Weather Crossings 353
1) Where streets cross existing or proposed watercourses, all weather crossings shall be required. Culverts or bridges shall be adequate to allow passage of the design storm identified in SECTION 12B(2)(a). All crossings, culverts and bridges shall be designed for an H-20-44 or HS-20 loading. 353
(8) This section addresses proposed improvements or modifications to drainage channels and watercourses required to convey stormwater runoff from or through the proposed development. Refer to SECTION 12B(2)(a) for storm frequency design criteria. 353
(a) Except as authorized by a development plan approved by the City Engineer, no person shall place or cause to be placed any obstruction of any kind in any watercourse within the City and its ETJ. The owner of any property within the City, through which any watercourse may pass, shall keep the watercourse free from any obstruction not authorized by a development plan. 353
(b) Channel Modifications 353
1) Modifications to existing watercourses or newly created open channels may be designed as earth channels, sod channels or as concrete-lined channels. Liners other than sod or concrete which enhance the aesthetics or habitat value of the watercourse and which reduce future maintenance requirements are encouraged. Preliminary planning for the applicability of other channel liners shall be reviewed with the City Engineer prior to the submittal of construction plans for approval. 353
2) Runoff that results from upstream development and is discharged to an unimproved waterway can cause flood damage to properties adjacent to the waterway. Natural undeveloped waterways do not receive regular maintenance. Design of natural waterways shall take into consideration fluvial geomorphologic principals and practices. Consulting engineers and development review officials shall work to resolve potential downstream impact issues. 354
(c) Design of new channels or alterations to existing channels shall consider future maintenance requirements. A maintenance schedule for any private channel shall be submitted to and approved by the City Engineer prior to approval of construction plans. Maintenance requirements of concrete channels consist of de-silting activities, prevention of vegetation establishment in construction joints, and repair of concrete as necessary. Maintenance of earthen channels includes regular observation and repair, as necessary, of erosion, scouring, and removal of silt

deposits, as necessary to maintain design parameters. Developers shall be responsible for maintaining newly planted channels until coverage is established throughout eighty-five percent (85%) of the area. This area shall include slopes, floor, and any attendant maintenance easement. New earthen channels shall be planted with drought-resistant, low-growth, native species grasses, which will allow unobstructed passage of floodwaters. Johnson grass, giant tagweed and other invasive species shall not be allowed to promulgate in channels. Suggested species include, but shall not be limited to, common Bermuda, coastal Bermuda, buffalo grass, sideoats grama, Seep Muhly, little bluestem, and Indian grass. Mowing frequencies vary with the vegetation growth rates, but is required when the grass exceeds the design roughness coefficient of the channel. 354
(d) Planned multiple-use of a watercourse, e.g., bike paths or a greenbelt, is allowed. If multiple use of the watercourse is to be incorporated, the applicant shall form a property owners' association that shall assume maintenance responsibility for private amenities. The applicant shall provide overlay easements for public or private use. 354
(e) Table 12-6 shall be used to determine maximum permissible channel velocity. 354
1) Where velocities are in the supercritical range, allowance shall be made in the design for the proper handling of the water. 355
2) Ensure that the channel will contain the hydraulic jump (sequent depth) throughout the extent of the supercritical profile. An exception to this criterion is where concrete-lined lateral channels discharge down the side slopes of channels. These channels may be designed for normal depth plus freeboard provided velocity controls are established at the main channel flow line. 355
3) Ensure that the energy grade of the channel will not result in upstream flooding at existing or proposed lateral facility connections. 355
(f) Retard spacing shall be computed as follows when using the following equations: 355
(g) Vegetated Earthen Channels 355
1) The side slope shall not be steeper than three (3) horizontal to one (1) vertical. 355
2) Easements or rights-of-way for improved earthen channels shall conform to the requirements stated in this UDC and shall extend a minimum of two feet (2') on one (1) side and fifteen feet (15') for an access road on the opposite side of the extreme limits of the channels when such channels do not parallel and adjoin an alley or roadway. When such channels do parallel and adjoin an alley or roadway, the easement or right-of-way shall extend a minimum of two feet (2') on both sides of the extreme limits of the channel. Where utilities are installed in the access road of the drainage right-of-way, the right-of-way shall extend two feet (2') on one (1) side and seventeen feet (17') on the opposite side of the design limits of the channel. These seventeen feet (17') are to provide an access way along the channel with a maximum cross slope of one inch (1") per foot toward the channel. Where designed channel bottoms exceed one hundred feet (100') in width, the fifteen-foot (15') extra width shall be provided on both sides of the channel. 355
3) Interceptor drainage easements shall extend a minimum of two feet (2') on both sides of the extreme limits of the channel. Improved earthen channels will be vegetated by seeding or sodding. Eighty-five percent (85%) of the channel surface area must have established vegetation before the City will accept the channel for maintenance. .. 356
(h) Freeboard. Allowance for extra freeboard shall be made when the centerline radius of the channel is less than three (3) times the bottom width. Where sharp bends or high velocities are involved, the applicant shall use the following formula for computing the extra freeboard: 356
1) The quantity $d_2 - d_1$ divided by two (2) shall be added to the normal depth of flow before adding the required freeboard in calculating required right-of-way widths. 356
2) Where sharp turns are used without curved sections, the depth required shall be large enough to provide for all head losses. Allowance shall be made for any backwater head that may result. 356
3) For normal design conditions no extra freeboard is required. An accepted rule of thumb to follow is this: The centerline radius of channel should be at least three (3) times the bottom width. 356
(9) Storm Sewers 357
(a) For all ordinary conditions, storm sewers shall be designed on the assumption that they will flow full under the design discharge; however, whenever the system is placed under a pressure head, or there are constrictions, turns, submerged or inadequate outfall, etc., the hydraulic and energy grade lines shall be computed and plotted in profile. In all cases adequate outfalls shall be provided and the system adequately designed. 357
(b) No storm sewers shall be less than 18 inches in diameter. 357
(c) Minimum easement widths for storm sewers will be the greater of fifteen feet (15') or six feet (6') on both sides of the extreme limits of the storm sewer width (e.g., the easement width for a three (3)-barrel, ten-foot wide box culvert with six inch (6") walls would be (3 x 10')+(4 x 0.5')+(2 x 6') = 44'). 357
(10) Inlets and Openings 357
(a) Drop Curb Openings - Sidewalk Does Not Abut Opening. Where drop curb openings are used to take stormwater off the streets and into drains, the length of the curb opening can be calculated from the weir formula using the coefficient of 3.087 in the weir formula: 357
(b) Curb or Drop Inlets. Where drop inlets are used, the City standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the City Engineer. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on street grades, deflections, cross slopes, depressions, etc. 357

(c) Grate Inlets. The flow of water through grate openings may be treated as the flow of water through a rectangular orifice. The following formula may be used for determining grate capacity: 357
(d) Curb Opening Inlets. The capacity of curb opening inlets will depend on whether the opening is running partially full or submerged. If the depth of flow at the curb opening inlet is such as to cause a partially full opening, a weir effect will develop and the following formula will apply: 358

C. STORMWATER MANAGEMENT PLAN 358

(1) Procedure 358
(a) Number of Copies. The applicant shall provide two (2) blue-line or black-line copies of the plat together with two (2) copies of construction drawings. 358
(b) Format. Plats shall be drawn in India ink on Mylar on sheets eighteen inches (18") wide and twenty-four inches (24") long, with a margin of two and one-half inches (2½") on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred feet (100') to one inch (1") unless a smaller scale is approved by the City Manager. Plats which include one-half (½) acre or less in area shall be drawn at a scale of fifty feet (50') to one inch (1"). Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat..... 358
(c) Contents. To standardize the review process and minimize the time for approval by the City during review of the plat and construction drawings for a subdivision, a complete submittal regarding the analysis of existing drainage conditions and the design of modifications or new drainage facilities is necessary. The owner of the property to be developed is required by the City Manager to provide, at the owner's expense and as a condition of construction plan approval, a stormwater management report for the total development area to be ultimately constructed. The stormwater management report shall contain all of the necessary support data, methodologies used in calculations, and conclusions. A checklist is below that will be used by the City reviewer as a guide during the evaluation of all stormwater management reports submitted to the City. The purpose of the checklist is to expedite the review process for both the engineer and the City, and to aid the engineer in the preparation of reports for the City's review. The stormwater management report shall be submitted to the City Engineer prior to approval of any construction plans..... 358
(d) Report. The stormwater management plan shall include two (2) copies of a written report that includes the following information, as applicable:..... 359
1) A vicinity map of the site and affected reach of the outfall channel; 359
2) A detailed map of the area and the outfall channel with all pertinent physiographic information;..... 359
3) A watershed map showing the existing and proposed drainage area boundary along with all sub area delineations and all areas of existing and proposed development;..... 359
4) Discharge calculations specifying methodology and key assumptions used including a table of discharges at key locations;..... 359
5) Hydraulic calculations specifying methodology used, assumptions and values of the design parameters; ... 359
6) Profiles of the affected channels, including water surface elevations for the specified design frequencies, all existing and proposed bridge, culvert and pipeline crossings, the location of all tributary and drainage confluences, and the location of all hydraulic structures; 359
7) Detention basin design calculations, including those used for design of the control structure;..... 359
8) Right-of-way and easement requirements, and a map showing locations of all rights-of-way and easements; 359
9) A soils report which addresses erosion and slope stability of new or altered channels and detention facilities; 359
10) A computer diskette of all existing and proposed condition HEC-1 and HEC-2 models used in analysis; and 359
11) A checklist for the submittal package is included as paragraph (2) below. A checklist for the preparation of a HEC-2 model is included as paragraph (3) below. 359

(2) Subdivision Drainage Checklist 359
(a) _____U.S.G.S. Quadrangle map showing overall drainage areas, runoff coefficients, time of concentration, intensity and Qs..... 360
(b) _____Subdivision master drainage plan with overall interior drainage area of subdivision showing drainage area, time of concentration, runoff coefficients, intensities, and Qs for the street and alley flows and also channel and underground system design..... 360
(c) _____Subdivision plat showing interior drainage areas, time of concentration, runoff coefficients, and intensities, Qs for street and alley flows and also channel and underground system design. 360
(d) Drainage Calculations Required For: 360
1) _____Open channel design 360
2) _____Underground systems 360
3) _____Box culverts..... 360
4) _____Pipe culverts 360
5) _____Hydraulic jump..... 360
6) _____Super elevation in channel bends 360

7) _____Retard spacing 360
8) _____Backwater curves with cross sections 360
9) _____Draw down curves with cross sections 360
10) _____Energy dissipaters 360
11) _____Hydraulic grade lines of pipes 360
12) _____(1) Inlets on grades _____(2) Inlets in sump 360
13) _____Drop curb openings 360
14) _____Sidewalk culverts 360
15) _____$AR^{2/3}$ calculations with cross sections 360
16) _____Weir formulas structures 360
17) _____Orifice formulas 360
18) _____Grade to drain channels 360
19) _____Upstream pickup and flared section 360
20) _____Downstream backwater control and flare to match downstream condition 360
21) _____Show required freeboard 360
22) _____Improper "N" value 360
23) _____Improper velocity used 360
24) _____Improper easement width 360
25) _____Show access road on each sodded channel 360
26) _____Improper runoff coefficient used 361
27) _____Improper time of concentration used 361
28) _____Improper Qs used 361
29) _____Steel calculations for box culvert 361
(e) _____Subdivision plat showing all interior drainage easements, outfall drainage easements, U.S.G.S. contour map and all other necessary drainage information 361
1) _____Show outfall drainage easements to the centerline of existing natural low 361
2) _____Show finished fill contours 361
3) _____Show interceptor drainage easements 361
(f) _____Typical Details Required on Plans for: 361
1) _____Box culvert with headwalls or wing walls 361
2) _____Pipe culverts with headwalls or wing walls 361
3) _____Culvert headwalls shown with proper safety measures 361
4) _____Drop curb openings 361
5) _____(1) Inlets on grade _____(2) Inlets on sump 361
6) _____Drop structures 361
7) _____Retards 361
8) _____Sidewalks over drains 361
9) _____Guard post installations 361
10) _____Guard rail on structures 361
11) _____Header curb 361
12) _____Energy dissipaters 361
13) _____Junction boxes 361
14) _____Concrete lined channels with freeboard 361
15) _____Earth sodded channels with freeboard 361
16) _____Other concrete structures: 361
17) _____ Grade to drain sections 361
18) _____Transition sections 361
19) _____Fencing for vertical wall channels greater than 2' deep 361
20) _____Other: _____ 361
21) _____Side slope 361
22) _____Note: Adjacent lots shall be graded to provide access and drainage to adjacent street and drainage systems. 361
(g) _____Complete Street Plans and Profiles 362
(h) _____Complete Drainage Plan and Profile Including the Following Requirements: 362
1) _____Proposed flowline slopes with grades and elevations shown every 50' in profile 362
2) _____Proposed top of channel profile 362
3) _____Existing ground right and left profile at property line 362
4) _____Finished fill profiles 362
5) _____Locations and size of culverts 362
6) _____Drop structures 362
7) _____Retards 362
8) _____Grade to drain profiles 362

9) _____Flowline elevations at every 50' station and at each structure and change in grade 362
10) _____Junction boxes 362
11) _____Channel plan views 362
12) _____Channel sections 362
13) _____Pipes with hydraulic grade lines on profile 362
14) _____Cross sections of existing natural channels or lows which are not to be improved, but left in natural state and dedicated to high water calculated 362
15) _____Angles, bearings, distances, etc., for structures, channels, etc. 362
16) _____Lot grading layout drains 362
17) _____Culvert structural details 362
(i) _____Unit and Storm Hydrographs For Major Streams (Over 2,000 acres) 362
(j) _____Drainage Easements to the Centerline of Natural Low 362
(k) _____Cost Estimate 362
(l) _____Engineer's Seal 362
(m) _____Other 362
(3) HEC-2 Submittal Checklist 362
(a) Submission Package 363
1) _____ Signed, sealed, and dated by an engineer certified to practice in the State of Texas 363
2) _____ Signed checklist 363
3) _____ 3 1/2" diskette with all input files 363
4) _____ Copy of condensed printouts 363
(b) Narrative 363
1) _____ Table of Contents 363
2) _____ Abstract or executive summary 363
3) _____ Introduction 363
4) _____ Project description and history 363
5) _____ Location 363
6) _____ Scope and objective of analysis 363
7) _____ Previous and related studies that may affect this analysis 363
8) _____ Methodology 363
9) _____ Sources of discharges 363
10) _____ Bridge routines 363
11) _____ Base or effective models (mention source) 363
12) _____ Revised-base model 363
13) _____ Proposed model 363
14) _____ Summary, conclusions, and recommendations 363
15) _____ Water surface elevation impacts 363
(c) Tables 363
1) _____ Water surface comparison table at each cross section 363
2) _____ Floodway table 363
3) _____ Cross section numbering table (if stationing changes) 363
4) _____ Exhibits 363
5) _____ Vicinity map 363
6) _____ Plan view of project reach 363
7) _____ Water surface profiles for design storm 363
8) _____ Channel cross sections showing limits of drainage easements and property lines 363
9) _____ Bridge cross sections 363
10) _____ Plan view of bridge 364
11) _____ Photographs (if available) 364
(d) Appendices 364
1) _____ Pertinent correspondence (meeting notes, etc.) 364
2) _____ Survey and/or certified "as-built" information for all revisions to base model 364
3) _____ Sample calculations 364
(e) Name of submitter_____ Date_____ 364
(4) P.E. Registration Number 365
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(2) Relation to Adjoining Streets 365

(3) Projection of Streets 365
(4) Private Streets 366
(a) Private streets within the City may be authorized providing all of the following conditions are met: 366
1) A HOA is established to maintain and upkeep all streets in a subdivision in accordance with the City's public street standards, to include the mowing of shoulders and rights-of-way, removal of weeds and unclogging of culverts. 366
2) Private streets are constructed in accordance with the City's standards for public streets. 366
3) The following "maintenance agreement" note shall appear on the subdivision plat: 366
"Streets within this subdivision shall be constructed in accordance with the City of Crandall public streets standards. The upkeep and maintenance, including the mowing of shoulders and rights-of-way, removal of weeds and unclogging of culverts, shall be the responsibility of the homeowners association. The City of Crandall is released from any liability for these streets. Periodic inspection by a public official who is authorized to enforce complaints about poor maintenance is permitted." 366
(b) Private streets within the City shall provide access for fire protection, ambulance, police, school bus, garbage service and other utility agencies. 366
(c) One Residence 366
(d) Ingress/Egress 366
(5) Dead-End Streets and Cul-de-Sacs 366
(a) Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with this section when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended. 366
(b) Cul-de-sac streets shall not exceed six hundred feet (600') in length, measured from the centerline of the intersecting street to the center of the cul-de-sac, and shall have a turnaround with a minimum 50-foot radius. This provision may be modified upon approval of the Fire Chief and City Engineer. 366
(6) Alignment 366
(7) Intersections 367
(8) Street Names and Street Numbers 367
(9) Construction Standards 367
(10) Reserve Areas are Prohibited 367
(11) Half Streets or Adjacent Streets 367
(a) No new half streets shall be platted that do not conform to the Thoroughfare Plan and the Comprehensive Plan. Where the proposed subdivision abuts upon an existing street or half street not conforming to the Comprehensive Plan requirements or the requirements of this UDC, the developer shall be required to dedicate any additional right-of-way to meet the street width required. 367
(b) If new development of property that abuts City-maintained roads does not meet the design or width standards in this UDC, the Developer shall be required to make the necessary dedication and improvements in conformance with this UDC or any other applicable code of the City 367
(c) The minimum dedication and construction costs shall be equal to one-half (½) of the minimum ROW and construction costs associated with the proposed street. 367
(d) Improvements shall include right-of-way dedication, paving, curb and guttering, shoulder improvements and sidewalk as determined by the City 368
(e) Should any pavement be laid to widen existing pavement, the existing pavement shall be saw-cut back a minimum of two feet (2') to assure an adequate sub-base and pavement joint. 368
(12) Public Accesses 368
(13) Safety Lanes (Fire Lanes) 368
(a) Manufactured home parks, recreational vehicle parks, apartments, multi-family residences, malls, and commercial and business areas shall have driving surfaces within the site designated and clearly identified as safety lanes or fire lanes for fire protection, emergency medical services ("EMS"), etc. These areas must be paved with concrete and be maintained by the owners. Exits from these sites shall be a minimum of thirty feet (30') in width and must exit onto a dedicated street. The pavement width for interior safety lanes shall be a minimum of twenty-four feet (24'). Additional width will be required when adequate off-street parking is not provided. 368
(b) All roadways that serve emergency vehicles are required to have a minimum clearance of fourteen feet (14') to any overhead obstructions including, but not limited to, bridges, trees, canopies, awnings and signs. 368
(14) Access to Principal and Secondary Arterial Streets 368
(15) Street and Traffic Control Signs 368
(a) All street signs in a new subdivision within the City limits, including street name, speed limit, stop and yield signs, etc., shall be paid for by the developer, and shall be provided and installed by the City in accordance with this

UDC. Traffic control devices required within the subdivision shall be installed in accordance with the latest revision of the Texas Manual on Uniform Traffic Control Devices for streets and highways ("MUTCD"). 368
(b) Any installation of speed control devices, such as speed bumps or humps, must also be approved by the fire department to determine potential impact to emergency response vehicles. 368
(c) A required traffic control device must be fitted with traffic preemption-compatible devices for activation by emergency vehicles. 369
(16) Street Improvements 369
(a) All street improvements shall meet the current requirements of the Comprehensive Plan and this section, but in no case shall they be less than the following: 369
(b) Islands in Roadways 369
(17) Drainage 369
(18) Curb and Gutter 370
(19) Street Lights 370
(a) Developers shall furnish satisfactory easements for installation of services to street lights as required by the City and any applicable electric utility provider. 370
(b) Street light number, type and size shall be determined by the City and any applicable electric utility provider and shall be designed to maximize the light directed toward the ground. 370
(c) The developer shall pay the cost of purchasing and installing all street lighting equipment and the cost of all street lighting services for a period of two (2) years or until such time as seventy percent (70%) of the buildings for which building permits have been issued are completed, whichever is sooner. 370
(d) A detailed lighting plan shall be submitted with the public infrastructure improvement plans for review and approval by the City and any applicable electric utility provider. 370
(20) Street Markers (Signs) 370
(a) The material of the street name signs, the method of attaching the sign to the post, the details of lettering, painting, and method of installation, as well as the location of the sign at the intersection shall be in accordance with this UDC. 370
(b) The street name signs shall be of the cross-arm type, and shall be reflectorized on extruded aluminum metal blanks. 370
(c) Street markers are to be provided by the developer. 370
B. CRITERIA AND DESIGN 370
C. ADDITIONAL DESIGN REQUIREMENTS 370
(1) Purpose and Applicability 370
(a) The purpose of this section is to establish additional development standards applicable to certain streets within the City, thereby ensuring uniform and quality development that results in an attractive environment compatible with businesses and residential dwellings, which do the following: 371
1) Provide an environment and living conditions favorable to the public; 371
2) Provide a creative approach to land use and related physical development; 371
3) Create a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution; 371
4) Encourage mixed use development through innovative uses of modern development concepts; and 371
5) Produce open space and recreation areas. 371
(b) The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with SECTION 13A. 371
(2) Permitted Uses 371
(3) Landscape Buffer 371
(4) Off-Street Parking 371
(5) Building Setback Line 371
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(4) TIA Study Area 375
(5) TIA Contents 375
(a) The TIA shall conform to accepted industry standards and shall include a detailed description of the area street network, a description of proposed land uses, the anticipated stages of construction, the anticipated completion date of the various phases of land development, and the trigger points requiring implementation of necessary improvements. The City Engineer may require any additional information necessary to ensure adequate review. The TIA shall contain, at a minimum, the following information: 375
1) Trip generation rates for both the A.M. and P.M. peak periods using the Institute of Transportation Engineers, Trip Generation Manual for all of the land uses specified; 375
2) Trip distribution; 375
3) Adequacy determination for existing and proposed street cross-sections by phase of development; 375
4) Intersection level of service analysis for each phase of development, driveway sizes, locations, and adequacy; 375
5) Layout showing lane usage (pavement marking layout) for all boundary streets including driveway locations and roadway geometry within the site; 376
6) Driveways and intersecting streets connecting to boundary streets including all lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices and existing pavement conditions; 376
7) Existing and proposed turning movement counts for the site; and 376
8) Identification of and timing for transportation improvements, if any, needed to maintain the same or higher level of service than exists prior to development during each phase of land development and the costs of those improvements, including costs of right-of-way acquisition, utility relocation, design and construction; 376
(b) The TIA shall: 376
1) Establish the baseline traffic conditions and peak hour operations prior to development of the subdivision or site, which baseline shall establish the existing level of service that is to be maintained or bettered as the owners develop the subdivision or site over time; and 376
2) Address streets and street intersections, and driveways on commercial sites; 376
(c) For projects adjacent to a TxDOT ROW, the TIA shall be accompanied by a letter from TxDOT which outlines any agreements between the developer and TxDOT for planned improvements; and 376
(d) The TIA shall be certified by a registered engineer with experience in the field of traffic engineering. 376
(6) TIA Submittal 376
(7) TIA Review 376
(8) City Assistance in Development 376
(a) Assist in the acquisition of necessary right-of-way and easements; 377
(b) Assist in the relocation of utilities; 377
(c) Assist in obtaining approvals from applicable County entities; 377
(d) Assist in obtaining approvals from TxDOT; and 377

(e) Assist in securing financial participation for major street improvements from applicable County entities, TxDOT or the Metropolitan Planning Organization. 377
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(b) For developments in the ETJ, the developer shall obtain the approval and signature of the appropriate county health official on the water system statement as shown on the preliminary plat prior to Commission approval. The water system statement as shown on the plat indicates that the development will be served by a water system meeting City standards, as stated in SECTION 14B of this UDC. and the applicable standards of the water purveyor. 379
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SECTION 1 - **GENERAL PROVISIONS**

A. SHORT TITLE

Chapter 12 of the City of Crandall Code of Ordinances shall be known and may be cited as the “Unified Development Code of the City of Crandall, Texas,” or simply as the “Unified Development Code” or the “UDC.”

B. PURPOSE AND INTENT

This UDC is adopted to:

(1) Protect, promote, improve and provide for the public health, safety and general welfare of the citizens of the City;

(2) Ensure the safe, orderly and efficient development and expansion of the City in accordance with and pursuant to its Comprehensive Plan;

(3) Conserve, develop, protect and utilize natural resources, in keeping with the public interest;

(4) Prevent the overcrowding of land and avoid undue concentration or diffusion of population;

(5) Protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;

(6) Provide for open space;

(7) Minimize pollution of air and water, assure the adequacy of drainage facilities, safeguard water resources and preserve the integrity and aesthetic quality of the community;

(8) Lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic; and

(9) Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety, recreational facilities, and other public facilities and services.

C. AUTHORITY

This UDC is adopted pursuant to the powers granted to the City and subject to any limitations imposed by the Constitution and general laws of the State of Texas.

D. JURISDICTION

The provisions of this UDC apply to all property within the corporate limits of the City and to all lands within the City’s extraterritorial jurisdiction that are not subject to development agreements and to the extent allowed by Texas law.

(1) Jurisdiction within City Limits

The City has the statutory authority to exercise a broad range of powers within its boundaries and its extraterritorial jurisdiction. Many of those powers are specifically authorized by Chapters 211, 212, and 216 of the Texas Local

Government Code ("LGC"), as amended. Pursuant to such authority, all sections of the UDC shall apply to all areas within the city limits of Crandall. All structures, land uses, businesses, subdivisions, and property development constructed or commenced after the effective date of this UDC and all enlargements of, additions to, changes in, reductions to or relocations of existing structures, land uses, businesses, subdivisions, and property development occurring after the effective date of this UDC are subject to this UDC.

(2) Jurisdiction within Extraterritorial Jurisdiction

The City extends to its extraterritorial jurisdiction ("ETJ") the regulation of subdivisions and property development adopted under LGC Chapter 212. The City also extends to its ETJ the authority to regulate signage as adopted under LGC Chapters 216, 245, and 43. However, unless otherwise authorized by State law, the City, within its ETJ, may not regulate:

(a) The use of any building or property for business, industrial, residential, or other purposes;

(b) The bulk, height, or number of buildings constructed on a particular tract of land;

(c) The size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;

(d) The number of residential units that can be built per acre of land; or

(e) The size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:

1) the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities; and

2) the developed tract of land is:

a) located in a county with a population of 2.8 million or more; and

b) served by:

i) on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or

ii) on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water.

E. CONSISTENCY WITH COMPREHENSIVE PLAN

This UDC is intended to implement the policies and objectives contained in the Comprehensive Plan and Thoroughfare Plan for the City and to affect the City's plan for provision of public facilities and services in areas both within the City's corporate limits and within the City's ETJ, which areas are collectively referred to from time to time as the "City's jurisdictional area." Any application for

development shall be consistent with the City's Comprehensive Plan and Thoroughfare Plan, as amended from time to time. The following general land use policies have been used in the development of this Code to ensure that land development within the City's jurisdictional area is in accordance with the City's Comprehensive Plan and Thoroughfare Plan. These policies act as a guideline and shall not be construed as development regulations.

(1) Growth Management

(a) New development should be compatible with existing development and community character.

(b) New development should maintain the character, look and feel of the City.

(c) New development should occur in a fiscally responsible manner for the City.

(2) Environmental Protection

(a) Development should preserve and protect waterways and floodplains.

(b) Development should preserve and protect surface and ground water resources and hydrologically-active areas.

(c) Developers should cooperate with local governmental entities to ensure water quality.

(d) Development should promote and encourage water conservation practices.

(e) Development should preserve and protect air quality.

(f) Development should seek public acquisition of open space or develop conservative development options for areas of environmental concern.

(g) Agricultural and ranch lands should be priority areas for open space preservation. The City is interested in preserving natural open space areas.

(h) Development should promote awareness and implementation of Best Management Practices ("BMPs") for purposes of water quality and land conservation.

(3) Housing

(a) Development should provide housing alternatives for individuals of all income levels within the City's jurisdictional area.

(b) Development should encourage housing that is compatible with existing neighborhoods and land uses.

(c) Development should promote cluster development when and where appropriate.

(4) Economic Development

(a) Development should promote economic development opportunities along US-175 and along major arterials such as FM 148.

(b) Development should promote economic development consistent with other land use policies.

(c) Development should promote quality development that is compatible with neighboring areas.

(5) Historic Preservation

(a) Development should preserve and enhance historic areas and sites throughout the City's jurisdictional area.

(b) Development should use community history to promote tourism and economic development.

(6) Parks and Recreation

(a) Development should connect existing and proposed parks in accordance with the City's Comprehensive Plan.

(b) Development should provide and preserve open space and park land in new neighborhoods and associated with new schools.

(c) Development should encourage maintenance and safety of parks and recreation resources.

(7) Circulation

(a) Development should improve access to major thoroughfares identified by the City.

(b) Development should encourage the interconnection of streets and street network designs to provide ample, safe, and appropriately scaled access through and between neighborhoods and to commercial centers.

(c) Development should provide safe and efficient vehicular connectivity.

(d) Development should provide for safe and effective hike and bike trails.

(e) Development should ensure that access is safely managed and integrated into land use and site designs.

(f) Development should encourage adequate parking and aesthetically pleasing layouts of parking for new commercial, office and retail development, provided that the parking fields do not deter ease of pedestrian access into and through new developments, and do not deter or detract from community character.

(g) Development should provide for safe and ample pedestrian connectivity throughout new and/or existing developments, including schools, park sites, and commercial areas.

(8) Urban Design

(a) Development should encourage and provide incentives for blending of land uses and mixed-use development.

(b) Development should utilize streetscape design criteria to encourage safe and desirable pedestrian access and community attractiveness.

(c) Development should utilize appropriate building area and bulk regulations, configurations, project scales and architectural design for new developments within the community.

(d) Signage should not detract from the visual integrity of the community.

(9) Civic and Public Spaces

(a) Civic buildings and civic spaces should be given prominent sites.

(b) Elementary school sites should be provided as new neighborhood developments are approved, so as to be within walking distance of a majority of the dwelling units in adjoining neighborhoods. The location of neighborhood schools should be coordinated with the appropriate school district.

F. VESTED RIGHTS “ISSUANCE OF LOCAL PERMITS”

Property owners who have filed a completed application or have obtained approval of any project or permit prior to the effective date of this UDC shall not be required to make any change in plans, construction, size or designated use of any building, structure, lot, or part thereof so approved provided that construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner in accordance with the provisions of this UDC. Any such previously approved structures, lots, or uses may be subject to the provisions of SECTION 6 herein, entitled “Nonconforming Uses, Lots and Structures.”

G. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

(1) If the City requires, as a condition of approval for a property development project, that a developer bear the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the impact generated by the proposed development as approved by a professional engineer who is licensed by the State of Texas, and is retained by the City.

(2) A developer who disputes the determination made under SECTION 1G(1) above may appeal to the City Council. At the appeal hearing, the developer may present evidence and testimony under procedures adopted by the City Council. After hearing any testimony and reviewing the evidence, the City Council shall make a determination within thirty (30) days following the final submission of any testimony or evidence by the developer. If the City Council takes no action within thirty (30) days, the appeal shall be deemed to have been denied.

(3) A developer may appeal the determination of the City Council to a county or district court of the county in which the development project is located within thirty (30) days after the final determination by the City Council.

(4) The City may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

H. MINIMUM REQUIREMENTS

(1) The provisions of this UDC shall be interpreted and applied as the minimum requirements for the promotion of public health, safety and general welfare.

(2) Whenever the requirements of this UDC are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes the higher standards, as determined by the City Manager, shall apply.

(3) The issuance of any permit, certificate or approval in accordance with the standards and requirements of this UDC shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other county, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

I. EFFECTIVE DATE

This UDC amends and restates the prior zoning ordinance of the City, which had an effective date of May 6, 2006. This UDC also amends and restates the prior Development Standards of the City, which had an effective date of March 2, 2000. This UDC shall take effect upon adoption by the City Council on May 19, 2011as reflected on the cover page hereof. Except as otherwise provided in this UDC, on the effective date and thereafter, this UDC shall supersede all prior development regulations governing the development of land within the City and its ETJ. All development applications and proposals filed on or after the effective date of this UDC, whether for new developments or amendments to plats and plans, shall be required to meet the standards of this UDC and shall be processed in accordance with the procedures herein.

J. SEVERABILITY

All sections, paragraphs, sentences, clauses, and phrases of this UDC are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction by a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of this UDC to fail or become invalid.

K. VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate any of the provisions of this UDC or fail to comply therewith or who shall violate or fail to comply with any order or regulation made hereunder, or who shall build in violation of any detailed statement of specification of plans submitted and approved hereunder, or any certificate or permit issued hereunder, shall for each and every violation and noncompliance, respectively, be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars ($2,000), or the appropriate legal maximum. In the case of a violation of SECTION 9I the penalty shall be the sum as determined above plus the value of the tree as determined by a certified arborist hired by the City. Each and every day that such violation and/or noncompliance shall exist shall be deemed a separate offense. In case any person, firm or corporation violates any of the provisions of this UDC or fails to comply therewith, the City, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain,

correct, or abate any illegal act, conduct, business, or use in or about any land, and the definition of any violation of the terms of this UDC as a misdemeanor shall not preclude the City from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation. Unless otherwise required by law, a culpable mental state is not required for the commission of an offense under this UDC.

L. VALIDITY

The issuance or granting of a permit or approval of plans or plats, site or facility designs, or specifications shall not be construed to be a permit for, or an approval of, any violation of any provision of this UDC or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this UDC shall be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this UDC or a variance, exception, or modification granted pursuant to this UDC.

SECTION 2 **- OFFICIAL MAPS**

A. OFFICIAL ZONING MAP

(1) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City and which by reference is made a part of this UDC. One (1) original official and two (2) copies of the Official Zoning Map are hereby adopted bearing the affidavit of the City Secretary and shall be filed and maintained as follows:

(a) The original Official Zoning Map shall be maintained by the City Secretary;

(b) One (1) copy of the Official Zoning Map shall be maintained in the office of the City Planner;

(c) One (1) copy of the Official Zoning Map shall be filed with the City Building Official; and

(d) One (1) electronic copy of the Zoning Map shall be posted on the City's website.

(2) The boundaries of the zoning districts as set out in SECTION 5E are and shall be delineated upon the Official Zoning Map of the City; said map being a part of this UDC as fully as if the same were set forth herein in detail.

(3) All amendments to the Official Zoning Map shall be made immediately after their enactment and the date of the change shall be the effective date of the amending ordinance adopted by the City Council. The two (2) copies of the official Zoning Map identified in SECTION 2A(1) above, shall be updated quarterly to reflect changes adopted by ordinance of the City Council.

(4) Reproductions for information purposes may, from time to time, be made of the Official Zoning Map. The Official Zoning Map may be made available to the public in the City Secretary's Office for inspection only.

B. DISTRICT BOUNDARY INTERPRETATION

(1) The boundaries of zoning districts are indicated upon the Official Zoning Map of the City. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

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

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

(c) Boundaries indicated as following City limits shall be construed as following such City limits.

(d) Boundaries indicated as following shorelines of creeks shall be construed to follow such shorelines; and in the event of their movement, the boundaries shall be construed as moving with the actual shoreline. Boundaries indicated as following the centerlines of streams, rivers, canals, lakes or other bodies of water should be construed to follow such centerlines.

(e) In unsubdivided (unplatted) property, the zoning district boundary lines on the Official Zoning Map shall be determined by use of the scale appearing on the map.

(f) In the case of a zoning district boundary line dividing a property into two (2) parts, the property will remain divided until the property owner, City, firm or corporation petitions the City Council for rezoning.

(g) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

SECTION 3 - **BOARDS AND COMMISSIONS**

A. GENERAL PROVISIONS

(1) Source of Authority

Authority under this UDC shall be vested in and delegated to the officials and decision-makers designated as provided in this SECTION 3, the Texas Constitution and the general laws of the State of Texas, and the City of Crandall, Texas Code of Ordinances ("City Code"). This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers. The omission of a citation in this UDC to any authority conferred upon the officials and decision-makers under the Texas Constitution or general laws of the State of Texas or the City Code shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

(2) Implied Authority

The officials and decision-makers identified herein shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by this UDC to the extent the implied authority is not in conflict with the expressly delegated authority.

(3) Limitation on Authority

(a) City Policy

It is the policy of the City that the standards and procedures applicable to development of property within the City's corporate limits and within the City's ETJ are as stated in this UDC, notwithstanding any representation by any City employee or official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.

(b) Representations Concerning Future Action on Petition or Application

No City official, whether an employee or consultant of the City or a member of an appointed board or commission, or a member of the City Council, shall have the authority to make representations to a property owner concerning the likelihood of an outcome of that official's decision or the decision of an appointed board or commission or the City Council, on any development application or petition that has yet to be filed or is pending before the City for decision. An official may, however, upon request of a person, convey information concerning that official's position on a pending application in accordance with procedures established in this section. No person is entitled to rely upon any representation made by an official in contravention of this section, and each and every such representation shall be deemed in violation of the policy of the City, and is not binding on the City in any respect. No subsequent decision of the City shall be deemed a ratification of any representation made in contravention of this section.

(c) Representations Concerning Future Amendments

No City official, whether an employee of the City or a member of an appointed board or commission, or a member of the City Council, shall have the authority to make binding representations to any person concerning the likelihood that a change in any legislative classification or a change in the text of this UDC as applied to a specific tract of land will be granted, or that an existing legislative classification or text provision will remain in effect, or that any petition for relief will be granted. No person is entitled to rely upon any representation made by an official in contravention of this section, and each and every such representation shall be deemed in violation of the policy of the City, and is not binding on the City in any respect. No subsequent decision of the City shall be deemed a ratification of any representation made in contravention of this section.

(d) Effect of Development Standards on Liability Claims

The City's approval of a development application under the standards and procedures of this UDC does not guarantee or assure that development of the subject property in accordance with such standards and procedures will prevent, minimize or mitigate harm to other property in the vicinity of or within the same water shed or basin as the property so proposed for development. A person who undertakes development activities shall not rely on the City's approval of a development application as ensuring that the development activities will not result in harm to other property in the vicinity of or within the same water shed or basin as the property so proposed for development. The regulations contained in this UDC constitute an exercise of the City's governmental authority, and approval of a development application shall not give rise to any liability on the part of the City or its officers, agents and employees, nor will an approval release the applicant from any liability for harm arising out of development of the property under applicable law. In this regard, it is specifically understood and agreed that the standards adopted by the City in this UDC are the minimum standards that must be met for development purposes.

(e) No Waivers

Except as expressly provided for in this UDC, no employee, official, board or commission of the City, or the City Council, shall have authority to waive any requirement or standard for a development application except as specifically authorized in this UDC. Any attempted waiver of a requirement or standard for a development application in contravention of this section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approval, or reconsideration of a legislative decision.

(f) Conflict in Authority

1) Internal Inconsistency

Whenever one (1) or more provisions of this UDC are in apparent conflict, the provisions shall be construed, if possible, so that effect is given to each. If the conflict is between a general provision and a specific provision, and the conflict is irreconcilable, the more specific provision shall prevail over and as an exception to the general provision, unless the general provision is the later enactment and the manifest intent is that the general provision should prevail.

2) Incomplete Provisions

Whenever a specific standard or procedure of this UDC is incomplete when applied in isolation to a development application or development activity, such standard shall be supplemented by any general or specific provision of this UDC or the City Code in order to give effect to the incomplete provision.

B. CITY COUNCIL

(1) Authority Granted

The City Council, as the governing body of the City, shall have such powers and authority as granted by Texas law applicable to general law cities to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC.

(2) Duties and Approval Authority

In addition to other rights of approval, the City Council shall have final approval authority on the following applications:

(a) An application for amendment to the text or maps within the Comprehensive Plan;

(b) An application for amendment to the text of this UDC;

(c) An application for annexation;

(d) An application to establish or amend a zoning district map classification, including creation or amendment of an overlay district;

(e) An application for a preliminary plat, final plat or replat and waiver requests to same;

(f) An application for historic landmark or district designation;

(g) An application for approval of a conceptual plan as part of a planned development district ("PD");

(h) An application for a specific use permit ("SUP");

(i) An application for approval of a development agreement within the City's corporate boundaries and in the City's ETJ;

(j) An application to extend City utilities to land located in the City's ETJ;

(k) An appeal of the decision of any City board, commission or City staff, except as expressly provided for in this UDC; and

(l) Any application for a development agreement as set forth in the LGC and this UDC.

C. PLANNING AND ZONING COMMISSION

(1) Authority Granted

The Planning and Zoning Commission ("Commission") shall have such powers and authority as granted by Texas law and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC.

(2) Structure of the Commission and Operational Procedures

There shall be established a Planning and Zoning Commission as described in this UDC. Members of the Commission shall be appointed by the City Council. The Commission may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this chapter or Texas law. Meetings of the Commission may be held at the call of the

chairperson or at such other times as the Commission may determine and in accordance with the Texas Open Meetings Act ("TOMA").

(3) Duties and Approval Authority

(a) The Commission shall have the authority to review and make a recommendation to the City Council on the following applications:

1) An application for amendment to the text or maps in the Comprehensive Plan;

2) An application for amendment to the text of this UDC;

3) An application for a preliminary plat;

4) An application for a final plat;

5) An application for an amending plat;

6) An application for a minor plat;

7) An application for a replat;

8) An application for a site plan;

9) An application for historic landmark or district designation;

10) An application for approval of a conceptual plan as part of a PD district;

11) Variances relating to subdivisions and transportation (see SECTION 8, SECTION 9, SECTION 12, SECTION 13, and SECTION 14);

12) An application for subdivision master plan;

13) An application to establish or amend a zoning district map classification, including creation or amendment of an overlay district; and

14) An application for approval of a rezoning request, including an application for a SUP.

(b) The Commission shall keep accurate minutes of each meeting, which shall be maintained within the office of the City Secretary.

D. BOARD OF ADJUSTMENT

(1) Authority Granted

The Board of Adjustment ("BOA") shall have such powers and authority as granted by Texas law, the City Code, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC.

(2) Structure of the BOA

(a) Composition and Term

The BOA shall consist of the City Council. All cases before the BOA must be heard by at least four (4) members of the BOA.

(b) Rules and Meetings

The BOA, by majority vote, shall adopt rules to govern its proceedings. All meetings of the BOA shall be conducted in accordance with the TOMA. Meetings of the BOA shall be held at the call of the chair (Mayor) and at other times as determined by the BOA.

(c) Minutes

The BOA shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The BOA shall keep records of its examinations and other official actions. The minutes and records of the BOA shall be filed in the office of the City Secretary. The minutes of the BOA shall be filed in the official records of the City immediately after approval of said minutes.

(d) Vote Required for Decisions

In exercising its authority under SECTION 3D(3)(a) below, the BOA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the BOA has the same authority as the administrative official.

The concurring vote of four (4) members of the BOA is necessary to:

1) Reverse an order, requirement, decision or determination of an administrative official;

2) Decide in favor of an applicant on a matter on which the BOA is required to pass under this UDC; or

3) Authorize a variance from the terms of a zoning regulation.

(e) Filing of Decisions

The BOA's decision shall be deemed filed in the City Secretary's office on the first business day following the date on which final action was taken by the BOA.

(3) Duties and Approval Authority

The BOA shall have the following duties:

(a) To hear and decide appeals when error is alleged in any order, requirement, decision or determination made by an administrative official of the City in the enforcement of this UDC or an ordinance adopted under this UDC.

(b) To hear and decide special exceptions to the terms of this UDC when the UDC requires the BOA to do so.

(c) To authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the regulations of this UDC would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. A variance shall not

be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district. In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the BOA must determine the following:

1) The requested variance does not violate the intent of this UDC or its amendments;

2) Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;

3) The hardship is in no way the result of the applicant's own actions; and

4) The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

(d) To hear and decide other matters as authorized by the City Council and deemed necessary in pursuit of the spirit and intent of this UDC.

(e) Permit the reconstruction, extension or enlargement of a building occupied by nonconforming uses, on a lot or tract occupied by such building, provided such reconstruction, extension or enlargement does not prevent the return of such property to a conforming use.

(f) Permit the extension of or enlargement of a building occupied by a nonconforming use, under such conditions as the BOA may deem necessary in order to protect other properties in the neighborhood, provided such extension or enlargement:

1) Does not prevent the return of such property to a conforming use;

2) Does not exceed twenty-five percent (25%) of the ground area of the existing building;

3) Will not prevent compliance with applicable side yard requirements; and

4) Does not allow such building to be used for any use that would normally be restricted to a more restrictive classification.

(g) Require the discontinuance of a nonconforming use of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this UDC. All actions to discontinue a non-conforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in light of the public welfare and the character of the area surrounding the designated

nonconforming use and the conservation and preservation of property. The BOA may, from time to time, on its own motion, or upon cause presented by any interested property owners, inquire into the existence, continuation, termination, or maintenance of any nonconforming use within the City.

(h) Interpret the exact location of zoning district boundaries where such location cannot reasonably be determined from the approved Zoning Map.

(4) Appeal of Administrative Official Determination

(a) Procedure

As provided under LGC Section 211.010, appeals of a decision of an administrative official of the City may be taken to and before the BOA by any person aggrieved by the decision, or by any officer, department, or board of the City. Such appeal must be filed with the BOA and shall include written notice of the appeal to the administrative official whose decision is being appealed and specify the grounds for the appeal. The appeal must be filed within the time period determined by the rules of the BOA. On receiving the notice, the administrative official shall immediately transmit to the BOA all papers constituting the record of the action that is appealed.

(b) Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action that is appealed unless the administrative official certifies in writing to the BOA facts supporting the administrative official's opinion that a stay would cause imminent peril to life or property, in which case, the proceedings may be stayed only by an appropriate court.

(c) Hearings of Appeals

The BOA shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The BOA shall decide the appeal within a reasonable time.

(5) Appeals of BOA Decisions

(a) Procedure

As granted under LGC Section 211.011, any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, or board of the City may present to an appropriate court a verified petition stating that the decision of the BOA is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the BOA's decision in the City Secretary's office.

(b) Writ of Certiorari

Upon the presentation of the petition, the court may grant a writ of certiorari directed to the BOA to review the BOA's decision. The writ must indicate the time by which the BOA's return must be made and

served on the petitioner's attorney, which must be after ten (10) days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the BOA, the court may grant a restraining order, if due cause is shown.

(c) Return of Certified Copies

The BOA's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The BOA is not required to return the original documents on which the BOA acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.

(d) Hearing and Testimony

The court sits only as a court of review, and the only question before it is the legality of the BOA's order. If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision. A reviewing court or referee may not substitute its own judgment for that of the BOA. Instead, a party challenging those findings must establish that the BOA could only have reasonably reached one decision.

(e) Decision of the Court

To establish that an order of the BOA is illegal, the party attacking the order must present a "very clear showing of abuse of discretion." The BOA abuses its discretion if it acts without reference to any guiding rules and principles or clearly fails to analyze or apply the law correctly. The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the BOA, unless the court determines that the BOA acted arbitrarily, capriciously, discriminatorily, with gross negligence, in bad faith, or with malice in making its decision.

E. ADMINISTRATIVE AUTHORITY

(1) Authority Granted

The City Manager shall have such powers and authority as granted by Texas law, the City Code, and this UDC to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this UDC and is authorized to take all actions necessary to carry out his/her responsibilities in accordance with the requirements and limitations prescribed therein.

(2) Administrative Structure

The City Manager is designated as the chief administrative official of the City. The City Manager, at his/her discretion, may designate the director of any department or other employee as the administrative authority responsible for consideration of any item deemed appropriate by the City Manager.

(3) Duties and Approval Authority

(a) The City Manager shall have the authority to review and make a recommendation to the City Council on the following applications:

1) An application for approval of a development agreement within the City's corporate boundaries and in the City's ETJ;

2) An appeal of the decision of any City board, commission or City staff, except as expressly provided for in this UDC; and

3) An application for a development agreement as set forth in the LGC and this UDC.

(b) The City Manager shall have the authority to review and make a recommendation to the Commission on the following applications:

1) An application for amendment to the text or maps in the Comprehensive Plan;

2) An application for amendment to the text of this UDC;

3) An application to establish or amend a zoning district map classification, including the creation or amendment of an overlay district;

4) An application for historic landmark or district designation;

5) An application for approval of a conceptual plan as part of a PD;

6) An application for a SUP;

7) An application for a subdivision master plan;

8) An application for a preliminary plat;

9) An application for a final plat;

10) An application for an amending plat;

11) An application for a minor plat;

12) An application for a replat;

13) An application for a site plan; and

14) An application for annexation.

(c) The City Manager shall have the authority to review and make a recommendation to the Board of Adjustment on the following applications:

1) An appeal when error is alleged in any order, requirement, decision or determination made by an administrative official of the City; and

2) An application for special exceptions to the terms of this UDC when the UDC requires the BOA to do so.

(d) The City Manager shall have final approval authority on the following applications:

1) An application for a minor plat, as authorized by this UDC and LGC Section 212.0065;

2) An application for an Amending Plat, as authorized by this UDC, and LGC Section 212.0065;

3) Home occupation permits as authorized by SECTION 7D(3) of this UDC; and

4) Other applications as authorized by this UDC.

(e) A record of any action taken with respect to final approval of a development application shall be provided to the appropriate board, commission or City Council for review.

F. Other Boards and Commissions

(1) Reserved

SECTION 4 - **PROCEDURES AND APPLICATIONS**

A. PURPOSE AND INTENT

The purpose of this section is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Crandall, Texas.

B. INITIATION OF APPLICATION

(1) Application Submittal

All applications for developments, annexations, comprehensive plan amendments, amendments to the UDC, rezoning applications, development agreements for property in the ETJ, utility service extensions, variances, and special exceptions to be considered by any board or commission or by the City Council shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.

(2) Determination of Application Completeness

(a) All development applications shall be subject to a determination of completeness by the City Manager.

(b) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC. For a determination of completeness to be issued, an application must include the following:

1) Payment of the appropriate fee;

2) An accurate metes and bounds description of the subject property (or other suitable legal description, identifying the property as a lot of record);

3) A survey exhibit and other appropriate exhibits as identified in this section for the individual permit; and

4) Any additional documents, forms or other materials required by the City Manager or identified in this UDC for the processing of a specific development application.

(c) The City Manager may from time to time identify additional requirements for a complete application that are not contained within, but are consistent with the application contents and standards set forth in this UDC.

(d) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.

(e) Not later than the tenth (10^{th}) business day after the date an application is submitted, the City Planner shall make a written determination whether the application constitutes a complete application. This determination shall include a statement that all information and documents required by this UDC for the type of permit being requested or other requirements have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the specified documents or other information are not submitted within forty-five (45) days after the date the application was submitted.

(f) An application filed on or after the effective date of this amended and restated UDC shall be deemed complete on the eleventh (11^{th}) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in SECTION 4B(2)(e) above.

(g) The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. However, this application may be denied for incompleteness within the forty-five (45)-day period as provided in SECTION 4B(2)(e) above.

(h) A development application shall be deemed to expire on the forty-fifth (45^{th}) day after the application is submitted to the City Manager for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this UDC or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any

accompanying documents. Thereafter, a new application must be submitted.

(i) No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

(3) Application Withdrawal

Any request for withdrawal of an application must be submitted in writing to the City Manager. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the Board, Commission or City Council of the request for withdrawal of the application. The Board, Commission or Council may, at its discretion, accept the request for withdrawal of the application by general consent of the members. Application fees are not refundable unless reimbursement of part or all of the fees is otherwise authorized by the City Manager.

C. NOTICE REQUIREMENTS

(1) Published Notice

Whenever published notice of a public hearing before a board, commission or the City Council regarding a zoning matter is required, the City Manager shall cause notice to be published in an official newspaper or a newspaper of general circulation in the City before the fifteenth (15^{th}) day before the date set for the required hearing. Said notice shall set forth the date, time, place and purpose of the hearing as required under LGC Section 211.006(a).

(2) Written Notice

Whenever written notice of a public hearing before a Board, Commission or the City Council regarding a zoning matter is required, before the tenth (10^{th}) day before the hearing date, the City Manager shall cause written notice to be sent to each owner, as indicated by the most recently approved municipal tax roll, of the real property that is the subject of the public hearing and all real property within two hundred feet (200') of the exterior boundary of the property in question. Said notice shall set forth the date, time, place and purpose of the hearing as required under LGC Section 211.007(c). The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. If the property within two hundred feet (200') of the property in question is located in territory within the City and is not included on the most recently approved municipal tax roll, notice to such owners shall be given by one (1) publication in an official newspaper or a newspaper of general circulation in the municipality at least fifteen (15) days before the date of the hearing. Failure of one (1) or more owner(s) to receive notice of hearing shall in no way affect the validity of the action taken.

D. PUBLIC HEARINGS

(1) Public Hearing Required

Whenever a public hearing is required, the City Manager shall establish the date, time and place of the public hearing and shall cause any notice required under SECTION 4C above of this UDC to be prepared and made accordingly.

(2) Conduct of Public Hearing

Any person may appear at the public hearing and submit evidence, either individually or as a representative of an individual or organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of an individual or organization, the name and mailing address of the organization for the record. Subject to the chairperson's inherent authority to conduct meetings, public hearings shall generally be conducted as follows:

(a) The City staff may present a description of the proposed project and a written or oral recommendation, if requested. Any written recommendation shall be available to the public upon request at or about the time that the agenda packet for the body conducting the hearing is compiled.

(b) The applicant may present any information it deems appropriate.

(c) Testimony in support of the application may be presented by any individual who expresses an interest in the proposed project.

(d) Testimony in opposition to the application may be presented by any individual who expresses an interest in the proposed project.

(e) At the discretion of the chairperson, the City staff and the applicant may respond to any statement by the public.

(f) The body conducting the hearing may exclude or disregard testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.

(g) At the sole discretion of the chairperson of the body conducting the hearing, an individual may be permitted to pose relevant questions to staff, the applicant or the body conducting the public hearing, as directed by the chairperson.

(h) Closure of the public hearing.

(i) If the public hearing is held before an advisory body, the advisory body (i.e., Commission) shall make a recommendation and shall prepare a written report with its recommendations to the City Council.

(3) Continuance of Public Hearing

The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. Except as required by the TOMA, or other applicable law, no further notice shall be required if a public hearing is so continued. If a public hearing is closed, no further public testimony shall be taken regarding that matter.

(4) Additional Rules

The body conducting the public hearing may adopt additional rules of procedure and may apply such additional rules to govern the public hearing that are not inconsistent with this SECTION 4D.

(5) Joint Public Hearing

Unless otherwise prescribed in this UDC, whenever an application must be preceded by a public hearing both before an advisory body (i.e., Commission) and before the City Council, the advisory body and the Council may conduct a joint public hearing and take action on the application in the following manner:

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

(b) The City Council shall cause notice of the joint public hearing to be provided as required by this UDC and the TOMA and, by a vote of two-thirds (2/3) of its members, may prescribe the type of notice for the joint public hearing.

(c) The advisory body (i.e., Commission) and the City Council shall be convened for the public hearing and for any action to be taken on the petition or application.

(d) The advisory body (i.e., Commission) and the City Council may take action on the application at the same meeting, provided that the City Council shall not take action until the written report and recommendation of the advisory body (i.e., Commission) have been received.

E. POST-DECISION PROCEDURES

(1) Notification Required

Within ten (10) business days following final action on any development application, the City Manager shall provide written notification to the applicant of the decision of the board, commission or City Council considering the request. If an application has been denied, the notification may, but is not required to, include the reasons for denial as well as any information relating to reapplication procedures for the appropriate application.

(2) Reapplication Following Denial

Whenever any development application, with the exception of any plat application, is denied, a development application for all or a part of the same property shall not be accepted for filing for a period of six (6) months after the date of denial unless the subsequent application involves a proposal that is substantially different from the previously denied proposal. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The City Manager shall resolve any questions concerning the similarity of the reapplication. The final decision-maker may, at its option, waive the six (6)-month waiting period if, after due consideration of the matter

at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

(3) Amendments and Revisions to Approved Application

Unless otherwise expressly provided by this UDC, any request to amend or revise an approved development application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

F. COMPREHENSIVE PLAN AMENDMENT

(1) Applicability

The Comprehensive Plan of the City reflects the long-term plan for growth and development of the City. The City Council may, from time to time, on its own motion, by request of the City Manager or by application from a property owner, amend, supplement, change, modify or repeal the text of the Comprehensive Plan or may amend the boundaries shown on any of the applicable maps contained in the Comprehensive Plan.

Approved amendments to the Comprehensive Plan authorize a property owner to submit subsequent development applications consistent with the amendment.

(2) Application Requirements

(a) Application Required

Any request for an amendment to the Comprehensive Plan shall be accompanied by an application prepared in accordance with the City of Crandall Development Standards ("Development Standards"), set forth in SECTION 8 of this UDC.

(b) Accompanying Applications

Approval of an amendment to the Comprehensive Plan shall require all subsequent development applications to be consistent with the approved amendments.

(3) Processing of Application and Decision

(a) Submittal

An application for an amendment to the Comprehensive Plan shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager may, at his or her option, request a recommendation from any other City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Notification Requirements

An application for an amendment to the Comprehensive Plan requires published notice prior to consideration by the Commission and City Council in accordance with SECTION 4C, above, of this UDC.

(c) Commission Recommendation

The Commission shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC and make a written recommendation regarding any proposed amendment to the Comprehensive Plan to the City Council. The Commission may recommend approval, approval with conditions, or denial of the amendment.

(d) Decision by City Council

The City Council shall receive the written recommendation of the Commission regarding a proposed amendment to the Comprehensive Plan and shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC. The City Council may vote to approve, approve with conditions, or deny the amendment.

(4) Criteria for Approval

The Commission, in making its recommendation, and the City Council, in considering final action on an amendment to the Comprehensive Plan, should consider whether the following criteria are met:

(a) The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

(b) An amendment to the text is consistent with other policies of the Comprehensive Plan, taking into account the nature of any proposed map amendment associated with the text amendment;

(c) An amendment to the Thoroughfare Master Plan or any other applicable maps contained in the Comprehensive Plan is consistent with the policies of the Comprehensive Plan that apply to the map being amended, taking into account the nature of any proposed land use associated with the map amendment;

(d) Any proposed amendment is consistent with the goals and objectives of the Comprehensive Plan;

(e) Any proposed amendment addresses circumstances that have changed since the last time the plan map or text was considered, implements plan policies better than the current plan map or text, corrects a mapping error, or addresses a deficiency in the plan; and

(f) Other criteria that, at the discretion of the Commission and City Council, are deemed relevant and important in the consideration of the amendment.

G. AMENDMENT OF UNIFIED DEVELOPMENT CODE

(1) Applicability

The provisions of this SECTION 4G apply to any request for an amendment to this UDC. The City Council may, from time to time, on its own motion, or at the request of the City Manager, amend, supplement, change, modify or repeal the text of any portion of this UDC in order to establish and maintain sound, stable and desirable development within the jurisdiction of the City. The provisions of this section shall exclude amendments to any appendix which may be amended by general consent of the City Council.

(2) Application Requirements

Requests for amendments to the text of this UDC may be initiated by the request of the Commission, the City Council and/or the City Manager. A request for an amendment to the text of this UDC shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for an amendment to the text of this UDC shall be submitted to the City Manager. The City Manager shall review the application and may direct the proposed amendment to any other City employee or consultant for review and recommendation. After appropriate review, the City Manager shall forward a recommendation to the Commission for consideration.

(b) Notification Requirements

An application for an amendment to the text of this UDC requires published notice prior to consideration by the City Council.

(c) Commission Recommendation

The Commission shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC and make a written recommendation regarding a proposed amendment to the text of this UDC to the City Council. The Commission may recommend approval, approval with conditions, or denial of the amendment.

(d) Decision by City Council

The City Council shall receive the written recommendation of the Commission regarding a proposed amendment to the text of this UDC and shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC. The City Council may vote to approve, approve with conditions, or deny the amendment.

(4) Criteria for Approval

The Commission, in making its written recommendation, and the City Council, in considering final action on an amendment to the text of this UDC, should consider whether the following criteria are met:

(a) The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

(b) An amendment to the text is consistent with other policies of this UDC and the City.

(c) Any proposed amendment is consistent with the goals and objectives of this UDC and the City.

(d) Other criteria which, at the discretion of the Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

H. ANNEXATION

(1) Applicability

Annexation may be voluntary or involuntary and shall be required to meet all requirements of LGC Chapter 43 for each proposed annexation.

The provisions of this SECTION 4H apply to any request for voluntary annexation by a property owner wishing to extend the corporate limits of the City to incorporate property adjacent to the City's existing municipal boundaries.

(2) Application Requirements

(a) Application Required

A request for annexation shall be accompanied by an application prepared in accordance with the Development Standards.

(b) Accompanying Applications

Any request for annexation shall be accompanied by an application to establish the initial zoning on the property. An application to establish the zoning may be considered at the same meeting as the annexation request so long as the ordinance providing for annexation is acted on prior to any action on the zoning request. In the event that an application for annexation is considered concurrently with the application for zoning, the Commission may consider the zoning request and provide a written recommendation to the City Council so long as the City Council has adopted the annexation ordinance.

(3) Processing of Application and Decision

(a) Submittal

An application for annexation shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager may request a recommendation from any other City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After

appropriate review, the City Manager shall forward a written recommendation to the City Council for consideration.

(b) Development Agreement

The City Manager shall comply with the approval. The City Council shall comply with LGC Section 43.035, as amended.

(c) Notification Requirements

The City Manager shall provide notification in accordance with LGC Section 43.062, as amended.

(d) Service Plan Required

The City Manager shall prepare an annexation service plan in accordance with LGC Section 43.056, as amended.

(e) Decision by City Council

The City Council shall timely consider the request, or petition, for annexation. If accepted the City Council shall schedule and hold two (2) public hearings in accordance with LGC Section 43.063, as amended, and shall take final action as required under Texas law.

(f) Other Procedures Applicable

A request for annexation is subject to all applicable rules and procedures required by Texas law. In the event of a conflict between the requirements of this UDC and Texas law, the requirements of Texas law shall apply.

(4) Criteria for Approval

When considering a request for voluntary annexation, the City Council should consider whether the following criteria are met:

(a) The application is consistent with the requirements of Texas law and this UDC;

(b) The annexation promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

(c) The property owners and residents of the area consent to the annexation;

(d) The application includes a service plan as required by this SECTION 4H;

(e) The annexation is consistent with the goals and objectives of the Comprehensive Plan; and

(f) Other criteria which, at the discretion of the Commission and City Council, are deemed relevant and important in the consideration of the amendment.

I. DEVELOPMENT AGREEMENTS FOR PROPERTY IN THE ETJ

(1) Applicability

The purpose of a development agreement is to determine whether the City wishes to authorize a plan of development for land located within the City's ETJ, to prescribe land uses, environmental standards, development

standards and public facilities standards governing development of the land for the term of the agreement, to provide for the delivery of public facilities to the property and to provide for annexation of the property to the City. A development agreement may be approved for land located in the ETJ of the City in accordance with LGC Section 212.172.

(2) Application Requirements

(a) Application Required

Any application for a development agreement shall be accompanied by an application prepared in accordance with the Development Standards and payment of the application fee.

(b) Accompanying Applications

An application for a development agreement shall be accompanied by a preliminary plat prepared in accordance with SECTION 8G of this UDC. Approval of a preliminary plat as part of a development agreement shall meet the requirements for preliminary plat approval under SECTION 8G of this UDC.

(3) Processing of Application and Decision

(a) Submittal

An application for a development agreement shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC.

(b) Preparation and Negotiation of Agreement

An application for a development agreement shall be prepared in accordance with LGC Section 212.172. After review by the City staff, the application, signed agreement and accompanying plans shall be transmitted to the office of the City Attorney for review. The City Council shall have the sole authority for approval of a development agreement.

(c) Decision by City Council

The City Council may vote to approve, approve with conditions, or deny the agreement. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(d) Recording Agreement

Upon execution by the parties the approved development agreement shall be recorded in the real property records of Kaufman County and said development agreement shall be a covenant running with the land.

J. UTILITY SERVICE EXTENSION WITHIN THE ETJ

(1) Applicability

A request for approval of a utility extension shall be required where a property owner seeks water or wastewater services from the City for a proposed project that will be located within the City's ETJ at the time of the proposed extension and subsequent development. Approval of a request for a utility extension authorizes the City to annex the property in accordance with the requirements of LGC Chapter 43, and authorizes the property owner to submit development applications consistent with the capacity of the facilities to be extended, and upon approval of the applications, to construct extensions of the facilities in accordance with the terms of the approved utility service extension request.

(2) Application Requirements

(a) Application Required

Any application for utility service extension shall be accompanied by an application prepared in accordance with the Development Standards.

(b) Accompanying Applications

1) An application for utility service extension shall be accompanied by a request for voluntary annexation. The City may, at its option, elect to annex the property upon request if the property meets the requirements of LGC Chapter 43 and this UDC or may delay the annexation until such time the City deems necessary to promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

2) An application for utility service extension may be accompanied by an application for a subdivision master plan prepared in accordance with SECTION 8E of this UDC. A subdivision master plan may not be approved until final approval of the utility service extension by the City Council.

(3) Processing of Application and Decision

(a) Submittal

A request for utility service extension shall be submitted to the City Engineer. The City Engineer shall review the application for completeness in accordance with SECTION 4J(3)(b) below.

(b) Review and Processing of Request

The City Engineer shall circulate the application among applicable City employees and/or consultants for review and recommendation. The City Engineer shall evaluate the request for consistency with the approval criteria and shall prepare a written recommendation to be forwarded to the City Council. The recommendation should include any comments received from other departments including, but not limited to, an analysis of the financial feasibility of extending services and any fiscal impacts on existing utilities from the extension.

(c) Decision by City Council

The City Council shall receive the written recommendation of the City Engineer and shall decide whether to approve, approve with conditions, or deny the request for utility service extension.

(4) Criteria for Approval

The City Council, in considering final action on a request for utility service extension, should consider the following criteria:

(a) Whether the proposed development to be served by the extension is consistent with the Comprehensive Plan;

(b) Whether the extension is proposed to be constructed in accordance with all applicable City ordinances, regulations and standards;

(c) Whether it is feasible to annex the property, and any intervening or adjacent and abutting property which is needed for utility rights-of-way, into the City in conformity to Chapter 43 of the LGC;

(d) Whether the utility extension would compromise the City's ability to timely provide adequate water or wastewater facilities to property inside the City;

(e) Whether the utility extension will lead to premature development that cannot be served efficiently and timely by emergency services and roadway, drainage or park facilities;

(f) Whether the utility extension is financially feasible to the City given the proposed means of financing the extension;

(g) Whether the utility extension will lead to significant degradation of water quality or other environmental resources, either from construction of the water or wastewater improvements, development of the property owner’s land, or development of other land that may be served through the extended facilities;

(h) Whether the property owner proposes to extend wastewater facilities without utilizing City water facilities; and

(i) The extent to which the proposed agreement promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

K. VARIANCES

(1) Applicability

(a) The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

(b) Approval of a variance legitimizes a condition that would otherwise be a violation of this UDC and authorizes a property owner to submit subsequent development applications consistent with the approved variance.

(2) Application Requirements

Any request for a variance shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a variance and payment of the application fee shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4Bof this UDC. The City Manager may request a recommendation from any other appropriate City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the BOA for consideration.

(b) Notification Requirements

An application for a variance requires the following notification in accordance with SECTION 4C of this UDC:

1) Written notice; and

2) Published notice.

(c) Decision by the BOA

The BOA shall receive the recommendation of the City Manager and shall hold a public hearing in accordance with SECTION 4D of this UDC. The BOA may vote to approve, approve with conditions, or deny the variance. The BOA may, on its own motion or by request of the property owner, postpone consideration of the variance to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(4) Criteria for Approval

In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the BOA shall determine the following:

(a) The requested variance does not violate the intent of this UDC or its amendments;

(b) Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;

(c) The hardship is in no way the result of the applicant's own actions; and

(d) The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

(5) Appeals of BOA Decisions

Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, or board of the City may appeal a decision of the BOA regarding any variance request in accordance with SECTION 3D of this UDC.

L. SPECIAL EXCEPTIONS

(1) Applicability

(a) The BOA shall have the ability to authorize a modification of zoning standards applicable to particular types of development within any zoning district which is consistent with the overall intent of the zoning ordinance and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed. An application for a special exception may be filed for only those modifications specifically identified in this UDC.

(b) Approval of a special exception authorizes a property owner to submit subsequent development applications consistent with the approved special exception.

(2) Application Requirements

Any request for a special exception shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a special exception shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation from any other appropriate City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the BOA for consideration.

(b) Notification Requirements

An application for a special exception requires the following notification in accordance with SECTION 4C of this UDC:

1) Written notice; and

2) Published notice.

(c) Decision by the BOA

The BOA shall receive the written recommendation of the City Manager and shall hold a public hearing in accordance with SECTION 4D of this UDC. The BOA may vote to approve, approve with conditions, or deny the special exception. The BOA may, on its own motion or by request of the property owner, postpone consideration of the special exception to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(4) Criteria for Approval

To approve an application for a special exception, the BOA must determine that the following criteria are met:

(a) That granting the special exception serves an obvious and necessary purpose.

(b) That granting the special exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards.

(c) That granting the special exception will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks or other land use considerations.

(d) That granting the special exception will not adversely affect adjoining property values in any material way.

(e) That granting the special exception will be generally consistent with the purposes and intent of this UDC.

(f) That the use or special exception being sought is specifically identified in the permitted uses section of the controlling zoning district for the subject property as identified in this UDC.

(g) That the applicant's requested use or exception specifically meets or exceeds the express standards prescribed for the property in the controlling zoning district.

(5) Appeal of Decision on Special Exception

Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, or board of the City may appeal a decision of the BOA regarding any special exception request in accordance with SECTION 3D(5) of this UDC.

M. APPEAL OF DEVELOPMENT APPLICATION DETERMINATION

(1) Purpose and Applicability

The purpose of an appeal is to contest an initial decision on a development application based upon alleged misapplication of the regulations contained within this UDC and the criteria for approval of the application. An appeal may not be used to amend, vary or otherwise modify the standards of this

UDC that apply to the development application. Any decision on a development application required by this UDC may be appealed to the board, commission or City Council indicated within the specific procedures for each such application. The granting of an appeal supersedes the decision from which the appeal was taken and results in approval, conditional approval or denial of the development application for which the approval was sought.

(2) Appeal Requirements

Any person or persons aggrieved by any decision on a development application, or any officer, department, or board of the City may appeal a decision on a development application to the board, commission or City Council responsible for consideration of the appeal as indicated in this UDC. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the development application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. A written appeal must be filed with the City Manager within ten (10) working days from the date of notification of the decision on the development application from which decision the appeal is sought.

(3) Processing of Appeal and Decision

(a) Submittal

An appeal of a development application decision shall be submitted to the City Manager for processing. Upon receipt of a written appeal, the City Manager shall compile all documents constituting the record of the decision subject to appeal and transmit the record to the board, commission or City Council responsible for considering the appeal.

(b) Stay of Proceedings

Receipt of a written appeal of a decision on a development application stays all proceedings of the City in furtherance of the decision from which the appeal is taken, including without limitation: acceptance, processing or issuance of any subsequent development applications, and any development activities authorized by initial approval of the development application. The stay shall be lifted only if the City Manager certifies in writing to the board, commission or City Council responsible for consideration of the appeal that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the board, commission or City Council responsible for consideration of the appeal or a court of record, on application, after notice to the City Manager, for due cause shown.

(c) Notification Requirements

An appeal requires the following notification in accordance with SECTION 4C of this UDC:

1) Written notice; and

2) Published notice.

(d) Decision on Appeal

The board, commission or City Council responsible for consideration of the appeal shall hold a public hearing and decide the appeal within thirty (30) days of written receipt of the request for the appeal. The board, commission, or City Council responsible for consideration of the appeal shall affirm, reverse or modify the decision of the administrative official from which the appeal was taken.

(e) Notification of Decision on Appeal

The appellant, property owner and the applicant for the development application under appeal shall be notified of the decision on the appeal in accordance with SECTION 4E of this UDC.

(4) Criteria for Approval

In deciding the appeal, the board, commission, or City Council responsible for consideration of the appeal shall apply the same criteria that govern the initial decision on the development application under the provisions of this SECTION 4M

(5) Expiration and Extension

For purposes of determining expiration or extension periods under this UDC, the date the board, commission or City Council responsible for consideration of the appeal grants relief on the appeal is the date on which the development application is deemed approved, modified or denied.

N. PUBLIC INFRASTRUCTURE IMPROVEMENT CONSTRUCTION PLANS AND COMMUNITY FACILITIES AGREEMENTS

(1) Applicability

Every subdivision or development that requires the installation of public infrastructure improvements to serve the proposed subdivision or development is required to submit construction plans to ensure that the required improvements are constructed in accordance with all applicable standards of this UDC and any other codes of the City pertaining to the construction and installation of the public infrastructure improvements. All public infrastructure improvement construction plans shall be submitted and approved by the City's Director of Public Works prior to an application for a final plat.

(2) Application Requirements

Any request for an approval of construction plans for public infrastructure improvements shall be accompanied by an application prepared in accordance with the requirements of this UDC. The City Manager shall be responsible for determining the form and content of the construction plans.

(3) Processing of Application and Decision

(a) Submittal

An application for approval of construction plans for public infrastructure improvements shall be submitted to the City Manager prior to or concurrently with an application for final plat. The City Manager shall transmit the plans to the appropriate City employees and consultants for review. The City Manager shall provide written notification of any items requiring correction or attention within thirty (30) days after submittal of a complete application.

(b) Decision by the City Manager

The City Manager shall be responsible for the final approval of any construction plans for public infrastructure improvements and may approve, approve with conditions, or deny said construction plans. Once the construction plans for public infrastructure improvements are approved, the property owner shall provide additional sets of the approved plans to the City, as required by the City Manager, for use during construction. A full set of the City-approved and stamped construction plans for public infrastructure improvements must be available for inspection on the job site at all times.

(c) Revisions to Construction Plans

If the conditions of approval require revision(s) to the construction plans for public infrastructure improvements, one (1) set shall be marked with objections noted (on the plans themselves and in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans for public infrastructure improvements shall be submitted to the City Manager. The City Manager shall approve or deny the revised set of plans.

(d) Appeals

Any person or persons aggrieved by any decision of the City Manager, or any taxpayer or any officer, department, or board of the City may appeal the decision of the City Manager to the City Council and such appeal shall be decided prior to action on a Final Plat. An appeal of the City Manager’s decision must be accompanied by a written statement regarding the grounds for appeal and shall be certified and documented by a professional engineer licensed in the State of Texas.

(4) Criteria for Approval

When considering final action on public infrastructure improvement construction plans, the City Manager, or the City Council on appeal, should consider whether said construction plans meet the following criteria:

(a) The plans are consistent with the approved preliminary plat and the proposed final plat;

(b) The plans conform to all applicable regulations pertaining to the construction and installation of public infrastructure improvements; and

(c) The plans have been reviewed and approved by the City Manager.

(5) Timing of Public Infrastructure Improvement Construction

(a) Completion Prior to Final Plat Recordation

Except as provided below, after approval of a preliminary plat and before an approved final plat is recorded, the installation of all public infrastructure improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to water, wastewater, drainage, roadway, sidewalks, trails and park improvements, shall be completed in accordance with the approved public infrastructure improvement construction plans and final accepted by the City. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots and improvements on any common areas shall also be completed prior to recordation of the final plat in accordance with the approved construction plans.

(b) Installation after Final Plat Approval

The property owner or applicant may request to defer the obligation to construct and install one (1) or more public improvements to serve the subdivision until after final plat recordation. The request shall be submitted with an application for preliminary plat approval to provide fair notice of the intent of the developer. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety in the form of a subdivision improvements performance bond, irrevocable letter of credit, or cash escrow acceptable to the City in the amount of at least one hundred twenty-five percent (125%) of the cost to design and construct the deferred improvements and to secure the obligations defined in the agreement.

(c) Off-Site Easements

All necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development, together with a title insurance policy therefore, shall be acquired by and at the sole cost and expense of the subdivider or developer and conveyed solely to the City by a warranty deed and as approved by the City Attorney.

(6) Community Facilities Agreement

(a) Obligations under Agreement

Whenever public infrastructure improvements to serve the development are deferred until after recordation of the final plat, the property owner shall enter into a community facilities agreement by which the owner covenants to complete all required public infrastructure improvements, including residential lot improvements for drainage or erosion control, and common area improvements, no later than two (2) years following the date upon which the final plat is approved. The agreement shall be

subject to review and approval by the City Attorney and City Engineer, and shall be approved by the City Manager. The agreement shall contain the following provisions:

1) Covenants to complete the improvements;

2) Covenants to warranty the improvements for a period of two (2) years following final acceptance by the City;

3) Covenants to provide a maintenance bond in the amount of one hundred twenty-five percent (125%) of the costs of the improvements for such two (2)-year warranty period;

4) Provisions for participation in the costs of the public infrastructure improvements by the City, if authorization has been obtained from the City Council, and a performance bond and payment bond for such improvements from the contractor in favor of the City as a co-obligee;

5) Provisions for securing the obligations of the agreement consistent with SECTION 4N(7) below; and

6) Such other terms and conditions as are agreed to by the property owner and the City, or as may be required by this UDC.

(b) Covenants to Run with the Land

The community facilities agreement shall provide that the covenants contained in the agreement run with the land and bind all successors, heirs and assignees of the property owner. All existing lien holders shall be required to execute the agreement or provide written consent to the covenants contained in the agreement. The City shall deliver a release to the developer and/or bona fide third party purchasers of individual lots when all required public infrastructure improvements for the subdivision or development in question have been completed and final accepted by the City.

(7) Security for Completion of Improvements

(a) Security

Whenever the obligation to install public infrastructure improvements to serve a subdivision or development is deferred until after recordation of the final plat, the property owner shall provide sufficient security to ensure completion of the required public infrastructure improvements. The security shall be in the form of one or more of the following singly or in combination:

1) A cash escrow with the City; or

2) A performance bond provided by a licensed surety company authorized to underwrite federal obligations; or

3) A certificate of deposit issued by any financial institution which is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation assigned to the City and

providing for the City to withdraw the deposit if necessary to complete construction; or

4) An irrevocable letter of credit in a form approved by the City Attorney; and

5) A conditional assignment to the City of the construction contract between the property owner or developer and a general contractor for the construction of the deferred public infrastructure improvements in a form acceptable to the City Attorney.

(b) Amount and Acceptability

The security shall be issued in the amount of one hundred twenty-five percent (125%) of the amount of the construction contract approved by the City Engineer and City Manager for the design and construction of all public infrastructure improvements associated with the subdivision. Alternatively, the property owner or developer may provide a cost estimate for the design and construction of all public infrastructure improvements associated with the subdivision prepared and sealed by a professional engineer licensed by the State of Texas and approved by the City Engineer and Director of Public Works. The terms of the security agreement shall be subject to the approval of the City Attorney.

(c) Building Permits

No building permit for vertical construction shall be issued until all public infrastructure improvements within the development have been final accepted by the City.

(d) Remedies

Where a community facilities agreement has been executed and security has been posted and required public infrastructure improvements have not been installed in accordance with the terms of the agreement, the City may:

1) Declare the agreement to be in default and require that all the public infrastructure improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

2) Obtain funds under the security and complete the public infrastructure improvements itself or through a third party;

3) Obtain funds under the security and hold the funds in escrow for completion of the public infrastructure improvements at a future date; or

4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's agreement and posting of security to complete the public infrastructure improvements serving the tract.

(8) Inspection and Final Acceptance of Public Improvements

(a) Inspections

Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public infrastructure improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the construction of such public infrastructure improvements.

(b) Submission of As-Built Plans or Record Drawings

The City shall not final accept dedication of required public infrastructure improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed "as-built" record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public infrastructure improvements have been built in accordance with the approved construction plans and the City's Code of Ordinances and all other applicable local, state and federal regulations. Each "as-built" sheet shall show all changes made in the plans during construction and on each sheet there shall be an as-built stamp bearing the signature of the engineer and date. "As-built" items required are as follows:

1) One (1) set of full size plans;
2) Electronic (digital) copies of all plans in CAD .dxf or .dwg format and .pdf format;
3) Design Engineer's Certificate of Review; and
4) Letter with guaranties and costs of all infrastructure being dedicated to the City to include information regarding: linear feet of streets, public drainage, sewer lines and water lines.

(c) Final Acceptance of Infrastructure Improvements

When the City Engineer has determined that the public infrastructure improvements have been installed in accordance with the approved construction plans, the City Engineer shall final accept such improvements on behalf of the City. Final acceptance of the public infrastructure improvements shall mean that the property owner has transferred all rights to all the public infrastructure improvements to the City for use and maintenance. The City Engineer may final accept dedication of a portion of the required public infrastructure improvements, provided adequate surety has been given for the completion of all of the other public infrastructure improvements. Upon final acceptance of the required public infrastructure improvements, the City Engineer shall have a certificate issued to the property owner

stating that all or part of the required public infrastructure improvements have been satisfactorily completed.

(d) Disclaimer

Approval of a preliminary or final plat by the Commission shall not constitute final acceptance of any of the public infrastructure improvements required to serve the subdivision or development. No public infrastructure improvements shall be accepted for dedication by the City except in accordance with SECTION 4N(8)(c) of this UDC.

(9) Maintenance and Warranty of Improvements

(a) Maintenance During Construction

The developer shall maintain all required public infrastructure improvements during construction of the development.

(b) Bond

The developer or owner shall covenant to warranty the required public infrastructure improvements for a period of two (2) years following final acceptance by the City of all required public infrastructure improvements and shall provide a maintenance bond in the amount of one hundred twenty-five percent (125%) of the costs of the public infrastructure improvements for such period. All public infrastructure improvements located within an easement or right-of-way shall be bonded.

O. BUILDING PERMITS

(1) Applicability

An application for a building permit is required within the City's corporate limits, and in the City's ETJ, prior to the placement, construction or alteration of a building or structure. Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a certificate of occupancy.

(2) Application Requirements

Any request for a building permit shall be accompanied by an application prepared in accordance with requirements of the Development Standards. The Building Official shall be responsible for determining the form and content of the building permit application.

(3) Processing of Application and Decision

(a) Submittal

An application for a building permit shall be submitted to the Building Official. The Building Official shall review the application for completeness in accordance with SECTION 4B of this UDC. The Building Official shall review the permit for compliance with all adopted building codes and regulations and shall provide written notification of

any items requiring correction or attention within forty-five (45) days after submittal of a complete application.

(b) Decision by the Building Official

The Building Official may approve, approve with conditions, or deny the building permit.

(c) Appeals

Any person or persons aggrieved by any decision of the Building Official, or any taxpayer or any officer, department, or board of the City may appeal the decision of the Building Official to the BOA.

(4) Criteria for Approval

The Building Official shall apply the following criteria in deciding whether to approve the application for a building permit:

(a) The application generally conforms to all prior approved development applications for the property and any variance authorizing variation from the standards otherwise applicable to the permit;

(b) The location of the structure on the property is in accordance with all prior approved development applications, the City's Code of Ordinances, and all other applicable local, state and federal regulations;

(c) The proposed plan for construction or alteration conforms to the City's adopted Building Code and other applicable construction codes adopted by the City;

(d) All applicable fees, including impact fees, have been paid;

(e) A final plat of the property has been recorded in the Kaufman County plat records; and

(f) All public infrastructure required has been installed and accepted by the City.

(5) Issuance

No building permit shall be issued on property that is not a lot of record with the following exceptions:

(a) Additions to existing structures which do not exceed twenty-five percent (25%) of the building's floor area in existence at the time of the adoption of this UDC; and

(b) Interior finish-out or improvements to existing structures.

(6) Cancellation of Building Permit

Failure of an applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this UDC, shall render such building permit void, and the Building Official (or his/her designee) is hereby authorized and directed to revoke any such

permit by giving written notice to the applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this UDC.

P. CERTIFICATE OF OCCUPANCY

(1) A Certificate of Occupancy ("CO") shall be required for any of the following:

(a) Occupancy and use of a building hereafter erected or structurally altered;

(b) Change in use of an existing building to a different use; and

(c) Change in the use of land to a different use.

(2) No such use, or change of use, shall take place until a CO therefor shall have been issued by the Building Official.

(3) A record of all COs shall be kept on file in the City Secretary's office, and copies shall be furnished upon request to any person in accordance with Texas law.

(4) Procedure for New or Altered Buildings - Written application for a CO for a new building or for an existing building that is to be altered shall be made at the same time as the application for the building permit for such building. Said CO shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this UDC, or other regulations that are enforced by the Building Official. Said CO shall be issued by the Building Official after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this UDC and City building codes.

(5) Procedure for Vacant Land or a Change in Building Use - Written application for a CO for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Building Official. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official. If the proposed use is found to be in conformity with the provisions of this UDC and other applicable City codes, the CO shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official within ten (10) days following receipt of the application.

(6) Contents of CO - Every CO shall contain the following information:

(a) Building permit number;

(b) The address of the building;

(c) The name and address of the owner;

(d) A description of that portion of the building for which the CO is issued;

(e) A statement that the described portion of the building has been inspected for compliance with the requirements of the City's building codes for the particular group and division of occupancy;

(f) The name of the Building Official;

(g) Use(s) allowed;

(h) Maximum number of persons/occupants; and

(i) Issue date of the CO.

(7) Posting of CO - The CO shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

(8) Revocation of CO - The Building Official may, in writing, suspend or revoke a CO issued under the provisions of this UDC whenever the CO is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this UDC or the building code and other codes adopted by the City, and any amendments thereto.

(9) Temporary CO - Pending the issuance of a regular Certificate, a temporary CO may be issued by the Building Official for a time period not exceeding one hundred eighty (180) calendar days during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary CO shall only be upon a finding by the Building Official that early occupancy of the premises prior to completion will not, in his/her opinion, be detrimental to the occupant's or others' health, safety or welfare. Issuance of a temporary CO shall not be construed to alter the respective rights, duties or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this UDC.

(10) CO for Nonconforming Uses - A CO shall be required for all lawful nonconforming uses of land and/or buildings created by adoption of this UDC. Application for such CO for a nonconforming use shall be filed with the Building Official by the owner or occupant of the structure or land that is occupied by the nonconforming use within one (1) year following the effective date of this UDC. It shall be the duty of the Building Official to issue a CO for a lawful nonconforming use upon receipt of application for same, but failure to apply for such CO for a nonconforming use (i.e., by the owner or occupant of the premises) shall be evidence that said nonconforming use was either illegal or did not lawfully exist as of the effective date of this UDC.

Q. COMPLETION OF BUILDINGS IN PROGRESS

Nothing contained herein shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of this UDC, and the remaining construction of which shall have been completed within one (1) year following the effective date of this UDC. In addition, any nonresidential building or structure for which a building permit has been approved by the City not more than one (1) year prior to the effective date of this UDC may be constructed according to the terms of that building permit

SECTION 5 **- ZONING DISTRICTS**

A. PURPOSE AND APPLICABILITY

The zoning regulations and districts contained in this SECTION 5 are established in accordance with the City's Comprehensive Plan and as authorized by LGC Chapter 211, for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City limits. They have been designed to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to ensure adequate light and air, to prevent the overcrowding of land and thus avoid undue concentration of population, and to facilitate the adequate provision of transportation, water supply, wastewater treatment, schools, parks and other public requirements. They are established with reasonable consideration for, among other things, the character of each zoning district and its peculiar suitability for the particular uses specified, conserving the value of buildings and environmentally sensitive features, and encouraging the most appropriate use of land throughout the City.

B. DIMENSIONAL AND DEVELOPMENTAL STANDARDS

(1) General

All projects or developments shall comply with all of the applicable dimensional and development standards of this section. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

(2) Additional Dimensional and Development Standards

(a) All lots developed shall comply with the lot area, minimum setbacks and height requirements established in SECTION 5E for the zoning district(s) in which the lot(s) is/are located.

(b) All lots developed for nonresidential purposes shall comply with lot, area, minimum setbacks, and maximum height requirements established for the zoning district(s) in which the lot(s) is located, as established in SECTION 5E.

(c) All lots shall have at least the minimum area, width and depth as indicated in SECTION 5E.

(d) Platted subdivisions established by a duly approved plat filed prior to adoption of this UDC shall be exempt from meeting any new lot width, depth, and/or square footage requirements.

(e) No lot existing at the time of passage of this UDC shall be reduced in size below the minimum area requirements set forth in SECTION 5E.

(f) Minimum lot size requirements shall not apply to previously platted lots that are annexed into the City, but shall apply in the event of a vacation and replat of such property. All other requirements of this UDC shall, nevertheless, apply.

(g) No portion of any building on a residential lot may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in SECTION 5E, unless otherwise listed below:

1) Where the frontage on one (1) side of a street is divided by two (2) or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage between the nearest intersecting streets.

2) Where the building setback line has been established by plat and exceeds the requirements of this UDC, the more restrictive setback line shall apply.

3) The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed twenty-four inches (24”).

4) Side Yards: Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting, not to exceed, twelve inches (12”) into the required side yard, and roof eaves projecting, not to exceed, twenty-four inches (24”) into the required side yard.

5) Rear Yards: Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty inches (30”) above the general ground level of the graded lot, except for accessory buildings as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting, not to exceed, twenty-four inches (24”) into the required rear yard.

6) Where lots have double frontage, running from one (1) street to another, a required front yard setback shall be provided on both streets.

7) Mixed Use Building: In a building serving dwelling and other uses, in any district, the height and area regulations applicable to nonresidential buildings shall apply.

8) There shall be only one (1) residential dwelling on each platted residential lot of a duly recorded plat.

C. ZONING DISTRICT BOUNDARIES

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

(1) Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries shown as approximately following City limits shall be construed as following such City limits.

(4) Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.

(5) Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainage ways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.

(6) Boundaries shown as parallel to, or extensions of, features described in SECTION 5C(1) through SECTION 5C(5) above shall be so construed. The scale of the Map shall determine distances that are not specifically indicated on the Zoning Map.

(7) Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

(8) The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is specifically stated that the zoning classification shall not apply to the street.

(9) Where physical features on the ground are at variance with information shown on the Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of SECTION 5C(1) through SECTION 5C(8) above, then the BOA shall interpret the zoning district boundaries. If the BOA cannot ascertain the zoning of the property, then the property shall be considered classified as “A” (Agricultural district) in the same manner as provided for newly annexed territory.

(10) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "A" (Agricultural district) in the same manner as provided for newly annexed territory.

(11) Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No. 050406, as amended), adopted on May 8, 2006, and the effective date of this Ordinance are indicated in approximate locations on the Zoning Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

D. ZONING DISTRICTS ESTABLISHED

(1) The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations, and other standards, as set out in this section apply to each district. Zoning districts are established in compliance with adopted Comprehensive and Thoroughfare Plans. The districts established herein shall be known as:

Table 5-1
Zoning District Summary

Abbreviated Designation	Zoning District Name
A	Agricultural
SF-E	Single-Family Estate Residential - (min 40,000 square-foot lots)
SF-20	Single-Family Residential-20 (min 20,000 square-foot lots)
SF-12.5	Single-Family Residential-12.5 (min 12,500 square-foot lots)
SF-9	Single-Family Residential-9 (min 9,000 square-foot lots)
SF-6.5	Single-Family Residential-6.5 (min 6,500 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
SF-TH	Single-Family Residential-Town Home Residential
MF-15	Multi-Family Residential-15 (apartments)
SF-MH	Single-Family Residential-Manufactured Home
MHP	Manufactured Home Park
O	Office
NS	Neighborhood Service
R	Retail
BP	Business Park
OTC	Old Town Crandall
HB	Highway Business
C	Commercial
LI	Limited Industrial
IP	Industrial Park
PD	Planned Development

(2) Permitted Uses

Those uses listed for each district listed in SECTION 5H as “P” are authorized uses permitted by right and those uses listed in SECTION 5H as “S” are permitted upon approval of a SUP.

(3) Special Requirements for Single-Family (SF) Zoning Districts

(a) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes, and shall be parked and stored behind the front building façade of the main structure (i.e., the house).

(b) Electrical fencing and barbed wire are prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

(c) Open storage is prohibited (except for usable materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment that is in usable and running condition, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).

(d) Single-family homes, including town homes and manufactured homes, with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(e) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of parking spaces) is built elsewhere on the lot within the proper setbacks, not exceeding the maximum lot coverage, etc.

(f) Swimming pools shall comply with the City of Crandall's codes/ordinances pertaining to same.

(g) Site plan approval shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the Agricultural District. Any nonresidential land use which may be permitted in this district shall conform to the NS-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

(h) Other Regulations - As established by SECTION 7, SECTION 8, and SECTION 9 of this UDC.

(4) Special Requirements for Certain Nonresidential Zoning Districts

The following requirements apply to the O, NS, R, BP, HB, C, LI, and IP zoning districts:

(a) Parking requirements are as set forth in SECTION 10 of this UDC.

(b) Minimum Exterior Construction Standards – See SECTION 9E of this UDC. All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).

(c) Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):

1) Arterial street – One driveway per two hundred (200) linear feet of frontage.

2) Collector street – One driveway per one hundred (100) linear feet of frontage.

3) Local/residential street – One driveway per fifty (50) linear feet of frontage unless a platted lot's frontage is less than fifty feet (50') but in conformance with the Development Standards' requirements for minimum lot frontage, in which case one driveway shall be allowed per platted lot.

4) Minimum distance from driveway to street corner – Seventy-five feet (75'), as measured from the street corner radius point of tangency. Fifty feet (50') may be permitted via site plan approval by the City Council, upon recommendation by the Commission, provided that the lesser distance of fifty feet (50') is approved in writing by the City Manager or, if located on a State roadway, it is approved in writing by the local representative of the Texas Department of Transportation.

(d) Site Plan Review - Review and approval of a site plan by the Commission and the City Council (in accordance with SECTION 8N of this UDC) shall be required for any tract/lot within these zoning districts. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.

(e) Landscaping Requirements – Landscaping is required for these zoning districts. See SECTION 9G of this UDC.

(f) Screening Requirements – Screening is required in these zoning districts. See SECTION 9H of this UDC.

(g) Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager may require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.

(h) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

(i) Where outside storage or display of merchandise is allowed, the following requirements shall be met:

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall meet the following requirements:

a) Storage

i) Shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the

property (except on a temporary basis only, which is a maximum of thirty (30) days per display and a maximum of two displays per calendar year);

ii) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way; and

iii) Shall not extend into public right-of-way or onto adjacent property.

b) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP) in accordance with SECTION 5I of this UDC, shall be limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of SECTION 9H of this UDC (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods (see provisions for outside display above).

3) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

(j) Other regulations apply as established in SECTION 7, SECTION 8, and SECTION 9 of this UDC.

E. ZONING DISTRICTS

(1) A - Agricultural District

(a) General Purpose and Description

The A, Agricultural, district is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agricultural until it is assigned another more permanent zoning district. It is anticipated that Agricultural zoned land will eventually be rezoned to another more permanent, suburban zoning classification in the future. The Agricultural district is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the Agricultural zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Forty-five feet (45') for uninhabited agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any front, side or rear property line.

3) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

4) Other requirements (see SECTION 7 and SECTION 9, of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Five (5) acres.

b) Minimum Lot Width - Two hundred and fifty feet (250').

c) Minimum Lot Depth - Two hundred feet (200').

2) Size of Yards

a) Minimum Front Yard - Fifty feet (50').

b) Minimum Side Yard - Fifteen percent (15%) of the lot width, but need not exceed fifty feet (50'); twenty-five feet (25') from a street right-of-way line for a corner lot.

c) Minimum Rear Yard - Twenty-five feet (25').

3) Maximum Lot Coverage

Fifteen percent (15%) for main buildings and accessory buildings.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(2) SF-E - Single-Family Estate Residential District

(a) General Purpose and Description

The SF-E, Single-Family Estate Residential, district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 40,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-E district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9, of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Forty thousand (40,000) square feet; maximum density one (1) dwelling unit per acre.

b) Minimum Lot Width - One hundred and twenty feet (120’).

c) Minimum Lot Depth - One hundred and twenty feet (120’).

2) Size of Yards

a) Minimum Front Yard - Forty feet (40').

b) Minimum Side Yard - Twenty-five feet (25’); twenty-five feet (25’) from a street right-of way line for a corner lot.

c) Minimum Rear Yard - Twenty-five feet (25’).

3) Maximum Lot Coverage

Twenty-five percent (25%) for the main building; forty percent (40%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25’) as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(3) SF-20 - Single-Family Residential-20 District

(a) General Purpose and Description

The SF-20, Single-Family Residential-20, district is intended to provide for development of primarily very low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-20 district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Twenty thousand (20,000) square feet; maximum density two (2) dwelling units per acre.

b) Minimum Lot Width - One hundred ten feet (110’).

c) Minimum Lot Depth - One hundred twenty feet (120’).

2) Size of Yards

a) Minimum Front Yard - Thirty feet (30').

b) Minimum Side Yard – Fifteen feet (15’); twenty-five feet (25') from a street right-of-way line for a corner lot.

c) Minimum Rear Yard – Twenty-five feet (25’).

3) Maximum Lot Coverage

Thirty percent (30%) for the main building; fifty percent (50%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(4) SF-12.5 - Single-Family Residential-12.5 District

(a) General Purpose and Description

The SF-12.5, Single-Family Residential-12.5, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 12,500 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-12.5 district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Twelve thousand five hundred (12,500) square feet; also, the minimum average lot area shall be thirteen thousand five hundred (13,500) square feet in order to provide diversity in lot sizes within each SF-12.5 neighborhood; maximum density three (3) dwelling units per acre.

b) Minimum Lot Width – Eighty-five feet (85').

c) Minimum Lot Depth - One hundred twenty feet (120').

2) Size of Yards

a) Minimum Front Yard – Twenty-five feet (25').

b) Minimum Side Yard – Ten feet (10') for interior side yard; twenty-five feet (25') from a street right-of-way line for a corner lot.

c) Minimum Rear Yard - Twenty-five feet (25').

3) Maximum Lot Coverage

Forty percent (40%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – One thousand eight hundred (1,800) square feet; also, the minimum average floor area shall be two thousand (2,000) square feet in order to provide diversity in house sizes within each SF-12.5 neighborhood.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(5) SF-9 - Single-Family Residential-9 District

(a) General Purpose and Description

The SF-9, Single-Family Residential-9, district is intended to provide for development of primarily detached, single-family residences on smaller and more compact lots of not less than 9,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-9 district shall have, or shall make provision for, City water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Nine thousand (9,000) square feet; also, the minimum average lot area shall be ten thousand (10,000) square feet in order to provide diversity in lot sizes within each SF-9 neighborhood; maximum density three and one-half (3.5) dwelling units per acre.

b) Minimum Lot Width – Seventy-five feet (75’).

c) Minimum Lot Depth - One hundred ten feet (110’).

2) Size of Yards

a) Minimum Front Yard – Twenty-five feet (25’)

b) Minimum Side Yard – Ten feet (10’) for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street.

c) Minimum Rear Yard - Twenty-five feet (25’).

3) Maximum Lot Coverage

Forty percent (40%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25’) as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – One thousand six hundred and fifty (1,650) square feet; also, the minimum average floor area shall be one thousand seven hundred and fifty (1,750) square feet in order to provide diversity in house sizes within each SF-9 neighborhood.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(6) SF-6.5 - Single-Family Residential-6.5 District

(a) General Purpose and Description

The SF-6.5, Single-Family Residential-6.5, district was originally intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 6,500 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-6.5 district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Six thousand five hundred (6,500) square feet; also, the minimum average lot area shall be seven thousand two hundred (7,200) square feet in order to provide diversity in lot sizes within each SF-6.5 neighborhood; maximum density four and one-half (4.5) dwelling units per acre.

b) Minimum Lot Width – Sixty-five feet (65’).

c) Minimum Lot Depth - One hundred feet (100’).

2) Size of Yards

a) Minimum Front Yard – Twenty-five feet (25’).

b) Minimum Side Yard – Eight feet (8’) of the lot width for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street.

c) Minimum Rear Yard - Twenty-five feet (25’).

3) Maximum Lot Coverage

Forty percent (40%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line.

b) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – One thousand five hundred (1,500) square feet; also, the minimum average floor area shall be one thousand six hundred and fifty (1,650) square feet in order to provide diversity in house sizes within each SF-6.5 neighborhood.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(7) SF-PH - Single-Family Residential-Patio Home District (Zero-Lot-Line Homes)

(a) General Purpose and Description

The SF-PH, Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than four thousand five hundred (4,500) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-PH district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Permitted Uses

Those uses listed for the SF-PH district in SECTION 5H as “P” are authorized uses permitted by right and uses listed in SECTION 5H as “S” are permitted upon approval of a SUP.

(c) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(d) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Four thousand five hundred (4,500) square feet; also, the minimum average lot area shall be five thousand two hundred (5,200) square feet in order to provide diversity in lot sizes within each SF-PH neighborhood; maximum density six (6) dwelling units per acre.

b) Maximum Project Size - The maximum size of a patio home development shall be ten (10) acres.

c) Minimum Lot Width – Forty-five feet (45').

d) Minimum Lot Depth - One hundred feet (100').

2) Size of Yards

a) Minimum Front Yard – Twenty feet (20’); twenty-five feet (25') to the garage door face for front-entry homes.

b) Minimum Side Yard - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a residential or collector street, and twenty-five feet (25’) required on corner lots adjacent to an arterial street.

c) Minimum Rear Yard - Twenty feet (20’); twenty-five feet (25’) for rear garage entry.

3) Maximum Lot Coverage

Fifty percent (50%) for the main building; sixty-five percent (65%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus one (1) additional parking space on a paved driveway.

b) Visitor Parking - One half (0.5) parking space per dwelling unit (off-street) which is located within six hundred feet (600’) of the dwelling unit.

c) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – One thousand five hundred (1,500) square feet.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(e) Special Requirements

1) Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the residential or collector street side, or twenty-five feet for a corner lot on an arterial street). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house that is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").

2) Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities.

3) Usable Open Space Requirements - Except as provided below, any patio home subdivision shall provide useable open space that equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger-sized streets. Useable open space shall not be required for a patio home development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. Usable open space shall meet the requirements of SECTION 7D(4).

4) Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-9 zoning district.

(8) SF-TH – Single Family Residential-Town Home District

(a) General Purpose and Description

The SF-TH, Single-Family Residential-Town Home, district is designed to provide for development of attached single-family residences in structures built to accommodate two (2) to six (6) units per structure. Town home units may be constructed on a single lot or on adjacent individual lots. Minimum lot area shall not be less than two thousand five hundred (2,500) square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. Town home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-TH district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they

shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts..

(b) Maximum Height

1) Three (3) stories, or forty feet (40') for the main building/house, whichever is less.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Two thousand five hundred (2,500) square feet per dwelling unit; also, the minimum average lot area shall be three thousand hundred (3,000) square feet in order to provide diversity in lot sizes within each SF-TH neighborhood; maximum density eight (8) dwelling units per acre.

b) Maximum Project Size - The maximum size of a town home development shall be ten (10) acres.

c) Minimum Lot Width – Twenty-five feet (25').

d) Minimum Lot Depth - One hundred feet (100').

2) Size of Yards

a) Minimum Front Yard – Twenty-five feet (25’).

b) Minimum Side Yard – None between buildings. Ten feet (10’) of the lot width for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street.

c) Minimum Rear Yard - Twenty feet (20’); twenty-five feet (25’) for rear garage entry.

3) Maximum Lot Coverage

Fifty percent (50%) for the main building; seventy-five percent (75%) for the main building and any accessory buildings, driveways and parking areas combined.

4) Parking Regulations

a) Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus one (1) additional parking space on a paved driveway.

b) Visitor Parking - One half (0.5) parking space per dwelling unit (off-street) which is located within six hundred feet (600') of the dwelling unit.

c) Other - See SECTION 10 of this UDC.

5) Minimum Floor Area per Dwelling Unit – One thousand (1,000) square feet.

6) Minimum Roof Pitch – 4:12

7) Minimum Exterior Construction Standards – See SECTION 9 of this UDC.

(d) Special Requirements

1) All town home developments are subject to site plan review and approval by the City Manager. The site plan shall show the typical layout of the town home lot and an overall layout of the development.

2) Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and facilities.

3) Usable Open Space Requirements - Except as provided below, any town home development shall provide usable open space which equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a town home development if it contains twenty (20) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the development is either developed for use(s) other than town homes or is restricted by zoning to not permit town home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous. Usable open space shall meet the requirements of SECTION 7D(4).

4) Single-family lots consisting of detached dwellings constructed in this district shall conform to the standards as set forth in the SF-6.5 zoning district.

(9) MF-15 – Multi-Family Residential-15 District (Apartments)

(a) General Purpose and Description

The MF-15, Multi-Family Residential-15, district is an attached residential district intended to provide the highest residential density of fifteen (15) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy

automobile traffic and medium- or low-density residential development. Areas zoned for the MF-15 district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house; where a structure exceeds twenty-five feet (25') in height, it shall be set back from the front property line two (2) additional feet beyond the required front yard setback for each foot above twenty-five feet (25') in height.

2) Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, carports, gazebo, clubhouse, mail kiosks, laundry rooms, etc.

3) Other requirements (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area – Three thousand (3,000) square feet per dwelling unit, not to exceed fifteen (15) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be ten (10) acres.

b) Minimum Lot Width - Eighty feet (80').

c) Minimum Lot Depth - One hundred twenty feet (120').

d) Special Exception - If a property was platted or zoned for MF-15 prior to the effective date of this Ordinance, then it can remain its original size and configuration and does not have to meet the minimum project size, lot width or lot depth stated above. The property shall conform to all other MF-15 development standards herein, unless the building setbacks shown on a recorded plat vary from those contained herein, in which case the platted setbacks shall prevail unless a replat modifies same.

2) Size of Yards

a) Minimum Front Yard - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards. See SECTION 7I(2) of this UDC for additional setback requirements.

b) Minimum Side and Rear Yard - Twenty feet (20'), unless adjacent to a single-family, duplex, patio home or single-family

attached district; then side and rear setbacks shall be according to the height of the multi-family building, as follows:

i) One-story building – twenty-five feet (25’).

ii) Two-story building – sixty feet (60’).

iii) Over two-story building – seventy-five feet (75’).

c) Building Separation

i) One-story buildings - Fifteen feet (15') for buildings without openings; twenty feet (20’) for buildings with openings.

ii) Two-story buildings (or a two-story building adjacent to a one-story building) -Twenty feet (20') for buildings without openings; twenty-five feet (25’) for buildings with openings.

iii) Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) - Twenty-five feet (25') for buildings with or without openings.

3) Minimum Floor Area per Dwelling Unit

a) Efficiency unit - Five hundred (500) square feet per unit.

b) One-bedroom unit - Seven hundred twenty-five (725) square feet per unit.

c) Two- or more bedroom unit - Eight hundred seventy-five (875) square feet for the first two bedrooms, plus an additional one hundred twenty-five (125) square feet for each bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

4) Maximum Lot Coverage

Forty percent (40%) total, including main and accessory buildings; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined.

5) Parking Regulations

a) 1.5 spaces for each efficiency or one-bedroom unit.

b) 2 spaces for each two-bedroom unit.

c) 2.5 spaces for each three-bedroom unit.

d) 3 spaces for each four- or more-bedroom unit.

e) The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit, at least one (1) of which shall be enclosed (i.e., garage) for each dwelling unit.

f) No parking space may be located closer than ten feet (10') from any building or closer than two feet (2') from any side or rear lot line.

g) All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, low masonry walls that match the exterior finish of main buildings, or any combination of the above.

h) See SECTION 10 of this UDC, for additional requirements.

6) Minimum Exterior Construction Standards – See SECTION 9E of this UDC.

(d) Special Requirements

1) Usable Open Space Requirements – Except as provided below, any multi-family development shall provide usable open space which equals or exceeds fifteen percent (15%) of the total lot area. Usable open space areas shall be in conformance with SECTION 7D(4).

2) Landscape Area Requirements – A minimum of twenty percent (20%) of the total lot area shall be devoted to a combination of landscaping (i.e., pervious surface area) and usable open space (see above). See SECTION 9G of this UDC for landscaping requirements.

3) Refuse Facilities - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way, and at least six (6) cubic yards of refuse container volume shall be provided for every thirty (30) dwelling units (or portion thereof). A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with SECTION 9H(2)(e) of this UDC.

4) Screening Requirements – See SECTION 9H for screening requirements.

5) A swimming pool shall be provided in multi-family developments of fifty (50) or more units.

6) One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.

7) Single-family, patio home, duplex, or townhome residential units constructed in this district shall conform to SF-9, SF-PH or SF-TH district standards, respectively.

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

9) Open storage is prohibited.

10) All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

11) A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.

12) Buildings shall not exceed two hundred feet (200') in length.

13) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

14) All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

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

16) Site plan approval (see SECTION 8N of this UDC) shall be required for any multi-family or nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-15 district. Any nonresidential land use which may be permitted in this district shall conform to the NS-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

17) Other Regulations - As established by SECTION 7, SECTION 8, and SECTION 9 of this UDC.

(10) SF-MH – Single-Family Residential-Manufactured Home District

(a) General Purpose and Description

The SF-MH, Single-Family Residential-Manufactured Home, district is intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured

homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This district provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This district is not intended to prohibit or unduly restrict any type of housing, but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognize their inherent differences. Areas zoned for the MH district shall have, or shall make provision for, City of Crandall water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Maximum Height

1) The maximum height for any structure in the manufactured home district shall be thirty-five feet (35').

2) The average height of the manufactured home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet (3').

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area – Six thousand six hundred (6,600) square feet.

b) Minimum Lot Width – Sixty feet (60’).

c) Minimum Lot Depth – One hundred ten feet (110’).

2) Size of Yards

a) Minimum Front Yard – Twenty-five feet (25’).

b) Minimum Side Yard – Seven and one-half feet (7.5’); ten feet (10’) from a street right-of-way line for a corner lot.

c) Minimum Rear Yard – Twenty feet (20’).

3) Maximum Lot Coverage

Fifty percent (50%) for main buildings and any accessory buildings, driveways and parking areas combined.

4) Soil and Ground Cover

Exposed ground surfaces in all parts of every manufactured home lot shall be paved or protected with a vegetative ground cover that is capable of preventing soil erosion and of eliminating dust.

5) Drainage

The ground surface in all parts of a manufactured home lot shall be graded and equipped to drain all surface water away from the manufactured home.

(d) Street Lighting

Street lighting within a manufactured home district shall be provided by the developer or property owner along all internal streets. Street lights will be installed in accordance with SECTION 13A(19) of this UDC.

(e) Parking Requirements

A minimum of two (2) parking spaces shall be provided for each manufactured home lot. Each parking space will be a minimum of ten feet (10') by twenty feet (20'). Each parking space shall be constructed of concrete and located to eliminate interference with access to parking areas provided for other manufactured home lots and for public parking. Required parking spaces shall not obstruct pedestrian walkways.

(f) Carports

See SECTION 7C of this UDC.

(g) Manufactured Home Installation

In addition to the requirements of any building code and fire code, a manufactured home shall be installed in accordance with the following criteria:

1) Axle and hitch assemblies shall be removed at the time of placement on the foundation.

2) Each manufactured home shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior materials of the primary structure.

(h) Fire Safety Standards

1) Access for Fire Fighting

Approaches to all manufactured homes shall be kept clear for fire fighting.

2) Water Supply Facilities for Fire Department Operations

Water supply facilities for fire department operations shall be connected to an available City water supply. The adequacy of the water supply for firefighting requirements shall be determined by the City Engineer. The developer of a manufactured home subdivision shall provide standard hydrants, acceptable to the City,

located within five hundred feet (500') of all manufactured home lots, measured along the driveways or streets. Fire hydrants will be subject to periodic inspection by the City.

(i) Recreation Area

All manufactured home subdivisions shall be required to dedicate park land in accordance with SECTION 9J of this UDC.

(j) Utilities

All utilities, including but not limited to electrical wiring, natural gas, telephone, cable, internet and security systems, shall be installed underground and shall be maintained in accordance with applicable City codes and regulations for such systems.

(k) Plat Required

Prior to the construction or placement of any manufactured home or structure on a development of any manufactured home lot or subdivision, a final plat must be approved and filed for record in accordance with SECTION 8I of this UDC. No permit shall be issued for the placement of any manufactured home on any property that is not located on a legally platted lot of record.

(l) Miscellaneous Requirements

1) Every manufactured home lot owner shall be responsible for ensuring compliance with all requirements of this UDC including proper installation of the manufactured home, proper installation of all utility connections and proper tie-down of the manufactured home.

2) Skirting with the necessary vents, screens and/or openings shall be required on all manufactured homes and shall be installed within thirty (30) days after the placement of the manufactured home.

3) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:

a) The storage area shall have a base of impervious material;

b) Stored items shall not interfere with the underneath inspection of the manufactured home; and

c) The storage area shall be enclosed by skirting.

(11) MHP – Manufactured Home Park

(a) General Purpose and Description

The MHP, Manufactured Home Park, district is intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes and recreational vehicles, to promote the most desirable use of land and direction of building development, to promote stability of

development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This district provides for the creation of tracts of land used for the placement of multiple manufactured homes or recreational vehicles on a single lot, tract or parcel of land which are utilized for rent or lease. This district is not intended to prohibit or unduly restrict any type of housing, but to ensure compatibility between manufactured home park districts and surrounding properties and recognize the inherent differences in housing types between manufactured home parks, recreational vehicle ("RV") parks and other residential districts.

(b) Maximum Height

1) The maximum height for any structure in the manufactured home park district shall be thirty-five feet (35').

2) The average height of the manufactured home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet (3').

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area – Forty-three thousand five hundred sixty (43,560) square feet; minimum lot area for each space.

b) Minimum Lot Width – Not applicable.

c) Minimum Lot Depth – Not applicable.

2) Manufactured Home Park Size of Yards

a) Minimum Front Yard – Twenty-five feet (25').

b) Minimum Side Yard – Twelve and one-half feet (12.5'); fifteen feet (15') from a street right-of-way line for a corner lot.

c) Minimum Rear Yard – Twenty-five feet (25').

d) Setback – For structures, other than the manufactured home, on each space, the minimum setback from any space line shall be at least ten feet (10').

e) Distance – The minimum distance between manufactured homes at any point shall be twenty-five feet (25').

3) Recreational Vehicle Park Size of Yards

a) Minimum Front Yard – Twenty-five feet (25').

b) Minimum Side Yard – Ten feet (10'); twenty-five feet (25') from a street right-of-way line.

c) Minimum Rear Yard – Twenty-five feet (25').

d) Setback – For other structures on each space, the minimum setback from any space line shall be at least ten feet (10').

e) Distance – The minimum distance between recreational vehicles at any point shall be twenty-five feet (25').

f) Property line – No RV shall be placed or erected closer than five feet (5') from the property line separating the RV park from adjoining property, measuring from the nearest point of the RV.

4) Maximum Lot Coverage

Fifty percent (50%) for main buildings and any accessory buildings, driveways and parking areas combined.

5) Soil and Ground Cover

Exposed ground surfaces in all parts of every lot shall be paved or protected with a vegetative ground cover that is capable of preventing soil erosion and of eliminating dust.

6) Drainage

The ground surface in all parts of a lot shall be graded and equipped to drain all surface water away from the manufactured home or RV, as applicable.

7) Storage Facilities

A maximum of one only, one hundred twenty (120) square foot accessory building may be provided on every manufactured home space or RV space to be utilized solely for storage of personal items belonging to the owner or tenant of the space. In lieu of individual accessory buildings on each lot or space, self storage facilities may be provided for adequate storage. Where provided, storage facilities shall be designed in a manner that will enhance the appearance of the manufactured home park or RV park and shall be one-hundred percent (100%) masonry, excluding doors and windows. Storage outside of approved storage facilities shall be prohibited.

(d) Street Lighting

Street lighting within a manufactured home park or RV park shall be provided by the developer or property owner along all internal streets. Street lights will be installed in accordance with SECTION 7E, of this UDC.

(e) Access, Traffic Circulation and Parking

1) Internal Streets and Signage

All infrastructure (streets, signs, and utilities) are required to be built to City standards. Internal streets, no-parking area signs and street name signs shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of residents. Internal streets shall be kept open and free of obstruction in order that police and fire

vehicles may have access to any area of the manufactured home park or RV park. The police department shall be authorized to issue citations for the violation of the provisions herein and to remove and impound offending vehicles.

2) Signs Prohibiting Parking Required

On all sections of internal streets on which parking is prohibited under this UDC, the developer or its successors and/or assigns shall erect metal signs prohibiting parking. The sign type, size, height and location shall be approved by the City prior to installation.

3) Internal Street Construction and Maintenance

All internal streets shall be constructed to specifications established by this UDC and shall be maintained by the developer or its successors and/or assigns and shall be free of any cracks, holes and other hazards. Internal streets shall be designed by a licensed professional engineer in accordance with good engineering practices and shall be approved by the City Engineer prior to issuance of an occupancy permit for the manufactured home park or RV park.

4) Emergency Ingress and Egress

All residents shall be notified when and where emergency ingress/egress has been provided. Procedures shall be established to warn the residents of the opening of the emergency access in the event of an emergency.

5) Internal Street Dimensions

An internal street shall be provided to be contiguous to each manufactured home space. Each street shall have a minimum width of thirty feet (30'). On-street parking shall be permitted on only one side of the street. The internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a cul-de-sac having a minimum diameter of one hundred fifty feet (150'). No internal street ending in a cul-de-sac shall exceed five hundred feet (500') in length.

6) Parking Requirements

A minimum of two (2) parking spaces shall be provided for each manufactured home or RV lot. Each parking space will be a minimum of ten feet (10’) by twenty feet (20'). Each parking space shall be constructed of concrete and located to eliminate interference with access to parking areas provided for other manufactured home lots, RV lots and for public parking. Required parking spaces shall not obstruct pedestrian walkways.

7) Unobstructed Access

Internal streets shall permit unobstructed access to within at least one hundred feet (100') of any portion of each manufactured home.

8) Intersections with Public Streets

Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations which will eliminate or minimize interference with traffic on these public streets.

9) Common Area Parking Area Required

To minimize on-street parking and to facilitate movement of emergency vehicles into and through a manufactured home park, a minimum parking area of one hundred fifty (150) square feet per manufactured home space or lot shall be provided in a common area for storage of boats or other vehicles in excess of the minimum required parking and for visitors' vehicles.

10) Sidewalks

Sidewalks shall be installed on both sides of all streets and shall connect to every space within a manufactured home park. Sidewalks shall be constructed in accordance with City standards.

11) Access

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

(f) Street lighting

Street lighting within a manufactured home park or RV park shall be provided by the developer or property owner along all internal streets. Street lights will be installed in accordance with this UDC and shall have a height and spacing to ensure that an average illumination level of not less than two-tenths (2/10) foot-candles measured at ground level and parallel thereto shall be maintained.

(g) Fire Safety Standards

1) Access for Fire Fighting

Approaches to all lots shall be kept clear for fire fighting.

2) Water Supply Facilities for Fire Department Operations

Water supply facilities for fire department operations shall be connected to an available City water supply. The adequacy of the water supply for firefighting requirements shall be determined by the City Engineer. The developer of a manufactured home park or RV park shall provide standard hydrants, acceptable to the City, located within five hundred feet (500') of all lots, measured along the driveways or streets. Fire hydrants will be subject to periodic inspection by the City.

(h) Recreation Area

1) Recreation Area Required

In all manufactured home or RV parks accommodating or designed to accommodate twenty (20) or more manufactured homes or RVs, there shall be at least one (1) recreation area which shall be easily accessible to all park residents.

2) Size of Recreation Area

Not less than five percent (5%) of the gross site area of the manufactured home or RV park shall be devoted to recreational facilities, generally provided in a central location. In large parks, this may be decentralized. Recreation areas include space for community buildings and community use facilities such as adult recreation and child play areas, swimming pools, and drying yards, but not including vehicle parking areas.

3) Playground Location

When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfare and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

(i) Utilities

All utilities, including but not limited to electrical wiring, natural gas, telephone, cable, internet and security systems, shall be installed underground and shall be maintained in accordance with applicable City codes and regulations for such systems.

(j) Plat Required

Prior to the construction or placement of any manufactured home or structure on any manufactured home park or RV park, a final plat must be approved and filed for record in accordance with SECTION 8I, of this UDC. No permit shall be issued for the placement of any manufactured home or RV on any property that is not located on a legally platted lot of record.

(k) Manufactured Home Miscellaneous Requirements

1) Each manufactured home space shall have a minimum space size of sixty feet (60') by one hundred ten feet (110') for each manufactured home.

2) Carports – See SECTION 7C of this UDC.

3) Manufactured Home Installation

In addition to the requirements of any building code and fire code, a manufactured home shall be installed in accordance with the following criteria:

a) Axle and hitch assemblies shall be removed at the time of placement on the foundation.

b) Each manufactured home shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior materials of the primary structure.

4) Every manufactured home lot owner shall be responsible for ensuring compliance with all requirements of this UDC including proper installation of the manufactured home, proper installation of all utility connections and proper tie-down of the manufactured home.

5) Skirting with the necessary vents, screens and/or openings shall be required on all manufactured homes and shall be installed within thirty (30) days after the placement of the manufactured home.

6) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:

a) The storage area shall have a base of impervious material;

b) Stored items shall not interfere with the underneath inspection of the manufactured home; and

c) The storage area shall be enclosed by skirting.

7) Refuse and Garbage Handling

a) The storage, collection and disposal of refuse in a manufactured home park shall be so conducted as to create no health hazards, rodent harborage or air pollution. One or both of the systems described in the paragraphs b) and c) below shall be used in every park.

b) If refuse is gathered at the individual spaces, it shall be stored in fly-tight, watertight, rodent-proof containers, and shall be located at each manufactured home space. Containers for this use shall be provided in sufficient number and capacity to properly store all refuse.

c) Centrally located refuse containers having a capacity of three (3) cubic yards or larger may be provided. If provided, such containers shall be so designed as to prevent spillage and container deterioration, and to facilitate cleaning around them.

d) The manufactured home park owner or agent shall ensure that refuse containers, if provided within the manufactured home park, are maintained in a sanitary and usable condition.

(l) Recreational Vehicle Miscellaneous Requirements

1) Size and Marking of Units or Sites

Each unit or site reserved for the accommodation of any RV shall have an area of not less than five hundred seventy-six (576) square feet, exclusive of driveways, and shall be at least twenty-four feet (24') wide. It shall be defined clearly by proper markers at each corner, shall be level, paved, and well drained. Any area in the City limits proposed for use as a RV park must be zoned for a district that permits the use of land for a RV park.

2) Water Supply

Each site used as a RV park shall be provided with a connection and an adequate supply of water of safe, sanitary quality, approved by the City. Where water from other sources than that of the municipal supply is proposed to be used, the source of the supply shall first be approved by the City.

3) Collection and Removal of Waste and Garbage; Wastewater System

Each RV park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage and shall provide a proper and acceptable wastewater system, either by connection to the City wastewater system where it is available or to a septic tank, all of which shall comply with all on-site sewage facility rules. If individual wastewater connections at each park space are not provided, then a centralized dump station for disposal of waste and garbage shall be provided.

4) Compliance

The owner, developer or manager of a RV park shall be responsible for ensuring compliance with all requirements of this UDC and shall maintain the recreational vehicle park, its facilities and equipment in good repair and in a clean and sanitary condition.

(12) O – Office

(a) General Purpose and Description

The O, Office, district is established to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this district may be located in

close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this district shall not be encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and similar in scale with residential uses and adjacent property.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or fifteen feet (15') for accessory buildings.

3) Other (see SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lots

a) Minimum Lot Area - Six thousand (6,000) square feet.

b) Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along U.S. Highway 175 frontage.

c) Minimum Lot Depth - One hundred feet (100').

2) Size of Yards

a) Minimum Front Yard - Thirty feet (30') from the ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for each story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two

nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – One to one (1:1).

5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of fifty percent (50%) lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.

(d) Outside Display and Storage of Merchandise

1) Outside display or storage of merchandise and seasonal items is prohibited.

(13) NS – Neighborhood Service

(a) General Purpose and Description

The NS, Neighborhood Service, district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The Neighborhood Service district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or 15 feet for accessory buildings.

3) Other (See SECTION 7 and SECTION 9 of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - Six thousand (6,000) square feet.

b) Minimum Lot Width - Sixty feet (60'), except one hundred and twenty feet (120') along U.S. Highway 175 frontage.

c) Minimum Lot Depth - One hundred feet (100').

2) Size of Yards

a) Minimum Front Yard - Thirty feet (30') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be

considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for each story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – One to one (1:1).

5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than twenty feet (20') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage is prohibited.

(14) R – Retail District

(a) General Purpose and Description

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

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or fifteen feet (15’) for accessory buildings.

3) Other (See SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - Six thousand (6,000) square feet.

b) Minimum Lot Width - Sixty feet (60’), except one hundred and twenty feet (120’) along U.S. Highway 175 frontage.

c) Minimum Lot Depth - One hundred feet (100’).

2) Size of Yards

a) Minimum Front Yard - Thirty feet (30’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15’) unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25’) for one-story building, and an additional twenty feet (20’) for every story (or fraction thereof) above one-story in height.

d) Interior Side Yards - The interior side yard setback between two nonresidential buildings may be reduced to zero feet (0’) where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City’s Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0’ side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based

upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – One to one (1:1).

5) Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than twenty feet (20') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage shall require issuance of a SUP.

(15) BP – Business Park District

(a) General Purpose and Description

The BP, Business Park, district is intended to support economic development that is an asset to the community, neighborhood, and landowners, through promoting and maintaining desirable development activities in a park-like setting. It is further intended that this district is to provide a conducive work environment for business research and development facilities, offices, and certain specialized manufacturing establishments.

Further objectives for this district include:

1) To preserve natural and historic resources; maintain and enhance surface and ground water quality; and promote architecturally attractive buildings and structures.

2) To ensure that the nature, scale, and function of uses pose no significant or unusual risk to the public health, safety, and welfare.

3) To ensure that the nature, scale, and function of uses generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances and do not emit harmful radiation or pollution into the air, water, or ground.

4) To ensure that the nature, scale, and function of uses do not contribute to significant traffic congestion or other safety hazards.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or 15 feet (15’) for accessory buildings.

3) Other (See SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - One-half acre (21,780 square feet) for any Business Park-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any Business Park-zoned lot or site located within Tier Two.

b) Minimum Lot Width - One hundred twenty feet (120’) for any Business Park-zoned lot or site located within Tier One, and seventy-five feet (75') for any Business Park-zoned lot or site located within Tier Two.

c) Minimum Lot Depth – One hundred seventy-five feet (175’) for any Business Park-zoned lot or site located within Tier One, and one hundred feet (100’) for any Business Park-zoned lot or site located within Tier Two.

2) Size of Yards

a) Minimum Front Yard - Twenty-five feet (25’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15’) unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25’) for one-story building, and an additional twenty feet (20’) for every story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0’) where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City’s Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0’ side-yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based

upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage shall require issuance of a SUP.

(16) OTC – Old Town Crandall District

(a) General Purpose and Description

The standards in the OTC, Old Town Crandall, district are designed to maintain and encourage redevelopment within the original business section (old downtown) of the City in a "pedestrian friendly" environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to image-setting existing ones (i.e., that promulgate the image of Crandall's heritage as a small, Texas farming town) within this section of the City, or such that they aesthetically improve the appearance of the area by strengthening the "small town" design theme (i.e., using "period" architecture, etc.).

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or fifteen feet (15') for accessory buildings.

3) Other (See SECTION 7 and SECTION 9 of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - none specified.

b) Minimum Lot Width - twenty-five feet (25').

c) Minimum Lot Depth - one hundred feet (100').

2) Size of Yards

a) Minimum Front Yard - to match existing sidewalk width, or a minimum of eight feet (8') from the back of the street curb where no sidewalk exists.

b) Minimum Side Yard - zero feet (0') if next to another Town Square district building, or shall match the required front yard setback if on a street or alley corner.

c) Minimum Rear Yard - twenty-five feet (25').

3) Maximum Lot Coverage – sixty-five percent (65%) including main and accessory buildings.

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

(d) Parking Requirements

1) For existing structures/uses (in existence prior to the effective date of this UDC) - Any existing parking, or lack of same, for any existing structure or use within the TS district shall be considered a conforming parking arrangement (including head-in and off-site parking arrangements in existence prior to the effective date of this UDC). Additional parking shall only be required for significant additions to an existing building, for significant expansion of an existing use (as determined by the City Manager), and for a newly constructed building within the district. In the event of destruction of an existing structure within the Old Town Crandall district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within one (1) year of the date of destruction. If reconstruction does not commence within the one-year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking spaces in accordance with this UDC (this can be additional head-in or off-site parking spaces, provided that this was the parking arrangement that existed for such structure prior to the effective date of this UDC, and provided that such space is available without compromising other properties' rights, access, or public safety).

2) For new structures and uses - One (1) space per two hundred and fifty (250) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. For any use which cannot provide off-street parking due to the size or location of the lot, such parking may be provided on other property not more than two hundred feet (200') from the site. In cases where the parking requirement cannot be achieved, up to seventy-five percent (75%) of the parking requirement may be waived by the City Council on the site plan, or may be provided as head-in parking spaces and/or off-site with City Council approval on the site plan for such an alternative arrangement.

(e) Special Requirements

1) Site Plan Review – Public hearing, review and approval of a site plan by the Commission and the City Council shall be required for site redevelopment or the construction of any new structure within the Old

Town Crandall district. No certificate of occupancy shall be issued unless all construction and development conforms to the site plan as approved by the City Council.

2) For site redevelopment or new construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the site plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the Old Town Crandall district shall be compatible with the styles and scale of other adjacent buildings, and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the downtown area.

3) The City Manager may require submission of additional information and materials (possibly actual samples of materials to be used) during the site plan review process.

4) A public hearing is required by the Commission and the City Council for all site plans within the Old Town Crandall district. Development standards for all uses in the Old Town Crandall district shall be established on the site plan and all supporting information will be required at the time of approval.

(f) Design Standards for the Old Town Crandall District

1) Façades of new, reconstructed and renovated buildings shall be compatible with, and shall promulgate and enhance, the period design of the original Main Street buildings. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades provided that they enhance the overall design aesthetic and period character of the downtown area.

2) Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, concrete, or cementitious fiber board trim, and colors shall be tones that are complementary to the predominant facade colors. Wood trim may also be used for refurbishing existing buildings to their original construction condition (i.e., wood shall not be used for trim on newly constructed buildings). Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors which were not typically used in early Texas downtowns shall not be used).

3) Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style. The use of paned windows (rather than large single-pane modern storefront style windows) shall be required on all new buildings in the Old Town Crandall district.

4) Façade openings shall comprise at least forty percent (40%) of the building's façade area.

5) Awnings/Canopies

   a) Ratios -- Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

   b) Projection -- Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than eight feet (8') outward from the building face/surface.

   c) Colors and Materials -- A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material that is complementary to the period or building style (metal shall be allowed only if comparable and complimentary to the gazebo, but plastic shall be prohibited).

   d) Movement -- Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.

6) Pedestrian Streetscape - Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

7) Planters, window boxes, planter boxes and containers, street furniture, street and building lighting, benches, trash receptacles, bollards, street signs, building signage, and other streetscape furnishings shall be complementary to the historical time frame of the OTC area, and shall be located not more than five feet (5') from the building front/facade or shall be located within the pedestrian zone directly in front of the applicable building or business. The City shall

be authorized to create and maintain a “pattern book” to guide, and regulate, the selection of all streetscape amenities and fixtures for the purpose of ensuring compatibility among such amenities and fixtures within the Old Town Crandall district. Conformance and compatibility with such designs shall be required, and installations that are not in keeping with these designs and with the Old Town Crandall district’s overall historic image shall be removed if so directed by the City.

8) Long-term and permanent open storage is prohibited in the Old Town Crandall district.

9) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but limited to the following:

   a) Shall not be placed/located more than twelve feet (12') from the main building or within any required front, side or rear yard.

   b) Shall not occupy any on-street or off-street parking spaces.

   c) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).

   d) Shall only be located in front of the property/business that is selling the item(s).

   e) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

   f) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

10) Architectural Design – The architectural design of buildings and sites shall strive to achieve the following objectives:

   a) Architectural compatibility;

   b) Human scale design;

   c) Integration of uses;

   d) Encouragement of pedestrian activity;

   e) Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings;

   f) Buildings that contain special architectural features to signify entrances; and

   g) All building materials shall be established on architectural elevations and supporting information.

11) Other Regulations – As established in SECTION 7, SECTION 8, and SECTION 9 of this UDC.

(17) HB – Highway Business District

(a) General Purpose and Description

The HB, Highway Business, district is intended to permit a wide range of highway-oriented business, retail, and service uses. It is further intended that this district encourage uses that serve the needs of customers who are most likely to arrive in personal vehicles. As such these uses are generally located near the interstate interchange and along major streets and away from concentrations of single-family residences.

Further objectives for this district include:

1) To provide space for highway-oriented commercial uses.

2) To provide adequate and appropriate separation and/or buffering of general business uses and residential or less intensive commercial areas.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story for accessory buildings.

3) Other (See SECTION 7 and SECTION 9, of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - One-half acre (21,780 square feet) for any nonresidentially-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any nonresidentially-zoned lot or site located within Tier Two.

b) Minimum Lot Width - One hundred twenty feet (120’) for any nonresidentially-zoned lot or site located within Tier One, and seventy-five feet (75') for any nonresidentially-zoned lot or site located within Tier Two.

c) Minimum Lot Depth - One hundred seventy-five feet (175’) for any nonresidentially-zoned lot or site located within Tier One, and one hundred feet (100’) for any nonresidentially-zoned lot or site located within Tier Two.

2) Size of Yards

a) Minimum Front Yard - Twenty-five feet (25’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

5) Parking Requirements - As established by SECTION 10 of this UDC.

6) Minimum Exterior Construction Standards – See SECTION 9E of this UDC. All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP).

(18) C – Commercial District

(a) General Purpose and Description

The C, Commercial, district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, region-serving shopping centers with large-scale anchor businesses, and other similar higher intensity retail and commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see SECTION 9H of this UDC). Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics that are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or fifteen feet (15’) for accessory buildings.

3) Other (See SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - One-half acre (21,780 square feet) for any Commercial-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any Commercial-zoned lot or site located within Tier Two.

b) Minimum Lot Width - One hundred twenty feet (120’) for any Commercial-zoned lot or site located within Tier One, and seventy-five feet (75') for any Commercial-zoned lot or site located within Tier Two.

c) Minimum Lot Depth – One hundred seventy-five feet (175’) for any Commercial-zoned lot or site located within Tier One, and one hundred feet (100’) for any Commercial-zoned lot or site located within Tier Two.

2) Size of Yards

a) Minimum Front Yard - Twenty-five feet (25’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15’) unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP).

(19) LI – Light Industrial District

(a) General Purpose and Description

The purpose of the LI, Light Industrial, district is to support economic development that is an asset to the community, neighborhood, and landowners through the protection of certain areas for limited industrial uses. It is further intended that this section ensure that the nature of the industrial uses do not create serious problems of compatibility with other kinds of land uses.

Further objectives for this district include:

1) To accommodate select commercial activities that may be appropriate near industrial uses and which may serve the immediate needs of the industrial uses and those employed therein.

2) To ensure that the nature, scale, and function of uses pose no significant or unusual risk to the public health, safety, and welfare.

3) To ensure that the nature, scale, and function of uses generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances and do not emit harmful radiation or pollution into the air, water, or ground.

(b) Maximum Height

1) Two (2) stories or thirty-five feet (35') for the main building(s).

2) One (1) story or fifteen feet (15') for accessory buildings.

3) Other (See SECTION 7 and SECTION 9, of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area - One-half acre (21,780 square feet) for any LI-zoned lot or site located within Tier One, and ten thousand (10,000) square feet for any LI-zoned lot or site located within Tier Two.

b) Minimum Lot Width - One hundred twenty feet (120') for any LI-zoned lot or site located within Tier One, and seventy-five feet (75') for any LI-zoned lot or site located within Tier Two.

c) Minimum Lot Depth – One hundred seventy-five feet (175') for any LI-zoned lot or site located within Tier One, and one hundred feet (100') for any LI-zoned lot or site located within Tier Two.

2) Size of Yards

a) Minimum Front Yard - Twenty-five feet (25') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one story in height.

d) Interior Side Yards - The interior side-yard setback between two nonresidential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the

City's Building Code is used, and when approved by the City Council on the site plan following a favorable recommendation by the Commission. Where such a reduced side-yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a site plan that shows such a reduced 0' side yard setback between two nonresidential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3) Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

(d) Outside Display and Storage of Merchandise

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30') from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage shall require issuance of a Specific Use Permit (SUP).

(20) IP – Industrial Park District

(a) General Purpose and Description

The IP, Industrial Park, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

(b) Maximum Height

1) Thirty-five feet (35') for main building(s).

2) One (1) story or fifteen feet (15') for accessory building(s).

3) Other (See SECTION 7 and SECTION 9,of this UDC).

(c) Area Regulations

1) Size of Lot

a) Minimum Lot Area – One acre (43,560 square feet) for any IP-zoned lot or site located within Tier Two (IP zoning shall not be located within Tier One, so shall not be located closer than

300 feet from U.S. Highway 175 or a major thoroughfare – however, an IP-zoned lot or site may derive access from U.S. Highway 175 or other major thoroughfare via a public street or a private entrance that passes through other appropriately zoned property provided that the applicable street right-of-way or common fire lane/access easement is dedicated by plat or by other recorded instrument that is acceptable to the City).

b) Minimum Lot Width – One hundred feet (100') for any IP-zoned lot or site located within Tier Two (within Tier One, an entrance for an IP-zoned lot or site from U.S. Highway 175 or other major thoroughfare shall be the width of the access-giving public street or private fire lane/access easement).

c) Minimum Lot Depth – One hundred fifty feet (150') from the front (i.e., addressed) street right-of-way line.

2) Size of Yards

a) Minimum Front Yard - Fifty feet (50’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see SECTION 7I(2) of this UDC for additional setback requirements).

b) Minimum Side and Rear Yard – Twenty-five feet (25’) unless adjacent to a residentially zoned property (see below).

c) Minimum Side or Rear Yard Adjacent to a Residential District – Fifty feet (50’) for one-story building, and an additional twenty feet (20’) for every story (or fraction thereof) above one story in height.

3) Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.).

4) Maximum Floor-Area Ratio (FAR) – Two to one (2:1).

(d) Special Requirements

1) Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but shall not be placed/located more than thirty feet (30’) from the main building or within any required front, side or rear yard.

2) Long-term or permanent open storage is allowed but shall be limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of SECTION 9H of this UDC (i.e., cannot be visible from any public street or adjacent property). Long-term or permanent open storage that does not conform to all of the above requirements may be

allowed by applying for and obtaining a Specific Use Permit (SUP) in accordance with SECTION 5I.

(21) PD – Planned Development District

(a) General Purpose and Description

The purpose of the PD, Planned Development, district ("PD") is to promote and encourage innovative development that is sensitive to surrounding land uses and to the natural environment. If this necessitates varying from available controlling zoning districts, the proposed development should demonstrate community benefits. A PD should not be used to deviate from the provisions of this UDC in a way that contradicts its intent.

(b) Application Requirements

1) Application Required

Any request for a PD shall be accompanied by an application prepared in accordance with the Development Standards.

2) Accompanying Applications

Approval of a PD shall require all subsequent development applications to be consistent with the approved development regulations.

3) Tax Certificate Required

All applications made as a request for a PD shall be accompanied by a copy of a current tax certificate reflecting that all taxes due and owing have been paid in full.

4) Minimum Planned Development District Size

No PD may be established on any area less than the following in size:

a) Single-Family Residential: two (2) acres;

b) Multi-Family Residential: two (2) acres;

c) Nonresidential: two (2) acres; or

d) Mixed Residential and Nonresidential: five (5) acres.

(c) Processing of Application and Decision

1) Submittal

An application for a PD shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation regarding the application from any other City employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the

City Manager shall forward a written recommendation to the Commission for consideration.

2) Notification Requirements

An application for a PD requires the following notification in accordance with SECTION 4C of this UDC:

a) Written notice prior to consideration by the Commission; and

b) Published notice prior to consideration by the City Council.

3) Commission Recommendation

The Commission shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC and make a written recommendation regarding a PD to the City Council. The Commission may recommend approval, approval with conditions, or denial of the PD. The Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

4) Decision by City Council

The City Council shall receive the written recommendation of the Commission regarding a PD and shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC. The City Council may vote to approve, approve with conditions, or deny the PD. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(d) Development Standards

1) Development standards for each PD shall be set forth in the ordinance granting the PD and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.

2) In the PD, the particular controlling, or base, zoning district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).

3) The ordinance granting a PD shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each controlling zoning district or districts and a general statement citing the reason for the PD request.

4) The PD shall conform to all other sections of the UDC, unless specifically exempted in the granting ordinance.

(e) Conceptual and Development Plan

In establishing a PD, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD. During the review and public hearing process a conceptual plan and a development plan (or detailed site plan) shall be submitted.

1) Conceptual Plan: The applicant shall submit a conceptual plan. The plan shall show the applicant's intent for the use of the land within the proposed PD in a graphic manner and shall be supported by written documentation of proposals and standards for development.

a) A conceptual plan for residential land use shall show general use(s), thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

b) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include, but is not limited to, the types of use(s), topography, and boundary of the planned development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is used in drafting the final development plan.

c) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the City Manager. If an agreement cannot be reached regarding whether or not a change of detail conforms

to the original concept plan, the City Council shall determine the conformity.

2) Development Plan: This plan shall set forth the final plans for development of the PD and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan shall be acted on by the City Council, upon recommendation of the Commission. The development plan may be submitted for the total area or any section of the planned development. The development plan shall include:

a) A site inventory analysis including a scale drawing of existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development and including a delineation of any flood prone areas;

b) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; sidewalks and trails; the points of ingress and egress from existing and proposed streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet (5');

c) A site plan in accordance with SECTION 8N of this UDC;

d) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted; and

e) An architectural plan showing elevations and signage style to be used throughout the development. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by City staff, the Commission and the City Council.

(f) Criteria for Approval

The Commission, in making its recommendation, and the City Council, in considering final action on a PD, should consider the following criteria:

1) Whether the proposed PD implements and conforms to the policies of the adopted Comprehensive Plan;

2) Whether the proposed PD promotes the health, safety, and general welfare of the City and the safe, orderly, efficient and healthful development of the City;

3) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

5) The extent to which the proposed PD will result in a more superior development than could be achieved through conventional zoning;

6) Whether all of the applicant's taxes owed to the City on the subject property have been paid in full (no application will receive final approval until all taxes due are paid in full); and

7) Whether other criteria are met which, at the discretion of the Commission and City Council, are deemed relevant and important in the consideration of the PD.

(g) Amendments

The City Manager may permit the applicant to make minor amendments to the conceptual plan without the necessity of amending the ordinance that established the PD. If the proposed amendments change and/or impact the nature or purposes of the approved PD, whether individually or cumulatively, the City Manager may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the PD. If an applicant wishes to make any amendments to an approved concept plan, other than minor amendments approved by the City Manager, the City Manager will submit the amendments to the Commission and City Council for review and approval as a revised PD. Minor amendments shall only be as follows:

1) Corrections in spelling, distances and other labeling that do not affect the overall development concept;

2) Changes in building position or layout that are less than ten feet (10') or ten percent (10%) of the total building project or area;

3) Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent (5%); and

4) Changes in parking layouts as long as the number of required spaces and general original design are maintained.

F. INITIAL ZONING UPON ANNEXATION

(1) Newly annexed property shall be deemed to be zoned Agricultural ("A") until such a time that the property becomes zoned to another permanent zoning district. However, as soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or by property owners of the annexed area,

initiate proceedings to formally and legislatively establish Agricultural District zoning on the newly annexed territory, whereupon the City Manager shall commence public notification and other standard procedures for zoning amendments as set forth in this UDC. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.); however, zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council, after due consideration of the zoning request has been considered by the Commission.

(2) The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in this UDC and all other applicable State laws.

(3) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification. The Commission may consider the request for zoning and make a recommendation to the City Council prior to final adoption of the annexation ordinance. Any recommendation by the Commission shall be conditioned upon approval of the annexation of the property by the City Council. The City Council may act on an ordinance to establish the initial zoning of the property being annexed at the same meeting as the action on the annexation ordinance so long as final approval of the annexation ordinance occurs prior to final approval of the ordinance to establish the zoning and provided further that both the annexation of the property and the zoning of the property have been properly noticed pursuant to SECTION 4C of this UDC.

(4) Within an area classified as A-Agricultural:

(a) No permit for the construction of a building or use of land shall be issued by the Building Official, other than a permit which will allow the construction of a building or use permitted in the Agricultural District, unless and until such territory has been classified in a zoning district other than the Agricultural District by the City Council in the manner prescribed in this UDC, except as provided in paragraph (b).

(b) If plans and preparations for developing a property for a use other than those specified in the Agricultural District were already in progress prior to annexation of the property into the City, then the City Council may, at its discretion, authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:

1) An application for a building permit for the proposed building or use must be made to the Building Official within ninety (90) days after annexation of the property into the City; and

2) The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

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

G. ZONING CHANGE/ZONING MAP AMENDMENT

(1) Applicability

(a) The City Council, from time to time, on its own motion, by request of the City Manager or by application from a property owner, may establish or amend the boundaries shown on the Official Zoning Map of the City. A zoning change or Zoning Map amendment is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the City.

(b) Approval of a zoning change or Zoning Map amendment authorizes a property owner to submit subsequent development applications consistent with the amendment.

(2) Application Requirements

(a) Application Required

Any request for a zoning change or Zoning Map amendment shall be accompanied by an application and zoning exhibit prepared in accordance with the Development Standards.

(b) Accompanying Applications

Approval of a zoning change or Zoning Map amendment shall require all subsequent development applications to be consistent with the approved amendments.

(c) Tax Certificate Required

All applications made as a request for a zoning change or Zoning Map amendment shall be accompanied by a copy of a current Tax Certificate reflecting that all taxes due and owing have been paid in full.

(3) Processing of Application and Decision

(a) Submittal

An application for a zoning change or Zoning Map amendment shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation from any other City employee or consultant. The City shall notify the applicant of items requiring correction or attention before providing a recommendation on

the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Notification Requirements

An application for a zoning change or Zoning Map amendment for a particular parcel, lot, or tract of land requires the following notification in accordance with SECTION 4C of this UDC:

1) Written notice prior to consideration by the Commission; and

2) Published notice prior to consideration by the City Council.

(c) Commission Recommendation

The Commission shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC and make a written recommendation regarding a proposed zoning change or Zoning Map amendment to the City Council. The Commission may recommend approval, approval with conditions if so allowed by the zoning district being sought, or denial of the amendment. The Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

(d) Decision by City Council

The City Council shall receive the written recommendation of the Commission regarding a proposed zoning change or Zoning Map amendment and shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC. The City Council may vote to approve, approve with conditions if so allowed by the zoning district being sought, or deny the amendment. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(e) Consideration of Previously Denied Amendments

A request for a zoning change or Zoning Map amendment for a tract of land shall not be considered by the Commission or the City Council within six (6) months of the City Council's decision to deny a request on the same tract of land, unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this SECTION 5G, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the

property or surrounding properties. The City Manager shall have the authority to determine whether the request is substantially different from the initial request and such decision shall be final.

(4) Criteria for Approval

The Commission, in making its recommendation, and the City Council, in considering final action on a zoning change or Zoning Map amendment, should consider the following criteria:

(a) Whether the proposed zoning change or Zoning Map amendment implements and conforms to the policies of the City's Comprehensive Plan;

(b) Whether the proposed zoning change or Zoning Map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

(c) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

(d) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

(e) Whether there have been environmental and/or economical changes which warrant the requested change;

(f) Whether there is an error in the original zoning of the property for which a change is requested;

(g) Whether all of the applicant's taxes owed to the City on the subject property have been paid in full (no application will receive final approval until all taxes due and owing are paid in full); and

(h) Whether other criteria are met, which, at the discretion of the Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

(5) Protests

(a) If a proposed zoning change or Zoning Map amendment is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council according to LGC Section 211.006(d), as amended. The protest must be written and signed by the owners of at least twenty percent (20%) of either:

1) The area of the lots or land covered by the proposed zoning change or Zoning Map amendment; or

2) The area of the lots or land immediately adjoining the area covered by the proposed zoning change or Zoning Map amendment and extending two hundred feet (200') from that area.

(b) In computing the percentage of land area under SECTION 5G(5)(a) above, the area of streets and alleys shall be included.

H. PERMITTED USE TABLE

(1) Use of Land and Buildings

Structures, land or premises shall be used only in accordance with the use permitted in the following use table subject to compliance with the dimensional and development standards for the applicable zoning district and all other applicable requirements of this UDC.

(2) Permitted Principal Uses

No principal use shall be permitted in any district unless it appears as a permitted use in the following Permitted Use Table:

Table 5-2 - Legend for Permitted Use Table

Designation	Description
P	Use is permitted in district indicated
S	Use is permitted in district indicated upon approval of Specific Use Permit
None – Entry is blank	Use is prohibited in district indicated

Table 5-3 – Permitted Use Table

	Residential Zoning Districts												Nonresidential Zoning District								
PERMITTED USES	A	SF-E	SF-20	SF-12.5	SF-9	SF-6.5	SF-PH	SF-TH	MF-15	SF-MH	MHP		O	NS	R	BP	OTC	HB	C	LI	IP
Accessory Building, Residential	P	P	P	P	P	P	P	P	P	P	P										
Agriculture/Field Crops	P																				
Airport, Heliport or Landing Field	S																			S	S
Antenna and/or Antenna Support Structure, Commercial	Please see SECTION 7F																				
Appliance, Furniture and Home Furnishings Store														P	P		P	P	P		
Art Gallery/Library/Museum													P	P	P		P	P	P		
Assisted Care or Living Facility										S				S	P						
Automobile Parts Sales															P			P	P		
Automobile Repairs and Service, Major															S			S	S	P	P
Automobile Repairs and Service, Minor															S				P	P	P
Automobile Sales																			P	P	
Bakery														S	P		P	P	P	P	
Bank, Savings and Loan, Credit Union													P	P	P	S	P	P	P		
Beauty Salon/Barber Shop													P	P	P		P	P	P		
Bed and Breakfast Inn		S	S	S	S	S											P				

PERMITTED USES	Residential Zoning Districts												Nonresidential Zoning District								
	A	SF-E	SF-20	SF-12.5	SF-9	SF-6.5	SF-PH	SF-TH	MF-15	SF-MH	MHP		O	NS	R	BP	OTC	HB	C	LI	IP
Building Material and Hardware Sales														S	S		S	P	P	P	
Cabinet or Upholstery Shop																			S	P	P
Car Wash, Automated														S	S				S	P	P
Car Wash, Self-Serve														S	S				S	P	P
Cemetery or Mausoleum	S																				
Church, Temple, Synagogue, Mosque, or Other Place of Worship	P	P	P	P	P	P	P	P	P	P	P		P	P	P	S	P	P	P	P	P
Civic/Convention Center													P	S	S		S	P	P	S	S
Civic Club or Lodge	S												P	S	S		P	S	S		
College, University, Trade, or Private Boarding School													P	S	S	S	S	P	P		
Commercial Amusement, Indoor														S			S	P	P		
Commercial Amusement Outdoor														S			S	S	S		
Community Center	S	S	S	S	S	S	S	S	S	S	S		P	S	P	S	S	S	P	P	
Concrete/Asphalt Batching Plant													S	S					S	S	S
Convenience Store w/o Gas Pumps														S	R	S	S	P	P	P	P
Convenience Store w/ Gas Pumps														S	S	S	S	S	S	S	P
Day Care Center													P	P	P	S	S	S	P		
Dry Cleaning													S	P	P	S	S	P	P		
Family Home	S	S	S	S	S	S	S	S	S	S	S										
Farmers Market	S												S	S	S		S	S	S		
Flea Market															S		S	S	S		
Furniture Sales															P			P	P		
Gasoline Station/Fuel Pumps														S	S			S	S	S	
General Manufacturing/Industrial Use																				P	P
Golf Course and/or Country Club	P	S	S	S	S	S	S	S	S	S											
Governmental Facilities													P	P	P	P	P	P	P	P	P
Health/Fitness Center														S	P	S	S		P	P	

PERMITTED USES	Residential Zoning Districts												Nonresidential Zoning District								
	A	SF-E	SF-20	SF-12.5	SF-9	SF-6.5	SF-PH	SF-TH	MF-15	SF-MH	MHP		O	NS	R	BP	OTC	HB	C	LI	IP
Hospital													S					P	P	S	
Hotel/Motel																		P	P		
Household Appliance Service and Repair														S	S						
In-Home Day Care	S	S	S	S	S	S	S	S	S	S	S										
Laundromat														P	P			P	P		
Livestock	P																				
Manufactured Home										P	P										
Medical, Dental or Professional Office/Clinic													P	P	P		P	P	P		
Mini-Warehouse/Public Storage															S				S	P	P
Mortuary/Funeral Home														S	S			P	P		
Multi-Family Apartment Dwelling									P												
Museum	S												S	P	P	S	P	S	P		
Office-Warehouse/Distribution Center																P		P		P	P
One-Family Dwelling Attached							P	P	P												
One-Family Dwelling Detached	P	P	P	P	P	P	P	P	P	P	P										
Park/Playground/Similar Public Site	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		
Pawn Shop															S			S	S		
Recreational Vehicle Park	S																	S	S		
Recreational Vehicle Sales and Service																		S	S	S	
Recycling Facility	S																		S	P	S
Restaurant, Drive-In														S	S			P	P		
Restaurant or Cafeteria														S	P		P	P	P	S	S
Retail Stores and Shops													S	P	P	S	P	P	P	S	
School, Public or Private	P	P	P	P	P	P	P	P					S	S							
Sexually Oriented Business	(Refer to Ordinance 051911A)																				
Stable, Commercial	P																				
Storage or Wholesale Warehouse																			S	P	P

PERMITTED USES	Residential Zoning Districts												Nonresidential Zoning District								
	A	SF-E	SF-20	SF-12.5	SF-9	SF-6.5	SF-PH	SF-TH	MF-15	SF-MH	MHP		O	NS	R	BP	OTC	HB	C	LI	IP
Theater, Outdoor	S																S	S	S		
Theater, Indoor															P	S	S	P	P		
Manufactured Homes Sales																			S	S	S
Truck Sales, Heavy Equipment																		S	S	S	
Two-Family Dwelling								P	P												
Veterinarian Clinic/Kennel, Indoor	S													S	P	S	S	P	P	P	
Veterinarian Clinic/Kennel, Outdoor	S													S	S		S	S	S		
Welding/Machine Shop																				P	P
Wrecking or Salvage Yard																				S	S

(3) Uses Not Listed

Any use not listed in the Permitted Use Table is prohibited..

(4) New and Unlisted Uses

(a) It is recognized that new or unlisted types of land use may seek to locate in the City. In order to provide for such contingencies, a determination of any new or unlisted form of land use shall be made in accordance with this section.

(b) It is recognized that the Permitted Use Table may require amendment, from time to time, to allow for uses that are not permitted. In the event an amendment to the Permitted Use Table is required, the procedure for the amendment shall be the same as required for an amendment to the text of the UDC in accordance with SECTION 4G of this UDC.

I. SPECIFIC USE PERMIT (SUP)

(1) Applicability

A SUP allows for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions specifically set forth in this UDC. These uses and the districts where they may be located are listed in the Permitted Use Table, SECTION 5H. Approval of a SUP authorizes a property owner to submit subsequent development applications consistent with the approved SUP.

(2) Application Requirements

(a) Application Required

Any request for a SUP shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Standards.

(b) Accompanying Applications

An application for a SUP shall be accompanied by a site plan prepared in accordance with SECTION 8N. Approval of a site plan as part of a SUP shall meet the requirements for site plan approval under SECTION 8N.

(c) Tax Certificate Required

All applications made as a request for a SUP shall be accompanied by a copy of a current tax certificate reflecting that all taxes due and owing have been paid in full.

(3) Processing of Application and Decision

(a) Submittal

An application for a SUP shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B of this UDC. The City Manager may request a recommendation regarding the application from any other City

employee or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Notification Requirements

An application for a SUP requires the following notification in accordance with SECTION 4C of this UDC:

1) Written notice prior to consideration by the Commission; and

2) Published notice prior to consideration by the City Council.

(c) Commission Recommendation

The Commission shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC and make a written recommendation regarding a proposed SUP to the City Council. The Commission may recommend approval, approval with conditions, or denial of the SUP. The Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.

(d) Decision by City Council

The City Council shall receive the written recommendation of the Commission regarding a proposed SUP and shall hold a public hearing in accordance with the TOMA and SECTION 4D of this UDC. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a date certain that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

(4) Criteria for Approval

The Commission, in making its recommendation, and the City Council, in considering final action on a SUP, should consider whether the following criteria are met:

(a) The proposed use at the specified location is consistent with and conforms to the policies embodied in the adopted Comprehensive Plan;

(b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and is allowed by such regulations with the approval of a SUP;

(c) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes

improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

(d) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

(e) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;

(f) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;

(g) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are allowed by the SUP process and are necessary to render the use compatible with adjoining development and the neighborhood;

(h) The proposed use and associated site plan promote the health, safety and general welfare of the City and the safe, orderly, efficient and healthful development of the City;

(i) No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and

(j) Other criteria which, at the discretion of the Commission and City Council are deemed relevant and important in the consideration of the SUP.

(5) Conditions

The Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the SUP as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this UDC. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

(6) Expiration of Specific Use Permit

A SUP shall expire if any of the following occurs:

(a) A building permit, if necessary, for the use has not been approved within two (2) years of the approval of the SUP;

(b) A building permit approved as a result of the approval of the SUP expires within two (2) years of the approval of the SUP;

(c) The use has been abandoned or discontinued for a period of time exceeding six (6) months; or

(d) The SUP expires in accordance with its terms.

SECTION 6 **- NONCONFORMING USES, LOTS AND STRUCTURES**

A. PURPOSE AND INTENT

(1) Within the districts established by this UDC, or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this UDC was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this UDC to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this UDC are met.

(2) It is further the intent of this UDC that nonconforming uses, lots and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

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

B. NONCONFORMING STATUS

(1) Except as provided in SECTION 6I, any use, platted lot or structure that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, shall be deemed a nonconforming use, platted lot or structure provided that:

(a) Such use, platted lot or structure was in existence under, and in compliance with, the provisions of the previous City zoning code, and has been in regular and continuous use since such time;

(b) Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the previous City zoning code, and has been in regular and continuous use since such time; or

(c) Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

(2) Except as provided in SECTION 6I below, any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this UDC or any amendment hereto, shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use, platted lot or structure.

C. CONTINUING LAWFUL NONCONFORMING USE OF LAND AND STRUCTURES

(1) A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created, if any.

(2) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

D. EXPANSION OF NONCONFORMING USES AND STRUCTURES

(1) A nonconforming use may not be extended.

(2) A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.

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

E. ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURES OR LAND

(1) If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this UDC, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

(2) A nonconforming use or structure shall be deemed “abandoned” in the following circumstances:

(a) The use ceases to operate for a continuous period of one hundred eighty (180) calendar days;

(b) The structure remains vacant for a continuous period of 180 calendar days; or

(c) In the case of a temporary use, the use is moved from the premises for any length of time.

(3) Any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this UDC is hereby made and declared to be nonconforming by this UDC. Within one hundred eighty (180) calendar days following the effective date of this UDC such open/outside storage use shall cease. The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners.

F. LIMITATIONS OF NONCONFORMING USES

(1) A nonconforming use shall not be changed to another nonconforming use.

(2) A nonconforming use may be changed to a conforming use; provided, however, that, once such change is made, the use shall not be changed back to a nonconforming use.

(3) A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use, provided the degree of nonconformity of such structure shall not be increased by such change in conforming uses.

G. RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE

(1) If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll, is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this UDC.

(2) If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll, is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the 365 calendar day reconstruction period may be extended by the City Manager, at his/her sole discretion.

(3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in SECTION 6D and SECTION 6F above. .

(4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this UDC.

(5) Nothing in this UDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as such appraised value was determined by the Kaufman County Appraisal District on the most recently approved tax roll.

H. RELOCATION OF NONCONFORMING STRUCTURE

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district in which the structure is to be relocated. Such building relocation shall also require a permit from the City, and may also require platting of the intended building site as well as site plan approval pursuant to this UDC.

I. NONCONFORMING LOTS

(1) The following types of platted lots shall be deemed in conformance with the provisions of this UDC, notwithstanding the fact that such lot does not meet the standards of this UDC in the zoning district in which it is located:

(a) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or

(b) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

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

(3) A lot of record located within the Agriculture (A) zoning district that is nonconforming may be occupied by a single-family dwelling provided that all applicable zoning standards with regard to building setbacks, building size and design criteria are met.

J. NONCONFORMING MANUFACTURED HOUSING

(1) Notwithstanding any of the provisions of this SECTION 6, the owner of a nonconforming manufactured home or mobile home may remove the manufactured home or mobile home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home, and is at least as large in living space as the prior structure.

(2) Except in the case of a fire or natural disaster, the owner of the manufactured home is limited to a single replacement of the manufactured home on the same property.

(3) A property owner who has a manufactured home or mobile home which has been placed on a lot in violation of the terms of this UDC shall not have the right to replace the illegal use.

K. AMORTIZATION

(1) The BOA, on its own motion or at the direction of the City Council or an interested property owner, may inquire into the existence of any nonconforming use in the City, and after public hearing and investigation into the conditions created by the use including fire or health hazards created by the use and any other danger or nuisance to the public due to or created by any condition or use existing on the property, require the discontinuance or termination of such nonconforming use. The owner of the nonconforming use under investigation by the BOA shall have no fewer than ten (10) days written notice prior to the day of the public hearing. The BOA, after having heard from any affected parties and the public, shall prescribe a reasonable time period for compliance, discontinuance and termination of the nonconforming use that allows for amortization of the owner's actual investment in the use that occurred before the time that the use became nonconforming.

(2) In prescribing said time period, the BOA shall consider the following factors:

(a) The capital investment in structures, fixed equipment and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property at the time the use became nonconforming;

(b) Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases and discharge of mortgages;

(c) Any return on investment since inception of the use, including net income and depreciation; and

(d) The anticipated annual recovery of investment, including net income and depreciation.

(3) If the BOA establishes an amortization (or compliance) date for a nonconforming use, the nonconforming use must cease operation on that date and it may not operate thereafter unless it becomes a conforming use.

(4) For purposes of this SECTION 6K, "owner" means the owner of the nonconforming use at the time of the BOA's determination of an amortization (or compliance) date for the nonconforming use.

(5) The BOA shall have the power to subpoena witnesses, documents and things; administer oaths; punish for contempt; and may require the production of documents and other things, under such regulations as it may establish or deem appropriate.

(6) This SECTION 6K is subject in all events to the owner’s rights set forth in LGC Chapter 245 and LGC Section 211.017.

SECTION 7 **- SUPPLEMENTAL USES AND GENERAL REGULATIONS**

A. ANTI-MONOTONY REQUIREMENTS

(1) Purpose

(a) The purpose of this chapter is to preserve the aesthetically pleasing character of Byron's residential districts by promoting same; protect and enhance property values; and promote the easy identification of houses, by encouraging new dwelling unit construction of distinctive design and discouraging excessive similarity among adjacent dwellings. Establishment of a Gated Community

(2) Residential Construction – Design Variety

(a) No building permit shall be issued for any new single-family detached dwelling unit which is similar in appearance to any dwelling on the same street which is within two lots distance of it. However, those single-family dwellings with a signed sales contract or application for building permit bearing a date prior to the adoption of this ordinance shall be exempt from the provisions of this chapter.

(b) A dwelling on a corner lot may be considered dissimilar to another if the two dwellings face different streets. On cul-de-sac turnarounds, no dwelling shall be similar in appearance to another dwelling on the turnaround.

(3) Similarity Standards

(a) For the purpose of this chapter, "similar in appearance" means a dwelling which is identical, or nearly identical, to another in any three of the following characteristics:

1) Roof type (gable, hip, mansard, gambrel, flat, combination);

2) Roof height;

3) Approximate dimensions (height and length) of the front wall closest to the front lot line;

4) Shape of the front elevation silhouette;

5) Relative locations and sizes of windows in the front elevation;

6) Relative location and dimensions of garage door(s), if included on the front elevation;

7) Type(s) of siding (e.g., brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation.

(b) Housing Styles. If adjacent lots as defined in this chapter contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. Housing styles shall consist of the following: ranch, bi-level, tri-level, 1 and ½ story, two-story, and three-story.

(4) Administration

(a) If the building and zoning officer, or person acting in that capacity, finds that the dwelling for which a building permit is requested is similar in appearance to a dwelling for which a building permit has been issued within two lots distance and facing the same street, the building and zoning officer shall deny the permit request for noncompliance with this chapter.

1) Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling, according to the criteria specified herein;

2) Appeal the decision of the building and zoning officer to the health and ordinance/public health committee of the city council;

3) In appealing the interpretation of the code to the health and ordinance/public health committee, an applicant for a building permit shall present evidence sufficient to demonstrate conformity with this chapter, such as architectural drawings. Shape of the front elevation silhouette.

(b) If the health and ordinance/public health committee finds in favor of the applicant, the building and zoning officer shall issue a building permit, so long as such application has met all other appropriate requirements. If the health and ordinance/public health committee finds against the applicant, the applicant may appeal to the city council. To overturn the decision of the health and ordinance/public health committee requires a vote of three-fourth of the city council.

(5) Exceptions

(a) These regulations shall not apply to dwellings for which building permits have been approved before the effective date of the ordinance codified in this chapter, including dwellings that are being remodeled, reconstructed, or replaced after fire, windstorm or other catastrophe.

(b) These regulations may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued but is not yet built. In such instances, the builder shall request, and the health and ordinance/public health committee may grant, an exception from this chapter.

(c) These regulations may be waived for residential planned unit developments in which similarity of architectural form and style among dwellings is integral to the success of a unified plan, in which the high quality of building materials, building plans, and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the health and ordinance/public health committee may grant, an exception from this chapter as a condition of a planned unit development.

B. GATED COMMUNITIES

(1) Purpose

To achieve orderly development of gated (also known as secured) communities, to promote and develop the utilization of land to assure the best possible community environment in accordance with the Comprehensive Plan and to protect and promote the health, safety and general welfare of the City.

(2) Establishment of a Gated Community

(a) Minimum Size

The minimum acreage requirement for a gated community shall be seventy-five (75) acres.

(b) Master Plan Required

A master plan shall be required for all proposed gated communities and shall be submitted in accordance with SECTION 8E of this UDC and shall illustrate the security system, the type of fence, and the type of gate (electric/manual/etc.) to be used. All gated communities shall be

surrounded by a masonry or decorative iron fence with at least two (2) entrances, electronically or manually controlled gates and shall be administered by a homeowners association ("HOA"). Entry and exit ways to gated communities shall have a minimum width of twenty feet (20') when the gate is fully opened and shall be equipped with a Knox key entry system as approved by the fire department.

(c) Conflict with Thoroughfare Plan

1) A gated community shall not cross an existing or proposed thoroughfare as shown on the Thoroughfare Plan.

2) A gated community shall not disrupt or cross an existing or proposed public pedestrian pathway, hike and bike trail, park or other public facility as shown on the Thoroughfare Plan.

(3) Homeowners Association ("HOA")

(a) A HOA shall be established for a gated community and creation shall be so noted on the plat. The following "Maintenance Agreement" statement shall appear on the final plat:

Streets within this subdivision shall be constructed in accordance with the City of Crandall public streets standards, then in effect. The upkeep and maintenance to include the mowing of shoulders and rights-of-way, removal of weeds and unclogging of culverts and drains as well as the re-surfacing, repair and replacement of the streets shall be the responsibility of the HOA. The City of Crandall is hereby released from any responsibility or liability for these streets. Periodic inspection by a public official who is authorized to enforce complaints about poor maintenance is permitted. In the event the HOA fails or refuses to properly maintain the streets and common areas reflected on this plat, the City shall have the right, but not a corresponding duty, to enter upon such streets and common areas to perform such repairs or maintenance to such streets and common areas at the sole cost and expense of the HOA and its members.

(b) The HOA shall be directly responsible to, and controlled by, the property owners involved, to provide for operation, repair and maintenance of all common areas, fences, walls and all common facilities including, but not limited to, streets, sidewalks or other infrastructure that are part of the common facilities.

(c) The HOA Covenants, Conditions and Restrictions ("CCRs") must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant HOA infrastructure. This reserve fund shall not be commingled with any other HOA fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a

gated community with concrete streets shall be a minimum of twenty (20) years.

(d) All owners of property within the subdivision shall automatically be members of the HOA by virtue of their ownership of property within the subdivision and any annexed areas.

(e) The City shall be granted permission and practical access to enter the subdivision at any time without liability when on official business. Further, the City shall be authorized to remove any obstructions including, but not limited to, any gate and guard house, upon noncompliance by the HOA or if necessary for emergency vehicle access. The cost of removal of any obstruction shall be assessed to the owner or, if a common facility, to the HOA.

(f) The HOA shall provide access for fire, ambulance, and police services, mail deliveries, school buses, garbage pickup, and utilities. Access must not require drivers to exit their vehicles.

(g) Repair and maintenance of common facilities shall be conducted on a schedule acceptable to the City and shall be undertaken promptly by the HOA.

(4) Controlled Access

When there is a controlled access to a subdivision, whether it is a mechanical device or a security guard, the maintenance and upkeep will be the responsibility of the HOA. Access at all times by public safety personnel must be guaranteed.

(5) Private Streets

(a) All streets and sidewalks within a gated community shall be private streets, shall be maintained by the HOA, and shall be constructed in accordance with City standards.

(b) If repairs and maintenance are not performed by the HOA, the City shall have the right, but not the obligation, to undertake any necessary repairs or maintenance and shall be reimbursed by the HOA. A statement shall be added to the plat which provides for maintenance of streets by the HOA and authorizes the City to perform such repairs or maintenance at the expense of the HOA.

(6) Converting Private Streets to Public Streets

(a) Subject to approval and acceptance of the City Council, the HOA for a gated community may dedicate private streets to the City for public access and maintenance.

(b) The HOA shall submit a written request, signed by HOA officers, to the City Council requesting such acceptance of the dedication. The written request shall be accompanied by a petition containing the signatures of the owners of sixty-seven percent (67%) of the existing lots in the subdivision.

1) All of the infrastructure must be brought up to the City's then-effective development standards, at the sole cost and expense of the HOA and its members, and in a condition that is acceptable to the City.

2) All security stations, gates, and other structures not consistent with a public street development must be removed at the sole cost and expense of the HOA and its members.

3) All monies in the reserve fund must be delivered to the City.

4) The subdivision plat shall be submitted to the City as a replat and upon review and approval, shall be filed with the Kaufman County clerk to dedicate the streets, public utility easements, storm sewer easements and any other public easements to the City. An ordinance converting the private streets to public streets must be approved by the City Council prior to the filing of said subdivision replat.

5) The CCRs must be modified and refiled to remove requirements specific to private street subdivisions.

(c) All repairs, maintenance, or reconstruction of private streets shall be approved and accepted by the City prior to conversion. All conversion, dedication and replatting costs shall be paid by the HOA.

C. ACCESSORY USES AND STRUCTURES

(1) No accessory use or structure shall be permitted without a primary use or structure.

(2) Accessory buildings, as permitted herein, shall occupy more than forty percent (40%) of the required rear yard.

(3) Accessory buildings shall be set back at least three feet (3') from common property lines and may not be located within an easement.

(4) No accessory building may be closer than ten feet (10') to the main building.

(5) No accessory use or structure shall be allowed in the front yard or in front of the front building line.

(6) Attached accessory uses or structures shall comply with the front, side and rear setbacks and height restrictions established for the primary structure in this UDC.

(7) Accessory structures must be architecturally compatible with the primary structure.

(8) The wall height of the accessory building shall be limited to not more than eight feet (8') and total building height shall not exceed fifteen feet (15'). This limitation is only applicable to platted subdivisions with a specific lot size, e.g., eighty feet (80') by one hundred feet (100'), and is not intended to be applicable for a one (1)-owner, multiple-acre residence. For a one (1)-owner, multiple-acre residential lot a variance is not required; however, the total building height cannot exceed thirty-five feet (35').

(9) Storage buildings that are accessory to a principal residential use on the same lot shall require site plan approval prior to building permit issuance.

(10) The minimum separation between a main structure and detached accessory structure other than a carport shall be ten feet (10’).

(11) The minimum separation between the main building and an in-ground or above-ground pool, spa, hot tub, playhouse, sauna or gazebo which does not exceed one story in height may be less than ten feet (10’) if the structure is contiguous with or an integral part of the primary structure, and/or the accessory structure is engineered by a professional engineer to ensure the integrity of the existing (primary structure) foundation.

(a) Such plans indicating the design for an accessory structure shall be submitted to the Building Official for review in connection with the issuance of a building permit; and

(b) Setback distances for in-ground or aboveground pools, spas, hot tubs and saunas shall be measured to the outside edge of the beam (structural edge) of the pool, spa, etc.

D. CARPORTS/PORTE-COCHERES

(1) Carports

(a) Multi-family/Nonresidential Districts

1) Carports shall be allowed in multi-family and nonresidential districts.

2) Carports shall be located within all building setbacks.

3) Carports shall not be located within required landscaping areas.

4) The maximum height of the carport entry shall be ten feet (10’).

5) All parking spaces located under the carport shall be of concrete.

6) Carports shall be structurally sound, as determined by the Building Official.

(b) Manufactured Home Districts

1) A carport may not be constructed in such a way that any part of the structure encroaches into a required setback as provided in the underlying zoning district.

2) The maximum height of the carport entry shall be ten feet (10').

3) Driveways to the carport and parking spaces under the carport shall be constructed of concrete.

4) Parking spaces shall be a minimum of ten feet (10') by twenty feet (20').

5) The carport shall be structurally sound as determined by the Building Official.

6) The carport shall not drain directly or indirectly onto neighboring properties.

(2) Porte-Cocheres

(a) Single-Family Districts

1) Shall be attached to a residence and shall be an integral part of the primary structure;

2) Shall not encroach into a required setback as provided in the underlying zoning district;

3) Shall be erected over a driveway constructed of concrete;

4) Shall not exceed one (1) story in height;

5) Shall be open on two (2) or more sides; and

6) Shall be constructed of the same material as the primary structure.

E. HOME OCCUPATIONS

(1) Purpose and Intent

(a) Protect residential areas from adverse impact of activities associated with home occupations.

(b) Permit residents of the City a reasonable opportunity to use their homes as a place of livelihood and for the production or supplement of personal and family income.

(c) Establish criteria and development standards for home occupations conducted in residential units.

(2) Home Occupations--Required Conditions

(a) The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence.

(b) No interior or exterior business sign shall be permitted.

(c) No mechanical equipment shall be used except equipment of a type that is similar in character to equipment normally used for purely domestic or household purposes or for hobby purposes.

(d) Retail sales shall be prohibited on the premises.

(e) No more than one (1) person other than the immediate family permanently residing on the premises shall be employed in the home occupation.

(f) No more than one home occupation shall be permitted within any single dwelling unit.

(g) A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings

or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.

(h) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.

(i) There shall be no exterior storage of materials to be used in conjunction with a home occupation.

(j) A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the City's code enforcement officer pertaining to a violation under this section shall be considered final, unless formally appealed to the BOA within thirty (30) days of the code enforcement officer's written determination.

(3) Home Occupation Permit

(a) Purpose

To establish a method to allow the City to regulate and control nonresidential activities within a residential district and maintain a record of the types and numbers of home occupations in the City.

(b) Permit Required

Each resident within the City who has, or desires to establish, a home occupation is required to have a home occupation permit.

(c) Application for Home Occupation Permit

1) Applicant shall apply to the City Manager for a home occupation permit.

2) The City Manager may issue the permit if the home occupation meets all the requirements established in SECTION 7D(2) of this UDC.

3) The decision of the City Manager may be appealed to the BOA in accordance with SECTION 3D(3)(a) of this UDC.

4) An appeal must be submitted to the BOA within thirty (30) days after disapproval of a permit by the Building Official.

5) The decision of the BOA is final and non-appealable.

(d) Conditions Applicable to Home Occupation Permits

1) Validation

A home occupation permit remains valid for a period of one (1) year.

2) Renewal

Permits shall be renewed annually.

3) Inspection

The Building Official is authorized to periodically enter the premises to ensure full compliance with SECTION 7D and the other requirements of this UDC.

4) Termination

When a home occupation is found to be in noncompliance with the requirements outlined in SECTION 7D of this UDC, the permit will be terminated immediately. A terminated permit may be appealed in the same manner as a denied permit.

5) Renewal of terminated permits

The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this section.

F. USABLE OPEN SPACE REQUIREMENTS

(a) Areas provided as usable open space shall meet the following criteria:

1) All residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Commission may recommend, and the City Council may allow, this distance to be increased to up to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees or other natural features on the site can be preserved by increasing the distance.

2) Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Usable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan and subdivision plat approval, the Commission may recommend, and the City Council may allow, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and the surrounding area.

3) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating usable open space.

4) Within usable open space areas, there shall be at least one (1) large shade tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper, and at least twenty-five percent (25%) of the trees shall be non-deciduous (for qualifying tree species, see SECTION 9G(9)(a) of this UDC for the City's Approved Plant List).

5) A usable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision.

6) Usable open space areas must be easily viewed from adjacent streets and homes. Side or rear yard fences along common open space areas shall be of open, decorative iron design, and shall not exceed six feet (6') in height adjacent to the open space and for a distance of ten feet (10') perpendicular or radial to the open space area.

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

1) Adjacency - Is at least fifteen percent (15%) of the patio home development's boundary adjacent to park land?

2) Accessibility - Are there defined pedestrian connections between the development and the park land?

3) Usability - Is the park land immediately adjacent to the development suitable for use and accessible by residents?

4) Design Integration - Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land?

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

G. LIGHTING AND GLARE STANDARDS

(1) Purpose and Intent

The purpose of this SECTION 7E is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents, and will help preserve the historic and rural character of the City.

(2) Applicability

(a) The regulations contained in this section are applicable only within the corporate limits of the City.

(b) Compliance with the regulations in this section is strongly encouraged for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City.

(c) All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits shall be required to comply with this UDC. This UDC does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this UDC if it is determined by the City Manager that it creates a nuisance or a potential safety hazard.

(d) All outdoor lighting fixtures existing and legally installed and operating before the effective date of this UDC shall be exempt from this UDC unless they are determined to create a nuisance or a safety hazard. When existing lighting fixtures become inoperable, their replacements shall be subject to the provisions of this UDC.

(e) Modifications to nonconforming lighting fixtures shall also comply with this section.

(f) In the event of a conflict between this section and any other section of this UDC or any other regulation of the City, the more stringent requirements shall apply.

(3) Exemptions

The following are exempt from the provisions of this SECTION 7E:

(a) Publicly maintained traffic control devices;

(b) Street lights installed prior to the effective date of this UDC;

(c) Temporary emergency lighting (fire, police, repair crews);

(d) Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right-of-way (“ROW”);

(e) Moving vehicle lights;

(f) Navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by state or federal law;

(g) Signs and associated lighting that conform to the sign regulations of this UDC;

(h) Seasonal decorations with lights in place no longer than sixty (60) days;

(i) Other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time construction);

(j) Covered porch lighting on residences provided that each external light fixture does not exceed one-hundred fifty (150) watts; and

(k) Security lights of any output that are controlled by a motion sensor switch provided they do not exceed 0.25 foot-candle at the property line and do

not remain illuminated for a duration that exceeds ten to twelve (10-12) minutes after activation.

(4) Submittals

Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this UDC. The submittal shall contain the following information as part of the site plan:

(a) Plans indicating the location, type, and height of lighting fixtures including both building-mounted and ground-mounted fixtures;

(b) A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;

(c) Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;

(d) Detailed site lighting plan illustrating the foot-candle power measured throughout the site; and

(e) Additional information as may be required by the Commission in order to determine compliance with this UDC.

(5) General Standards

The following standards shall apply to all outdoor lighting installed after the effective date of this UDC:

(a) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and shall not create or cause excessive glare onto adjacent properties and public street rights-of-way.

(b) Outdoor lighting must be “full cut-off” and hooded, shielded, and/or aimed downward.

(c) The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No illumination may spill onto adjacent property.

(d) Any bright light shining onto an adjacent property or street that would result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.

(e) Existing fixtures may be adapted to comply with this UDC by adding a properly designed hood or shield, or by redirecting any upward mounted fixture downward onto the ground surface, sign, or illuminated structure.

(f) All outdoor lighting fixtures shall be designed, located, and maintained to minimize light trespass and all direct illumination shall be kept within the boundaries of the property upon which the light fixture is positioned.

(g) When approved, accent lighting shall be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building edge.

(h) Spotlights on landscaping and foliage shall be limited to one hundred fifty (150) watts output. The light shall be shielded and so as not to create a nuisance or safety hazard.

(i) No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.

(j) Minimum lighting intensities shall be measured parallel with the ground with the photo sensor surface pointed to the zenith. Maximum lighting intensities shall be measured perpendicular to the line of sight between the observer and the lighting fixture measured six feet above ground level with the photo sensor surface pointed directly at the light fixture.

(6) Specific Nonresidential Lighting Requirements

(a) The maximum allowable intensity of lighting for any nonresidential use shall be 0.25 foot-candles measured at the property line or at the street ROW line.

(b) Light poles shall have a maximum height equal to the maximum height allowed for the main building in each zoning district or shall be equal in height to the tallest building located on the property on which the light is placed, whichever height is less.

(7) Special or Temporary Lighting -- Low Wattage

(a) Bare bulbs or strings of lamps are prohibited; provided, however, from November 20 until January 10 of the following year, special lighting shall be permitted in conformity with this UDC.

H. TELECOMMUNICATIONS ANTENNAS

(1) Purpose

The purpose of this SECTION 7F is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values and the general welfare of the City while providing for the communication needs of the residents and businesses in the City. Additional purposes of this SECTION 7F are to:

(a) Ensure that the location and use of antenna facilities and antennas do not compromise the aesthetic quality of the community;

(b) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

(c) Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;

(d) Encourage co-location on both new and existing antenna facilities;

(e) Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques; and

(f) Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently.

(2) Applicability

Except as specifically provided, all new telecommunications towers or antennas in the City shall be subject to the regulations contained in this section. Preexisting towers or antennas lawfully in existence on the effective date of this UDC shall not be required to meet the requirements of this UDC, other than those set forth below. For purposes of this section, "Antenna Facility" is defined as any type of facility listed in Table 7-1, below, and includes both the antenna and the accompanying equipment, if any.

Table 7-1
Antenna Facility Requirements

Type of Facility	Building Permit Required	SUP Required
Satellite Receive Only < 1 meter	No	No
Satellite Antenna > 1 meter in Commercial Area	Yes	No
Satellite Antenna > 1 meter in Residential Area	Yes	Yes
Amateur Radio Antenna Complying with Height Limits	Yes	No
Amateur Radio Antenna Exceeding Height Limits	Yes	Yes
Television Antenna	No	No
Level 1 Stealth Facility in Nonresidential District	Yes	No
Level 2 Stealth Facility in Nonresidential District	Yes	No
Level 2 Stealth Facility in Nonresidential District	Yes	Yes
Level 3 Stealth Facility in Nonresidential District	Yes	No
Level 3 Stealth Facility in Nonresidential District	Yes	Yes
Level 4 Stealth Facility in Nonresidential District	Yes	No
Level 4 Stealth Facility in Nonresidential District	Yes	Yes
Monopole Tower up to 120 Feet in Height in Nonresidential District	Yes	Yes
Monopole Tower In Residential District or Over 120 Feet Tall	Prohibited	Prohibited

(3) General Regulations

The following regulations apply to the listed type of facility located within any district:

(a) Telecommunications Antennas

Subject to the provisions set forth herein, telecommunications antennas may be placed on City towers or other City facilities, as designated from time to time by the City, if the City determines that there is available space on and around a City tower or other City facility. The applicant shall contact the City Manager regarding City leasing requirements of City towers or other City facilities.

Telecommunications antennas placed on the applicant's own commercial facilities or offices must be affixed to the building's exterior and may not extend more than six feet (6') above the top roof line of the building, unless the City Manager, in his/her sole discretion, authorizes a higher location.

(b) Equipment Storage Building

An equipment storage building associated with an Antenna Facility shall be screened and landscaped as described in other sections of this UDC, or be incorporated into the stealth design so that it is consistent and complementary with the existing structures and uses on the premises. All equipment storage buildings must be constructed of a masonry material or enameled metal. Alternative materials may be permitted upon approval by the City Council and recommendation by the Commission. The base of all tower facilities must be screened with a masonry wall that will completely screen the equipment storage building.

(c) Driveway Surfaces

Each Antenna Facility must have an access drive that is constructed of concrete. One (1) off-street parking space must be provided at each telecommunication tower facility.

(d) Lights

No outdoor lighting shall be allowed on any Antenna Facility except lights or lighting that is by required by the Federal Aviation Administration ("FAA") or the Federal Communications Commission ("FCC").

(e) Antenna Facility Capacity

Each new Antenna Facility shall be structurally designed to allow for at least two (2) sets of antennas.

(f) Tower Types

Only monopole, alternative mounting structures or stealth towers are permitted in the City.

(g) Prohibited in Easements

Antenna Facilities shall not be placed in, upon, over, under or across easements unless authorized in writing by the easement holder.

(h) Construction Standards

A building permit must be obtained prior to the construction or installation of any Antenna Facility. An Antenna Facility must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the state. Additionally, all Antenna Facilities shall comply with applicable state and local building codes.

(i) Building Codes / Safety Standards

To ensure the structural integrity of Antenna Facilities, the owner of an Antenna Facility must ensure that it is maintained in compliance with all provisions of the City's building code and zoning regulations. If upon inspection, the City concludes that an Antenna Facility fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the Antenna Facility, the owner shall have thirty (30) days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the Antenna Facility by the owner, at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.

(j) Contained on Property

No part of an Antenna Facility may extend beyond the property lines or required building lines of the lot on which the Antenna Facility is located.

(k) State or Federal Requirements

All Antenna Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. A copy of an approval letter from any state or federal controlling agency shall be provided with every application for a telecommunications tower.

(l) Variance Requirement

A variance granted by the BOA, pursuant to SECTION 4K of this UDC, is required for an Antenna Facility which will not comply with the requirements of this section, unless otherwise specified herein.

(4) Amateur Radio Antennas and TV Antennas

Amateur radio antennas and TV antennas are allowed as accessory uses in the A, SF-E, SF-20, SF-12.5, SF-9, SF-6.5 SF-PH, SF-TH, MF-15, SF-MH,

MHP, or any residentially zoned PD. Amateur radio antennas and TV antennas must comply with the following regulations:

(a) Antenna Location

Amateur radio antennas and TV antennas can only be located on a roof or in the back yard of a residence.

(b) Number of Facilities Per Lot

No more than one (1) TV antenna and one (1) amateur radio antenna are permitted on each lot. Amateur radio antennas are only permitted for operators who have an amateur radio operator license from the FCC and the operator must provide the City proof of a current FCC license before an amateur radio antenna is installed or maintained on a lot.

(c) Height Limitations

An amateur radio antenna or TV antenna cannot extend more than eight feet (8') above the maximum height limitation applicable for the zoning district.

(d) Setbacks

Amateur radio antennas or TV antennas are not permitted within any required setback area.

(5) Satellite Receive-Only Antennas, One (1) Meter or Less in Diameter

A satellite dish receiving antenna, which is one (1) meter or less in diameter ("Satellite Receive-Only Antenna"), shall be permitted as an accessory use in the A, SF-E, SF-20, SF-12.5, SF-9, SF-6.5 SF-PH, SF-TH, MF-15, SF-MH, MHP, or any residentially zoned PD. A Satellite Receive-Only Antenna must comply with the following regulations:

(a) Antenna Location

A Satellite Receive-Only Antenna can only be located on a roof or in the back yard of a residence.

(b) Number of Facilities Per Lot

No more than one (1) Satellite Receive-Only Antenna is permitted on each lot.

(c) Height Limitations

A Satellite Receive-Only Antenna cannot extend more than eight feet (8') above the maximum height limitation applicable for the zoning district.

(d) Setbacks

No Satellite Receive-Only Antenna is permitted within any required setback area.

(6) Satellite Antennas Greater Than One Meter in Diameter

A satellite antenna, which is greater than one (1) meter in diameter ("Satellite Antenna"), is permitted as an accessory use under the following conditions:

(a) Nonresidential Zoning Districts

A Satellite Antenna is an accessory use permitted by right in nonresidential zoning districts.

(b) Residential Zoning Districts

A Satellite Antenna is only permitted in residential zoning districts upon the grant of an SUP by the BOA.

(c) Height

No Satellite Antenna shall exceed ten feet (10') in height above the base of its mount.

(d) Location

A Satellite Antenna cannot be erected in any required setback or in the front or side yard of a residential lot.

(e) Screening

A Satellite Antenna that is mounted on the ground shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of a least six feet (6').

(7) Placement of Antenna Facilities

This section does not apply to amateur radio, TV, and satellite receive-only antennas. For the purpose of determining the appropriate locations for the placement of Antenna Facilities, the City is divided into land use threshold areas that establish different regulations pertaining to height, location, and type of Antenna Facility. These land use thresholds are defined as follows:

(a) Full Commercial ("FC")

Property within the O, NS, R, BP, OTC, HB, C, LI, IP, or nonresidential Planned Development zoning districts.

(b) Undeveloped Residential ("UR")

Property within A, SF-E, SF-20, SF-12.5, SF-9, SF-6.5 SF-PH, SF-TH, MF-15, SF-MH, MHP, or any residentially zoned PD, that:

1) Is not a part of a recorded subdivision; or

2) Is a part of a recorded subdivision but has not had a building permit issued for a residential structure; and

3) Is not located within the calculated limits of the Developed Residential threshold, set forth below.

(c) Wireless Corridors ("WC")

Property within, and one hundred fifty feet (150') either side of, the right-of-way of a freeway or a principal arterial roadway, as indicated on the Thoroughfare Plan.

(d) Developed Residential ("DR")

Property within the A, SF-E, SF-20, SF-12.5, SF-9, SF-6.5 SF-PH, SF-TH, MF-15, SF-MH, MHP, or any residentially zoned PD, which is:

1) A recorded subdivision that has had at least one (1) building permit for a residential structure; or

2) Within six hundred feet (600') of areas described in this SECTION 7F(7)(d).

(8) Antenna Facility Impact Levels

For the purpose of determining appropriate locations for Antenna Facilities, the City recognizes differing levels of impact for antenna facilities depending upon physical location, aesthetics, and land use compatibility. These Antenna Facility impact levels are described as follows:

(a) Monopole: A monopole tower requires a SUP. The antenna equipment may not extend more than five feet (5') above the highest point on the monopole.

Examples of Levels of Stealth

(b) Level 4 Stealth Facility: The antenna on a Level 4 Stealth Facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is neither screened nor hidden. For the purpose of this type of facility, a pole or tower may be reconstructed to structurally hold the antenna but the height of the structure cannot be increased.

(c) Level 3 Stealth Facility: The antenna on a Level 3 Stealth Facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna shall be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings.

(d) Level 2 Stealth Facility: The antenna on a Level 2 Stealth Facility is attached to the structure in such a manner that if it is seen it appears

unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.

(e) Level 1 Stealth Facility: The antenna on a Level 1 Stealth Facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.

(9) Antenna Facility Siting Matrix

Antenna Facilities shall be located in accordance with the following siting matrix. This matrix provides for areas where Antenna Facilities may be located as permitted uses, areas where they may be located with an SUP, and areas where they are prohibited.

Table 7-2
Antenna Facility Siting Matrix

Description	Land Use Threshold			
	FC	UR	WC	DR
Monopole over 120 ft.	Prohibited	Prohibited	Prohibited	Prohibited
Monopole up to 120 ft.	SUP	SUP	SUP	Prohibited
Level 4 Stealth Facility	Permitted	Permitted	SUP	SUP
Level 3 Stealth Facility	Permitted	Permitted	Permitted	Permitted
Level 2 Stealth Facility	Permitted	Permitted	Permitted	Permitted
Level 1 Stealth Facility	Permitted	Permitted	Permitted	Permitted

(10) SUP

When a SUP is required by this section for the location of an Antenna Facility, the applicant must submit an application in accordance with the procedure established in this UDC. SUPs for Antenna Facilities are granted by the City Council, upon recommendation of the Commission in accordance with SECTION 5I of this UDC.

(a) Application

In order to properly evaluate an application to locate an Antenna Facility that requires a SUP, the applicant must provide the following items and/or information:

1) A SUP application and appropriate application fee;

2) A narrative detailing the proposed Antenna Facility. The narrative shall describe or reflect the following:

a) Whether the proposed structure is a co-location, a new monopole tower or a new alternate mounting structure;

b) The height of the proposed tower;

c) Why the Antenna Facility is necessary at the proposed location;

d) The name(s) of the telecommunications providers or other users of the antenna or tower and a description of the intended use of each user;

e) Whether the applicant has made an effort to co-locate the facilities proposed for this Antenna Facility on existing antenna facilities in the same general area, identifying the location of these existing sites, a detailed description of these efforts and why these existing sites were not feasible;

f) All studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage;

g) Written documentation from existing sites' owners and/or operators which confirm the statements provided;

h) Whether the existing sites allow/promote co-location and, if not, a description why not;

i) Whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, a statement identifying each reason and the basis of each reason; and

j) All state or federal agency approval letters.

3) A site plan of the proposed Antenna Facility at a scale of 1" = 30'. The site plan should be on a single 24" X 36" sheet and shall include:

a) A survey and legal description of the proposed Antenna Facility;

b) A detail on how access to the site is to be achieved;

c) A plan view layout of the proposed Antenna Facility clearly showing:

i) The location of the facility;

ii) All equipment and structures in the proposed Antenna Facility;

iii) The required off-street parking space;

iv) Distances to property lines;

v) Required setbacks;

vi) Adjacent land uses and zoning designations;

vii) Existing structures on the site;

viii) Required landscaping or screening of the base of the tower;

ix) All recorded and proposed easements; and

x) Natural features, such as water courses and trees.

4) Elevation drawings showing:

a) The design and height of the proposed Antenna Facility;

b) Detailed drawings of all structures and equipment; and

c) Screening requirements.

5) If the requested location is in a residential district, evidence that an effort has been made to locate the facility in a nonresidential district, identifying the location of these nonresidential district sites, and describing these efforts and why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage.

6) A map showing the proposed provider's current coverage area for the City. The map must show the roadway network and be labeled. The applicant must also provide propagation analysis showing the areas the proposed provider's existing antenna currently covers, and the areas the applicant's existing sites and the requested site would cover. The propagation analysis must be labeled and have a legend.

7) A description of the applicant's master antenna facilities plan for the City. Attach maps and other related documents and provide information indicating each phase of the plan.

(b) Consideration of Application

In considering whether to grant an application for a SUP, the City Council and the Commission shall consider the following:

1) The appropriateness of the location and design of the Antenna Facility;

2) The potential for interference with the enjoyment of the use surrounding properties;

3) Aesthetics;

4) Impact, including but not limited to, the surrounding topography, surrounding tree coverage and foliage;

5) Proposed buffering;

6) The design of the Antenna Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7) The proposed height of the Antenna Facility relative to surrounding structures;

8) The zoning district and the adjoining zoning districts of the property for which the SUP is sought;

9) Compliance with the City’s regulations; and

10) The availability of suitable alternative sites. Suitable alternative site(s) shall mean a location or locations that would provide the same or better signal coverage than the proposed site for which a SUP is requested. The applicant shall provide documentation supporting his contention that alternative site(s) are not suitable and/or available.

(c) Procedures for Consideration of a SUP

The procedures for consideration of an application for a SUP requested under this section shall be in accordance with SECTION 5I of this UDC.

(d) Written Report

Denial of an application for a SUP under this section must be documented in writing in accordance with the requirements of the Telecommunications Act of 1996, as amended.

I. TEMPORARY STRUCTURES

(1) A temporary structure may not be brought on-site until a building permit for the construction or refurbishing of the permanent structure has been issued by the Building Official. All temporary manufactured structures shall be required to comply with the following:

(a) Time Limit: Permits issued for temporary manufactured structures shall be valid for two (2) years or when the permanent structure is completed and occupied, whichever is sooner. Any further extension shall require City Council approval.

(b) Dimensions: Minimum dimensional requirements for temporary uses or structures shall be those established in the district in which the temporary use or structure is located.

(c) Parking: Minimum parking requirements for temporary manufactured structures shall be the number according to the proposed use for the building.

(2) Temporary Construction Buildings: Temporary building and material storage areas to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Building Official.

J. PERFORMANCE STANDARDS

(1) All Uses Must Conform

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by county, Texas and federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation,

location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare as specified in this section.

(2) Must Comply With Federal and State Regulations

All federal and Texas pollution, noise, and requirements for toxic waste disposal shall be observed.

(3) Noise

At no point at the bounding property line of any use shall the sound pressure level of any operation or land use exceed the decibel limits specified in the Octave Band groups designated in the following table:

(a) Maximum Permissible Daytime* Octave Band:

Table 7-3
Decibel Limits at the Bounding Property Line**

Octave Band (cps)	37-75	75-150	150-300	300-600	600-1200	1200-2400	2400-4800	4800-9600	A Scale
Decibel Band Limit (db re 0.0002 microbar)	86	76	70	65	63	58	55	53	65

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

* "Daytime" shall mean the hours between sunrise and sunset on any given day.

** "Bounding Property Line" shall be interpreted to mean at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

(b) The following corrections shall be made to the Table of octave band-decibel limits above in determining compliance with the noise level standards:

1) When noise is present at nighttime, subtract (-7db).

2) When noise contains strong pure-tone components or is impulsive (i.e., when meter changes at 10 decibels or more per second), subtract (-7db).

3) When noise is present for not more than the following, add (+10db):

a) ½ minute in any ½-hour period;

b) 1 minute in any 1-hour period;

c) 10 minutes in any 2-hour period; or

d) 20 minutes in any 4-hour period.

(c) Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American National Standards Institute.

(d) Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.

1) Noises not directly under control of the property owner or user.

2) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (i.e., during daylight hours).

3) Noises of safety signals, warning devices and emergency pressure relief valves.

4) Transient noise of moving sources such as automobiles, trucks, and airplanes.

5) Events sanctioned by the City of Crandall.

(4) Smoke and Particulate Matter

(a) No operation or use shall cause, create, or allow the emission, for more than three minutes in any one hour, of air contaminants that at the emission point or within the bounds of the property are of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the American Society for Testing and Materials (“ASTM”) except for when the presence of uncombined water is the only reason for failure to comply, or when such contaminants are emitted inside a building which prevents their escape into the atmosphere.

(b) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the operation’s site per any one (1) hour.

(c) Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per one thousand (1000) cubic feet of air.

(5) Odorous Matter

(a) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

(b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or

where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by ASTM shall be followed.

(6) Fire or Explosive Hazard Material

(a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City of Crandall.

(b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Crandall Fire Code.

(7) Toxic and Noxious Matter

No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that exceeds ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker, as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

(8) Vibration

No operation or use shall at any time create earthborn vibrations which, when measured at the bounding property line of the source operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified:

Table 7-4
Earthborn Vibration Limits

Frequency (Cycles Per Second)	Displacement (In Inches)
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

K. SUPPLEMENTAL REGULATIONS

(1) Measurement

(a) Measuring Setbacks - All setback measurements shall be made from the property line.

(b) Configuration of Lots - Flag lots (i.e., lots with minimal, or panhandle-type, frontage) are prohibited. Through (i.e., double-frontage) lots (particularly

within residential zoning districts) shall also be avoided wherever possible (see SECTION 9C for regulations pertaining to the configuration of lots).

(c) Building Setbacks – All setbacks established on a recorded plat shall be enforced, even if they are less than or they exceed the required setbacks in this UDC. Setbacks established on a recorded plat shall only be changed through replat proceedings (see SECTION 8M).

(2) Front Yard

(a) On all corner lots, the front-yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side- or rear-yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and townhome uses shall be identified and the front of the structure shall not face the side or rear yard.

(b) Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

(c) The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed.

(d) Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.

(e) Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this UDC are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street. An unenclosed canopy for a gasoline service station pump island may extend beyond the front building line, but shall not be closer than ten feet (10') to any property line or street right-of-way line.

(f) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

(g) If a street block face has existing buildings already constructed along it for fifty percent (50%) or more of its length, and if the front-yard setback for these existing buildings is greater than the front yard required for that zoning district in this UDC, then the front-yard setback of the existing buildings shall supersede the front yard required for that zoning district. New buildings shall conform with the already established front-yard setback along the remainder of the block face unless a variance for a lesser front-yard setback is applied for and granted by the BOA in accordance with this UDC.

(3) Side and Rear Yards

(a) On a corner lot used for one- or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this UDC, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the City Manager with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this UDC, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district unless otherwise established on the filed plat (in which case replatting is necessary to change the setback lines, per SECTION 8M).

(b) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches and patios (on ground floor only) extending into a side or rear yard shall not be enclosed, but upper story balconies may not encroach into a side or rear yard setback. A canopy may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line.

(c) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

(4) Special Height Regulations

In districts where the height of buildings is restricted to two (2) or more stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and

tanks, church steeples, domes and spires, ornamental cupolas, City or school district buildings, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

(5) Minimum Dwelling Unit Area

Minimum dwelling unit areas specified in this UDC shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

(6) Open Storage Areas

Open storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display.

(7) Sight Visibility

(a) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, signs, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') above the ground. The triangular areas are defined as follows:

1) Alley intersects a public street right-of-way - The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

2) Street intersection or intersection of private driveway onto a public street - These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides.

(b) Shrubs and plant materials that are typically less than thirty inches (30") in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of thirty inches (30").

(c) A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above and they

are spaced and positioned such that their trunks will not produce a visibility-inhibiting, “picket-fence” effect when they attain mature size.

(8) Nonresidential Structures in Residential Districts

Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (A, SF-E, SF-20, SF-12.5, SF-9, SF-6.5, SF-PH, SF-TH, MF-15, SF-MH and MHP) shall be designed and constructed such that they conform to the development standards set forth in the Neighborhood Service (NS) district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this UDC or in an UDC establishing a PD.

L. MOBILE FOOD VENDORS

(1) Mobile food vendors are subject to the following regulations:

(a) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy;

(b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy;

(c) Mobile food vendors shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor;

(d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property;

(e) A mobile food vendor must secure a health permit from the State of Texas, and an annual permit from Building Inspections prior to the operation of such use;

(f) All mobile food venders must make arrangements to properly dispose of trash;

(g) Mobile food vendors cannot cook food on site;

(h) Signage for mobile food venders must comply with the City of Crandall sign regulations;

(i) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Crandall;

(j) Mobile food vendors shall not be located within 25 feet of an entrance of a primary building that holds the Certificate of Occupancy;

(k) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City's Thoroughfare Plan;

(l) Mobile food vendors may operate only during the business hours of the primary business on the property;

(m) A drive through is not permitted in conjunction with the mobile food vendor; and

(n) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads.

SECTION 8 **- DEVELOPMENT STANDARDS**

A. PURPOSE AND APPLICABILITY

(1) The purpose of this SECTION 8, Development Standards, is to promote sound planning in the subdivision of land, and to provide consistent rules, which protect the public health, safety, and welfare while allowing the legal platting of land. The regulations herein have been made after careful study of existing local conditions and the desirable future development of the City. It is not the City's desire or intent to regiment the design of subdivisions of property and their environs, but rather to recommend the utilization, to the fullest extent possible, of good, sound, modern subdivision planning principles.

(2) It is intended that as much freedom as possible be allowed the individual owners and subdividers in the design and ultimate development of new subdivisions so that they will contribute innovation, individuality, and character to the community's new residential neighborhoods, commercial developments, and industrial districts. At the same time, these rules are intended to assure that such development provides for:

(a) Sufficient, adequate major and secondary traffic thoroughfares and public facilities;

(b) Minimum standards for facilities;

(c) A consistent and equitable pattern of development among neighboring parcels of land; and

(d) Consistency with the Comprehensive Plan, Thoroughfare Plan, and other adopted plans.

(3) The regulations contained within this section are adopted under the authority of the Constitution and laws of the State of Texas, including particularly LGC Chapters 42, 212, and 242. Pursuant to the authority herein granted, the City Council extends, to all areas within Crandall's city limits and ETJ, the application of all of the terms and provisions in this section establishing rules and regulations governing plats and subdivisions of land.

B. GENERAL PROVISIONS

(1) The owner of a tract of land located within the city limits or in the ETJ of the City who divides the tract into two (2) or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to

be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares parks or other parts, must prepare a plat of the subdivision. A division of a tract under this section includes a division regardless of whether it is made by using a metes-and-bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

(2) No person shall create a subdivision of land within the City or within its ETJ without complying with the provisions of this section, and all plats and subdivisions of any such land shall conform to the rules and regulations set forth in this section.

(3) In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Code by injunction issued by a court of competent jurisdiction.

(4) All land subdivided or platted into lots, blocks and streets within the City or within its ETJ, as provided by state law, shall comply in full with the requirements of this UDC. No plat shall be filed in the office of the county clerk for a tract within the City or its ETJ unless it is recommended by the Commission and approved by the Council.

(5) The City has requested Kaufman County not to issue a permit for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or any lot in a subdivision in which the standards contained or referred to herein have not been complied with in full.

(6) No permit shall be issued for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full, unless otherwise provided by law or herein.

(7) The City shall not authorize any person nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained or referred to herein have not been complied with in full.

(8) The City shall not authorize any person nor shall the City itself sell or supply any water or sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained or referred to herein have not been complied with in full.

(9) Disapproval of a plat by the Commission shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation, may be vacated by the City in any manner provided by law.

(10) On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or part of the provisions of this UDC.

(11) In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this UDC may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either at law or in equity, as may be deemed advisable in these premises.

(12) The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residential building exists and was in existence prior to passage of this UDC, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this UDC was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this UDC.

C. PRE-APPLICATION CONFERENCE

Prior to the official filing of an application for approval of a plat or plan for a subdivision, the subdivider, at his/her option, may consult with and present a proposed plan for the subdivision to the City Manager for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land. At such a meeting the City staff will be able to make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. This step does not require formal application or fee. No vesting shall occur under this SECTION 8C in accordance with SECTION 1F of this UDC.

D. APPLICATION REQUIRED

Any proposed plan for subdivision or development of a property under this section shall be accompanied by a completed application for the proposed development. No vesting shall occur in accordance with SECTION 1F of this UDC until a completed application has been submitted in accordance with the requirements of this SECTION 8.

E. SUBDIVISION MASTER PLAN

(1) General

Where required by SECTION 8F, a subdivision master plan shall be prepared and submitted in accordance with this SECTION 8E.

(2) Submittal Requirements for Subdivision Master Plan

An application for a subdivision master plan shall include the following information and documents:

(a) Completeness Requirements

1) Appropriate fees;

2) Application signed and notarized by owner;

3) Agent authorization letter;

4) Legal metes-and-bounds description;

5) Subdivision master plan checklist;

6) Traffic Impact Analysis Determination form;

7) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”;

8) One (1) folded 11”X17” reduction of each exhibit;

9) One (1) CD containing a digital copy of the plan in PDF format;

10) Completed application for street name approval; and

11) Certified copy of a tax certificate for the subject property.

(b) Technical Requirements

1) Location/Vicinity map with north arrow;

2) Title Block located in lower right corner, including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date;

3) County recording block;

4) Legend, if abbreviations or symbols are used;

5) Name, address and phone number of owner, developer, applicant, and surveyor;

6) North arrow;

7) Graphic and written scale (minimum 1”=100’);

8) Surveyed property boundaries with bearings and distances;

9) Legal metes-and-bounds description with calls matching boundary dimensions and distances;

10) Lot dimensions;

11) Location of significant natural features, including floodplains, water courses and wooded areas;

12) Location of significant man-made features, including railroads, buildings, utilities, or physical features;

13) For residential subdivisions, a minimum of two (2) points of public access to existing public streets;

14) Right-of-way dedications or reservations;

15) Location of existing and proposed Federal Emergency Management Agency (FEMA) 100-year floodplain limits with elevations;

16) Existing and proposed topography at five foot (5’) contour intervals including drainage channels and creeks;

17) Outline of all property offered to be dedicated to the City for park land dedication;

18) Outline of all property to be maintained as private park land;

19) Land use, zoning, subdivision name, owner name and address, and recording information for all adjacent properties;

20) Schematic layout of tract to be subdivided, any remainder tract, and relationship of proposed subdivision to adjacent properties and existing adjoining development;

21) Designation of each phase of development, the order of development, and a schedule for the development of each phase;

22) Table indicating the phasing, acreage, land uses, zoning, and anticipated number and type of dwelling units for each phase;

23) Arterial, collector, and local street layout;

24) Provision for water, wastewater and storm drainage facilities to serve the development;

25) Any additional information as requested to clarify the proposed development;

26) Provide the following notes:

    a) The thoroughfare alignments shown on this exhibit are for illustration purposes and do not set the alignment. Alignment is determined at time of final plat;

    b) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exist on this site;

    c) All private open space, common areas, greenbelts, drainage easements, etc. are the responsibility of the developer or its successors and/or assigns; and

    d) State any and all waivers requested for the master plan; and

27) Provide the following acknowledgements and certificates:

    a) Approval of City Planning and Zoning Commission

    This master plan of the _____ development has been submitted to and considered by the City Planning and Zoning Commission of the City of Crandall, Texas and is hereby approved by such Commission.

    Dated this _____ day of _____, 20___

    By: Chairperson _____

    Secretary _____

    b) Certificate of Surveyor

    State of Texas

County of _____

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal) _____

Registered Professional Land Surveyor

c) Certificate of Engineer

State of Texas

County of _____

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given to this plat.

(Engineer's Seal) _____

Licensed Professional Engineer

F. SUBDIVISION MASTER PLAN PROCESS

(1) Applicability

(a) The provisions of this SECTION 8F are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A subdivision master plan is required to provide for review of certain developments for compliance with the Comprehensive Plan, this UDC, any additional adopted plans (i.e., water, wastewater, transportation, drainage), the compatibility of land uses and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat.

(b) A subdivision master plan is required for any development meeting the following criteria:

1) The property is undeveloped, is under one (1) ownership, and is greater than fifty (50) acres in size;

2) The proposed subdivision of land is to occur in phases;

3) The proposed subdivision will require off-site road, drainage or utility connections or improvements that will have a substantial impact or effect on other properties or developments; or

4) The property is part of a development agreement.

(c) If a preliminary plat encompasses the entire development, a subdivision master plan will not be required.

(2) Application Requirements

(a) Application Required

Any request for a subdivision master plan shall be accompanied by an application prepared in accordance with the Development Standards.

(b) Accompanying Applications

An application for a subdivision master plan may be accompanied by an application for a preliminary plat for the first phase of development.

(3) Processing of Application and Decision

(a) Submittal

An application for a subdivision master plan shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2),of this UDC. The City Manager shall forward a copy of the proposed plan to other appropriate officials or personnel for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Decision by the Planning and Zoning Commission

The Commission shall consider the proposed subdivision master plan. The Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Commission may vote to approve, approve with conditions, or deny the proposed subdivision master plan. The applicant may appeal the decision of the Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Commission's action.

(c) Acceptance of Subdivision Master Plan

Approval of a subdivision master plan by the Commission shall be deemed as an expression of the approval of the layout submitted on the master plan as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a preliminary plat in accordance with the requirements of this UDC.

(4) Criteria for Approval

The Commission, in considering final action on a subdivision master plan, should consider the following criteria:

(a) The subdivision master plan is consistent with all zoning requirements for the property or any development regulations approved as part of a development agreement;

(b) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision;

(c) The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion within the time limits proposed;

(d) If the land lies within a PD or is part of an approved development agreement, the proposed subdivision master plan conforms to the PD regulations and is consistent with the incorporated conceptual plan or any development regulations contained in the approved development agreement;

(e) The location, size and sequence of the phases of development proposed assure orderly and efficient development of the land subject to the plan; and

(f) No application made under these provisions will receive final approval until all taxes owed to the City of Crandall on the subject property have been paid in full.

(5) Expiration and Extension

(a) Expiration

The approval of a subdivision master plan shall remain in effect for a period of two (2) years from the date the application was approved or conditionally recommended by the Commission and approved by the Council, during which period the applicant shall submit and receive approval for a preliminary plat for any portion of the land subject to the subdivision master plan. If a preliminary plat has not been approved within the two (2)-year period, the subdivision master plan approval, unless extended, shall expire and the plan shall be null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of a subdivision master plan may be extended by the Commission for a period not to exceed one (1) year. A subdivision master plan is not subject to reinstatement following expiration.

(6) Revisions Following Approval of Subdivision Master Plan

(a) Minor Changes

Minor changes in the design of the subdivision subject to a subdivision master plan may be incorporated in an application for approval of a preliminary plat without the necessity of filing a new application for approval of a subdivision master plan. Minor changes shall include adjustment in street or alley alignments, lengths, and paving details, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.

(b) Amendments

All other proposed changes to the design of the subdivision subject to an approved subdivision master plan shall be deemed major amendments that require submittal and approval of a new application for approval of a revised subdivision master plan before approval of a preliminary plat.

G. PRELIMINARY PLAT

(1) General

Where required by SECTION 8H of this UDC, a preliminary plat shall be prepared and submitted in accordance with this SECTION 8G.

(2) Submittal Requirements for Preliminary Plat

An application for a preliminary plat shall include the following information and documents:

(a) Completeness Requirements

1) Appropriate fees;
2) Application signed and notarized by owner;
3) Agent authorization letter;
4) Legal metes-and-bounds description;
5) Preliminary plat checklist;
6) Traffic Impact Analysis Determination form;
7) Tree survey;
8) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”;
9) One (1) folded 11”X17” reduction of each exhibit;
10) One (1) CD containing a digital copy of the plat in PDF format;
11) Completed application for street name approval;
12) Preliminary drainage plan; and
13) Certified copy of a tax certificate for the subject property.

(b) Technical Requirements

1) Location/Vicinity map with north arrow;
2) Title block located in lower right corner, including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date;
3) Legend, if abbreviations or symbols are used;
4) Name, address and phone number of owner, developer, applicant, and surveyor;
5) North arrow;
6) Graphic and written scale (minimum 1”=100’);
7) Surveyed property boundaries with bearings and distances;

8) Legal metes-and-bounds description with calls matching boundary bearings and distances;

9) Lot dimensions including bearing and distances;

10) Provide lot and block numbers for every lot (numbers only);

11) List the total number of buildable lots;

12) Front building setback lines along roadways (provide typical detail of setbacks, including corner lots);

13) Provide existing zoning;

14) Location of significant natural features, including floodplains, water courses and wooded areas;

15) Location of significant man-made features, including railroads, buildings, utilities, or physical features;

16) For residential subdivisions, a minimum of two (2) points of public access to existing public streets;

17) Areas to be dedicated or reserved for right-of-way including dimensions, area and providing bearings and distances of centerline;

18) Recording information for any existing easements (water, sanitary sewer, storm drainage, electric, telephone, gas, cable television, fire lanes, etc.) and rights-of-way and all bearing and distance information on proposed easements including easements filed by separate instrument;

19) Location of existing and proposed FEMA 100-year floodplain limits with elevations;

20) Existing and proposed topography at five foot (5') contour intervals including drainage channels and creeks;

21) Identify all boundary survey monumentation on the plat. Tie proposed tract to the parent tract monumentation with bearings and distances;

22) Boundary lines and acreage of the land to be dedicated to the City for public park land;

23) Boundary lines and acreage of land proposed for private parks including note indicating ownership and maintenance responsibility;

24) Land use, zoning, subdivision name, owner name and address, and recording information for all adjacent properties;

25) For residential subdivisions, a one-foot (1') non-access easement where the rear, front, or side of the property abuts a major or minor arterial;

26) Location of City limits boundary and/or county boundary if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary;

27) For preliminary plats exempt from requirements for subdivision master plan, designation of each phase of development and the proposed order of development;

28) Provide the location of proposed water, wastewater and storm drainage facilities to serve the development including sizes;

29) Show proposed street names;

30) Any additional information as requested to clarify the proposed development;

31) Provide the following notes:

    a) The thoroughfare alignments shown on this exhibit are for illustration purposes and do not set the alignment. Alignment is determined at time of final plat;

    b) Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinances and State law and is subject to fines and withholding of utilities and permits;

    c) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exist on this site;

    d) If floodplain exists on the property, provide a note stating that the finished floor elevation (FFE) of any structures shall be one foot (1') above the 100-year flood elevation;

    e) All private open space, common areas, greenbelts, drainage easements, etc., are the responsibility of the developer or its successors and/or assigns;

    f) Utility note (where applicable);

    g) Any applicable notes required by TxDOT;

    h) State any and all waivers requested for the plat; and

    i) State any and all approved or requested waivers; and

32) Provide the following acknowledgements and certificates:

    a) Owner's Acknowledgement;

    State of Texas

    County of _____

    I (we) the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of Crandall, Texas and whose name is subscribed hereto, hereby dedicate for the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

State of Texas

County of _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____ 20__

(seal) _____

Notary Public,

_____ County, Texas

b) Certification by City Engineer

I, the undersigned, City Engineer of the City of Crandall, Texas hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which this approval is required.

_____ (seal)

City Engineer

c) Approval of City Planning and Zoning Commission

This plat of the _____ subdivision has been submitted to and considered by the City Planning and Zoning Commission of the City of Crandall, Texas and is hereby approved by such Commission.

Dated this _____ day of _____, 20___

By: Chairperson _____

Secretary _____

d) Certificate of Platting Surveyor

State of Texas

County of _____

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal) _____

Registered Professional Land Surveyor

e) Certificate of Platting Engineer

State of Texas

County of _____

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given to this plat.

(Engineer's Seal) _____

Licensed Professional Engineer

f) Utility Provider Certification

This proposed subdivision plat has been reviewed and approved by _____ for wastewater treatment plant capacity. All fees due for impact to the system at the time of connection will be calculated upon the submittal of the building permit application at the then current fee schedule.

_____

Agent for _____

This subdivision plat of the _____ subdivision has been submitted to and approved by ONCOR for easements.

_____

Agent for Utility Provider

H. PRELIMINARY PLAT PROCESS

(1) Applicability

(a) The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this UDC.

(b) A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the subdivider and shall provide a preliminary layout of streets, lots, blocks, utilities and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel.

(2) Application Requirements

(a) Application Required

Any request for a preliminary plat shall be accompanied by an application prepared in accordance with the Development Standards.

(b) Accompanying Applications

An application for a preliminary plat may be accompanied by an application for a final plat for the entire area to be platted or for any portion of the proposed preliminary plat.

(3) Processing of Application and Decision

(a) Submittal

An application for a preliminary plat shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager shall forward a copy of the plat to other appropriate departments for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Decision by the Planning and Zoning Commission

The Commission shall receive the written recommendation of the City Manager and shall consider the proposed preliminary plat. The Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Commission must approve a preliminary plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Commission may vote to approve with conditions or deny a preliminary plat that does not satisfy all applicable regulations of this UDC. The applicant may appeal the decision of the Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Commission's action.

(c) Acceptance of Preliminary Plat

Approval of a preliminary plat by the Commission shall be deemed an expression of the approval of the layout submitted on the plat as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a final plat in accordance with the requirements of this UDC.

(4) Criteria for Approval

The Commission, in considering final action on a preliminary plat, should consider the following criteria:

(a) The plat is consistent with all zoning requirements for the property or any approved development agreement;

(b) The plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein;

(c) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the

facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;

(d) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; and

(e) No application made under these provisions will receive final approval until all taxes owed to the City of Crandall on the subject property have been paid in full.

(5) Expiration and Extension

(a) Expiration

The approval of a preliminary plat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally recommended by the Commission and approved by the City Council, during which period the applicant shall submit and receive approval for a final plat for any portion of the land subject to the preliminary plat. If a final plat has not been approved within the two (2)-year period, the preliminary plat approval, unless extended, shall expire and the plat shall be null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of a preliminary plat may be extended by the Commission for a period not to exceed six (6) months. A preliminary plat is not subject to reinstatement following expiration.

(6) Revisions Following Approval of Preliminary Plat

(a) Minor Changes

Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Minor changes shall include adjustment in street or alley alignments, lengths, and paving details, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.

(b) Amendments

All other proposed changes to the design of the subdivision subject to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat. Approval of major revisions to an approved preliminary plat shall occur prior to the date any approved subdivision master plan would have expired for the same land.

I. FINAL PLAT

(1) General

Where required by SECTION 8J, a final plat shall be prepared and submitted in accordance with this SECTION 8I.

(2) Submittal Requirements for Final Plat

An application for a final plat shall include the following information and documents:

(a) Completeness Requirements

1) Appropriate fees;

2) Application signed and notarized by owner;

3) Agent authorization letter;

4) Letter of approval from the City Engineer approving all public infrastructure construction plans;

5) Legal metes-and-bounds description;

6) Final plat checklist;

7) Traffic Impact Analysis Determination form;

8) Tree survey;

9) 15 folded black-line or blue-line copies at 18”X24” or 24”X36”;

10) One (1) folded 11”X17” reduction of each exhibit;

11) One (1) CD containing a digital copies of the plat in CAD .dxf or dwg and .pdf format;

12) Completed application for street name approval; and

13) Certified copy of a tax certificate for the subject property.

(b) Technical Requirements

1) Location/Vicinity map with north arrow;

2) Title block located in lower right corner including subdivision name, acreage, complete legal description including survey name and abstract number, City, county and preparation date;

3) County recording block;

4) Legend, if abbreviations or symbols are used;

5) Name, address and phone number of owner, developer, applicant, and surveyor;

6) North arrow;

7) Graphic and written scale (minimum 1”=100’);

8) Surveyed property boundaries with bearings and distances;

9) Legal metes-and-bounds description with calls matching boundary bearings and distances;

10) Lot dimensions including bearing and distances;

11) Provide lot and block numbers for every lot (numbers only);

12) List the total number of buildable lots;

13) Front building setback lines along roadways (provide typical detail of setbacks, including corner lots);

14) Show proposed street names;

15) Location of significant natural features, including floodplains, water courses and wooded areas;

16) Provide recording information for any existing easements (water, sanitary sewer, storm drainage, electric, telephone, gas, cable television, fire lanes, etc.) and rights-of-way. Provide all bearing and distance information on proposed easements including easements filed by separate instrument;

17) For residential subdivisions, a minimum of two (2) points of public access to existing public streets;

18) Areas to be dedicated or reserved for right-of-way including dimensions, area and providing bearings and distances of centerline;

19) Location of existing and proposed FEMA 100-year floodplain limits with elevations;

20) Identify all boundary survey monumentation on the plat. Tie proposed tract to the parent tract monumentation with bearings and distances;

21) Boundary lines and acreage of the land to be dedicated to the City for public park land;

22) Boundary lines and acreage of land proposed for private park including note indicating ownership and maintenance responsibility;

23) Subdivision name, owner name and address, and recording information for all adjacent properties;

24) For residential subdivisions, a one-foot (1') non-access easement where the rear, front, or side of the property abuts a major or minor arterial;

25) Location of City limits boundary and/or County boundary if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary;

26) Provide letter from TxDOT regarding drainage and access adjacent to TxDOT right-of-way;

27) Any additional information as requested to clarify the proposed development;

28) Provide the following notes:

    a) Notice: Selling a portion of this addition by metes and bounds is a violation of City ordinances and State law and is subject to fines and withholding of utilities and permits;

b) According to Flood Insurance Rate Map, Panel _____, dated _____, a 100-year floodplain {does or does not} exists on this site;

c) If floodplain exists on the property, provide a note stating that the finished floor elevation (FFE) of any structures shall be one foot (1') above the 100-year flood elevation;

d) All private open space, common areas, greenbelts, drainage easement, etc., are the responsibility of the developer or its successors and/or assigns;

e) Utility note (where applicable);

f) Any applicable notes required by TxDOT;

g) Note stating that proposed park land to be dedicated to the City will be dedicated by a general warranty deed upon acceptance of the subdivision by the City;

h) State any and all waivers requested for the plat; and

i) State any and all approved or requested waivers; and

29) Provide the following acknowledgements and certificates:

a) Owner's Acknowledgement

State of Texas

County of _____

I (we) the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of Crandall, Texas and whose name is subscribed hereto, hereby dedicate for the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

State of Texas

County of _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____ 20__

(seal) _____

Notary Public,

_____ County, Texas

b) Certification by City Engineer

I, the undersigned, City Engineer of the City of Crandall, Texas hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which this approval is required.

(seal) _____

City Engineer

c) Approval of City Planning and Zoning Commission

This plat of the _____ subdivision has been submitted to and considered by the City Planning and Zoning Commission of the City of Crandall, Texas and is hereby approved by such Commission.

Dated this _____ day of _____, 20___

By: Chairperson _____

Secretary _____

d) Certificate of Platting Surveyor

State of Texas

County of _____

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal) _____

Registered Professional Land Surveyor

e) Certificate of Platting Engineer

State of Texas

County of _____

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given to this plat.

(Engineer's Seal) _____

Licensed Professional Engineer

f) County Recording Block

State of Texas

County of _____

I, _____, County Clerk of Kaufman County, do hereby certify that this plat was filed for record in my office on the _____day of _____

AD _____ at _____ ___M, and duly recorded the _____day of _____ AD_____ at _____ __M, in the records of _____ county, in book volume _____ page _____ in testimony whereof, witness my hand and official seal of office, this _____day of _____ AD, 20___.

County Clerk, Kaufman County, Texas

By: _____

g) Utility Provider Certification

This subdivision plat of the _____subdivision has been submitted to and approved by _____ for sewer service availability.

_____

Agent for _____

This subdivision plat of the _____ subdivision has been submitted to and approved by ONCOR for easements.

_____

Agent for Utility Provider

J. FINAL PLAT PROCESS

(1) Applicability

(a) The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this UDC pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this UDC to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.

(b) A final plat may be submitted for any phase of development consistent with an approved preliminary plat.

(2) Application Requirements

(a) Application Required

Any request for a final plat shall be accompanied by an application prepared in accordance with the Development Standards.

(b) Accompanying Applications

An application for a final plat shall be accompanied by a letter of approval from the City Engineer and/or the City Manager approving the public infrastructure improvement construction plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision. Such plans shall be prepared by a licensed professional engineer and shall conform to the standard specifications established by the City. Approval of any public infrastructure improvement plans is required prior to final plat application.

(3) Processing of Application and Decision

(a) Submittal

An application for a final plat shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager shall forward a copy of the plat to other appropriate City employees or consultants for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a written recommendation to the Commission for consideration.

(b) Decision by the Planning and Zoning Commission

The Commission shall receive the written recommendation of the City Manager and shall consider the proposed final plat. The Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Commission must approve a final plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Commission may vote to approve with conditions or deny a final plat that does not satisfy all applicable regulations of this UDC. The applicant may appeal the decision of the Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Commission's action.

(4) Criteria for Approval

The Commission, in considering final action on a final plat, should consider the following criteria:

(a) The final plat conforms to the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat;

(b) The plat is consistent with the phasing plan approved with the preliminary plat (where applicable); and

(c) The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC.

(5) Expiration and Extension

(a) Expiration

The approval of a final plat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally recommended by the Commission and approved by the City Council, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two (2) year period, the final plat approval, unless extended, shall expire and the final plat shall be null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of a final plat may be extended by the Commission for a period not to exceed six (6) months. A final plat is not subject to reinstatement following expiration.

(6) Revisions to Final Plat

(a) Approved Final Plat

An applicant may make minor changes to an approved final plat to reflect changes arising from installation of public improvements thereafter, provided that the approved final plat has not been recorded and that approval of the revised final plat occurs prior to expiration of approval of the initial final plat application. The City Manager is authorized to approve minor changes to an approved final plat. If the approved final plat has been recorded, an amending plat or replat must be approved and recorded.

(b) Conditionally Approved or Denied Plat

Following conditional approval or denial of a final plat application, the applicant may submit a revised final plat application, together with any revised public infrastructure improvement construction plans, for approval. The City Manager is authorized to approve revisions required for conditional approval of the final plat. Revisions to a plat which was denied by the City Manager shall be reviewed by the Commission. Approval of a revised plat is required prior to the original expiration date of any approved preliminary plat for the same land.

1) Filing of security in lieu of completing construction shall be in accordance with this UDC. Where public infrastructure improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond from each contractor, three (3) sealed sets of “as built” plans or record drawings, and one (1) CD

containing a digital copy of all plans (in a format as determined by the Department of Public Works), together with a letter stating the contractors' compliance with this UDC, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved final plat with any required revisions on mylars and in the format and number required by the Building Official. Where public improvements have yet to be completed in connection with an approved final plat, the property owner shall submit in the format and number required by the City Manager, copies of the approved final plat with any required revisions on mylars and in the format and number required by the City Manager for signing and recording.

(c) Upon notification of acceptance of required public improvements or filing of security in lieu of infrastructure construction, the City Manager shall procure the signature of the chair of the Commission on the plat and shall promptly cause the plat to be recorded.

K. MINOR PLAT PROCESS

(1) Applicability

The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A minor plat may be submitted for approval where the proposed division of land involves four (4) or fewer lots fronting onto an existing street and not requiring the creation of any new street or the extension of municipal facilities.

(2) Application Requirements

Any request for a minor plat shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a minor plat shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager may, at his/her option, forward a copy of the plat to other appropriate departments for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.

(b) Minor Plat Approval

In accordance with LGC Section 212.0065, the City Manager may approve a minor plat. The City Manager may, for any reason, elect to present the plat for approval to the Commission. The City Manager shall not disapprove a minor plat and shall be required to refer any plat for

which approval is refused to the Commission. If a minor plat is referred to the Commission, the Commission shall act on the plat within thirty (30) days after the date of the City Manager's determination.

(c) Contents of Minor Plat

An application for a minor plat shall include the same information and documents required for approval of a final plat in accordance with SECTION 8I of this UDC.

(4) Criteria for Approval

The City Manager in considering final action on a minor plat should consider the following criteria:

(a) The minor plat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved development agreement;

(b) All lots to be created by the plat already are adequately served by all required City utilities and infrastructure; and

(c) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision;

(5) Expiration and Extension

(a) Expiration

The approval of a minor plat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally approved by the City Manager or the Commission on appeal, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the minor plat has not been recorded within the two (2)-year period, the minor plat approval shall expire and the minor plat shall be deemed null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of a minor plat may be extended by the Commission for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration.

(6) Plat Recordation

The property owner shall submit the approved minor plat, following any required revisions, to the City Manager, who shall cause the plat to be recorded in the Kaufman County Deed Records.

L. AMENDING PLAT PROCESS

(1) Applicability

The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. An amending plat may be filed in accordance with the procedures

and requirements set forth in LGC Section 212.016 and may be recorded and is controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by the owners of the property being replatted and is solely for one or more of the following purposes:

(a) To correct an error in a course or distance shown on the preceding plat;

(b) To add a course or distance that was omitted on the preceding plat;

(c) To correct an error in a real property description shown on the preceding plat;

(d) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(e) To show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(f) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(g) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:

1) Both lot owners join in the application for amending the plat;

2) Neither lot is abolished;

3) The amendment does not attempt to remove recorded covenants or restrictions; and

4) The amendment does not have a materially adverse effect on the property rights of the other owners in the plat;

(h) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(i) To relocate one or more lot lines between one or more adjacent lots if:

1) The owners of all those lots join in the application for amending the plat;

2) The amendment does not attempt to remove recorded covenants or restrictions; and

3) The amendment does not increase the number of lots;

(j) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

1) The changes do not affect applicable zoning and other regulations of the municipality;

2) The changes do not attempt to amend or remove any covenants or restrictions; and

3) The area covered by the changes is located in an area that the Commission or City Council has approved, after a public hearing, as a residential improvement area; or

(k) To replat one or more lots fronting on an existing street if:

1) The owners of all those lots join in the application for amending the plat;

2) The amendment does not attempt to remove recorded covenants or restrictions;

3) The amendment does not increase the number of lots; and

4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(2) Application Requirements

Any request for an amending plat shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for an amending plat shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager may, at his/her option, forward a copy of the plat to other appropriate departments for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application.

(b) Amending Plat Approval

In accordance with LGC Section 212.0065, the City Manager may approve an amending plat. The City Manager may, for any reason, elect to present the plat for approval to the Commission. The City Manager may not disapprove an amending plat and shall be required to refer any plat for which approval is not given to the Commission. If an amending plat is referred to the Commission, the Commission shall act on the plat within thirty (30) days after the date of the City Manager's determination.

(c) Commission Review of Administratively Approved Plats

The City Manager shall provide a quarterly report to the Commission containing a summary of plats that have been administratively approved during that quarter and shall include a copy of the approved plat for review by the Commission.

(4) Contents of Amending Plat

An application for an amending plat shall include the same information and documents required for approval of a final plat in accordance with SECTION 8I of this UDC.

(5) Expiration and Extension

(a) Expiration

The approval of an amending plat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally approved by the City Manager or the Commission on appeal, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the amending plat has not been recorded within the two (2)-year period, the plat approval shall expire and the plat shall be deemed null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of an amending plat may be extended by the Commission for a period not to exceed six (6) months. An amending plat is not subject to reinstatement following expiration.

(6) Plat Recordation

The property owner shall submit the approved amending plat, following any required revisions, to the City Manager, who shall cause the plat to be recorded in the Kaufman County Deed Records.

M. REPLAT PROCESS

(1) Applicability

The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City's limits and throughout the City's ETJ. A replat is any plat that complies with LGC Sections 212.014, 212.0145, and 212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted. A replat does not itself constitute approval for development of the property.

(2) Application Requirements

Any request for a replat shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a replat shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager shall forward a copy of the plat to other appropriate departments for review and recommendation. The City Manager shall notify the applicant of items requiring correction or attention before providing a

recommendation on the application. After appropriate review, the City Manager shall forward a recommendation to the Commission for consideration.

(b) Notification Requirements

An application for a replat requires notification in accordance with LGC Section 212.015. Published notice and written notice to property owners within two hundred feet (200') who are also within the original subdivision shall be provided in accordance with the requirements of LGC.

(c) Decision by the Planning and Zoning Commission

The Commission shall hold a public hearing and receive the recommendation of the City Manager and shall consider the proposed replat. The Commission shall act on the plat within thirty (30) days after the date a complete application is filed. The Commission must approve a replat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of this UDC. The Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of this UDC. The applicant may appeal the decision of the Commission to the City Council for consideration. The City Council shall act on an appeal within thirty (30) days after the date of the Commission's action.

(4) Contents of Replat

An application for a replat shall include the same information and documents required for approval of a final plat in accordance with SECTION 8I of this UDC.

(5) Criteria for Approval

The Commission, in considering final action on a replat, should consider the following criteria:

(a) The replat is consistent with all zoning requirements for the property, all other requirements of this UDC that apply to the plat, and any regulations contained in an approved development agreement;

(b) The replat is signed and acknowledged by only the owners of the property being replatted;

(c) A public hearing was held and parties in interest and citizens have had an opportunity to be heard; and

(d) The replat does not attempt to amend or remove any covenants or restrictions.

(6) Protests

If the replat application is accompanied by a variance petition and is protested in accordance with this section, approval of the replat shall require the affirmative vote of at least three-fourths (3/4) of the members of the

Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the replat application and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

(7) Expiration and Extension

(a) Expiration

The approval of a replat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally recommended by the Commission and approved by the Council, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the replat has not been recorded within the two (2)-year period, the plat approval shall expire and the plat shall be deemed null and void.

(b) Extension

At the request of the property owners or their representative, the expiration date for approval of a replat may be extended by the Commission for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.

(8) Plat Recordation

The property owner shall submit the approved replat, following any required revisions, to the City Manager, who shall cause the plat to be recorded in the property records of the county in which the land is located.

N. SITE PLAN PROCESS

(1) Purpose and Applicability

(a) Purpose

This section establishes a site plan review process for certain proposed residential, nonresidential, and mixed-use developments. The purpose of site plan approval is:

1) To ensure compliance with the requirements of this UDC;

2) To promote better site design;

3) To integrate projects more effectively into their surrounding environment;

4) To prevent the impairment or depreciation of property values;

5) To improve internal vehicular and pedestrian circulation;

6) To encourage quality and innovative site-planning techniques;

7) To project and enhance the overall general public health, safety and welfare;

8) To ensure efficient and safe land development;

9) To ensure harmonious use of land;

10) To ensure compliance with the Comprehensive Plan and other appropriate design standards; and

11) To ensure adequate parking and loading, water supply, drainage and storm water management, sanitary sewer facilities, and other utilities and services.

(b) Applicability

Site plan review and approval shall be required as follows:

1) For any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land;

2) For any development that contains single-family attached dwelling units;

3) For any nonresidential development;

4) Any increase in an existing nonresidential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than twenty-five percent (25%) of the existing building square footage;

5) For any PD or SUP;

6) For any single-family residential development that includes a private amenity or facility or a golf course; and

7) No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the approved site plan and associated engineering/construction plans. The site plan review process shall include, but not be limited to, the following steps:

a) Pre-application conference;

b) Site plan review and approval; and

c) Construction of project (after City approval of required site plan and other associated plans, including platting and engineering plans).

(c) Exempted Uses

The following land use activities are exempted from the requirements of this SECTION 8N:

1) Construction of one- or two-family dwellings, ordinary accessory structures and related land use activities;

2) Ordinary repair and maintenance of existing structures or uses;

3) Agricultural land use;

4) Incidental landscaping or grading;

5) Individual manufactured homes; and

6) Interior alterations that do not substantially change the nature or use of the structure.

(2) Application Requirements

Any request for site plan approval shall be accompanied by an application prepared in accordance with the Development Standards.

(3) Processing of Application and Decision

(a) Submittal

An application for a site plan shall be submitted to the City Manager. The City Manager shall review the application for completeness in accordance with SECTION 4B(2) of this UDC. The City Manager may, at his/her option, request a recommendation from any other City Department or consultant. The City Manager shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager shall forward a recommendation to the Commission for consideration.

(b) Decision by the Planning and Zoning Commission

The Commission shall receive the recommendation of the City Manager and shall consider the proposed site plan. The Commission may vote to recommend approval, recommend approval with conditions or recommend to deny the proposed site plan. The City Council shall act on an appeal within thirty (30) days after the date of the Commission's action.

(4) Contents of a Site Plan

An application for a site plan shall include the following information and documents:

(a) Completeness Requirements

1) Appropriate fees;

2) Application signed and notarized by owner;

3) Agent authorization letter, as required;

4) Legal metes-and-bounds description;

5) Site plan checklist;

6) Traffic Impact Analysis Determination form;

7) Tree survey;

8) 15 folded black-line or blue-line copies at 18"X24" or 24"X36" as required in the development application;

9) One (1) folded 11”X17” reduction of each exhibit;

10) One (1) CD containing a digital copy of the plan in PDF format; and

11) Completed application for street name approval.

(b) Technical Requirements

1) Location/Vicinity map with north arrow;

2) North arrow;

3) Graphic and written scale (minimum 1”=20’);

4) Approximate distance to the nearest cross street;

5) Site boundaries, bearings and dimensions, lot lines, site acreage and square footage;

6) Title block located in lower right corner including subdivision name with lot and block number, acreage, complete legal description including survey name and abstract number, City, county and preparation date;

7) Legend, if abbreviations or symbols are used;

8) Name, address and phone number of owner, developer, applicant, and surveyor;

9) Parking areas and structures with typical parking detail;

10) Site data summary table providing the following information:

a) Zoning;

b) Proposed use;

c) Building area (gross square footage);

d) Building height (feet and number of stories);

e) Square footage of impervious surface;

f) Total parking: required/provided (e.g., 44 required/45 provided);

g) Number of handicap spaces: required/provided (per ADA standards); and

h) Number of dwelling units and number of bedrooms for multi-family development (if applicable);

(c) Existing improvements within seventy-five feet (75’) of the subject property;

(d) Land use, zoning, subdivision name, recording information and owner of adjacent unplatted property;

(e) Building locations, size and dimensions, dimensions between buildings on the same lot, building lines and setbacks and use;

(f) Dimensions of all drive lanes;

(g) FEMA 100-year floodplain with elevation including finished floor elevation. Include floodplain note provided as part of plat;

(h) Public streets, private drives and fire lanes with pavement widths, rights-of-way, median openings, turn lanes, existing driveways of adjacent property and driveways shown on approved plans for adjacent property with dimensions, radii and surface type;

(i) Distances between existing and proposed driveways;

(j) Loading and unloading areas, the location of ramps, crosswalks, sidewalks and barrier free ramps with typical dimensions;

(k) Location of off-street loading areas, dumpsters and trash compactors with height and material of screening;

(l) Size, location, dimensions and details of all signs and exterior lighting of signs, including type of standards, locations and radius of light and intensity of foot-candles, subject to approval by the Building Official;

(m) Location of existing and proposed water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes and other structures on site and adjacent to the site;

(n) Show traffic flow arrows and dimensions of drive isles;

(o) Inlets, culverts and other drainage structures on-site and adjacent to the site;

(p) Existing and proposed easements (utility, floodway and drainage, access, visibility and maintenance, fire lane, etc.);

(q) Provide an elevation of all four (4) sides of the building including building materials, colors and dimensions at an architectural scale of ¼" = 1' 0"; and

(r) Landscape plan provided on separate sheet and including the following:

1) Natural features including tree masses and anticipated tree loss, floodplains, drainage ways and creeks;

2) Screening walls, fences, living screens, retaining walls, headlight screens and service area screens, including height and type of construction and/or planting specification;

3) Existing/preserved trees including location, size and species;

4) Landscaping materials including location, size, etc.;

5) Proposed plant materials including locations, species, spacing (if applicable) and size (at time of planting and at maturity); and

6) Note irrigation, sprinkler or water systems, including placement of water sources, including the following note: "All green space and landscaping will be maintained by (type) watering system"; and

(s) Any additional information as requested to clarify the proposed development.

(5) Criteria for Approval

The Commission, in considering action on a site plan, should consider the following criteria:

(a) The site plan is consistent with the general purpose and intent of the applicable zoning district regulations;

(b) The site plan is compatible with adjacent developments and neighborhoods and includes improvements to mitigate development-related adverse impacts;

(c) The site plan does not generate pedestrian or vehicular traffic, which will be hazardous or conflict with the existing traffic patterns in the area;

(d) The site plan incorporates features to minimize adverse effects on adjacent properties;

(e) Adequate capacity of public or private facilities for water, sewer, electricity and transportation to and through the development are provided to the site;

(f) The proposed use and associated site plan promote the health, safety and general welfare of the City and the safe, orderly, efficient and healthful development of the City.

(6) Revisions to Approved Site Plan

Changes to an approved site plan shall be processed in the same manner as the original approved site plan; however, changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent property, alter the use permitted, increase the density, floor area or height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the City Manager. An aggrieved party may appeal the decision of the City Manager to the BOA in accordance with the provisions of this UDC.

(7) Expiration of Site Plan

A site plan shall expire if any of the following occurs:

(a) A building permit, if any, for the use has not been approved within two (2) years of the approval of a SUP;

(b) A building permit has not been approved within two (2) years of the approval of a site plan as part of a PD;

(c) A building permit has not been approved within two (2) years of the approval for the construction of any building on the property for which the site plan was approved; or

(d) A building permit that was approved as a result of an approved site plan expires within two (2) years of approval of the site plan.

O. WAIVERS

(1) General

The Commission may recommend and the City Council may authorize waivers from the provisions of this section when, in its opinion, undue

hardship will result from requiring strict compliance. In granting a waiver, the City Council shall prescribe only conditions that it deems necessary or desirable to the public interest. In making its findings, the City Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. Waivers shall not be granted unless the City Council finds that:

(a) The granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and

(b) The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDC. Such findings of the City Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDC so that the public health, safety, and welfare may be secured and justice done.

(2) The City Council may establish a time period for execution of each granted waiver.

(3) Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the City Council meeting at which such exception is granted.

(4) The City Council shall not authorize a waiver that would constitute a violation of a valid code or ordinance of the City.

SECTION 9 **- SITE DESIGN STANDARDS**

A. GENERAL DESIGN STANDARDS

(1) Conformity with Comprehensive Plan

All subdivisions shall conform to the Comprehensive Plan for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities, as well as other provisions of this and other present ordinances and codes. Standards and design criteria contained and incorporated herein represent minimum values considered necessary for the health, safety and welfare of the community. The design engineer and developer are required to meet or exceed the requirements of these standards by providing more conservative design criteria. However, they shall not permit their design to fall below the standards of this UDC. Where there is a conflict between the regulations contained within this section and regulations or standards contained within any other ordinance or code of the City, the more restrictive regulation shall apply. Approval of plans and specifications by the City shall not be construed as relieving the design engineer/developer of responsibility

for compliance with this UDC, nor with any other local, county or state authority having jurisdiction. The City Council shall approve no plat and no completed improvements shall be accepted unless they conform to standards and detailed specifications as contained in this UDC.

(2) Provision for Future Subdivision

All subdivisions shall be so arranged as to allow logical further subdivision and opening of future streets and shall coordinate with adjoining existing and/or future subdivisions.

(3) Standards for Site Improvements

All streets, alleys, sidewalks, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this section and to the City of Plano Water and Sewer Design Manual, dated 1997, and Erosion and Sediment Control Manual, 1997, as attached hereto as Appendix "A" and incorporated by reference for all purposes herein ("Design Standards").

B. BLOCKS

(1) The length, width and shape of blocks will be determined with due regard to:

(a) Provisions of adequate building sites suitable to the special needs of the type of use contemplated (note that the Commission may require that the block and lot size bear reasonable relation to the planned use of the land);

(b) Zoning requirements as to lot sizes and dimensions; and

(c) Need for convenient access, circulation, control and safety of street traffic.

(2) In general, intersecting streets shall be used to determine the block lengths and widths, and shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices.

(3) In general, block lengths along minor or secondary streets shall not exceed one thousand feet (1,000') or be less than five hundred feet (500') and along major streets shall not exceed one thousand two hundred feet (1,200') or be less than nine hundred feet (900').

(4) A waiver of the standards of this section may be allowed in cases where physical barriers, property ownership or adjacent existing subdivisions create conditions where a waiver is appropriate. The length of a block may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

C. LOTS

(1) Lot sizes and dimensions shall conform to the minimum requirements of the appropriate zoning district. The lot area shall be computed including all easements. Changes in the required lot sizes and dimensions may only be allowed through rezoning or through the granting of a variance by the BOA. No lot shall be approved which does not meet the minimum requirements of the appropriate zoning district.

(2) In residential subdivisions not served by public sewer, the Commission shall require the developer to cause a percolation test to be made. In no case will the lot size in such subdivision be less than one acre (43,560 square feet).

(3) Depth and width of properties laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(4) Corner lots shall have sufficient width to permit the required building setback and proper orientation to both streets.

(5) Where a residential lot backs up to a railroad right-of-way, high-pressure gas line, industrial area or any other land use which may create a dangerous condition, and where no marginal access street or other street is provided at the rear of such lot, an additional depth of twenty-five feet (25') shall be required. Where a lot sides to any of the above, an additional width of fifteen feet (15') shall be required. A planting screen or non-access easement of at least ten feet (10') shall be provided along the line of lots abutting a railroad right-of-way, high-pressure gas line, industrial area or any other land use which may have a dangerous effect on residential property.

(6) Residential lots located on a cul-de-sac shall be at least fifty feet (50') wide at the building line.

(7) Residential lots shall be oriented to take advantage of topography; the best relationship to the overall design of the neighborhood; and to minimize the effects of any surrounding depreciating land uses.

(8) There shall be no residential lots facing directly upon a major thoroughfare as depicted on the Thoroughfare Plan.

(9) All side lines of lots shall be perpendicular to straight street lines and radial to curved street lines except where a waiver to this rule will provide a better street and lot layout.

(10) Every lot shall be provided with adequate access to a public street, either by direct frontage on such street. Rear and/or side driveway access to major streets shall be prohibited.

(11) Minimum front and side building setback lines at streets and crosswalks shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider, but in no event shall such setback lines be less than those required by the applicable zoning district. The front-line setback shall be measured from the point where the public right-of-way ends to the front face to the building, covered porch, covered terrace or attached accessory building.

D. MONUMENTS AND LOT MARKERS

(1) Permanent Survey Reference Monuments

Monuments shall be placed at all block corners, angle points, points of curve, and all corners of boundary lines of the subdivision. A monument shall be made of an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long. The iron stake should be left one-half inch (1/2") above the grade

with a surveyor's aluminum or plastic cap, stamped with the surveyor's registered number or firm. Monuments shall be identified on the plat with elevations. Benchmarks and corners of the subdivision must be tied to the closest U.S. National Geodetic Survey GPS monument.

(2) Other Markers

All other survey markers, such as lot corners, shall have an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long and shall be placed flush with the ground, or below ground, if necessary, to avoid being disturbed.

(3) Benchmarks

A minimum of two (2) benchmarks shall be established in each subdivision. Benchmarks shall be established on iron rods embedded in concrete monuments six inches (6") in diameter and set in the ground to a depth of three feet (3') and set to U.S. National Geodetic Survey datum. Using tops of manholes, fire hydrants, risers or other man-made objects as a benchmark is not acceptable.

(4) Monument Placement and Verification

Monuments and lot markers shall be set immediately after completion of utility installations and street construction. Prior to acceptance of subdivision improvements by the City, the developer's surveyor or engineer shall certify that all monuments, benchmarks and markers are in place and correctly positioned and shown on "as-built" drawings.

E. EXTERIOR CONSTRUCTION AND DESIGN STANDARDS

(1) Intent

The purpose of these design criteria is to provide guidelines for new construction and substantial renovation in order to provide an aesthetically pleasing appearance as well as to ensure sound construction quality.

(2) Applicability

The provisions of this section are deemed to be minimum standards and shall be applicable to all new buildings and to buildings undergoing substantial renovation where the cost of the renovation exceeds fifty percent (50%) of the appraised value of the structure, as shown on the latest tax roll, within the corporate limits of the City.

(3) Multi-family and Nonresidential Exterior Material Requirements

(a) At least thirty percent (30%) of the front façade shall provide, on the ground level floor, windows and doors that allow for visibility into the commercial building or store. Industrial buildings located within the M-1 and M-2 zoning districts may have fifteen percent (15%) of the front façade as windows and doors.

(b) All structures shall have a minimum of one-hundred percent (100%) masonry, excluding doors and windows on all facades.

(c) Masonry material shall be defined as that form of exterior construction material consisting of brick, stone, stucco, cemetatious fiberboard, split face concrete masonry units and faux stone or brick.

(4) Multi-family and Nonresidential Façade Articulation

The structure shall include articulation in the walls and roof design. Single, uninterrupted surface planes shall be prohibited. The roof of the structure may be a flat roof construction, but shall provide a variation of the roofline, which may include a pitched roof for architectural relief.

(a) Horizontal Articulation

No building wall shall extend for a distance equal to two (2) times the wall's height without having an offset of fifteen percent (15%) of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of the first plane.

(b) Vertical Articulation

No horizontal wall shall extend for a distance greater than two (2) times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height.

(5) Residential Exterior Material Requirements

For all new residential buildings, excluding multi-family structures, the total exterior surface area of the structure, excluding doors, windows, and roofs, shall be constructed of a minimum eighty percent (80%) masonry.

F. PROTECTION OF NATURAL FEATURES

The Commission may deny a plat if subdivision design and construction does not meet the minimum requirements of this UDC with respect to preservation of natural features such as large trees, water courses, scenic points, historical spots and similar community assets.

G. LANDSCAPING

(1) Purpose

The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities; to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, and the provision of habitats for wildlife; and to enhance the overall beauty of the City.

(2) Enforcement

If at any time after the issuance of a CO or letter of acceptance, the approved landscaping is found to be in nonconformance with standards and criteria of

this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.

(3) Installation and Maintenance

(a) Prior to issuance of a CO for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the site plan.

(b) The property owner, HOA or property owners association shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times.

(c) Should any of the plant material used in any landscaping required under this section die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this UDC.

(d) In any case in which a CO is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a CO may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts fiscal surety in a form acceptable to the City in the amount of the estimated cost of such landscaping. Such surety shall be conditioned upon the installation of all landscaping required by the landscape plan within six (6) months of the date of the application and shall give the City the right to draw upon the surety to install or complete the landscaping if the applicant fails to do so.

(e) Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.

(f) All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(g) All landscape materials shall be installed according to American Association of Nurserymen (“AAN”) standards.

(h) All landscaped areas shall be irrigated with an approved automatic underground irrigation system, designed by an irrigation contractor licensed by the State of Texas, unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (“TCEQ”), or as may be applicable, its successor entity, and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(4) General Landscaping Requirements

(a) Trees planted shall be a minimum of three inches (3") measured at 10 inches (10") above ground level at the time of planting.

(b) All trees planted to meet the minimum landscaping, mitigation or preservation requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a six inch (6") tree will have a sixty inch (60") or five foot (5') radius or a ten foot (10') diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City, at its option, may require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.

(c) Shrubs, vines and ground cover planted pursuant to this section should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting.

(d) Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas may be sodded, plugged, sprigged or seeded, except in swales or other areas subject to erosion, which shall require installation of solid sod.

(e) New landscaped areas shall be prepared so as to achieve a soil depth of at least six inches (6"). The six-inch (6") soil depth shall consist of seventy-five percent (75%) topsoil blended with twenty-five percent (25%) compost.

(f) The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to recommendation from the Commission and approval of the City Council at the time of site plan approval.

(g) Developers and homebuilders are encouraged to use xeriscape plant materials on model homes to promote use of water-wise landscaping.

(h) Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or to impose a safety hazard.

(i) Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard.

(5) Landscape Installation Required

(a) A minimum of twenty percent (20%) of the total land area of any proposed multi-family or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.

(b) All properties shall provide shade trees at a ratio of nine (9) trees per acre (43,560 square feet) of gross lot area. Industrial property shall provide

shade trees at a ratio of nine (9) trees per acre, calculated at sixty percent (60%) of the gross lot area or by exclusion of the main enclosure structure ground floor area from the gross lot area, whichever is less. Existing trees may be counted toward meeting the requirements of this section.

1) Every single family residential lot shall provide a minimum of three (3) shade trees which shall include a minimum of one (1) tree in the front yard and one (1) tree in the rear yard. Existing trees that comply with this regulation can be counted towards the required tree planting, provided these trees were adequately protected during construction.

2) Any property that is unable to satisfy the tree requirements of this section shall be required to pay tree mitigation fees in accordance with SECTION 9I(4) of this UDC.

(c) The use of native and adapted, drought-tolerant plants is encouraged to meet the requirements of this section.

(d) Artificial plants or turf shall not be counted towards meeting the requirements of this SECTION 9G.

(6) Landscape Plan Required

A landscape plan shall be submitted to the City for approval. The landscape plan will be submitted as a part of the site plan. The landscape plan must be prepared by a landscape architect licensed by the State of Texas and shall contain the following information:

(a) Location of all existing trees with indication as to those to be preserved;

(b) Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;

(c) Species of all plant material to be used;

(d) Size of all plant material to be used;

(e) Spacing of plant material where appropriate;

(f) Layout and description of irrigation, sprinkler, or water system, including placement of water sources;

(g) Description of maintenance provisions of the landscaping plan; and

(h) Persons responsible for the preparation of the landscape plan.

(7) Nonresidential and Multi-Family Landscape Buffer Requirements

In addition to any screening requirements of SECTION 9H of this UDC, a nonresidential or multi-family use adjacent to a residential use or residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty (30) linear feet of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty (50) linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of site plan approval.

(8) Parking Area Landscaping

Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards.

(a) Interior Landscaping

A minimum of ten percent (10%) of the parking areas shall be devoted to living landscaping, which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots:

1) Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.

2) There shall be a minimum of one (1) shade tree and five (5) shrubs planted for each four hundred (400) square feet, or fraction thereof of required interior landscape area.

3) Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no farther apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet (ten feet (10') by twenty feet (20')) in size.

4) Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.

(b) Perimeter Landscaping

All parking lots and vehicular use areas shall be screened from all abutting properties with a wall, fence, hedge, berm or other durable landscape barrier. All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, berm or combination of hedge and berm. Any living barrier shall be established in a minimum five-foot (5') planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') within one (1) year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet (3') high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent residential properties.

1) Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in width shall be maintained between the

abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping.

2) Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single-family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm. The screening mechanism shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height.

3) Perimeter landscape areas shall contain at least one (1) shade tree for each fifty (50) linear feet, or fraction thereof, of perimeter area.

(9) Approved Landscaping Plant List

(a) Approved Trees

Table 9-1
Approved Shade Trees

Common Name	Scientific Name
American elm	Ulmus Americana
Anaqua	Ehretia anacua
Arizona cypress	Cupressus arizonica
Bald cypress	Taxodium distichum
Bigtooth maple	Acer grandidentatum
Black walnut	Juglans nigra
Bur oak	Quercus macrocarpa
Canby's oak	Quercus canbyi
Carolina basswood	Tilia caroliana
Cedar elm	Ulmus crassifolia
Chinkapin or Chinquapin oak	Quercus muhlenbergii
Chisos red, Graves	Quercus gravesii
Durand oak	Quercus durandii
Fragrant ash	Fraxinus cuspidate
Green ash	Fraxinus Pennsylvania

Common Name	Scientific Name
Lacey oak	Quercus glaucoides
Little, Texas walnut	Juglans microcarpa
Mexican live or Monterrey oak	Quercus polymorpha
Mexican sycamore	Platanus mexicana
Nuttall Oak	Quercus nuttallii
Pecan	Carya illinoensis
Red oak	Quercus texana
Shin oak	Quercus mohriana
Southern live oak	Quercus virginiana
Texas ash	Fraxinus texansis
Texas red oak	Quercus buckleyi (texana)
Texas sycamore	Platanus occidentalis
Vasey oak	Quercus pungens var.vaseyana

Table 9-2
Approved Ornamental, Evergreen and Palm Trees

Common Name	Scientific Name
Aleppo pine	Pinus halepensis
Anacacho orchid tree	Bauhinia congesta
Bradford Pear	Pyrus calleryana
California fan (exotic)	Washingtonia filifera
Carolina buckthorn	Rhamnus caroliniana
Condalia, brazil	Condalia hookeri
Crepe myrtle, etc. (exotic)	Lagerstroemia indica, fauriei, and X's
Desert willow	Chilopsis linearis
Dwarf Palmetto	Sabel minor
Eastern red cedar	Juniperus virginiana
Escarpment live oak	Quercus fusiformis
Evergreen Sumac	Rhus virens
Flameleaf sumac	Rhus lanceolata
Goldenball leadtree	Leaucaena retusa
Lavender tree	Vitex agnus-castus

Common Name	Scientific Name
Mediterranean fan palm (exotic)	Chamaerops humilius
Mexican buckeye	Ungnadia speciosa
Mexican Palmetto, sable	Sabal mexicana
Mexican pinyon pine, Remote pine	Pinus cembroides
Mexican redbud	Cercis reniformis
Mountain laurel or mescal bean	Sophora secundiflora
Possum-haw holly	Ilex deciduas
Rusty blackhaw	Viburnum rufidulum
Texas Crabapple	Mollis texana
Texas or Oklahoma redbud	Cercis canadensis var. texensis
Texas Palmetto, sable	Sabal texana
Texas persimmon	Diospyrus texana
Texas Pistache	Pistacia texana
Texas sophora or Eve's Necklace	Sophora affinis
Wild olive, Mexican wild olive	Cordia boissieri
Yaupon holly	Ilex vomitoria

(b) Approved Shrubs, Vines, Perennials & Ground Cover

Table 9-3
Approved Shrubs, Vines, Perennials and Ground Cover

Common Name	Scientific Name
Agarita, Agarito	Berberis (Mahonia) trifoliata
Agarita, Tx. Barberry	Berberis spp.
Althea, Rose-of-Sharon	Hibiscus syriacus
American Beauty	Callicarpu americana
Artemesia	Artemesia spp.
Asian Jasmine	Trachelospermum asiaticum
Asparagus Fern	Asparagus sprengeri
Aster	Aster spp.
Autumn Sage	Salvia greggii
Bird of Paradise	Caesalpinia gilliesi
Blue Sage, Mealy Sage	Salvia farenaceae
Blue Shrub Sage	Salvia ballotaeflora
Bottlebrush	Callistemon spp.

Common Name	Scientific Name
Bougainvilla	Bougainvillea
Brazilian Sky Flower	Duranta repens
Buckley Yucca	Yucca constricta
Bush Morning-Glory	Ipomea fitulosa
Butterfly Bush	Buddleia spp.
Butterfly Vine	Mascagnia spp.
Orchid Vine	Stigmaphyllon littorale
Cape Honeysuckle	Tecoma capensis
Caroline Jessamine	Gelsemium sempervirens
Cat Claw Mimosa, Fragrant Mimosa	Mimosa bluncifera
Century Plant	Agave americans
Cigar Plants	Cuphea spp.
Columbine	Aquilegia spp.
Confederate Jasmine, Star Jasmine	Trachelospermum jasminoides
Coppertone Loquat	Eriobotrya x "Coppertone"
Coral Honeysuckle	Lonicera sempervirens
Coral Vine, Rosa-De-Montana, Queens Wreath	Antigonon leptopus
Coralberry	Symphoricapus orbiculatus
Dwarf Nandina	Nandina domestics "nana," etc.
Dwarf Yaupon	Ilex vomitoria nana
Elderberry	Sambucus Canadensis
Evening Primrose	Oenothera speciosa
Fern Acacia	Acacia hirta
Firecracker Plant	Russelia equisetiformis
Fireman's Cap, Coral Tree	Erythina crista-galli
Four-nerve Daisy	Hymenoxys scaposa
Frogfruit	Phyla humilis
Gayfeather	Liatris spp.
Giant Liriope	Liriope gigantea
Golden Shrub Daisy	Euryops pecinatus
African Bush Daisy	Gamolepis chrysanthemoides
Guara	Gaura spp.
Hawthorn	Crataegus spp.
Heartleaf Hibiscus	Hibiscus cardiophyllus
Hibiscus, Texas Star	Hibiscus coccineus
Hummingbird Bush	Anisacanthus spp.
Illinois Bundleflower	Desmanthus illinoensis
Iris	Iris spp.
Italian Jasmine	Jasminium floridum
Juniper	Juniper spp.
Lady Banksia Rose	Rosa Banksiae

Common Name	Scientific Name
Lantana	Lantana spp.
Lily Turf, Liriope (Std., "Big Blue")	Liriope muscari vars
Lindheimer Senna	Cassia lindheimeriana
Mexican Bird of Paradise	Caesalpinia mexicana
Mexican Butterfly Weed	Asclepias tuberosa
Mexican Flame Vine/Love Vine	Senecio confuses
Mexican Marigold	Tagetes llucida
Mexican Oregano	Poliomentha longiflora
Mexican Shrimp Plant	Justicia suberecta
Mist Flower	Eupatroium spp.
Mondo Grass, Monkey Grass	Ophiopogon japonica
Mountain Sage	Salvia regla
Nandina	Nandina domestics spp.
Narrow-leaf Yucca	Yucca agustifolia
Passion Vine	Passiflora allatocaerrulea (P. pfordtii)
Passionflower	Passifloria incarnate
Pigeonberry	Rivina humilis
Pink Skullcap	Scutelleria spp.
Pomegranate (Regular and Dwarf)	Puncia granatum
Prairie Phlox	Phlox spp.
Primrose Jasmine	Jasminum mesnyi
Primrose	Primrose spp.
Prostrate Rosemary	Rosemarinus officinales vars.
Purple Coneflower	Echinacea purpurea
Red Yucca	Hesperaloe parviflora
Rock Rose	Pavonia lasiopetala
Rosemary	Rosemarinus spp.
Salvia	Salvia spp.
Santolina	Santolina spp.
Shrimp Plant	Justicia spp.
Silk Tassel	Garrya ovata lindheimer
Softleaf Yucca	Yucca pendula
Sotol	Dasylirion spp.
Spanish Dagger	Yucca treculeana
St. John's Wort	Hypericum spp.
Texas Clematis, Scarlet Leatherflower	Clematis texensis
Texas Elbow Bush	Foresteriera pubeseebs
Texas Silverleaf, Sage, Cenizo	Leucophyllum frutescens
Texas Wisteria	Wisteria macrostachya
Thompson Yucca	Yucca thompsonia
Trumpet Vine,Trumpet Creeper	Campsis radicans x "Madame

Common Name	Scientific Name
	Galen"
Turk's Cap	Malvaviscus drummondii
Twisted-leaf Yucca	Yucca rupicola
Verbena	Verbena spp.
Virginia Creeper	Parthenocissus quinquefolia
Wax Myrtle - Dwarf, Standard	Myrica cerifera
White Bush Honeysuckle	Lonicera albiflora
Winecup	Callirhoe involuerata
Wisteria, evergreen	Wisteria millettia veticulata
Witchhazel	Hamamelis virginiana
Yarrow	Achillea millefolium
Yew	Podocarpus macrophyllus
Yucca	Yucca spp.

(c) Approved Ornamental Grasses

Table 9-4
Approved Ornamental Grasses

Common Name	Scientific Name
Bamboo Muhly	Muhlenbergia dumosa
Big Bluestern	Andropogon gerardii
Deer Muhly	Muhlenbergia rigens
Eastern Gama grass	Tripsacum dactyloides
Gulf Muhly	Muhlenbergia capillaris
Indian Grass	Sorghastrum natums
Inland Sea Oats	Chasmanthium latifolium
Lindheimer Muhly	Muhlenbergia lindheimer
Little Bluestem	Schizaachyrium scoparium
Mexican Feathergrass	Stipa tenuissima
Pine Muhly	Muhlenbergia dubia
Seep Muhly	Muhlenbergia reverehonii
Sideoats grama	Bouteloua curtipendula
Switch Grass	Panicum virgatum
Weeping Muhly	Muhlenbergia dubioides
Western Wheatgrass	Agropyron smithii

(d) Approved Turf Grasses

Table 9-5
Approved Turf Grasses

Common Name	Scientific Name
Bermuda grass	Cynodon dactylon var. dactylon

Buffalograss	Buchloe dactyloides
Blue Grama	Bouteloua gracilis
Zoysia Grass Varieties	Zoysia sp.
Tall Fescue	Festuca arundinacea

(e) Undesirable Trees

Table 9-6
Undesirable Trees

Common Name	Scientific Name
Arizona Ash	Fraxinus velut
Ashe-Juniper or Mountain Cedar	Juniperus ashei
Box Elder	Acer negundo
Chinaberry tree	Melia azedarach L.
Chinese Loquat or Loquat	Eriobotrya japonica
Chinese Parasol/Varnish Tree	Firmiana simplex
Chinese Tallow	Sapium sebiferum
Golden-Rain Tree	Koelrenteria paniculata
Huisache or Sweet Acacia	Acacia farnesiana
Japanese Plum	Prunus salicina
Ligustrum or Privet	Ligustrum japonicum
Lombardy Popular	Populus nigra "italica"
Mesquite	Prosopis glandulosa
Mimosa	Albizia julibrissin
Paper Mulberry	Broussonetia papyrifera (L.) L=(Her. ex. Vent.)
Saltcedar	Tamarix ramosissima Ledeb.
Sugarberry or Hackberry	Celtis laevigata
Tree of Heaven	Ailanthus altissima

H. SCREENING

(1) Fences and Screening in Residential Areas

(a) Height

No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen or wall shall be constructed in the front yard.

(b) Permitted Materials

1) Fences may be constructed of pressure-treated wood, decorative metal, poly-coated chain link or similar woven wire mesh, stone, brick, or other materials traditionally used in private fence construction.

2) Decorative fences shall be constructed of pressure-treated wood picket, decorative metal, stone or brick, or a combination thereof.

Solid surface area of any decorative fence shall not exceed fifty percent (50%) of the total surface area.

(c) Prohibited Materials

Above-ground electrical fencing, uncoated galvanized chain link fabric, wire mesh (such as hog wire or chicken wire), and barbed wire are prohibited, except on parcels or lots one (1) acre or greater in size in conjunction with the containment of livestock or farm animals.

(d) Fences within Public Easements

Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.

(2) Fences and Screening in Nonresidential and Multi-Family Areas

(a) Height

No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances.

(b) Permitted Materials

Fences may be constructed of pressure-treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, or other materials traditionally used in private fence construction.

(c) Prohibited Materials

Above-ground electrical fencing and wire mesh (such as hog wire or chicken wire) are prohibited except on parcels or lots of one (1) acre or greater in size in conjunction with the containment of livestock or farm animals. A security fence not less than six feet (6') in height may be topped by barbed wire or razor wire in areas zoned Limited Industrial District or Industrial Park District upon recommendation by the Commission and approval by the City Council at the time of site plan approval.

(d) Fences Adjacent to Residential Property

Where any nonresidential or multi-family use, lot or parcel is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multi-family use shall have constructed on it a masonry screening wall that is a minimum of eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition. Any sections of this UDC or any other City ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way. Where

any nonresidential or multi-family use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single-family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use.

(e) Screening of Trash Receptacles

All trash receptacles shall be screened from public view by a solid screening wall, which must be a minimum of eight feet (8') in height and constructed of a masonry material. Gates for a trash receptacle screen shall be opaque and of solid metal and shall be closed at all times except when loading and unloading.

(f) Fences within Public Easements

Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. No solid fencing or any other type of fence or structure that restricts the flow of water may be placed across a drainage easement without the written permission of the City Engineer. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.

(g) Gates for Vehicular Access

Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24').

(3) Screening Along Arterial Roadways

(a) Requirement Criteria

Where subdivisions are platted so that the rear or side yards of lots are adjacent to a principal or secondary arterial roadway as described in SECTION 13A of this UDC, or are separated from a principal or secondary arterial roadway by an alley, the developer shall provide, at its sole expense, a minimum eight-foot (8') tall masonry screening wall. All screening shall be placed at least five feet (5') behind the right-of-way line and the area between the fence and the right-of-way must be landscaped. Any section of this UDC or any other City ordinance concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way.

(b) Parcels or lots one (1) acre or greater in size located in the A zoning district and used in conjunction with the containment of livestock or farm animals are exempt from the screening wall requirements of this SECTION 9H.

(c) Screening Alternatives

An alternative form of screening, in lieu of the masonry wall, may be approved by the Commission with the preliminary plat application. Alternatives that may be considered include:

1) A living/landscaped screen in conjunction with decorative metal (e.g., decorative iron) fence sections with masonry columns;

2) A combination of berms and living/landscaped screening;

3) A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or “FenceCrete” type of fence with masonry columns; or

4) Some other creative screening alternative if it meets the spirit and intent of this section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Commission finds it to be in the public interest to approve the alternative screening device.

(d) Time Required for Opacity

Any required screening device shall be, or shall achieve, at least six feet (6’) in height and at least ninety percent (90%) opacity within three (3) years of initial installation/planting.

(e) Maintenance Easement

A wall/screening maintenance easement at least five feet (5’) in width shall be dedicated to the homeowners association on the private lot side and adjacent to the entire length of the screening wall or device for maintenance and repair of the screening wall.

(f) Installation

The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with SECTION 9G. Failure to properly install all components of a required screening wall or device within the prescribed time frame shall constitute a violation of this UDC, and shall authorize the City Manager to refuse acceptance of the subdivision public improvements.

(g) Design of Walls

All masonry, wrought iron, steel or aluminum screening wall plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the City. Use of chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited for meeting the requirements of this section.

(h) Height of Screening

The height of required screening devices, including spans between columns, shall be a minimum of six feet (6’) and shall be no more than eight feet (8’). Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum height by up to two feet (2’) for a total maximum height of ten feet (10’) for these features.

(i) Other Easements

Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any other applicable utility provider(s).

I. TREE PRESERVATION AND MITIGATION

(1) Purpose and Intent

(a) The purpose of this SECTION 9I is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement of property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.

(b) It is hereby declared that the intent of the City is to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected and Heritage Trees, as defined in paragraph (2)(b) of this section, possible.

(2) Applicability and Exemptions

(a) The provisions of this section are applicable to the following:

1) All new residential and nonresidential development within the City;

2) Redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction;

3) Any grading, filling or clearing of land in the City limits; and

4) Any selective or individual removal of any Protected or Heritage Tree in the City limits.

(b) The following definitions shall be applicable to the provisions of this section:

1) Protected Trees

Trees having a DBH (diameter at breast height, which is measured four feet (4') above existing ground level) that is between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Trees."

2) Heritage Trees

Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Trees."

3) Damage

Damage shall be considered any injury to a tree including, but not limited to:

a) Uprooting;

b) Severance of the root system or main trunk;

c) Storage of topsoil, construction materials, debris or chemicals within the drip line area;

d) Compaction of soil within the drip line area;

e) A grade change that exceeds six inches (6") over more than twenty-five percent (25%) of a drip line area in the natural grade above a root system or within the drip line area;

f) Pruning or removal of more than twenty-five percent (25%) of the living tissue; or

g) Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.

(c) The following are exempt from the preservation, mitigation and permitting requirements of this section:

1) Trees located on a platted single-family lot;

2) Protected Trees located within ten feet (10') of and inside of the building footprint;

3) Protected Trees located within the area of a proposed on-site sewage facility ("OSSF");

4) Protected Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Thoroughfare Master Plan;

5) Protected Trees located within any utility easement;

6) Trees damaged or destroyed by floods, fire, wind or other natural causes;

7) Trees that have been determined by a registered arborist to be dead or dying; and

8) The following tree species:

Table 9-7
Exempted Trees

Common Name	Scientific Name
Hackberry	Celtis occidentalis
Eastern Red Cedar	Juniperus virginiana
Common Ashe Juniper	Juniperis ashei
Chinaberry	Melia azedarach

Bois d'Arc	Maclura pomifera
Honey Locust	Gleditsia triancanthos
Mesquite	Prosopis spp.
Ligustrum	Ligustrum spp.

(d) All Heritage Trees to be removed shall be mitigated in accordance with the provisions of this SECTION 9I.

(3) Tree Preservation

The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in this SECTION 9I, a tree removal permit ("TRP") is required for the removal of any tree with a DBH greater than eight inches (8").

(a) Protected Trees

A Protected Tree not exempt from preservation in paragraph (2)(c) above may be removed upon the approval of a TRP by the Building Official authorizing such action. Any decision of the Building Official regarding a TRP may be appealed to the BOA in accordance with SECTION 3D(3)(a) of this UDC.

(b) Heritage Trees

A Heritage Tree may be removed upon the approval of a TRP by the Commission authorizing such action. Any decision of the Commission regarding a Tree Removal Permit may be appealed to the City Council. The removal of a Heritage Tree shall be mitigated in accordance with the requirements of this section.

(4) Tree Mitigation

Any trees that are removed or damaged as a result of the approval of a TRP shall be mitigated on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in paragraph (2)(c) above nor any of the undesirable trees identified in Table 9-6. All trees planted for mitigation purposes must be a species of shade tree identified in Table 9-1. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a payment-in-lieu of park land dedication, which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, shrubs, or other landscaping facilities, for maintenance of existing landscaped areas, for repair or removal of damaged or destroyed trees, for preservation and protection of existing Protected and Heritage Trees, and for the purchase of equipment to be utilized for the preservation or protection of existing trees. Mitigation requirements are:

(a) Protected Trees

Protected trees shall be mitigated at a one-to-one (1:1), DBH-inch ratio for every tree removed. Replacement trees shall have a minimum DBH of three inches (3") measured ten inches (10") above the ground.

(b) Heritage Trees

Heritage trees shall be mitigated at a three-to-one (3:1) DBH-inch ratio for every tree removed. Replacement trees shall have a minimum DBH of three inches (3") measured ten inches (10") above the ground.

(c) Damaged Trees

Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated in accordance with SECTION 9I(4)(a) and (b) above.

(d) Mitigated Trees

Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated at a one-to-one (1:1), DBH-inch ratio for every tree damaged or that dies.

(5) Tree Protection Standards

(a) All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:

1) All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.

2) A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.

3) No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected or Heritage Tree without prior written approval of the City Manager at the time of site plan approval.

4) No person shall attach any rope, wire, nails, advertising posters or other apparatus to any Protected or Heritage Tree.

(b) The Building Official shall determine the health of oak trees within the City to determine if a tree is threatened by fatal diseases including, but not limited to, Oak Wilt. It is further declared that the loss of oak trees growing on private and public property substantially depreciates the value of property within the City and impairs the safety, good order, general welfare and convenience of the public. It is the intent of the City to control and prevent the spread of Oak Wilt.

1) If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.

2) All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

(6) Tree Preservation Credits – Nonresidential and Multi-Family Developments

(7) To encourage the preservation of existing Protected or Heritage Trees contained within a proposed development, the following minimum tree preservation credits may be provided. Caliper is the diameter of the tree in inches measured at ten inches (10") above the ground.

(a) Protected Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1), caliper-inch ratio;

(b) Heritage Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1), caliper-inch ratio; or

(c) Protected and Heritage Trees located within a required buffer area shall receive a credit against the minimum buffer requirements at a one-to-one (1:1), DBH-inch ratio.

(8) Tree Survey Required

Every application for a final plat for residential development or site plan for nonresidential and multi-family development shall be accompanied by a tree survey that includes the following information:

(a) Total number of caliper inches on the site;

(b) Total number of caliper inches to be removed; and

(c) Total number of caliper inches to be preserved.

(9) Tree Removal Permit

A tree removal permit is required for the removal of any Protected or Heritage Trees not exempt in SECTION 9I(2)(c) above. A TRP shall be submitted with the final plat for residential development or site plan for nonresidential and multi-family development. In order to obtain a tree removal permit, the applicant must submit an application, which shall contain a tree preservation plan showing the following:

(a) Existing/proposed topography;

(b) Location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;

(c) Location, species and size (in DBH) of each Protected and Heritage Tree, except those trees exempted by SECTION 9I(2)(c) above;

(d) A tree inventory that summarizes the following:

1) Total number of caliper inches on the site;

2) Total number of caliper inches to be removed;

3) Total number of caliper inches to be preserved;

4) Location of any proposed tree mitigation; and

5) Any proposed tree preservation credits; and

(e) A summary of the tree protection methods to be utilized.

(10) Criteria for Tree Removal Permit

In order to receive approval of a TRP, the Building Official or the Commission, as applicable, or the City Council on appeal, must make certain findings as outlined in this section. The Building Official or the Commission, or the City Council on appeal, may require submittal of a report from a registered arborist to verify reasons for removal or to determine alternatives to tree removal. Each application for a TRP shall be reviewed and a decision rendered on approval or denial based on the following criteria:

(a) The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, interference with existing or proposed private or public facilities or services, or if the tree presents a clear public safety hazard.

(b) The tree is dead or is physically damaged to the degree that it is clear it is likely to fall and injure persons or property.

(c) The tree is located within, or within proximity to, existing or proposed public rights-of-way and is causing damage to existing public or private facilities or services or may cause damage to proposed public or private facilities, and such facilities or services cannot reasonably be relocated or the damage alleviated.

(d) The condition or location of the tree presents a clear public safety hazard or the foreseeable danger of property damage to an existing or proposed structure, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

(e) The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e., site design or use standards) or the property is the location for future construction.

(f) Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or windbreaks.

(g) Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies and the diversity of the species of existing trees in the area; provided, however, consideration shall be given when alternatives to tree removal have been considered and no reasonable

alternative exists to allow the property to be used as permitted in the zoning district.

J. PARK AND OPEN SPACE DEDICATION REQUIREMENTS

(1) Purpose

(a) The purpose of this section is to provide for the adequate provision of park land and open space to meet the needs of a growing citizen population; improvements to existing park land; the establishment, maintenance and operation of a park land dedication fund; the establishment of requirements and procedures for governing required dedications of park land or improvements to existing park land by subdividers of land; and the provision of cash payments-in-lieu of park land dedication by subdividers of land in certain cases.

(b) It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and in the best interest of the public health, safety and welfare, and that the only adequate procedure to provide for park land and park improvements is to integrate such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the City's policy to require subdividers of residential subdivisions and lots to provide for park land and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities.

(2) Applicability

The park land dedication and park development requirements of this section shall be applicable to every residential subdivision developed under the provisions of this Code, whether such subdivision consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land, within the City limits or the City's ETJ.

(3) Submittal Requirements

(a) Prior to submittal of a subdivision master plan or preliminary plat, a general parks plan shall be submitted and shall contain, at a minimum, the following information:

1) Location and size of any proposed parks to be dedicated to the public or to be retained as private park land;

2) A statement of the suitability of the park land in meeting the criteria in SECTION 9J(9) of this UDC;

3) A general park development plan including any proposed improvements; and

4) A phasing plan.

(b) Prior to submittal of a final plat, a detailed parks plan shall be submitted and shall contain, at a minimum, the following information:

1) Location and size of proposed park(s);

2) A statement of the suitability of the park land in meeting the criteria in SECTION 9J(9) of this UDC; and

3) A detailed plan of any proposed improvements, including cost.

(c) The Commission shall review the general parks plan prior to approval of a subdivision master plan or preliminary plat. Review should be based upon the Comprehensive Plan, as adopted by the City, and the standards and provisions contained herein regarding the amount and location of park land and payments-in-lieu of park land dedication.

(d) All park land to be dedicated to the City shall meet the suitability requirements of SECTION 9J(9).

(4) Park Land Dedication Requirements

(a) Land Dedication

A final plat establishing a residential subdivision either within the City or within the ETJ of the City shall contain the dedication of an area of land for park purposes meeting the requirements set out in this section, or a notation signed by the Building Official of receipt of an approved cash payment-in-lieu of park land dedication. The subdivider of a residential subdivision shall dedicate to the City developed park land in the amount as established within the fee schedule adopted by the City Council. A proposed plat submitted for approval must:

1) Show the location and dimensions of the area proposed to be dedicated for park land;

2) Show the number of dwelling units to be located within the proposed subdivision (whether single- or multi-family units);

3) Tell whether all or any part of the property to be dedicated as a park is located in a special flood hazard area, as such areas are defined in this UDC; and

4) Show the proposed streets and utilities to serve the parcel to be dedicated as park land.

(b) Development of Areas Smaller Than Five (5) Acres

The development of park areas smaller than five (5) acres for public park purposes is deemed to be impractical. If fewer than five (5) acres are proposed to be created by a plat, then prior to filing the plat, the subdivider shall be required to pay to the City the applicable cash payment-in-lieu of park land dedication. No plat showing a dedication of fewer than five (5) acres for a public park shall be recommended by the Commission or approved by the City Council. While dedication of park land to the City in an amount of fewer than five (5) acres is deemed

impractical, it is the City's policy to encourage the development of private park land in accordance with SECTION 9J(10) below and to provide credit for development of these private park lands accordingly.

(c) Dedication Procedures

The owner of property for a residential subdivision shall be required at final plat approval to dedicate park land. Dedication of park land shall be evidenced by a formal dedication on the plat to be recorded. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the City will interfere with or materially increase the cost of making such land available for parks or recreational purposes.

(d) Development of Subdivision in Phases

If a subdivision is to be developed in phases and the final platting of the park area to be dedicated is to be included in a future phase, the subdivider shall be required to provide a notation on the plat which acknowledges that dedication of park land to serve said subdivision will occur with the platting of future phases.

(e) Right to Accept/Reject Land

If the City determines that sufficient park area is already in the public domain within proximity of the proposed development, or if the recreation needs for the area would be better served by expanding or improving existing parks, the City has the right to accept the dedication or to refuse same and require a cash payment-in-lieu of park land dedication.

(5) Payment-in-Lieu of Park Land Dedication Requirements

(a) Right to Request Waiver of Dedication Requirements

A subdivider obligated to make a dedication of park land may request that the City waive the required dedication of park land, in whole or in part, and accept a cash payment-in-lieu of park land dedication. Any request for a waiver to the park land dedication requirements shall be subject to review and recommendation by the Commission and approval by the City Council.

(b) Required Payment-in-Lieu of Park Land Dedication

Any subdivider who is required to make a cash payment-in-lieu of park land dedication or who is granted a waiver in accordance with SECTION 9J(5)(a) above shall make a cash payment-in-lieu of park land dedication in accordance with this section. The amount of such cash payment-in-lieu of park land dedication shall be calculated by multiplying the number of dwelling units proposed to be established by the plat times the amount per dwelling unit as established by the fee schedule set from time to time by resolution of the City Council. A cash payment-in-lieu of park land dedication shall be made prior to the recordation of the final plat.

(6) Park Land Development Agreements

As an alternative to park land dedication in accordance with SECTION 9J(4) and payment-in-lieu of park land dedication in accordance with SECTION 9J(5), a subdivider and the City (within the sole discretion of the City) may enter into a community facilities agreement or development agreement to structure other arrangements for the development of parks and park systems in the City in accordance with this UDC. Such agreements must further the City's overall park land development goals.

(7) Park Development

(a) A subdivider who elects to dedicate park land in accordance with SECTION 9J(4) above shall improve all dedicated public park land with improvements approved by the City Manager. Design, specification, and construction of the improvements shall be subject to review and approval by the City. Construction of the improvements must be completed within one (1) year of the approval of the final plat of the subdivision. No final plat shall be recorded for any subdivision in which completion of the required park land improvements has not been accepted by the City; however, in the event a subdivider requests that a final plat be approved prior to completion of the required improvements, surety for construction of improvements may be provided in the same manner as required of other subdivision and site-related construction in accordance with SECTION 4N(7) of this UDC.

(b) In lieu of constructing the improvements required in SECTION 9J(7)(a) above, the subdivider may elect to make a cash payment-in-lieu of construction to the City to meet the City’s current or future recreational needs. If a developer who has dedicated land in accordance with SECTION 9J(4) above elects to make a payment-in-lieu of park development, the City shall utilize those funds for improvement of park land within the subdivision in which the funds are collected. In the event there are remaining funds after development of said park land, the City may utilize the remaining funds to complete improvements in any public park within the City.

(c) If the subdivider elects payment-in-lieu of park land dedication in accordance with SECTION 9J(5) above, then the subdivider shall make a cash payment-in-lieu of construction to the City for the required improvements in addition to the payment-in-lieu of park land dedication. Cash payments made in accordance with this paragraph may be utilized to complete improvements in any public park within the City.

(d) Cash payments-in-lieu of required improvements shall be calculated by multiplying the number of dwelling units times the price per dwelling unit as established by the fee schedule set from time to time by resolution of the City Council.

(8) Park Land Dedication Fund

(a) Special Fund

The City shall reserve all payments-in-lieu of park land dedication and any accrued interest from the payments-in-lieu of park land dedication in

a separate account from the general funds of the City. This fund shall be known and identified as the "Park Land Dedication Fund."

(b) Deposit/Expenditure of Park Land Dedication Fund

The City shall deposit sums collected as cash payments-in-lieu of park land dedication and cash payments-in-lieu of improvements in the Park Land Dedication Fund. The City shall expend such funds collected for the acquisition of land or for the improvement of existing parks on a first-in, first-out basis.

(c) Records and Method of Expenditure

The City shall maintain records detailing the receipts and expenditures for the Park Land Dedication Fund. All funds deposited as credit for payments-in-lieu of park land dedication may be utilized for the acquisition and/or development of park land within the City. All funds collected as payments-in-lieu of park land development shall be utilized for the development of park land in accordance with SECTION 9J(8)(b) above.

(9) Park Land Design Criteria

(a) Location

Any land to be dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as park land and/or recreation facility, consistent with the most recent edition of the Comprehensive Plan, as adopted by the City Council.

(b) Land Suitability

The Commission shall review the suitability of proposed park land. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes. All such park land shall be designated and located so as to satisfy the requirements of this section.

(c) Usable Land

At least fifty percent (50%) of proposed park land dedication site shall be level, well drained and suitable for open play. Such land shall be located outside of any 100-year floodplain or any other special flood zone identified on the most recently approved FEMA FIRM map and shall not exceed five percent (5%) slope.

(d) Access

Access to park land designated on a subdivision plat shall be provided by the dedication of at least two hundred feet (200') of street frontage in a manner satisfactory to the City, preferably at the corner of two (2) intersecting streets. When the land abutting the designated park land is developed, the subdivider of such abutting land shall furnish and pay for all paving of all abutting street frontage.

(e) Utilities

Potable water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage and stubbed out at the park land site. The applicant must demonstrate to the satisfaction of the City that sufficient living unit equivalents that are not otherwise committed to other property are available to serve the park within these water and wastewater lines.

(f) Drainage Improvements

Any detention ponds and/or other drainage facilities to be constructed in areas that are to be dedicated as park land must be designed and constructed to also allow for recreational use. The subdivider may be required to demonstrate that the design, placement and construction of such ponds meet the requirements of the City.

(g) Floodplain

The following standards shall apply to all land proposed for dedication or park land which is located in a FEMA-designated floodplain or other special flood hazard area:

1) Amount of Credit

Every one (1) acre of proposed dedicated park land that is located within the floodplain or other special flood-hazard area shall count as one-half (1/2) acre of land towards the total park land dedication requirement.

(h) Criteria for Park Land

Floodplain areas will be considered for eligibility as park land to be dedicated based on the following criteria:

1) The floodplain area is easily accessible and has adequate street frontage.

2) There has been minimal alteration of the natural character of the waterway, the floodplain area and the associated riparian habitat; however, some improvements may be necessary for City access and maintenance.

3) In no case will floodplain areas be accepted which are less than one hundred feet (100') in width.

4) The configuration and topography of the area is suitable for the placement of low-impact facilities such as playgrounds, picnic facilities and open play fields.

(i) Disturbed Area

Any disturbed park land shall be restored and the soil stabilized by a vegetative cover by the subdivider.

(j) Disclosures

Prior to dedication of park land, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks ("USTs") of which the subdivider has knowledge. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such surveys and tests. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of USTs, the City may require further surveys and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the payments-in-lieu of such park land dedication.

(k) Trash and Debris

The park site shall be free of trash and debris. No vehicles, equipment, materials or supplies shall be parked, staged, stocked, stacked or stored within and about the park site or under the canopy of or within the drip line of any trees, bushes or shrubs during the construction of subdivision improvements. If the condition of the dedicated park land is disturbed during construction of subdivision improvements, the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing. The public improvements to be constructed per the applicable subdivision plat will not be accepted by the City until such time as the above conditions have been met.

(l) Areas Not Meeting the Minimum Requirements

In the event that areas proposed for dedication do not meet the grade, slope, or other requirements for park land dedication found in this section, but are known to contain sensitive environmental features, the City Council may, at its discretion and after review by the Commission, waive the standards of this section subject to the following limitations that such areas shall:

1) provide recreational or educational opportunities for the surrounding community in lieu of park land dedication;

2) be given a partial credit against the requirement of park land dedication and/or payment of fees; and

3) meet any additional standards deemed necessary by the Commission pertaining to the dedication of park land containing sensitive environmental features.

(10) Private Parks

(a) Private Park Land Required

It is the intent of the City to provide for adequate areas of park land within every subdivision as deemed practical by the City. All residential

subdivisions developed after the effective date of this UDC that do not dedicate park land in accordance with SECTION 9J(4),shall be required to dedicate an area as private park land or open space. The amount of private park land dedicated and amenities provided shall be recommended by the Commission and approved by the Council.

(b) Credit for Private Park Land

Up to fifty percent (50%) in area of a subdivision's total park land dedication requirement may be satisfied through the dedication of a private park within the subdivision. Up to fifty percent (50%) of the park land development fee may be satisfied through the development of a private park within the subdivision.

(c) Maintenance of Private Parks

The subdivider must submit a condominium declaration, homeowners covenants, conditions and restrictions ("CCRs") or a similar document that establishes the private ownership and maintenance responsibility relating to any private park areas, together with a mechanism for funding the maintenance of the park that is established to meet the requirements of this section. In addition, a plat note must be included on the preliminary plat and final plat stating the ownership and maintenance responsibility relating to all private park areas as belonging to the condominium regime or HOA.

(d) Requirement of Continued Use

A restrictive covenant shall be recorded at the time of the recording of the plat, which covenant shall run with the land subdivided. The covenant shall restrict use of private parks and facilities to park and recreational purposes and must be submitted for approval by the City prior to final plat acceptance.

(e) Security for Performance

The City may require financial assurances from the subdivider that the private park will be developed and completed, with assurances that a failure by the subdivider to timely complete the improvements to the park shall result in dedication of the private park to the City and the proceeds of the financial assurances as offered become the property of the City for use in completing the park.

SECTION 10 - **PARKING STANDARDS**

A. PURPOSE

The purpose of this section is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and

industry, which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this section.

B. GENERAL PROVISIONS

(1) Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.

(2) Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within one hundred fifty feet (150') of the main use.

(3) If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.

(4) Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change.

(5) All driveways and all required off-street parking spaces shall be on a paved concrete surface. All drive approaches shall be of paved concrete. If an existing drive on a residentially zoned lot is constructed of asphalt, the drive may continue to be asphalt. Parking on an unpaved surface is strictly prohibited.

(6) Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this section.

(7) In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.

(8) Recreational vehicles, travel trailers, motor homes, boats, semi-trailers, trailers, or truck-tractors may not be used for on-site dwelling purposes, and shall be parked and stored behind the front building façade of the main structure (i.e., the house). Parking on an unpaved surface is strictly prohibited.

(9) In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.

C. SIZE OF SPACE

(1) Each standard off-street surface parking space shall measure not less than ten feet (10') by twenty feet (20'), exclusive of access drives and aisles, and shall be of usable shape and condition.

(2) Wheel Stops

Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in SECTION 9G(8)(a)1). Wheel stops shall be

designed so that the overhang of vehicles is contained totally within the parking space. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of five feet (5') of free walking area, exclusive of vehicle overhang width, must be provided.

(3) Each parking space designed for parallel parking shall have a minimum dimension of eight feet (8') by twenty-two feet (22').

(4) Handicap Accessible Parking

(a) The number and size of the handicap parking spaces required must follow the federal Americans with Disabilities Act ("ADA") and Texas Accessibility Standards ("TAS"). The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty-inch (60")-wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

Table 10-1
Minimum Number of Handicap Accessible Parking Spaces

Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

(b) Location. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.

(c) An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and must have a firm, stable, slip-

resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

(d) Accessible parking spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98"), minimum vertical height requirement).

(e) Signage

A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws marking each disabled parking space. Each van-accessible space must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

D. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

(1) Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated:

Table 10-2
Schedule of Off-Street Parking Requirements

Use Type	Parking Requirement
Amusement, Commercial (Indoor)	10 spaces, plus 1 space for each 100 square feet of total floor area over 1,000 square feet
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Bank, Savings and Loan, or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bed and Breakfast	1 space for each rented room plus 1 space per employee
Community Center	1 space for each 100 square feet used for assembly
Day Care Center	1 space per 250 square feet of gross floor area
Family Home	4 spaces
Hospital	1 parking space for each bed
Hotel or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms

Use Type	Parking Requirement
Industrial and Manufacturing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-Warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multi-Family, Duplex, Two-Family, Condominium or Other Similar Use	1.5 spaces per bedroom
Offices	1 space for each 250 square feet of gross floor area
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales and Service	1 space for each 250 square feet of gross floor area
Schools, Elementary	1 space for each classroom plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly
Schools, Middle, High School and Vocational	1 space for every three (3) students, faculty and staff plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly (based on maximum design capacity)
Single-Family Attached and Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Centers, Convention Centers or Other Places of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)

Use Type	Parking Requirement
Vehicle Sales	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Vehicle Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouses	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater

(2) New and Unlisted Uses

When a proposed land use is not classified in this section, the parking requirements will be based on the minimum standard applicable to a specified use which most closely resembles the proposed land use, as determined by the City Manager.

(3) Mixed Uses

In the event that several users occupy a single structure or parcels of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example, with retail and residential, or theater and office uses. In such case the City Manager may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

(4) Joint Use of Facilities

Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

E. STRIPING

(1) All parking lots shall be striped in a manner that clearly delineates parking spaces, fire lanes and pedestrian crosswalks.

(2) Directional arrows shall be provided in all drive lanes and driveways.

F. SHARED ACCESS AND CROSS-LOT ACCESS EASEMENTS

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross-lot access easements shall be required for all commercial development.

G. STACKING REQUIREMENT FOR DRIVE-THROUGH FACILITIES

(1) A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

(2) All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.

(3) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.

(4) For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces shall be provided.

(5) For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

H. OFF-STREET LOADING/UNLOADING REQUIREMENTS

All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

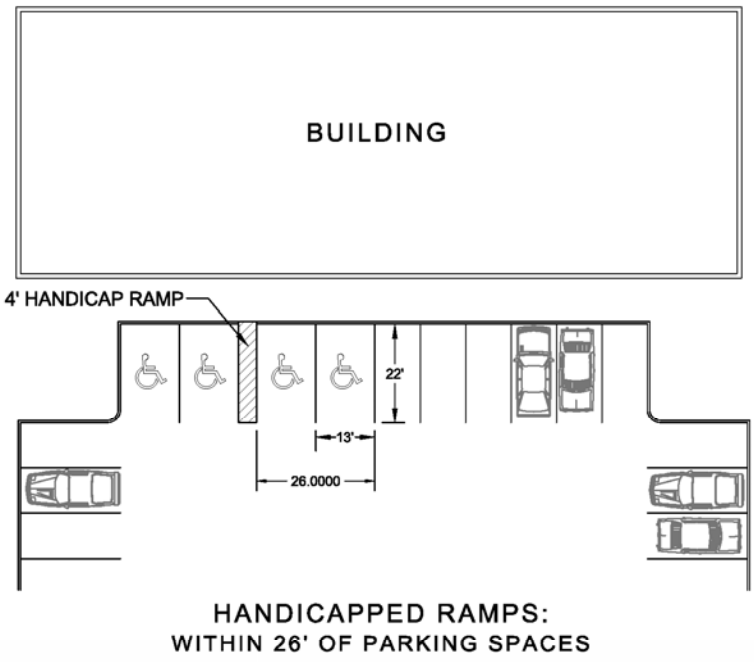
Table 10-3
Off-Street Loading Requirements

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 – 5,000	None
5,000 – 15,000	1
15,000 – 50,000	2
50,000 – 100,000	3
100,000 – 150,000	4
Each Additional 50,000 over 150,000	1

I. ADDITIONAL REGULATIONS AND ILLUSTRATIONS

(1) Handicapped Ramps

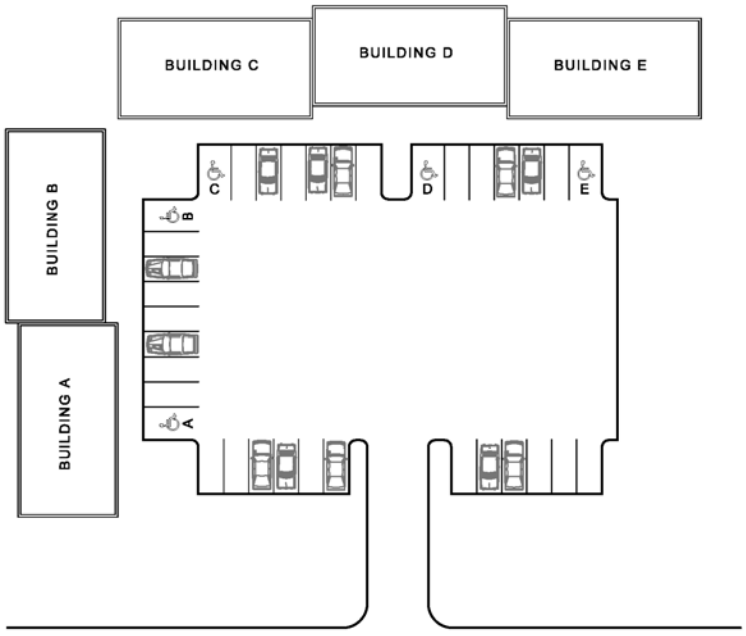
A. HANDICAPPED RAMPS



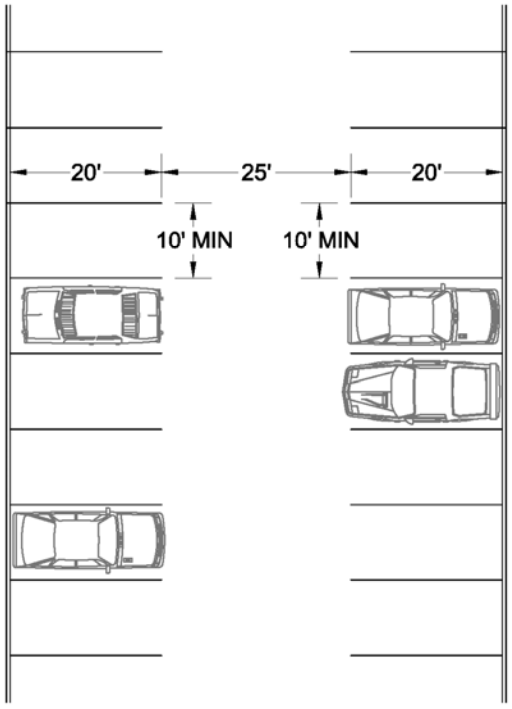
HANDICAPPED RAMPS:
WITHIN 26' OF PARKING SPACES

The location of handicapped parking spaces should be:
1. as close as pssible to principal handicapped accessible entrances.
2. dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

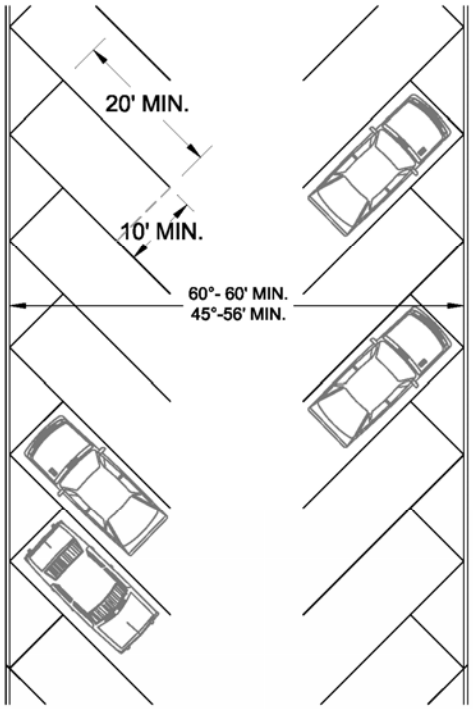
(2) Handicap Parking Space Dispersal



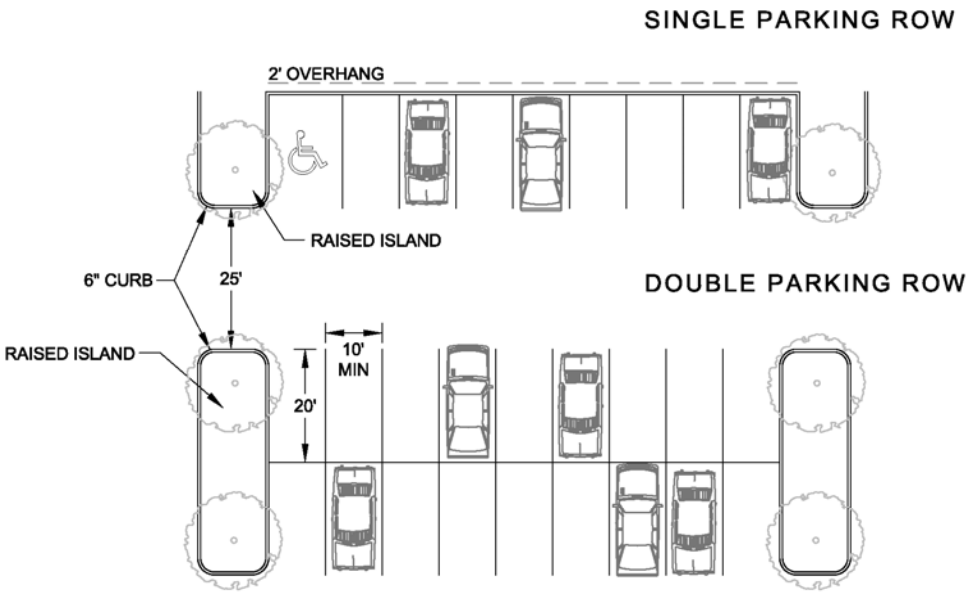
(3) 90° Parking Dimensions



(4) Angle Parking Dimensions

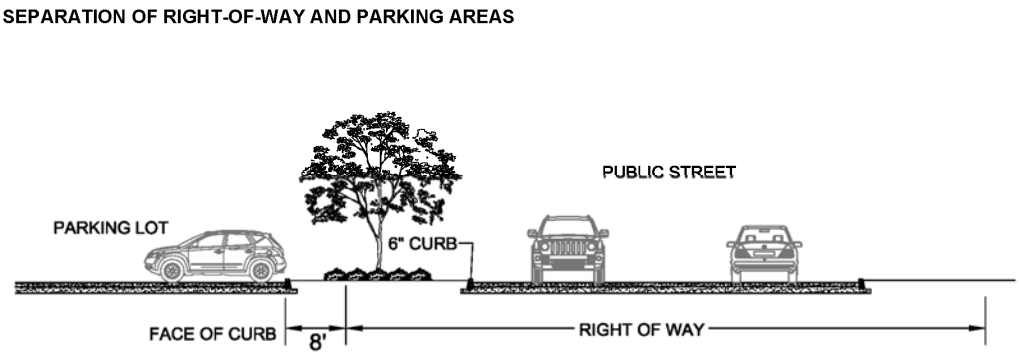


(5) Drive Aisle Dimensions

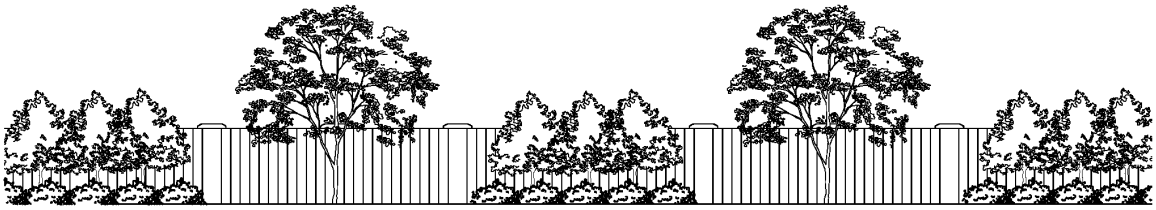


NOTES: Maximum of 20 spaces between islands on peripheral row
Maximum of 15 between islands on interior row.

(6) Separation of Right-of-Way and Parking Areas



(7) Landscaping and Fencing



NOTE: TREES AND SHRUBS PLANTED TO VISUALLY SOFTEN THE SOLID FENCE

SECTION 11 - **SIGNS AND ADVERTISING DEVICES**

A. PURPOSE

The City recognizes the safety, commercial, emergency, and informational needs for signs. This section has been adopted to protect the health, safety, and welfare of the citizens by regulating the location, construction, duration, size, height, installation, and maintenance of all signs within the jurisdiction of the City, including its ETJ in accordance with LGC Chapter 216. Additionally, this section is intended to enhance property values, maintain aesthetic attractiveness, and promote commercial opportunity in the City, and to support and further the objectives of the City's Comprehensive Plan.

B. APPLICABILITY

All signs shall be erected, displayed, altered or reconstructed in conformity with this section. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(1) Other Laws: The provisions of this section shall not be deemed to nullify any other provisions of federal or state law.

(2) Partial Invalidity: In the event any part or provision of this section is held to be illegal or void by a court of competent jurisdiction, such holding shall not have the effect of making void or illegal any of the other parts or provisions.

(3) Existing Signs: All signs legally existing on or before the effective day of this UDC shall be permitted to continue without change.

C. ADMINISTRATION

(1) General

The City Manager is hereby authorized and directed to enforce the provisions of this section and other laws and ordinances applicable thereto. The City Manager shall have the authority to render interpretations of this section and other laws and ordinances applicable thereto, and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this section and shall not have the effect of waiving requirements specifically provided for herein.

(2) Applications

The City Manager shall receive applications, review plans and documentation and issue permits for the erection, installation, enlargement, alteration, and repair of all signs within the City and its ETJ.

(3) Inspection

The City Manager shall make all inspections necessary to ensure compliance with all state and local requirements governing signage.

(4) Notices and Orders

The City Manager shall issue all necessary citations, notices or orders to ensure compliance with this section.

(5) Right of Entry

Where it is necessary to make an inspection to enforce the provisions of this section, or where the City Manager has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this section, the City Manager is authorized to enter such premises at reasonable times to inspect or to perform the duties imposed by this section, provided that if such premises are occupied credentials must be presented to the occupant and entry requested. If such premises are unoccupied, the City Manager shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the City Manager shall have recourse to the remedies provided by law to secure entry.

(6) Department Records

The City Manager shall keep official records of applications received, permits issued, fees collected, reports of inspections, and citations, notices and orders issued. Such records shall be retained in the official records for the period required by the State of Texas for the retention of public records.

(7) Liability

The City Manager, members of the BOA, or other City employees charged with the enforcement of this section, while acting in the scope of their official duties for the City in good faith and without malice in the discharge of the duties required by this section or other pertinent laws or ordinances, shall not be rendered personally liable and are hereby relieved of personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this section shall be defended by a legal representative of the City until the final termination of the proceedings. No City official shall be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this section.

D. GENERAL REQUIREMENTS

(1) Permit Required

(a) No person shall erect, alter or display any sign or allow the erection, alteration, or display of any sign upon any property within the City or its ETJ owned or controlled by them without first obtaining a sign permit to do so from the Building Official, except as hereinafter provided. No sign permit shall be released by the Building Official until after the building permit for the principal building on the site has been issued.

(b) No person shall install and connect electrical systems for a sign within the City or its ETJ without first obtaining an electrical permit to do so from the Building Official, except as hereinafter provided. The Building Official shall not issue an electrical permit for a sign until after the principal sign permit for such work has been issued.

(2) Application

The following information shall be required for each application for a permit:

(a) Completed building permit application obtained from the Building Official.

(b) A site plan which includes or reflects:

1) The location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected.

2) The position of the sign in relation to rights-of-way, easements, buildings or structures and other existing signs.

3) Plans that illustrate height, length, width and all other dimensions associated with the sign. Plans shall include all electrical elements of the sign.

4) Letter or copy of a contract signed by the owner of the property stating that the applicant has permission to erect such sign.

(3) Fees

All fees for a sign permit shall be in accordance with the current fee schedule adopted by City Council.

(a) A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid.

(b) Where work for which a permit is required by this section has been started prior to obtaining a permit, the fees established by City Council shall be doubled. Payment of such double fees shall not relieve any person(s) from any other penalties prescribed under SECTION 1K, of this UDC, or any other applicable law or ordinance.

(4) Action on Application

The Building Official shall examine or cause to be examined applications for permits and amendments thereto within fifteen (15) business days after a

complete application is filed. If the application or the construction documents do not conform to the requirements of this section and other pertinent laws or ordinances, the Building Official shall reject such application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirements of this section and other laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practical.

(5) Time Limitation of Application

An application for a permit for any proposed work for which a permit has not been issued shall be deemed abandoned six (6) months after the date of filing. The City Manager may, at his/her discretion, grant one extension for additional time not exceeding ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued under this section are non-transferable from one person to another.

(6) Condition of Permit

A permit issued under this section shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this section or other law or ordinances applicable thereto. Nor shall issuance of a permit prevent the Building Official from thereafter requiring correction of errors in plans, construction, or removing violations of this section or other laws or ordinances applicable thereto. Every permit issued shall become invalid six (6) months after its issuance if the work is not completed unless otherwise stated in this section.

(7) Suspension or Revocation

The Building Official is authorized to suspend or revoke a permit issued under this section whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other laws or ordinances applicable thereto.

(8) Public Rights-of-Way, Alleys and Easements

A permit shall not be given by the Building Official for the placement of a sign that will encroach upon any public right-of-way, alley or utility or drainage easement.

(9) Placement of Permit

The permit or copy thereof shall be kept on the site until the work permitted is completed.

(10) Appeal

An individual who has been denied a permit or had a permit revoked may appeal in writing along with the established filing fee to the BOA within ten (10) days after the date of denial or revocation.

E. EXEMPTED SIGNS

The following types of sign or sign work are exempt from the permit requirements of this section; provided, however, that the exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in violation of the provisions of this section or any other laws or ordinances of the City:

(1) Official Government Signs

(2) Political Signs

(a) Political signs may be erected in accordance with this section upon private premises. Political signs are not allowed on utility poles, in public easements, on public fences or buildings, or on any City property or City right-of-way. A political sign located on private property, which is not the property of the owner of the sign, may only be placed on the property with permission from the property owner.

(b) Political signs may not:

1) have an effective area greater than thirty-six (36) square feet;

2) be more than eight feet (8') high;

3) be illuminated; or

4) have any moving elements.

(3) Railway Signs

Any sign within the railway right-of-way placed and maintained by the railway company in reference to the operation of such railway.

(4) Utility Signs

Any sign marking utility or underground communications or transmission lines.

(5) Vehicle Signs

Any sign, less than two (2) square feet in area, placed on or affixed to vehicles and/or trailers, where the sign is incidental to the primary use of the vehicle or trailer as a form of transportation and which identifies the business, products, or services with which the vehicle and/or trailer is related.

(6) Flags

Official flags of governmental jurisdictions or non-profit organizations. Nothing in this ordinance shall be construed to prevent the display of a national or state flag or to limit flags, insignias, legal notices or informational, directional or traffic signs which are legally required and necessary to the essential functions of governmental agencies.

(7) Warning Signs

Signs warning the public of the existence of danger but containing no advertising material.

(8) Street Address Signs

Address signs containing only numeric address and street or complex names.

(9) Holiday Signs

Any temporary sign promoting the celebration of a holiday and containing no commercial advertising.

(10) Plaques

Any commemorative sign of a recognized historical society or organization.

F. PROHIBITED SIGNS

(1) Obscene Signs

No person shall erect or display on any site a sign in which the dominant theme of material taken as a whole appeals to the prurient interest in sex, and is patently offensive because it affronts current community standards relating to the description or representation of sexual matters, and is utterly without redeeming social literary, artistic, political, and scientific value, according to contemporary community standards.

(2) Obstructing Doors, Windows or Fire Escapes

No person shall erect or display on any site any sign that prevents or obstructs free ingress to or egress from any door, window or fire escape.

(3) Obstructing Vision/Sight Triangle

No person shall erect or display on any site any sign in such a manner as to obstruct free and clear vision of moving vehicles at any location, street intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle (see definition of visibility triangle).

(4) Interference with Traffic

No sign shall be permitted which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination, or any other characteristics causing such interference. No person shall erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, signs making use of the words “stop”, “go”, “look”, “slow”, “danger”, or any other similar word, phrase, symbol or character. No person shall employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

(5) Over Public Property or Public Right-of-Way

No person shall erect or display any type of sign on or over public ROW or other public property, unless the same is erected by the City, county, state or other authorized governmental agency, or with the permission of the City Council (in its sole discretion), for public purposes.

(6) Signs on Utility Poles

No person shall erect or display any sign except as specifically authorized by SECTION 11E on any utility pole located upon any public right-of-way or utility easement.

(7) Private Property

No sign shall be located on private property without the consent of the owner of the premises, including signs located on trees, light poles or mail boxes.

(8) Dilapidated Signs

No sign shall be permitted which is deteriorated, dilapidated, in danger of falling or otherwise unsafe.

(9) Signs In Violation

No sign shall be permitted that does not comply with any applicable provisions of the building code, this UDC, or any other applicable codes or ordinances of the City.

(10) Home Occupation Signs

No exterior home occupation signs shall be permitted unless otherwise specifically authorized in this UDC.

(11) Non-Motorized or Portable Signs

No trailer-type, non-motorized signs using wheels and axles as the primary support shall be permitted.

(12) Off Premise Signs

Except as set forth elsewhere in this section, all off-premise signs not legally existing on the date this UDC is adopted are prohibited.

(13) Signs in the Right-of-Way

Except as set forth elsewhere in this section, all signs in the right-of-way are prohibited except that the following signs may be permitted provided they otherwise meet the applicable requirements of this section:

(a) Official Government Signs

(b) Historical Markers and Plaques

(c) Traffic Signs

(14) Bandit Signs

(15) Painted Signs

No sign shall be permitted which is painted on the wall of any building or on any part of a building.

(16) Other Signs

Except as set forth elsewhere in this section, any signs not specifically permitted by this ordinance are prohibited within the City and its ETJ.

G. REMOVAL OF SIGNS

(1) Damaged Signs

Signs which are determined by the City Manager to be a public hazard or in a state of disrepair shall be repaired or removed within ten (10) days of written notification to the property owner.

(2) Abandoned Signs

Signs which are determined by the City Manager to be abandoned shall be removed or otherwise painted over and neutralized within thirty (30) days of written notification to the property owner.

(3) Extensions

The City Manager shall have the authority, but not the obligation, to grant extensions as necessary to resolve a damaged or abandoned sign. The extension shall be requested in writing and justifiable cause demonstrated.

(4) Signs in Right-of-Way and/or Public Property

Any sign that is erected, constructed, or otherwise located within or upon public right-of-way, easement(s) or on other public property may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.

(5) Relocation of Certain Detached On-Premise Signs

(a) Legal or non-conforming, detached on-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section. The owner of the sign and the governmental entity must sign an application requesting the relocation. The relocation must be completed within one (1) year of the date the governmental entity becomes the owner of the property. All relocated signs must fully comply with spacing, setbacks, and other restrictions in this section. All signs must be relocated on the remainder of the tract from which the parcel of land was acquired unless:

1) There is no remainder; or

2) The remainder is not of sufficient size or suitable configuration to allow the relocated sign to fully comply with the spacing, setback, and other restrictions in this section.

(b) No relocated, detached on-premise sign may have a greater effective area or increased height than it had at its original location, or contain new materials that are more than five feet (5') above grade.

(c) No detached on-premise sign may be relocated until demolition and other required permits have been applied for and approved by the City.

(d) No new electrical or mechanical properties may be added to a relocated, detached on-premise sign, e.g., a non-illuminated sign may not be converted to an illuminated sign.

(6) Illegally Erected Temporary Sign

Any temporary sign, as defined in SECTION 15 of this UDC, that is erected, constructed or otherwise displayed, without a permit or in direct violation of this section shall be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.

(7) Illegally Erected Permanent Sign

Any permanent sign installed without a permit or in direct violation of this section shall be removed by the owner of the sign or property within ten (10) days after written notification by the City Manager.

(8) Filing of Liens against the Property

The City is authorized to file a lien against any property which is not otherwise exempt to recover reasonable expenses incurred by the City for the removal of a sign or portion of a sign.

(9) Appeal

Any decision rendered by the City Manager or other City personnel or consultant in the enforcement of this section may be appealed to the BOA by any person, agent, or representative affected by such decision. Such appeal must be in writing and received within ten (10) days after a decision rendered along with the established fee.

H. GENERAL SIGN PROVISIONS

The provisions of this section shall be applicable to all signs hereafter erected, constructed, displayed, altered or repaired on any premise under the jurisdiction of the City.

(1) Height of Signs

The vertical height of a sign shall be measured from ground level at the base of the sign to the highest part of the sign or its structure.

(2) Wind Load and Dead Load Requirements

All signs shall be designed and constructed to withstand a wind load of not less than thirty-two (32) pounds per square foot of area and shall be constructed to receive dead loads as required by building codes adopted by the City. The sign application must include a statement signed by the applicant that states compliance with this requirement.

(3) Location of Business/Residential

All business and residential locations shall be identified by an address, which is clearly visible from the street.

(4) Illumination of Signs

No sign shall be illuminated to such intensity to exceed a maximum of .25 foot-candle measured at the property line. No lighted sign shall be erected or displayed within one hundred fifty feet (150') of a single-family residential zoned property unless the lighting is shielded from view.

(5) Building and Electrical Codes Applicable

All signs shall be constructed and maintained in conformity with all applicable provisions of the building code, electrical code or other applicable ordinances of the City.

(6) Maintenance of Signs

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted including all metal parts and supports that are not galvanized or of rust-resistant material. On undeveloped parcels of land, the area between any sign and the street or highway to which the sign is oriented and the area within twenty-five feet (25') of such sign must be kept free and clear of debris, trash, and weeds or other refuse and shall be maintained by the mowing or trimming of any vegetation.

(7) Structural Sign Elements

The structural elements of permanent signs shall be constructed of materials that are noncombustible and may be supported by noncombustible materials only and finished in a presentable manner. Wood or unpainted steel supports are prohibited. Heavy timber and other materials may be used only if approved by the Building Official.

(8) Sign Clearance

Notwithstanding any other provision of this UDC, all signs shall maintain a clearance of at least ten feet (10') when located over a public sidewalk and at least fourteen feet (14') when located over a driveway, and shall extend no closer than eighteen inches (18") from the curb line of a public street, unless painted or mounted flat on the surface of an existing awning or canopy.

I. SIGNS IN OLD TOWN CRANDALL

(1) General

Signs in the district defined as OTC-Old Town Crandall must reflect the historic nature of the downtown area. The signage should be simple and advertise the name of the business only. Simple, bold lettering with sufficient contrast is encouraged.

(2) Maximum Area

The maximum area of a sign in the Old Town Crandall District shall not exceed fifteen percent (15%) of the front façade area, which shall not exceed forty (40) square feet of effective area.

(3) Maximum Number of Signs

Each building, or tenant space, is allowed two (2) signs: one (1) primary and one (1) secondary.

(4) Location

Primary business signs must be located in the traditional sign band located on the front façade of the building, above the main entrance to the building. The sign must be located in such a manner that it does not obscure any

architectural features of the building. The primary sign can be a wall sign or a window sign. The secondary sign can be a window sign or a blade sign.

(5) Roofline Limitations

In no case shall a wall sign project above the roofline of any building, nor shall it extend above the parapet wall if attached thereto. Wall signs shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height. Wall signs may be attached to a continuous plane fascia if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.

(6) Illumination

Wall signs shall be illuminated utilizing only external fixtures and such fixtures must be approved by the Building Official. A preferred external fixture is a gooseneck lamp.

(7) Projection

Wall signs shall not project farther than eighteen inches (18") from the building, excluding signs attached to canopies.

J. WALL SIGNS

(1) General

Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all wall signs. Wall signs may not be attached to light fixtures, poles, or trees.

(2) Maximum Area

The maximum area of a wall sign shall not exceed the following:

Table 11-1
Maximum Area of Wall Signs

Sign Location	Maximum Sign Area
Areas with Limited Access	15% of the façade area or 250 square feet, whichever is less
Areas with Unlimited Access	12% of the façade area or 125 square feet, whichever is less
All Other Streets	10% of the façade area or 80 square feet, whichever is less

(3) Maximum Number of Signs

The maximum number of signs permitted for single occupancy or single tenant buildings shall be limited to one (1) per wall with a maximum of three (3) signs. Each sign in excess of the primary wall sign shall be a maximum seventy-five percent (75%) of the area of the primary wall sign.

The maximum number of signs permitted for multi-tenant buildings shall be limited to one (1) per tenant or lease space except for those spaces located on the ends of buildings which may have one (1) additional wall sign to be located on the side wall of the structure and being a maximum of seventy-five percent (75%) of the area of the primary wall sign. Tenants located in a multi-tenant building with the rear of the building directly adjacent to a public or private street or access drive may have one (1) additional wall sign located on the rear wall of the structure and being a maximum of twenty-five percent (25%) of the area of the primary wall sign. In no case shall the number of wall signs permitted for any single tenant within a multi-tenant development exceed a maximum of two (2) signs.

(4) Roofline Limitations

In no case shall a wall sign project above the roofline of any building or extend above the parapet wall if attached thereto. Wall signs shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height. Wall signs may be attached to a continuous plane fascia if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.

(5) Illumination

Wall signs shall be illuminated utilizing only internal lighting except for signs in the Old Town Crandall District, which may be illuminated with gooseneck lamps.

(6) Projection

Wall signs shall not project farther than eighteen inches (18”) from the building, excluding signs attached to canopies.

(7) Adjacent Residential

Wall signs shall not be located on any façade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within one hundred fifty feet (150’) of the property line of said residential property.

K. FREESTANDING GROUND SIGNS

(1) General

Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all freestanding ground signs.

(2) Minimum Setback

The minimum setback of all freestanding ground signs shall be fifteen feet (15’) from any property line.

(3) Maximum Height

The maximum height of a freestanding ground sign shall conform to the following:

Table 11-2
Maximum Height of Freestanding Ground Signs

Sign Location	Maximum Height
Areas with Limited Access	50 feet
Areas with Unlimited Access	40 feet
All Other Streets	20 feet

Exception: Freestanding ground signs located on properties along roadways identified as Principal Arterials and Secondary Arterials in accordance with SECTION 13A of this UDC shall have a maximum of eighteen feet (18') in height.

(4) Maximum Area

Freestanding ground signs shall conform to the following:

Table 11-3
Maximum Area of Freestanding Ground Signs

Sign Location	Maximum Sign Area
Areas with Limited Access	250 square feet
Areas with Unlimited Access	100 square feet
All Other Streets	32 square feet

Exception: Freestanding ground signs located on properties along roadways identified as Principal Arterials and Secondary Arterials in accordance with SECTION 13A of this UDC shall have a maximum of ninety (90) square feet in area.

(5) Number of Signs

The maximum number of freestanding ground signs shall be limited to one (1) per lot, per street frontage. Developments consisting of shopping centers or other multi-tenant type developments shall be required to construct multi-tenant signage in accordance with SECTION 11L of this UDC except that any primary or anchor store greater than 50,000 square feet may be allowed one (1) freestanding sign in accordance with this section.

L. MONUMENT SIGNS

(1) General

Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all monument signs that are allowed under this section.

(2) Maximum Height

The maximum height of a monument sign shall be five feet six inches (5'-6").

(3) Maximum Area

The maximum area of a monument sign shall not exceed one hundred (100) square feet with a maximum area per sign face of fifty (50) square feet.

(4) Number of Signs

The maximum number of monument signs shall be limited to one (1) per lot per street frontage. Developments consisting of shopping centers or other multi-tenant type developments shall be required to construct multi-tenant signage in accordance with SECTION 11M of this UDC.

(5) Minimum Setback

The minimum setback of all monument signs shall be fifteen feet (15') from any property line.

(6) Material Requirements

All monument sign bases shall be constructed of masonry material consisting of brick, stone or split face concrete block. The monument sign structure must be constructed or covered with the same masonry material as the principal building or shall be constructed of brick, stone or split face concrete block. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

(7) Illumination

Monument signs shall only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

M. MULTI-TENANT SIGNS

(1) General

The provisions of this section shall be applicable to all signs located within developments consisting of shopping centers, as defined within this UDC, and all other similar multi-tenant developments. All multi-tenant signs shall be monument signs meeting the requirements of this section.

(2) Maximum Height

The maximum height of a monument sign within a multi-tenant development shall not exceed the following:

Table 11-4
Maximum Height of Multi-Tenant Signs

Sign Location	Maximum Height
Areas with Limited Access	20 feet
Areas with Unlimited Access	18 feet
All Other Streets	15 feet

The monument base shall be a minimum of eighteen inches (18") in height measured from ground level at the center of the base to the top of the base.

The overall height shall not exceed the maximum heights listed above, including monument base.

(3) Maximum Area

The maximum area of a multi-tenant monument sign shall be equivalent to one percent (1%) of the gross building square footage within the shopping center with a maximum of one hundred fifty (150) square feet.

(4) Maximum Number

The maximum number of multi-tenant monument signs shall be limited to one (1) per platted lot per street frontage.

(5) Monument Sign Design

Each multi-tenant monument sign shall be designed so as to provide adequate sign spaces for each tenant within the development except for the primary, or anchor, store within the development, which shall be prohibited from advertising on the monument sign. The developer shall be responsible for determining the adequacy and size necessary to meet the requirements of this section.

(6) Minimum Setback

The minimum setback of all multi-tenant monument signs shall be fifteen feet (15') from any property line.

(7) Material Requirements

All multi-tenant monument signs shall be constructed of masonry material consisting of brick, stone or split face concrete block which shall be consistent in nature with the overall theme of the development. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

(8) Illumination

Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

N. ELECTRONIC SIGNS

(1) General

Electronic signage shall be permitted in lieu of any permitted freestanding or monument signs on a property. In the event that an electronic sign is permitted for a property, no other additional freestanding or monument sign shall be permitted.

(2) Maximum Height

The maximum height of an electronic sign shall be eighteen feet (18').

(3) Maximum Area

The maximum area of an electronic sign shall not exceed one hundred (100) square feet with a maximum area per sign face of fifty (50) square feet.

(4) Number of Signs

The maximum number of electronic signs shall be limited to one (1) per platted lot. No other on-premise freestanding signs shall be permitted.

(5) Minimum Setback

The minimum setback of all electronic signs shall be fifteen feet (15') from any property lines.

(6) Material Requirements

All electronic sign bases shall be constructed of masonry material consisting of brick, stone or split face concrete block. The electronic sign structure must be constructed or covered with the same masonry material as the principal building or shall be constructed of brick, stone or split face concrete block. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

(7) Illumination

Electronic signage shall not exceed a maximum of 0.25 foot-candle illumination at the property line.

(8) Location Restrictions

No electronic signs shall be permitted within one hundred fifty feet (150') of a residentially zoned property or property used for residential purposes.

(9) Additional Restrictions

(a) Any change of pictures or information on the electronic sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.

(b) Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds.

(c) Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

O. DIRECTIONAL SIGNS

(1) General

This section shall be applicable to any on-premise sign that directs the movement of traffic on private property within developments, warns of obstacles or overhead clearances, or controls parking.

(2) Maximum Height

Directional signs shall have a maximum height of three feet (3').

(3) Maximum Area

Directional signs shall not exceed a maximum area of twelve (12) square feet.

(4) Maximum Number

The maximum number of directional signs permitted within a development shall be based on the square footage of building space constructed within the development. Directional signs shall be permitted at a rate of one (1) sign for every 10,000 square feet of building area.

(5) Location Restrictions

Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle.

P. SUBDIVISION ENTRY SIGNS

(1) General

The provisions of this section shall be applicable to all subdivision entry signs identifying a residential or mixed use development.

(2) Maximum Height

Subdivision entry signs shall be monument signs and shall have a maximum height of six feet (6') in height.

(3) Maximum Area

The maximum area of a subdivision entry sign shall not exceed thirty-two (32) square feet per sign face.

(4) Maximum Number of Signs

No more than one (1) subdivision entry sign shall be permitted at the primary subdivision entrance. Secondary entrances may have one (1) subdivision entry sign per entrance which shall be a maximum of seventy-five percent (75%) of the size of the primary entrance sign.

(5) Placement of Sign

A subdivision entry sign may be located on a median at the street entrance if approved in writing by the City Manager.

(6) Subdivision Entry Feature

A subdivision entry feature which is appropriate in scale to the size of the development and incorporating masonry walls, berms and/or decorative fencing in combination with the subdivision entry sign may be constructed at the primary subdivision entrance; provided, however, that the maximum area containing the subdivision sign shall not exceed thirty-two (32) square feet per sign face.

Q. PRICE-PER-GALLON DISPLAY

(1) General

All price-per-gallon displays must be an integral part of the general permitted sign for the site. Displays, whether electronic or manual, shall not scroll or flash.

(2) Minimum Letter Height

The minimum height allowed for price-per-gallon display signs shall be six inches (6") for the fuel classification, i.e., "unleaded," "diesel," etc.

(3) Maximum Area

Price-per-gallon displays shall not exceed two-thirds (2/3) of the permitted gross surface area per face of the general permitted sign.

(4) Number of Signs

Only one (1) price-per-gallon sign shall be permitted per site.

(5) Illumination

Only internal illumination may be utilized for price-per-gallon signs.

R. TEMPORARY SIGNS

(1) General

Notwithstanding any other provisions of this section, this section shall be applicable to all temporary signs identified in this section.

(2) Maximum Area

The maximum area permitted for temporary signs shall conform to the following:

Table 11-5
Maximum Area of Temporary Signs

Sign Location	Maximum Sign Area
Areas with Limited Access	32 square feet per face or 10% of the building façade, whichever is less
Areas with Unlimited Access	24 square feet per face or 7% of the building façade, whichever is less
All Other Streets	16 square feet per face or 5% of the building façade, whichever is less

(3) Maximum Height

The maximum height permitted for temporary signs shall conform to the following:

Table 11-6
Maximum Height of Temporary Signs

Sign Location	Maximum Sign Height
Areas with Limited Access	6 feet
Areas with Unlimited Access	4 feet
All Other Streets	3 feet

(4) Minimum Setback

The minimum setback for all temporary signs shall be fifteen feet (15') from any property line.

(5) Time Limitations

Temporary freestanding signs shall be permitted for a maximum of one hundred eighty (180) days per calendar year. No additional temporary sign permit shall be issued for the same property or business for a period of fourteen (14) days from the expiration of the previous permit. There shall be no limit to the number of temporary sign permits that may be issued for a particular property or business. The cumulative total number of days for which all temporary sign permits issued for a property or business shall not exceed one hundred eighty (180) calendar days.

(6) Number of Signs

No more than two (2) types of temporary signs shall be permitted per business or tenant at any given time.

S. DEVELOPMENT SIGNS

(1) Maximum Area

Development signs shall not exceed sixty-four (64) square feet maximum, thirty-two (32) square feet per sign face.

(2) Maximum Height

Development signs shall not exceed six feet (6') in height.

(3) Number of Signs

Each development shall be permitted no more than one (1) sign per commercial development, or one (1) sign per entry of a residential subdivision not to exceed two (2) signs.

(4) Duration

Development signs shall be installed at any time after the issuance of the building permit for a commercial development or after approval of the final plat for a residential subdivision. The development sign must be removed within six (6) months or upon the issuance of a certificate of occupancy for commercial developments, and upon three (3) years or seventy-five percent (75%) of development of a residential subdivision, whichever is less.

T. REAL ESTATE SIGNS

(1) Applicability

Real estate signs meeting the requirements of this section shall be exempt from the permitting requirements of this section.

(2) Maximum Height

The maximum height for commercial real estate signs shall not exceed five feet (5') for freestanding ground signs and must be below the roof line for wall signs.

(3) Maximum Area

The maximum area of a commercial real estate sign shall not exceed sixty-four (64) square feet, thirty-two (32) square feet per sign face. Residential real estate signs shall not exceed four (4) square feet in size.

(4) Maximum Number of Signs

The maximum number of real estate signs shall be limited to one (1) per lot per street frontage.

U. BANNERS OVER PUBLIC RIGHTS-OF-WAY

(1) General

Banners may be erected over public rights-of-way within the City with the approval of the City Manager. The applicant shall be responsible for securing any and all necessary permits to erect a banner over a TxDOT right-of-way and shall provide such information to the City with the application for a banner permit.

(2) Restrictions

Banners over public rights-of-way shall be permitted only for non-commercial or charitable events that are of general interest to the community as a whole and shall be restricted to non-profit or governmental entities.

(3) Responsibility

The applicant shall be responsible for the erection of any banner over public rights-of-way. The banner shall be inspected by the City to ensure the banner is adequately secured. The applicant shall be responsible for removal of any banner erected over public rights-of-way.

(4) Maximum Banner Size

The maximum area of a banner shall not exceed one hundred forty-four (144) square feet. The standard banner size shall be four feet (4') wide by thirty-six feet (36') long. Variations to the standard banner size may be approved by the City Manager when differing variations are necessary to contain the entire message within the banner. In no case shall the area exceed the maximum area identified in this section.

V. NONCONFORMING SIGNS

(1) General

A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this section and it:

(a) Was in existence and lawfully located prior to the adoption of this section;

(b) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto or which was considered legally nonconforming thereunder and has since been in continuous or regular use;

(c) Was in existence, located and used on the premises at the time it was annexed into the city and has since been in continuous use; or

(d) Was in existence and lawfully located and used as an off-premise sign prior to or on the date this UDC was adopted. .

W. LICENSES

(1) Licenses Required

(a) Required

It shall be unlawful for any person to erect, construct, place, locate, reconstruct, repair, replace or service any sign for compensation without first obtaining a license to do such work from the Building Official.

(b) License

1) It is unlawful for any person to perform construction work subject to this section unless the person is licensed as a sign contractor or is exempt under the following:

a) A maintenance person who performs maintenance work only upon property owned by the person's employer.

b) A maintenance person who performs work upon a property with more than one property owner is deemed to be performing work for the general public and shall be licensed as a sign contractor.

(2) It shall be unlawful for any person to:

(a) Display a permit, cause a permit to be displayed, or to have in one's possession any license to conduct construction work, knowing it to be fictitious or to have been canceled, suspended or altered;

(b) Lend or permit the use of any license for doing any construction work to any person not entitled to it;

(c) Fail or refuse to surrender to the City Manager any license for any construction work that has been suspended or canceled;

(d) Apply for or have in one's possession more than one current City construction license of the same type;

(e) Use a false or fictitious name or address in any application for any license provided for in this section or for any renewal or duplicate of any such license, or to make a false statement or conceal a material fact or otherwise commit fraud in the making and submission of any application;

(f) Perform any construction work in the City or its ETJ, for which a license is required without having a valid, current license or while a license is suspended, expired or canceled;

(g) Perform any construction work for which a permit is required without having a valid, current permit or after the permit has been suspended, canceled or expired;

(h) Fail or refuse to make the necessary repairs or changes as provided in a written notice issued by the City Manager. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected; or

(i) Place or leave a property in such condition that it injures or endangers persons or property.

(3) Insurance Required

(a) It is the duty of all sign contractors who practice their craft within the City to show proof of general commercial liability insurance. A current copy of the insurance policy must be maintained on file with the Building Official of the City or the sign contractor's license may be revoked. The insurance coverage shall include:

1) A minimum of $300,000 per occurrence (combined for property damage and bodily injury);

2) A minimum of $600,000 aggregated (total amount the policy will pay for property damage and bodily injury coverage); and

3) A minimum of $300,000 aggregate for products and completed operation.

(b) A licensed applicant or licensee shall file with the Building Official a completed certificate of insurance when applying for an initial license, when changing a business name, or upon request by the City Manager.

(4) The Building Official, within thirty (30) days after receipt of the completed application, shall issue the license or give a written refusal setting out the reason(s) for refusal.

(a) Application

A written application for a sign contractor's license will be submitted to the Building Official on a form prescribed by the City along with the required initial fee and evidence of two (2) years experience. The application submittal shall include the following:

1) Required initial fee (as established by City Council);

2) Renewal fee (as established by City Council);

3) Completed application;

4) Reference from one (1) financial institution;

5) Reference from two (2) suppliers; and

6) Reference from three (3) customers regarding work performed within the last two (2) years.

(b) Renewal

All renewal fees shall be due January 1st of each year. Failure to renew within thirty (30) days after the renewal date will require the applicant to reapply for a license at the initial fee rate.

(c) Suspension/Revocation

Any license issued under this section may be suspended or revoked by the City Manager for the following:

1) The license of a person convicted two (2) times within a one-year (1) period of any violation of this section, or other applicable laws and ordinances, may be suspended by the City Manager.

2) If the City Manager decides to suspend a sign contractor's license, the City Manager shall notify the licensee of the suspension by first class mail to the licensee's last address on record, or by hand delivery to the licensee. Notice by mail will be deemed received three (3) days after posting.

3) The licensee may appeal a suspension decision to the BOA by filing a written request within ten (10) days of receiving notice of the suspension. Within 30 days of receiving an appeal, the BOA shall hold a hearing to determine whether the suspension decision should be sustained or reversed.

4) If a licensee's license has been suspended twice in a three (3)-year period, and the licensee then commits another violation under this section or other laws and ordinances applicable hereto, the City Manager shall notify the BOA. The BOA shall then hold a hearing to consider cancellation of the license.

5) Enforcement actions taken under this section are not exclusive and do not affect any other remedies for violations of this section or other applicable laws and ordinances.

(d) Appeal

A person whose license has been denied, suspended or revoked may appeal in writing, submitting the filing fee then in effect, to the BOA within ten (10) days of the date of denial, suspension or revocation.

(e) Electrical License

It shall be unlawful for any person to install and connect electrical systems for a sign within the City and its ETJ without first obtaining a license to do so from the Texas Department of Licensing and Regulation ("TDLR") for such work. A sign contractor may subcontract the electrical portion of a project to someone licensed by TDLR. Someone so licensed shall obtain all requisite electrical permits from the City, and any other permitting entity as may be applicable, to do such work.

(f) Electrical License Registration

Electrical contractors shall register with the Building Official as follows:

1) Registration of Company – Each company providing electrical work shall register with the Building Official and shall provide a copy of general liability insurance in the amount established by the TDLR for electrical contractors.

2) Application – A written application to register a company providing electrical work, along with the established filing fee, shall be submitted to the Building Official on a form prescribed by the City.

3) Renewal – All registered electrical companies shall renew their registrations annually. All renewal applications shall be due March 1st of each year.

Exception: Licensed sign contractors who hold an electrical license issued by TDLR and who submit a copy of such license with their application, and do not work as an independent electrical company, shall not be required to register as an electrical company.

X. VIOLATIONS

(1) Unlawful Acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a sign regulated by this section, or cause the same to be done in conflict with or in violation of any of the provisions of this section.

(2) Notice of Violation

The City Manager is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing or demolition of a sign in violation of the provisions of this section or in violation of a permit issued under the provisions of this section. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

SECTION 12 - **LAND-DISTURBING ACTIVITIES AND DRAINAGE**

A. CLEARING AND GRADING

(1) No removal of trees, land clearing or grading shall occur without the required approvals and permits. Clearing and grading activity shall be limited to the limits of grading area identified on the approved grading plan. A clearing and grading permit is required by the City and can be applied for once the final plat has been recommended by the Commission and approved by the Council.

(2) All clearing and grading permits shall be reviewed by the City Engineer and Public Works Department and approved by the City Manager.

(3) The following shall be exempt from the requirement for a clearing and grading permit:

(a) Grading and clearing in emergency situations involving immediate danger to life and property or substantial fire hazards;

(b) The removal of underbrush, dead trees or diseased or damaged trees which constitute a hazard to life and property based upon field inspection verification; and

(c) Grading and clearing practices associated with normal agricultural crop operations, excluding timber cutting.

B. DRAINAGE

(1) Applicability. The provisions of this section shall apply to any capital improvement project, application for subdivision plat, master development plan, or building permit approval except as otherwise provided by this chapter. A stormwater management plan shall be provided as set forth in SECTION 12C.

(2) Stormwater Management Program

(a) System Criteria

1) All stormwater management facilities, or combination of facilities, shall be designed for ultimate development. Drainage facilities for all enclosed pipe systems, streets, and rights-of-way shall be designed for the one hundred-year (100-yr) storm frequency. Channels and creeks, culverts, small bridges, large bridges and floodways between building lines shall also be designed for the 100-year (100-yr) storm frequency. A minimum of one foot of freeboard shall be used when the structure is designed to pass a design storm frequency of 100 years calculated by the City's criteria. Detention facilities and streets are exceptions to the frequency criteria cited above. Detention facility outflows will be designed for five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) frequency storms.

2) Three (3) development conditions shall be analyzed for each development:

a) Existing Conditions. This refers to current development conditions in the watershed and on-site. Use as the baseline analysis for determining the impact of development.

b) Proposed Conditions. This refers to existing conditions with the proposed development added. Use to determine if the increased runoff from the proposed development results in an adverse impact to other properties.

c) Ultimate Conditions. This refers to ultimate development conditions within the watershed used to design the drainage facilities. This condition may be used in lieu of subparagraph b), above, to determine if the increased runoff from the ultimate watershed development results in an adverse impact to other properties.

3) Responsibility to Accept Stormwater. The owner or developer of property to be developed shall be responsible for the conveyance of all stormwater flowing through the property. This responsibility includes the stormwater flowing onto the property by any other developed property as well as the drainage naturally flowing through the property by reason of topography. Future upstream development

shall be accounted for by assuming ultimate development when sizing drainage systems as specified in this section.

4) Positive Overflow Pathways. Stormwater management facilities for local drainage systems will be designed to ensure that a positive overflow pathway is provided to the nearest one hundred-year (100-yr) conveyance facility. Positive overflow is based on a 100% failure of an enclosed storm system. Downstream structures or proposed lot pads should not be flooded in this event.

   a) Maintenance of publicly owned facilities will be the responsibility of the City. Maintenance of private facilities is the responsibility of the property owner or the community association and must be specified in the maintenance schedule submitted to the City. A maintenance schedule for both publicly owned and privately owned facilities must be approved by the City Engineer prior to the approval of construction drawings.

   b) Authorized personnel from the City shall conduct periodic inspections of these facilities and structures. Any required repairs will be consistent with current construction standards. Maintenance issues identified by the City or state during inspections shall be the responsibility of the current owner.

5) New Development. Peak stormwater runoff rates from all new development shall be less than or equal to the peak runoff rates from the site's predevelopment conditions for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) design storm events, except as provided in this SECTION 12B.

6) Redevelopment. Peak stormwater runoff rates from an area of redevelopment due to zoning or replatting shall be less than or equal to the peak runoff rates produced by existing development conditions for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) design storm events, except as provided in this SECTION 12B.

(3) Method of Computing Runoff

(a) Calculation Methods

1) For drainage areas less than six hundred forty (640) acres, the basis for computing runoff shall be the rational formula or some other method provided it is acceptable to the City Engineer. Hydraulic calculations shall be performed by using the U.S. Army Corps of Engineers HEC-2 "Water Surface Profiles" or HEC-RAS "River Analysis System" computer models. Normal depth channel calculations are permissible for constructed open channels with a uniform geometric cross section where 1) there is no potential for the water surface elevations to be controlled by backwater, and 2) the channel is not in a FEMA floodplain.

2) For drainage areas six hundred forty (640) acres or greater, the basis for computing runoff shall be a unit hydrograph method, preferably the Soil Conservation Service (SCS) Dimensionless Unitgraph method as contained in the U.S. Army Corps of Engineers Hydrologic Engineering Center HEC-1 "Flood Hydrograph Package," which document shall be maintained on file with the City Manager and is incorporated herein by reference for all purposes. For the SCS method, antecedent moisture condition II shall be used in the runoff model. Design rainfall values listed in Table 12-4 shall be used for hydrograph calculations.

3) Open channel hydraulic calculations shall be performed by using the U.S. Army Corps of Engineers HEC-2 "Water Surface Profiles" or HEC-RAS "River Analysis System" computer models, as they may be amended, which documents shall be maintained on file with the City Manager and are incorporated herein by reference for all purposes.

4) Certain watersheds have hydrologic and hydraulic models that are available through and maintained by the City. Developments proposed within the limits of these watersheds must have the models updated by the consultant to reflect changes in flow, channel configuration (including alterations to vegetation) and channel structures. The consultants' models must use the same computer program that was used in the existing model, e.g., HEC-RAS models will not be accepted where the original model used HEC-2. The updated models shall be submitted to the City Engineer for incorporation into the master models. The City will periodically update the master models to reflect current watershed development conditions. The updated models will be made available for use and distribution as the latest existing condition models for the watershed.

(b) Time of Concentration

Overland (sheet) flow, shallow concentrated flow and channel flows are components that need to be considered in the calculation of time of concentration. The following methods are recommended for time of concentration calculation:

1) Overland flow - flow over plane surfaces: Maximum allowable time is twenty (20) minutes, minimum is five (5) minutes. The overland flow time chart from "Design" by Elwyn E. Seelye may be used to calculate overland flow times. Note that the minimum time has been reduced to five (5) minutes.

2) Shallow concentrated flow - overland flow usually becomes shallow concentrated flow after a maximum of three hundred (300) feet: Use Manning's Roughness Coefficient equation (“Manning’s equation”) to estimate travel time for defined swales, bar ditches and street sections, etc. Figure 3-1 from TR-55 "Urban Hydrology for Small

Watersheds," SCS 1986, may be used where a geometric section has not been defined.

3) Channel flow: Use existing computer models where available or Manning's equation if data is not available. Non-floodplain channel velocities for ultimate watershed development should not be less than six (6) fps when estimating time of concentration.

(c) Runoff Coefficients. Runoff coefficients (C value) for use in the rational formula shall not be less than the values shown in Table 12-1 or Table 12-2, as appropriate.

Table 12-1
Runoff Coefficients (C) - Percentage

Character of Area	SLOPE			
	0 - 1%	Over 1% up to 3%	Over 3% up to 5%	Over 5%
Business, industrial or commercial zoning districts, Existing Pavement/Buildings	80	80	85	90
Residentially zoned areas and school sites	75	77	80	84
Agriculturally and Residential Estate zoned areas	55	57	62	64
Undeveloped areas * - Existing conditions. Table 12-2				
Average residential area	65	67	69	72

Table 12-2
Runoff Coefficients (C) – Percentage
Undeveloped Property

Character of Area	SLOPE			
	0 - 1%	Over 1% up to 3%	Over 3% up to 5%	Over 5%
Cultivated or Range (Grass Cover < 50% of Area)	44	47	53	55
Range (Grass Cover 50-75% of Area)	37	41	49	53
Forest or Range (Grass Cover > 75% of Area)	35	39	47	52

(d) Rainfall Intensity. Use Table 12.2 to determine rainfall intensity.

(e) SCS Curve Numbers. The hydrologic soil groups are listed in the latest version of the United States Natural Resources Conservation Service [formerly the Soil Conservation Service], "Urban Hydrology for Small Watersheds," Technical Release No. 55 (TR 55), which document is incorporated herein by reference. Soil types may also be based on a Geotechnical Engineering Report. SCS Curve 77 will be used unless evidence is presented to the contrary.

(f) Percent Impervious Cover. The percent impervious cover for typical land use types in the City is presented in Table 12-3.

Table 12-3
Impervious Cover

Land Use Category		Average Percent Impervious Cover
Residential	SF-PH and SF-TH Zoned Land	65--85%
	SF-6.5 Zoned Land	38%
	SF-12.5 and SF-9 Zoned Land	30%
	SF-20 Zoned Land	25%
	A and SF-E Zoned Land	20%
LI and IP Zoned Land		80%
BP, C, and HB Zoned Land		80%
MF-15 Zoned Land		65--85%
Streets, Roads, and Parking Areas		98%

(g) Design Rainfall. A twenty four-hour (24-hr) rainfall distribution shall be applied for runoff calculations. Rainfall intensities as adopted for the City appear in Table 12-4 and should be used for HEC-1 input. The lag value for a subarea shall be calculated as 0.6 times the time of concentration.

Table 12-4
Design Rainfall Values (inches)

Duration	Frequency				
	5-year	10-year	25-year	50-year	100-year
5 minute	0.58	0.64	0.73	0.80	0.87
15 minute	1.26	1.39	1.59	1.75	1.91
60 minute	2.53	2.90	3.43	3.84	4.25
2 hour	3.08	3.66	4.42	4.99	5.57
3 hour	3.57	4.23	5.04	5.64	6.23
6 hour	4.26	4.99	5.89	6.52	7.13
12 hour	4.68	5.55	6.58	7.32	8.05
24 hour	5.45	6.55	7.78	8.78	9.91

(h) Routing of Runoff. Routing of the runoff hydrograph through the channel from one subarea calculation point to the next in the HEC-1 shall be computed using one of the following methods:

1) Overbank/channel storage not significant: Use normal depth channel routing.

2) Overbank/channel storage is significant: Use the Muskingum method where a hydraulic model is not available. Use Modified Puls storage

method where a hydraulic model is available to develop storage/out flow relationship.

3) Kinematic wave method for channel reaches where inflow from overbank runoff or multiple point sources (example: storm sewer outfalls) is significant and where hydrograph attenuation is insignificant. Channel routing methodologies currently being applied in the existing HEC-1 model of the watershed shall not be replaced with a different methodology without approval or direction from the City Engineer.

(i) Manning's Roughness Coefficient. Manning's roughness coefficients ("N" values) for use in routing methods or in hydraulic calculations shall be consistent with the values listed in Table 12-5.

Table 12-5
Manning's Roughness Coefficient

Channel Description	Manning's "N" Value
Concrete-Lined Channel	0.015
Grass-Lined Channel with regular maintenance	0.035
Grass-Lined Channel without recent maintenance	0.050
Vegetated Channel with trees, little or no underbrush	0.055
Natural Channel with trees, moderate underbrush	0.075
Natural Channel with trees, dense underbrush	0.090
Natural Channel with dense trees and dense underbrush	0.100
Overbank Description	Manning's "N" Value
Pasture	0.035--0.055
Trees, little or no underbrush, scattered structures	0.060--0.075
Dense vegetation, multiple fences and structures	0.075--0.090

The "N" value to be used in Manning's Formula shall conform to the following for design purposes:

1) Earth channels--0.035

2) Concrete-lined channels--0.015

3) Reinforced concrete pipe--0.013

4) Concrete box culverts--0.013

5) Corrugated metal pipe:

   a) Unpaved 1/2" corrugated--0.024

   b) Unpaved one (1)-inch corrugated--0.027

   c) Any other "N" value shall be based on generally accepted engineering principles.

(4) Drainage Easements/Rights-of-Way

(a) Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width as outlined below.

(b) Easements for natural watercourses shall be the one hundred-year (100-yr) floodplain or the twenty five-year (25-yr) plus freeboard, whichever is greater. In floodplain areas where ongoing maintenance is required or the floodplain will be reserved for use by the public, the drainage easements shall be maintained by a public entity and the property will be dedicated to the City as a multi-use drainage easement. A drivable access way shall be provided in floodplain easements for the length of the easement when regular maintenance of the floodplain is required. Diversion of stormwater away from the natural watercourse will not be allowed except within the boundaries of the property controlled by the developer, provided that the diverted water is returned to the watercourse within which it would naturally have been flowing prior to leaving the developer's property. An analysis of the timing of the diverted hydrograph on watersheds greater than twenty (20) acres, as it reenters the receiving watercourse, must be performed to show that the peak flow rate in the receiving watercourse has not been increased as a result of the diversion.

(c) An unobstructed access right-of-way connecting the drainage easement with an alley or roadway parallel to or near the easement shall be provided at a minimum spacing of one (1) access right-of-way at approximately one thousand-foot (1,000') intervals. The access right-of-way shall be a minimum of fifteen feet (15') in width and shall be maintained clear of obstructions that would limit maintenance vehicular access. If the flow line of the designed channel incorporates grade control structures or vehicular bridges that would prevent maintenance equipment from accessing that portion of the channel, additional access points may be required. Channel design, earthen or concrete, shall have ramps in the side slopes near the access points that allow maintenance equipment to descend to the floor level of the channel. The maximum allowable ramp slope for vehicular access is seven to one (7:1). Access points adjacent to roadways or alleys shall be provided with a post and cable feature with padlock to prevent unauthorized use.

(d) In those cases where drainage easements cross lot and property lines, a statement shall be added to the plat that no fencing or structures that will interfere with adequate drainage flow will be allowed on or across such lines. Fencing may be allowed across drainage easements only in accordance with the following restrictions:

1) Bottom of fence shall be a minimum of the flow depth, plus freeboard above design flow line of channel or drain.

2) A hinged gate will be placed across the entire width of the drainage easement.

3) Fence posts located within the easement must be structurally designed to resist damage from the stormwater flows and impact from debris.

4) A floodplain development permit shall be required to construct a fence within an easement that is within the one hundred-year (100-yr) floodplain.

(e) Interceptor drains shall be constructed prior to the issuance of building permits on any lot that would be affected by natural drainage being intercepted.

(f) All developments shall provide for adequate drainage outfall at the lower end of the site into an existing street, alley, drainage, easement or right-of-way, or to the centerline of an existing natural drain. Where a proposed street, storm sewer, or open channel does not discharge into a natural low or into an existing adequate drainage easement, facilities and drainage easements of adequate width to contain the design discharge shall be constructed and dedicated to the centerline of an existing natural low within the same watershed. However, where the natural low lies within the developer's property, the developer will be required only to plat an easement to the centerline of the natural low, provided that the easement is adequate to accommodate the facilities that will be built in conjunction with the future development of that property.

(5) Site Design and Grading

(a) All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation, and to safeguard life, limb, property and the public welfare in accordance with the Texas Pollutant Discharge Elimination System (“TPDES”) General Permit TXR150000, as amended, which documents are incorporated herein by reference for all purposes.

(b) Erosion and sedimentation controls, in accordance with the specifications established by the City Engineer in compliance with the National Pollutant Discharge Elimination System (“NPDES”) permitting requirements for the City, are required.

(c) Projects shall not be considered complete until restoration has been made in accordance with NPDES requirements.

(d) Where possible, multiple uses of drainage facilities and open space shall be incorporated by the owner or developer into a new subdivision. Alternative uses such as public recreation, horse/bike/hiking trails, walking paths, nature preserves, wildlife habitat areas, etc., are encouraged subject to the approval of the City Manager.

(e) A note must be placed on the plat for residential lots, which states that finished floor elevations must be a minimum of eight inches (8”) above final adjacent grade. A grading plan shall be prepared and submitted to the City, which indicates typical lot grading for all lots in the subdivision using typical

FHA lot grading types (A, B and C). A more detailed grading plan is also acceptable.

(6) For projects with an increased impervious area of greater than 0.1 acres, stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to predevelopment or existing development conditions as stated in this UDC.

(a) The maximum allowable outflow rate from the detention facility must be restricted to the flow rate from the undeveloped or existing development tract for the five-year (5-yr), twenty five-year (25-yr) and one hundred-year (100-yr) frequency. Best management practices shall be used in the design of detention facilities in accordance with this section. The timing of the hydrograph released from the detention facility must be checked against the timing of the flow rate in the first open watercourse to prevent any increase in the peak flow rate in the receiving watercourse. For detention basins constructed in-line on an existing watercourse, the creation of the basin shall not increase flood elevations in the channel upstream of the new development boundaries.

(b) On-site detention facilities must be privately owned and shall be maintained by the community association or property owner. A maintenance schedule shall be submitted to the City and approved by the City Engineer prior to approval of construction plans. The City will have the right to do periodic inspections of privately owned and maintained detention facilities to ensure that the maintenance schedule is being implemented. Where a detention facility accepts flows from public facilities such as City rights-of-way, the detention facility will be considered a detention facility serving a public purpose and will be dedicated to the City upon completion, and a drainage easement will be dedicated to provide for access to the facility. When a regional detention facility accepts flow from an area exceeding three hundred (300) acres, the facility shall be considered serving a public purpose and shall be dedicated to the City.

(c) Multi-use facilities are encouraged, but not required (multi-use facilities allow for water quality, satisfy NPDES requirements, enhance around water recharge, provide open space, provide recreation or other amenities, and/or provide habitat) and may be utilized so long as each facility meets the standards set forth in subsection (a) of this section and does not increase the rate or volume of erosion above that which would result from the use of a facility without multiple uses. The use of multi-use detention facilities to alleviate existing flooding problems, enhance and provide amenities for older neighborhoods, and support the revitalization of economically depressed areas is encouraged in public and private redevelopment initiatives.

(d) Stormwater retention with permanent wet pool or pumped detention systems will not be acceptable methods of stormwater mitigation unless the facility will remain privately owned, operated, and maintained. The City will

approve the use of a pumped facility for private use under the following conditions:

1) A gravity system is not feasible from an engineering and economic standpoint;

2) At least two (2) pumps are provided, each of which is sized to pump the design flow rate;

3) The selected design outflow rate does not aggravate downstream flooding;

4) Controls and pumps are designed to prevent unauthorized operation and vandalism; and

5) Adequate assurance is provided so that the system will be operated and maintained on a continuous basis.

(e) Stormwater detention facilities shall be located in topographically depressed areas where possible. When necessary, dams may be constructed to detain flows. All proposed dams shall conform to the following items:

1) All dams over six feet (6') above existing natural ground shall be approved for safety by the Dam Safety Team of the Texas Commission on Environmental Quality ("TCEQ"), or its successor agency. All other new dams shall be designed in accordance with acceptable design criteria as approved by the City Engineer.

2) All hydrology and hydraulic properties of a dam will be reviewed by the City Engineer with regard to spillway design, freeboard hydraulics, backwater curves and downstream effects due to the dam site.

3) The spillway section of any earthen dam with a height greater than six feet (6') shall be large enough to pass a probable maximum precipitation ("PMP") flood, as defined by the National Resources Conservation Service ("NRCS"), without overtopping the crest of the dam in accordance with TCEQ regulations.

4) A one hundred-year (100-yr) frequency flood shall be routed through the proposed dam and all land subject to flooding shall be dedicated as drainage easement or right-of-way. An unobstructed fifteen-foot (15') access easement around the periphery of the flooded area shall be dedicated as drainage easement for facilities that require regular mowing or other ongoing maintenance, at the discretion of the City Engineer. An unobstructed fifteen-foot (15') access right-of-way shall be established which connects the drainage easement adjacent to the dam structure to a road or alley.

5) Development below existing dams will take into account the original design conditions of the existing dam. Dam breach analysis checks will be required, dependent upon location of development with respect to dam site.

6) All spillway discharges shall be adequately routed to the centerline of the natural low below the dam site. The adequate routing of spillway discharges pertains to the hydraulic routing of the one hundred-year (100-yr) frequency flood for dedication of drainage easement limits. PMP on flood routing or breaches will only be considered for safety considerations (that is, the placement of building and the setting of minimum floor slab elevations below the dams). Any proposed concrete dam structure need not have spillway capable of routing a PMP flood; however, it shall be shown to be structurally capable of withstanding any range of flood conditions with regard to possible failure due to sliding, overturning, and structural integrity, up to and including the PMP flood.

(7) Streets

(a) Generally

1) Design of streets shall consider public safety and limit potential conflicts between stormwater conveyance, traffic, parking, pedestrian access, ADA requirements, and bicycle traffic.

2) Streets draining a watershed greater than one hundred (100) acres must be designed for the one hundred-year (100-yr) frequency storm.

3) Streets may be used for stormwater drainage only if the calculated stormwater flow does not exceed the flows outlined in this UDC's Table 3-7 or the velocity does not exceed ten feet (10') per second.

4) Where streets are not capable of carrying stormwater, as outlined above, inlets or curb openings discharging to drainage channels or storm sewers shall be provided. Partial flow past the inlet will be allowed when the capacity of all downstream street systems can accommodate the flow.

5) Street width shall not be widened beyond the width as determined by the street classification for drainage purposes.

6) Stormwater conveyance on streets shall be designed to account for the cumulative impact of peak flows and runoff volumes on the system as the stormwater progresses downgrade.

7) Curb cuts for driveways on all streets shall be designed for compatibility with the stormwater conveyance function of streets.

8) Potential flooding problems or conflicts at the connection points where new or modified drainage systems (including streets, storm sewers, etc.) and the existing portions of the downstream street system and stormwater conveyance system shall be identified and resolved either in the design of the new or modified drainage system or in modifications to the existing system.

9) Dwelling units located on the downhill side of a T-intersection with a street or drainage channel discharging onto the intersection shall be sited so as to avoid obstruction of the drainage patterns.

(b) An arterial street is a street so designated on the current Thoroughfare Master Plan. One (1) lane in each direction on arterial streets shall remain passable with a flow depth not to exceed 0.30 feet during a twenty five-year (25-yr) storm event. The maximum depth of water in the street section must not exceed seven inches (7") (the height of a standard city curb).

(c) A maximum flow depth to the top of curb on a collector street section will be allowed during a one hundred-year (100-yr) storm event. A collector street is a street with a width of forty two feet (42') or more and not shown as an arterial street on the current Thoroughfare Master Plan.

(d) Local streets shall be designed on a basis of a five-year (5-yr) frequency. A one hundred-year (100-yr) frequency storm must be contained within the street right-of-way.

(e) Alleys shall be designed for five-year (5-yr) frequency within the limits of the alley pavement/curbs and twenty five-year (25-yr) frequency within the right-of-way/easement to carry stormwater.

(f) All-Weather Crossings

1) Where streets cross existing or proposed watercourses, all weather crossings shall be required. Culverts or bridges shall be adequate to allow passage of the design storm identified in SECTION 12B(2)(a). All crossings, culverts and bridges shall be designed for an H-20-44 or HS-20 loading.

(8) This section addresses proposed improvements or modifications to drainage channels and watercourses required to convey stormwater runoff from or through the proposed development. Refer to SECTION 12B(2)(a) for storm frequency design criteria.

(a) Except as authorized by a development plan approved by the City Engineer, no person shall place or cause to be placed any obstruction of any kind in any watercourse within the City and its ETJ. The owner of any property within the City, through which any watercourse may pass, shall keep the watercourse free from any obstruction not authorized by a development plan.

(b) Channel Modifications

1) Modifications to existing watercourses or newly created open channels may be designed as earth channels, sod channels or as concrete-lined channels. Liners other than sod or concrete which enhance the aesthetics or habitat value of the watercourse and which reduce future maintenance requirements are encouraged. Preliminary planning for the applicability of other channel liners shall be reviewed with the City Engineer prior to the submittal of construction plans for approval.

2) Runoff that results from upstream development and is discharged to an unimproved waterway can cause flood damage to properties adjacent to the waterway. Natural undeveloped waterways do not receive regular maintenance. Design of natural waterways shall take into consideration fluvial geomorphologic principals and practices. Consulting engineers and development review officials shall work to resolve potential downstream impact issues.

(c) Design of new channels or alterations to existing channels shall consider future maintenance requirements. A maintenance schedule for any private channel shall be submitted to and approved by the City Engineer prior to approval of construction plans. Maintenance requirements of concrete channels consist of de-silting activities, prevention of vegetation establishment in construction joints, and repair of concrete as necessary. Maintenance of earthen channels includes regular observation and repair, as necessary, of erosion, scouring, and removal of silt deposits, as necessary to maintain design parameters. Developers shall be responsible for maintaining newly planted channels until coverage is established throughout eighty-five percent (85%) of the area. This area shall include slopes, floor, and any attendant maintenance easement. New earthen channels shall be planted with drought-resistant, low-growth, native species grasses, which will allow unobstructed passage of floodwaters. Johnson grass, giant tagweed and other invasive species shall not be allowed to promulgate in channels. Suggested species include, but shall not be limited to, common Bermuda, coastal Bermuda, buffalo grass, sideoats grama, Seep Muhly, little bluestem, and Indian grass. Mowing frequencies vary with the vegetation growth rates, but is required when the grass exceeds the design roughness coefficient of the channel.

(d) Planned multiple-use of a watercourse, e.g., bike paths or a greenbelt, is allowed. If multiple use of the watercourse is to be incorporated, the applicant shall form a property owners' association that shall assume maintenance responsibility for private amenities. The applicant shall provide overlay easements for public or private use.

(e) Table 12-6 shall be used to determine maximum permissible channel velocity.

Table 12-6
Velocity Control

Velocity (fps)	Type of Facility Required	Hydraulic Radius (ft.)	Correction Factor	Maximum Permissible Velocity (fps)
1 to 6 (Maximum Average Velocity = 6	Vegetated Earthen Channel	0--1	0.80	5.00
		1--3	0.90	5.50
		3--5	1.05	6.30
		5--8	1.15	6.90

fps)		8--10	1.23	7.35
		Over 10	1.25	7.50
6 to 8	Concrete Retards	NA	NA	NA
> 8	Concrete Lining or Drop Structures	NA	NA	NA

1) Where velocities are in the supercritical range, allowance shall be made in the design for the proper handling of the water.

2) Ensure that the channel will contain the hydraulic jump (sequent depth) throughout the extent of the supercritical profile. An exception to this criterion is where concrete-lined lateral channels discharge down the side slopes of channels. These channels may be designed for normal depth plus freeboard provided velocity controls are established at the main channel flow line.

3) Ensure that the energy grade of the channel will not result in upstream flooding at existing or proposed lateral facility connections.

(f) Retard spacing shall be computed as follows when using the following equations:

$$L = \frac{1.0 \text{ feet}}{S_1 + S_2}$$

Where: L = Distance required between retards in feet.

S_1 = Actual slope of channel in ft./ft.

S_2 = Slope of proposed channel for maximum permissible velocity. and

$$S_2 = \left[\frac{NV}{1.486 R^{2/3}} \right]^2$$

Where: V = maximum permissible velocity established from Table 12-6

N = .035R = area/wetted perimeter

(g) Vegetated Earthen Channels

1) The side slope shall not be steeper than three (3) horizontal to one (1) vertical.

2) Easements or rights-of-way for improved earthen channels shall conform to the requirements stated in this UDC and shall extend a minimum of two feet (2') on one (1) side and fifteen feet (15') for an access road on the opposite side of the extreme limits of the channels

when such channels do not parallel and adjoin an alley or roadway. When such channels do parallel and adjoin an alley or roadway, the easement or right-of-way shall extend a minimum of two feet (2') on both sides of the extreme limits of the channel. Where utilities are installed in the access road of the drainage right-of-way, the right-of-way shall extend two feet (2') on one (1) side and seventeen feet (17') on the opposite side of the design limits of the channel. These seventeen feet (17') are to provide an access way along the channel with a maximum cross slope of one inch (1") per foot toward the channel. Where designed channel bottoms exceed one hundred feet (100') in width, the fifteen-foot (15') extra width shall be provided on both sides of the channel.

3) Interceptor drainage easements shall extend a minimum of two feet (2') on both sides of the extreme limits of the channel. Improved earthen channels will be vegetated by seeding or sodding. Eighty-five percent (85%) of the channel surface area must have established vegetation before the City will accept the channel for maintenance.

(h) Freeboard. Allowance for extra freeboard shall be made when the centerline radius of the channel is less than three (3) times the bottom width. Where sharp bends or high velocities are involved, the applicant shall use the following formula for computing the extra freeboard:

$$d_2 - d_1 = \frac{V^2 (T + B)}{2gR}$$

Where: d_1 = depth of flow at the inside of the bend in feet.

d_2 = depth of flow at the outside of the bend in feet.

B = bottom width of the channel in feet.

V = the average approach velocity in the channel in feet per second.

T = width of flow at the water surface in feet.

g = 32.2 feet/second squared.

R = the centerline radius of the turn or bend in feet.

1) The quantity d_2 - d_1 divided by two (2) shall be added to the normal depth of flow before adding the required freeboard in calculating required right-of-way widths.

2) Where sharp turns are used without curved sections, the depth required shall be large enough to provide for all head losses. Allowance shall be made for any backwater head that may result.

3) For normal design conditions no extra freeboard is required. An accepted rule of thumb to follow is this: The centerline radius of channel should be at least three (3) times the bottom width.

(9) Storm Sewers

(a) For all ordinary conditions, storm sewers shall be designed on the assumption that they will flow full under the design discharge; however, whenever the system is placed under a pressure head, or there are constrictions, turns, submerged or inadequate outfall, etc., the hydraulic and energy grade lines shall be computed and plotted in profile. In all cases adequate outfalls shall be provided and the system adequately designed.

(b) No storm sewers shall be less than 18 inches in diameter.

(c) Minimum easement widths for storm sewers will be the greater of fifteen feet (15') or six feet (6') on both sides of the extreme limits of the storm sewer width (e.g., the easement width for a three (3)-barrel, ten-foot wide box culvert with six inch (6") walls would be (3 x 10')+(4 x 0.5')+(2 x 6') = 44').

(10) Inlets and Openings

(a) Drop Curb Openings - Sidewalk Does Not Abut Opening. Where drop curb openings are used to take stormwater off the streets and into drains, the length of the curb opening can be calculated from the weir formula using the coefficient of 3.087 in the weir formula:

$$L = \frac{Q}{Ch^{3/2}}$$

Where: L = the length of drop curb opening required in feet.

Q = amount of flow in CFS based on twenty five-year design frequency.

C = 3.087.

h = head of weir in feet.

Gutter line depressions will be permitted where such depressions will not hamper the flow of traffic. For amount of curb exposure, conform to City inlet standards.

(b) Curb or Drop Inlets. Where drop inlets are used, the City standard inlets with adequate reinforcing steel may be used. All other types or designs shall be subject to the approval of the City Engineer. The following formulas for inlet capacity are based on drop inlets in sag points. Inlet capacities on grades will be considered less, the amount of which depends on street grades, deflections, cross slopes, depressions, etc.

(c) Grate Inlets. The flow of water through grate openings may be treated as the flow of water through a rectangular orifice. The following formula may be used for determining grate capacity:

$$Q = CA\left(2gh\right)^{1/2}$$

Where: Q = discharge in cubic feet per second.

C = orifice coefficient of discharge (taken as 0.70).

g = acceleration due to gravity (32.2 ft./sec^2).

h = head on the grate in feet.

A = net area of the openings in the grate in square feet.

This formula gives the theoretical capacity of the grate inlet. Since grate inlets are subject to considerable clogging, capacity of the grate inlet will be taken as one-half (1/2) on the value given by this formula.

(d) Curb Opening Inlets. The capacity of curb opening inlets will depend on whether the opening is running partially full or submerged. If the depth of flow at the curb opening inlet is such as to cause a partially full opening, a weir effect will develop and the following formula will apply:

$$Q = C_w L (h)^{3/2}$$

Where: Q = the discharge of capacity in cubic feet per second.

C_w = the weir coefficient of discharge (3.087).

L = the length of curb opening in feet.

h = the head or depth of water at the opening in feet.

If the depth of flow at the curb opening is such as to fully submerge the opening, the orifice effect will develop and the formula used shall be identical to that given under grate inlets, with the exception that the head (h) on the curb opening orifice shall be taken as the depth from the top of the water surface to the center of orifice or opening; one hundred percent (100%) efficiency will be allowed for curb opening inlets.

C. STORMWATER MANAGEMENT PLAN

(1) Procedure

(a) Number of Copies. The applicant shall provide two (2) blue-line or black-line copies of the plat together with two (2) copies of construction drawings.

(b) Format. Plats shall be drawn in India ink on Mylar on sheets eighteen inches (18”) wide and twenty-four inches (24”) long, with a margin of two and one-half inches (2½”) on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred feet (100’) to one inch (1”) unless a smaller scale is approved by the City Manager. Plats which include one-half (½) acre or less in area shall be drawn at a scale of fifty feet (50’) to one inch (1”). Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(c) Contents. To standardize the review process and minimize the time for approval by the City during review of the plat and construction drawings for

a subdivision, a complete submittal regarding the analysis of existing drainage conditions and the design of modifications or new drainage facilities is necessary. The owner of the property to be developed is required by the City Manager to provide, at the owner's expense and as a condition of construction plan approval, a stormwater management report for the total development area to be ultimately constructed. The stormwater management report shall contain all of the necessary support data, methodologies used in calculations, and conclusions. A checklist is below that will be used by the City reviewer as a guide during the evaluation of all stormwater management reports submitted to the City. The purpose of the checklist is to expedite the review process for both the engineer and the City, and to aid the engineer in the preparation of reports for the City's review. The stormwater management report shall be submitted to the City Engineer prior to approval of any construction plans.

(d) Report. The stormwater management plan shall include two (2) copies of a written report that includes the following information, as applicable:

1) A vicinity map of the site and affected reach of the outfall channel;

2) A detailed map of the area and the outfall channel with all pertinent physiographic information;

3) A watershed map showing the existing and proposed drainage area boundary along with all sub area delineations and all areas of existing and proposed development;

4) Discharge calculations specifying methodology and key assumptions used including a table of discharges at key locations;

5) Hydraulic calculations specifying methodology used, assumptions and values of the design parameters;

6) Profiles of the affected channels, including water surface elevations for the specified design frequencies, all existing and proposed bridge, culvert and pipeline crossings, the location of all tributary and drainage confluences, and the location of all hydraulic structures;

7) Detention basin design calculations, including those used for design of the control structure;

8) Right-of-way and easement requirements, and a map showing locations of all rights-of-way and easements;

9) A soils report which addresses erosion and slope stability of new or altered channels and detention facilities;

10) A computer diskette of all existing and proposed condition HEC-1 and HEC-2 models used in analysis; and

11) A checklist for the submittal package is included as paragraph (2) below. A checklist for the preparation of a HEC-2 model is included as paragraph (3) below.

(2) Subdivision Drainage Checklist

(a) _____U.S.G.S. Quadrangle map showing overall drainage areas, runoff coefficients, time of concentration, intensity and Qs.

(b) _____Subdivision master drainage plan with overall interior drainage area of subdivision showing drainage area, time of concentration, runoff coefficients, intensities, and Qs for the street and alley flows and also channel and underground system design.

(c) _____Subdivision plat showing interior drainage areas, time of concentration, runoff coefficients, and intensities, Qs for street and alley flows and also channel and underground system design.

(d) Drainage Calculations Required For:

1) _____Open channel design
2) _____Underground systems
3) _____Box culverts
4) _____Pipe culverts
5) _____Hydraulic jump
6) _____Super elevation in channel bends
7) _____Retard spacing
8) _____Backwater curves with cross sections
9) _____Draw down curves with cross sections
10) _____Energy dissipaters
11) _____Hydraulic grade lines of pipes
12) _____(1) Inlets on grades _____(2) Inlets in sump
13) _____Drop curb openings
14) _____Sidewalk culverts
15) _____$AR^{2/3}$ calculations with cross sections
16) _____Weir formulas structures
17) _____Orifice formulas
18) _____Grade to drain channels
19) _____Upstream pickup and flared section
20) _____Downstream backwater control and flare to match downstream condition
21) _____Show required freeboard
22) _____Improper "N" value
23) _____Improper velocity used
24) _____Improper easement width
25) _____Show access road on each sodded channel

26) _____Improper runoff coefficient used

27) _____Improper time of concentration used

28) _____Improper Qs used

29) _____Steel calculations for box culvert

(e) _____Subdivision plat showing all interior drainage easements, outfall drainage easements, U.S.G.S. contour map and all other necessary drainage information

1) _____Show outfall drainage easements to the centerline of existing natural low

2) _____Show finished fill contours

3) _____Show interceptor drainage easements

(f) _____Typical Details Required on Plans for:

1) _____Box culvert with headwalls or wing walls

2) _____Pipe culverts with headwalls or wing walls

3) _____Culvert headwalls shown with proper safety measures

4) _____Drop curb openings

5) _____(1) Inlets on grade _____(2) Inlets on sump

6) _____Drop structures

7) _____Retards

8) _____Sidewalks over drains

9) _____Guard post installations

10) _____Guard rail on structures

11) _____Header curb

12) _____Energy dissipaters

13) _____Junction boxes

14) _____Concrete lined channels with freeboard

15) _____Earth sodded channels with freeboard

16) _____Other concrete structures:

17) _____ Grade to drain sections

18) _____Transition sections

19) _____Fencing for vertical wall channels greater than 2' deep

20) _____Other: _____

21) _____Side slope

22) _____Note: Adjacent lots shall be graded to provide access and drainage to adjacent street and drainage systems.

(g) _____Complete Street Plans and Profiles

(h) _____Complete Drainage Plan and Profile Including the Following Requirements:

1) _____Proposed flowline slopes with grades and elevations shown every 50' in profile

2) _____Proposed top of channel profile

3) _____Existing ground right and left profile at property line

4) _____Finished fill profiles

5) _____Locations and size of culverts

6) _____Drop structures

7) _____Retards

8) _____Grade to drain profiles

9) _____Flowline elevations at every 50' station and at each structure and change in grade

10) _____Junction boxes

11) _____Channel plan views

12) _____Channel sections

13) _____Pipes with hydraulic grade lines on profile

14) _____Cross sections of existing natural channels or lows which are not to be improved, but left in natural state and dedicated to high water calculated

15) _____Angles, bearings, distances, etc., for structures, channels, etc.

16) _____Lot grading layout drains

17) _____Culvert structural details

(i) _____Unit and Storm Hydrographs For Major Streams (Over 2,000 acres)

(j) _____Drainage Easements to the Centerline of Natural Low

(k) _____Cost Estimate

(l) _____Engineer’s Seal

(m) _____Other

(3) HEC-2 Submittal Checklist

Floodplain submittal checklist supersedes this attachment for projects in the FEMA Floodplain.

Project _____ Engineer _____ Stream _____
Date _____

The purpose of this checklist is to aid the engineer in the preparation of HEC-2 studies and reports and to expedite the City of Crandall review procedure.

(a) Submission Package

1) _____ Signed, sealed, and dated by an engineer certified to practice in the State of Texas
2) _____ Signed checklist
3) _____ 3 1/2" diskette with all input files
4) _____ Copy of condensed printouts

(b) Narrative

1) _____ Table of Contents
2) _____ Abstract or executive summary
3) _____ Introduction
4) _____ Project description and history
5) _____ Location
6) _____ Scope and objective of analysis
7) _____ Previous and related studies that may affect this analysis
8) _____ Methodology
9) _____ Sources of discharges
10) _____ Bridge routines
11) _____ Base or effective models (mention source)
12) _____ Revised-base model
13) _____ Proposed model
14) _____ Summary, conclusions, and recommendations
15) _____ Water surface elevation impacts

(c) Tables

1) _____ Water surface comparison table at each cross section
2) _____ Floodway table
3) _____ Cross section numbering table (if stationing changes)
4) _____ Exhibits
5) _____ Vicinity map
6) _____ Plan view of project reach
7) _____ Water surface profiles for design storm
8) _____ Channel cross sections showing limits of drainage easements and property lines
9) _____ Bridge cross sections

10) _____ Plan view of bridge

11) _____ Photographs (if available)

(d) Appendices

1) _____ Pertinent correspondence (meeting notes, etc.)

2) _____ Survey and/or certified "as-built" information for all revisions to base model

3) _____ Sample calculations

(e) Name of submitter_____ Date_____

Certification. The stormwater management report must include a letter signed and sealed by a professional engineer with text descriptions, exhibits, calculations and models.

The stormwater management plan shall include a performance bond executed as follows:

State of Texas X

County of _____ X

KNOW ALL PERSONS BY THESE PRESENTS:

That we, _____, the undersigned developer as principal, and _____, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Crandall, a municipal corporation of the State of Texas, in the full and just sum of $_____, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

WHEREAS, the principal had petitioned the City Manager of the City of Crandall for permission to _____ within the jurisdiction of the City of Crandall, which is shown on plans entitled _____, and which is more particularly described as follows, to wit: _____.

WHEREAS, plans and a floodplain development permit for such development were approved by the City Manager; and

WHEREAS, the Code of Ordinances of the City of Crandall requires that the site improvements set out below be completed by the principal in conformance with the standards established by that ordinance within three (3) years of the date on which the floodplain development permit was approved; and

WHEREAS, the aforesaid ordinance requires that a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within three (3) years of the date on which the floodplain development permit was approved; and

WHEREAS, the undersigned developer has elected to provide to the City of Crandall such a guarantee of performance.

NOW, THEREFORE, the condition of this obligation is such that if the principal shall, on or before the _____ day of _____, 20_____, construct or cause to be constructed the above mentioned improvements in accordance with the requirement of the City of Crandall Code of Ordinances, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND AND SEAL this _____ day of _____, 20_____.

DEVELOPER AND PRINCIPAL

BY: _____

TITLE: _____

BY: _____

ATTORNEY-IN-FACT

APPROVED AND ACCEPTED THIS _____ day of _____, 20_____.

CITY OF CRANDALL, TEXAS

BY: _____

TITLE: CITY MANAGER

APPROVED AS TO FORM: _____, CITY ATTORNEY

(4) P.E. Registration Number

SECTION 13 - **TRANSPORTATION**

A. STREETS

(1) Street Layout

The arrangement, extent, character, width, grade and location of all streets shall conform to the Thoroughfare Plan and the Comprehensive Plan. Collector streets shall provide adequate circulation within the neighborhood and yet discourage through traffic. The street layout shall be arranged to achieve the most desirable development of the entire neighborhood unit with appropriate consideration of creeks, drainage channels, wooded areas and other topographical features, which lend themselves to special treatment. Permits must be obtained from TxDOT for driveways and streets accessing any state highway. The proposed location of driveways must comply with all applicable City and State safety requirements.

(2) Relation to Adjoining Streets

Adjoining areas shall be continued and tied into the street layout.

(3) Projection of Streets

When adjoining properties are not yet subdivided, the arrangement of streets shall provide for the proper projection of streets into the adjoining

unsubdivided areas, and will be required to comply with the neighborhood pattern or conform to the Comprehensive Plan.

(4) Private Streets

(a) Private streets within the City may be authorized providing all of the following conditions are met:

1) A HOA is established to maintain and upkeep all streets in a subdivision in accordance with the City's public street standards, to include the mowing of shoulders and rights-of-way, removal of weeds and unclogging of culverts.

2) Private streets are constructed in accordance with the City's standards for public streets.

3) The following "maintenance agreement" note shall appear on the subdivision plat:

“Streets within this subdivision shall be constructed in accordance with the City of Crandall public streets standards. The upkeep and maintenance, including the mowing of shoulders and rights-of-way, removal of weeds and unclogging of culverts, shall be the responsibility of the homeowners association. The City of Crandall is released from any liability for these streets. Periodic inspection by a public official who is authorized to enforce complaints about poor maintenance is permitted.”

(b) Private streets within the City shall provide access for fire protection, ambulance, police, school bus, garbage service and other utility agencies.

(c) One Residence

A private street or road serving only one (1) residence is exempt from construction and maintenance standards for public streets.

(d) Ingress/Egress

Private streets shall connect directly to a public street or road.

(5) Dead-End Streets and Cul-de-Sacs

(a) Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with this section when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.

(b) Cul-de-sac streets shall not exceed six hundred feet (600’) in length, measured from the centerline of the intersecting street to the center of the cul-de-sac, and shall have a turnaround with a minimum 50-foot radius. This provision may be modified upon approval of the Fire Chief and City Engineer.

(6) Alignment

The alignment of all arterial and collector streets shall conform to the Comprehensive Plan and the requirements of the Development Standards

and in no case shall street jogs be offset less than one hundred fifty feet (150') on centerline.

(7) Intersections

All intersections on arterial and collector streets shall be at ninety (90) degrees. The curb radius at street intersections shall conform to the specifications in this UDC.

(8) Street Names and Street Numbers

Names of new streets shall not duplicate the names of existing streets within the City and its ETJ unless the new street is a continuation of or part of a future continuation of such existing street. Street names shall be chosen to avoid similarity or confusion with existing street names. A new street name shall not differ from an existing street name solely by the addition of a different auxiliary designation such as "avenue," "way," "boulevard," etc. Names of all new streets shall be subject to recommendation by the Commission and approval by the City Council and be coordinated on an area-wide basis. Street names shall have prior approval of the United States Post Office and Kaufman County. Street addresses should also be coordinated with present existing addresses. The City will determine street numbers and advise the subdivider as to the street numbers.

(9) Construction Standards

All streets shall be constructed with reference to base, surfacing, curbs, grades, horizontal curves and intersection curve radius in accordance with the standards prescribed in this UDC and any other applicable specifications of the City.

(10) Reserve Areas are Prohibited

There shall be no reserve areas controlling access to land dedicated or intended to be dedicated to public use.

(11) Half Streets or Adjacent Streets

(a) No new half streets shall be platted that do not conform to the Thoroughfare Plan and the Comprehensive Plan. Where the proposed subdivision abuts upon an existing street or half street not conforming to the Comprehensive Plan requirements or the requirements of this UDC, the developer shall be required to dedicate any additional right-of-way to meet the street width required.

(b) If new development of property that abuts City-maintained roads does not meet the design or width standards in this UDC, the Developer shall be required to make the necessary dedication and improvements in conformance with this UDC or any other applicable code of the City.

(c) The minimum dedication and construction costs shall be equal to one-half (½) of the minimum ROW and construction costs associated with the proposed street.

(d) Improvements shall include right-of-way dedication, paving, curb and guttering, shoulder improvements and sidewalk as determined by the City.

(e) Should any pavement be laid to widen existing pavement, the existing pavement shall be saw-cut back a minimum of two feet (2') to assure an adequate sub-base and pavement joint.

(12) Public Accesses

All residential subdivisions shall have a minimum of two (2) locations accessing existing public streets. Access may be provided through the construction of a public street. The extent and location of all access points is subject to review and approval by the City. The Commission shall not permit "island" subdivisions, lots or streets that would be surrounded by the flood water of a one hundred-year (100-yr) flood unless the area is accessible to high ground by at least two dedicated streets elevated above the one hundred-year (100-yr) flood level.

(13) Safety Lanes (Fire Lanes)

(a) Manufactured home parks, recreational vehicle parks, apartments, multi-family residences, malls, and commercial and business areas shall have driving surfaces within the site designated and clearly identified as safety lanes or fire lanes for fire protection, emergency medical services ("EMS"), etc. These areas must be paved with concrete and be maintained by the owners. Exits from these sites shall be a minimum of thirty feet (30') in width and must exit onto a dedicated street. The pavement width for interior safety lanes shall be a minimum of twenty-four feet (24'). Additional width will be required when adequate off-street parking is not provided.

(b) All roadways that serve emergency vehicles are required to have a minimum clearance of fourteen feet (14') to any overhead obstructions including, but not limited to, bridges, trees, canopies, awnings and signs.

(14) Access to Principal and Secondary Arterial Streets

Access to principal and secondary arterial streets should be limited to protect the flow of traffic from the lots. A one-foot (1') non-access easement shall be provided along principal and secondary arterial streets when lots have access to another public right-of-way.

(15) Street and Traffic Control Signs

(a) All street signs in a new subdivision within the City limits, including street name, speed limit, stop and yield signs, etc., shall be paid for by the developer, and shall be provided and installed by the City in accordance with this UDC. Traffic control devices required within the subdivision shall be installed in accordance with the latest revision of the Texas Manual on Uniform Traffic Control Devices for streets and highways ("MUTCD").

(b) Any installation of speed control devices, such as speed bumps or humps, must also be approved by the fire department to determine potential impact to emergency response vehicles.

(c) A required traffic control device must be fitted with traffic preemption-compatible devices for activation by emergency vehicles.

(16) Street Improvements

(a) All street improvements shall meet the current requirements of the Comprehensive Plan and this section, but in no case shall they be less than the following:

Table 13-1
Street Improvement Standards

Classification	ROW Width	Pavement Width	Drainage Width	Sidewalk Width	Hike/Bike Trail Width
Principal Arterial	120 feet	48 feet with 16-foot median	Curb and Gutter	5 feet One Side	8 feet other side from sidewalk (unless State Hwy, then both sides)
Secondary Arterial	85 feet	48 feet	Curb and Gutter	5 feet One Side	8 feet other side from sidewalk
Collector	65 feet	44 feet	Curb and Gutter	5 feet Both Sides	-
Local Street	50 feet	27 feet	Curb and Gutter	5 feet Both Sides	-
Paved Alley	20 feet	15 feet	Curb and Gutter	None	-

(b) Islands in Roadways

Islands in road rights-of-way will be considered on a case-by-case basis. The street right-of-way will be engineered to accommodate all emergency and utility vehicles, after coordination by City staff. At a minimum, all islands shall provide at least twenty-four feet (24') of pavement on each side of the island. All islands provided within street ROW shall be designated on the plat and shall be dedicated by the developer or its successors and/or assigns. A plat note shall be provided which identifies maintenance of islands as the responsibility of the developer or its successors and/or assigns. Any islands that are not maintained in accordance with this section may be removed by the City and shall be removed at the expense of the developer or its successors and/or assigns, after due notice and the written recommendation by the City Engineer and fire department.

(17) Drainage

The storm drainage for all streets shall be designed on a one hundred-year (100-yr) flood frequency. Runoff rates shall be computed in all cases on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision, on the basis of concrete-lined channels and streets carrying stormwater in the contributing area. All necessary storm

drainage improvements shall be in accordance with this UDC and applicable City of Plano drainage regulations as previously referenced.

(18) Curb and Gutter

Curbs and gutters shall be installed by the subdivider on both sides of all streets within or forming part of the boundary of the subdivision. Curbs and gutters shall be constructed in accordance with the Design Standards. The City Engineer may waive the requirements for construction of curb and gutter or may approve an alternative curb and gutter construction where developments result in an overall density of less than one (1) unit per one-half (1/2) acre.

(19) Street Lights

(a) Developers shall furnish satisfactory easements for installation of services to street lights as required by the City and any applicable electric utility provider.

(b) Street light number, type and size shall be determined by the City and any applicable electric utility provider and shall be designed to maximize the light directed toward the ground.

(c) The developer shall pay the cost of purchasing and installing all street lighting equipment and the cost of all street lighting services for a period of two (2) years or until such time as seventy percent (70%) of the buildings for which building permits have been issued are completed, whichever is sooner.

(d) A detailed lighting plan shall be submitted with the public infrastructure improvement plans for review and approval by the City and any applicable electric utility provider.

(20) Street Markers (Signs)

Street name, stop and speed limit signs having the following specifications shall be erected at all street intersections in such subdivisions for street markers:

(a) The material of the street name signs, the method of attaching the sign to the post, the details of lettering, painting, and method of installation, as well as the location of the sign at the intersection shall be in accordance with this UDC.

(b) The street name signs shall be of the cross-arm type, and shall be reflectorized on extruded aluminum metal blanks.

(c) Street markers are to be provided by the developer.

B. CRITERIA AND DESIGN

The criteria and specific design standards for transportation-related development as described in this section are set by this UDC.

C. ADDITIONAL DESIGN REQUIREMENTS

(1) Purpose and Applicability

(a) The purpose of this section is to establish additional development standards applicable to certain streets within the City, thereby ensuring uniform and quality development that results in an attractive environment compatible with businesses and residential dwellings, which do the following:

1) Provide an environment and living conditions favorable to the public;

2) Provide a creative approach to land use and related physical development;

3) Create a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution;

4) Encourage mixed use development through innovative uses of modern development concepts; and

5) Produce open space and recreation areas.

(b) The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with SECTION 13A.

(2) Permitted Uses

Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with SECTION 5 of this UDC.

(3) Landscape Buffer

In addition to the requirements of SECTION 9G of this UDC for landscaping, a minimum twenty foot (20')-wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty (20) linear feet of street frontage. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

(4) Off-Street Parking

Off-street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular-use areas adjacent to the right-of-way shall have earthen berms, walls, or a vegetative hedge barrier to reduce vehicular reflections to the right-of-way. A special exception may be granted by the BOA which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot.

(5) Building Setback Line

A minimum building setback shall be required adjacent to all rights-of-way as detailed in Section 5. A special exception may be granted by the BOA which would allow for a reduction in the minimum required setback when an

alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in accordance with SECTION 5.

(6) Driveways and Access (Connectivity)

Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easements should be utilized to limit the number of driveway accesses. Right turn acceleration/deceleration lanes shall be required when driveways are closer than three hundred feet (300'). Access points should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of two hundred forty feet (240').

(7) Screening

A masonry screening wall a minimum of eight feet (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.

D. ALLEYS

(1) Commercial and Industrial Districts

Where provided, paved alleys not less than 15-feet wide shall be provided in all nonresidential districts to assure adequate provision is made for service access, such as off-street loading, unloading and parking consistent with an adequate plan for the uses proposed. Alleys provided within commercial and industrial districts shall be privately owned and maintained.

(2) Patio Home (PH) Zoning Districts

Where patio home districts are designated by the developer to require rear ingress/egress, a 15-foot wide paved alley shall be provided.

(3) Intersections and Turns

Alley intersections and sharp changes in alignment shall be avoided, but where two (2) alleys intersect, or an alley turns at an angle sharper than one hundred (100) degrees, a cut-off of not less than ten feet (10') from the normal intersection of the property lines shall be provided and shall be designed in accordance with the applicable Fire Code.

(4) Dead-End Alleys

Dead-end alleys are prohibited.

(5) Construction

All alleys shall be constructed in accordance with the standards prescribed in this UDC.

(6) Limitations

Construction of alleys is limited to commercial and industrial districts and prohibited in residential areas except in the SF-PH district.

(7) Drainage

Drainage design of alleys shall be designed on the basis of 100-year frequency to carry stormwater from only the lots within the block abutting the alleys.

E. DRIVEWAYS

The arrangement, placement, spacing, width and return radii of all driveways connecting to a street, roadway or alley shall be constructed, provided, altered or repaired in accordance with requirements of this UDC.

F. SIDEWALKS AND HIKE AND BIKE TRAILS

(1) Sidewalks

Sidewalks shall be required along both sides of all streets throughout the City as required in SECTION 13A except along Highway 175. All lots must have access to concrete sidewalks or concrete hiking trails.

(2) Curb Ramps

Curb ramps shall be provided at all street intersections at the time of construction or reconstruction and shall comply with the provisions in the Federal Register 28, CFR part 36 (“ADA”) and Texas Accessibility Standards as amended from time to time.

(3) Location and Width

Where sidewalks are required, they shall be installed in accordance with this UDC and shall be a minimum of five feet (5’) in width. Sidewalks shall be placed parallel to the street for the entire frontage(s) of the lot and shall be located a minimum of two feet (2’) behind the curb.

(4) Timing of Construction

Sidewalks shall generally be installed concurrently with the construction of the primary structure on a lot except on primary or secondary arterials where they shall be installed concurrently with street construction.

(5) Construction Concurrent with Street Construction

If a street is constructed which shall have no residential lot access points, sidewalks shall be installed concurrently with street construction.

(6) Corner Lot

Where sidewalks are installed on corner lots, sidewalks shall be installed along both street frontages and shall be extended to the curb with handicapped access ramps in accordance with current ADA and Texas Accessibility standards.

(7) Waiver or Deferment of Sidewalk Installation

The City Manager may waive the requirements of this section where it finds that topographical conditions or other unique conditions exist which would preclude the construction of sidewalks. The Commission may defer the installation of sidewalks to a time deemed more appropriate. In the event that the installation of sidewalks is deferred, the developer shall provide a subdivision improvement agreement guaranteeing the installation of sidewalks.

(8) Hike and Bike Trails

The City recognizes the need for connectivity and adequate access to and from public park land areas and to provide for safe bicycling and pedestrian transportation. All streets subject to this section with at least an eighty six-foot (86') ROW shall be required to construct a minimum eight foot (8')-wide hike and bike path located within the ROW five feet (5') behind the curb. This hike and bike path is required in lieu of construction of a sidewalk along one (1) side of the street.

In lieu of construction of sidewalks in accordance with this section, the City may, at its option, require construction of a hike and bike path adjacent to the street right-of-way. Any required hike and bike path shall be constructed in lieu of the minimum sidewalk along one (1) side of the street, unless otherwise provided under the requirements of SECTION 13C of this UDC.

G. TRAFFIC IMPACT ANALYSIS

(1) Application Requirements

Every application for development within the City or its ETJ shall be accompanied by a Traffic Impact Analysis ("TIA") Determination Form provided by the City. The TIA Determination Form shall be utilized to determine if a TIA is required.

(2) TIA Required

The threshold requirement for a TIA and the level of TIA required shall be based on a land use or combination of land uses that results in peak hour trips in accordance with Table 13-2. If the proposed land use does not exceed the peak hour trip threshold, a TIA waiver shall be noted on the TIA Determination Form.

Table 13-2
TIA Requirements

Peak Hour Trips Generated	TIA Level Required
1,001 or more	Level 3 TIA
501 – 1,000	Level 2 TIA
101 – 500	Level 1 TIA
100 or less	None Required

(3) TIA Scope

If a TIA is required, the applicant shall meet with the City Engineer to determine the scope of the study prior to beginning work on the TIA. The applicant shall be prepared, prior to the meeting with the City Engineer, to discuss potential intersections to be evaluated, data assumptions or any other information required by the City Engineer.

(4) TIA Study Area

The study area required for the TIA shall be based on the level of the TIA required in Paragraph (2) above. The City Engineer may, at his/her discretion, require additional area to be included in the study area if deemed necessary to provide adequate review of the transportation network. The following table identifies the minimum acceptable study area:

Table 13-3
TIA Study Areas

TIA Level	Study Area
Level 1 or 2 TIA	The site area and the area within a one-quarter (1/4)-mile radius from the boundary of the site.
Level 2 TIA	At the discretion of the City Engineer, the study area may be extended up to a maximum of one (1) mile from the boundary of the site.
Level 3 TIA	The site area and the area within a one (1)-mile radius from the boundary of the site.

(5) TIA Contents

(a) The TIA shall conform to accepted industry standards and shall include a detailed description of the area street network, a description of proposed land uses, the anticipated stages of construction, the anticipated completion date of the various phases of land development, and the trigger points requiring implementation of necessary improvements. The City Engineer may require any additional information necessary to ensure adequate review. The TIA shall contain, at a minimum, the following information:

1) Trip generation rates for both the A.M. and P.M. peak periods using the Institute of Transportation Engineers, Trip Generation Manual for all of the land uses specified;

2) Trip distribution;

3) Adequacy determination for existing and proposed street cross-sections by phase of development;

4) Intersection level of service analysis for each phase of development, driveway sizes, locations, and adequacy;

5) Layout showing lane usage (pavement marking layout) for all boundary streets including driveway locations and roadway geometry within the site;

6) Driveways and intersecting streets connecting to boundary streets including all lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices and existing pavement conditions;

7) Existing and proposed turning movement counts for the site; and

8) Identification of and timing for transportation improvements, if any, needed to maintain the same or higher level of service than exists prior to development during each phase of land development and the costs of those improvements, including costs of right-of-way acquisition, utility relocation, design and construction;

(b) The TIA shall:

1) Establish the baseline traffic conditions and peak hour operations prior to development of the subdivision or site, which baseline shall establish the existing level of service that is to be maintained or bettered as the owners develop the subdivision or site over time; and

2) Address streets and street intersections, and driveways on commercial sites;

(c) For projects adjacent to a TxDOT ROW, the TIA shall be accompanied by a letter from TxDOT which outlines any agreements between the developer and TxDOT for planned improvements; and

(d) The TIA shall be certified by a registered engineer with experience in the field of traffic engineering.

(6) TIA Submittal

Upon completion of the TIA, the applicant shall submit a minimum of three (3) copies of the report to the City Engineer who will distribute the report to the appropriate reviewing authorities, including TxDOT.

(7) TIA Review

The TIA shall be reviewed by the City Engineer and any other necessary review authorities. Review comments shall be provided to the applicant for response. Response by the applicant shall be in the form of a letter, technical memorandum, or other appropriate document. The applicant shall submit final copies of the TIA to the City Engineer containing all modifications prior to final approval of the application for which the TIA was conducted.

(8) City Assistance in Development

During the course of providing for improvements, the City may cooperate with the developer in the use of its governmental powers to assist in the timely and cost effective implementation of improvements. Assistance does not mean financial aid in actual easement acquisition, construction or engineering costs. Specifically, the City will:

(a) Assist in the acquisition of necessary right-of-way and easements;

(b) Assist in the relocation of utilities;

(c) Assist in obtaining approvals from applicable County entities;

(d) Assist in obtaining approvals from TxDOT; and

(e) Assist in securing financial participation for major street improvements from applicable County entities, TxDOT or the Metropolitan Planning Organization.

(9) TIA Revisions

It is recognized that the scope of the developer's plans may change from time to time. The monitoring reports may also demonstrate changes in the area street conditions and travel patterns within and around the City. Periodic updates to the TIA may be required to address these issues and identify changes to the level of service at study intersections and streets. These updates shall address modifications to the magnitude and timing of improvements recommended by the original TIA. Any TIA amendments must be acceptable to the City.

SECTION 14 - **Easements and Utilities**

A. EASEMENTS

(1) Utility Easements

Utility easements including natural gas shall be provided for the installation of utilities in accordance with the requirements of the City. In general, these easements shall be in the front of residential development lots.

(2) Drainage Easements

(a) When a subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage rights-of-way (ROW) shall be provided. Said easement or drainage ROW shall substantially encompass the boundaries of said water course and shall be of sufficient width, in accordance with the construction standards in the Development Standards.

(b) Drainage or stormwater easements may be constructed as open earth channels or concrete drainage structures and shall be maintained by the developer or his/her assigns.

(c) Drainage ROW shall contain concrete drainage structures or underground piping and shall be dedicated to the City or other applicable jurisdictions.

(d) Access Easements

In an effort to reduce the congestion created by a number of driveways along street rights-of-way while maintaining adequate access to developments, the City shall require access easements to be dedicated within and across developments of similar use. These easements shall

be twenty-four feet (24') in width and meet the minimum construction requirements for streets as required by this UDC and the Development Standards.

B. WATER SYSTEMS

(1) Installation of Water Facilities

All lots, tracts or parcels on which development is proposed shall be connected to the public water system, which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. Where water is to be provided through the City system, the developer shall install adequate water facilities, including fire hydrants, in accordance with all applicable regulations of the State, the City and any other agency regulating public water systems.

(2) Alternative Water Sources

An alternative source of water within a development may be used for irrigation or other similar purposes, subject to City approval and the obtaining of all appropriate permits from the City, State and any other applicable agency. An alternative water source may not be used for potable water supply under any circumstances. The design and construction of water system improvements and alternative water sources shall comply with the rules and regulations of the City, State or any other applicable agency.

(3) Location and Cost of Installation

The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

(4) Extension of Lines

Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Manager may waive the requirement for adjacent utility line construction at the time of final plat approval and prior to construction of the subdivision.

(5) Fire Hydrants

(a) Fire hydrants are to be properly located so there will be a fire hydrant every three hundred feet (300') in commercial and industrial areas and every five hundred feet (500') in residential areas.

(b) Any new fire hydrant is required to have a hydrant locater reflector (blue bump) installed in the roadway perpendicular to the hydrant.

(6) Individual Wells

(a) Within the City Limits

A new development served by individual wells within the City limits is prohibited.

(b) Within the ETJ

Individual wells within the ETJ shall be subject to approval by the City. The developer must submit with the plat application a certificate from a professional engineer registered in this state or a geoscientist licensed to practice in Texas verifying the adequacy of the proposed source of well supply prior to plat approval.

(c) Compliance with Other Regulations

Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the TCEQ, any other applicable State rules and regulations, and applicable regulations of groundwater conservation districts. In the event of conflict among these regulations, whichever is the most stringent shall apply.

(7) Design and Construction

All water facilities within a subdivision shall be designed and constructed to the standards set forth in the Development Standards. Said facilities shall meet all State and federal regulations pertaining to approved public water systems including regulations regarding the preparation, submittal and approval of plans and specifications for water systems. Design of water facilities shall also conform to all laws, policies, standards, rules and regulations for establishing the fire insurance key rate for the City.

(8) Other Water Systems

For water systems other than the City system, the following shall apply:

(a) At the time of preliminary platting the applicant shall provide the City with a letter of approval from the TCEQ certifying that the water system serving the development complies with the rules and regulations of the TCEQ and that the public water system provider holds a current valid Certificate of Convenience and Necessity ("CCN") for the area proposed for development. The letter of approval from the TCEQ shall be accompanied by a map delineating the boundaries of the CCN in the vicinity of the development.

(b) For developments in the ETJ, the developer shall obtain the approval and signature of the appropriate county health official on the water system statement as shown on the preliminary plat prior to Commission approval. The water system statement as shown on the plat indicates that the development will be served by a water system meeting City standards, as stated in SECTION 14B of this UDC. and the applicable standards of the water purveyor.

(c) Plans and specifications for all water systems to serve the development shall be submitted as part of the subdivision construction plans.

C. WASTEWATER SYSTEMS

(1) Wastewater Connection Required

All lots within a subdivision shall be provided with a connection to an approved public wastewater system unless otherwise approved by the City. Establishment of a private wastewater utility district within the City or within the City's ETJ shall be prohibited.

(2) Installation of Wastewater Facilities

All lots, tracts or parcels on which development is proposed shall be connected to a public wastewater system which has adequate capacity to provide water for proper disposal and treatment of wastewater. Where wastewater is to be provided through a centralized system, the developer shall install adequate facilities, subject to the standards and specifications of the City and State design criteria for wastewater systems. Where insufficient capacity exists downstream of a proposed connection, the replacement and upsizing of the existing main is required of the developer. The installation of a parallel main shall be subject to approval by the City.

(3) Location and Cost of Installation

The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on construction plans. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

(4) Future Extension of Lines

Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The City Engineer will determine the location and size of the stub-outs.

(5) On-Site Sewage Facilities (OSSF)

The use of on-site sewage facilities ("OSSF") for the treatment and disposal of wastewater shall be subject to the approval of the City. The minimum lot area for residential subdivisions shall be a minimum one-half (1/2) acre (21,780 square feet). OSSF shall be installed on each lot concurrent with any development thereon and the design of such system and the method of installation shall conform in all respects to the standards and specifications of the City, county and state design criteria for OSSF.

D. UTILITIES

All utilities, including, but not limited to, electrical wiring, natural gas, telephone, cable, internet and security systems, shall be located in the front yard, shall be installed underground and shall be maintained in accordance with all applicable City codes and regulations for such systems. Any utilities required to be placed

above ground must be placed on steel poles meeting the requirements of the City and the applicable utility provider.

SECTION 15 - **Definitions**

For the purposes of this UDC, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is merely discretionary.

Any term not expressly defined in this section shall be defined by a common planning definition from A Planners Dictionary, published by the American Planning Association. The City Planner, upon the recommendation of the City Manager or his/her designee, shall determine the appropriateness of a definition.

Accessory Building or Use: One which:

Is subordinate to and serves a principal building or principal use;

Is subordinate in area, extent or purpose to the principal building or principal use served;

Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;

Is located on the same building lot as the principal building or principal use served; or

May be part of the principal building.

Advertising: To convey information, to seek the attraction of or to direct the attention of the public to any location, event, person, product, good, service, activity, institution or business.

Agriculture: The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry, and handling their by-products.

Airport, Heliport or Landing Field: A facility for the landing of fixed or rotary wing aircraft.

Alley: A public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut a street. Specifically authorized in garden home subdivisions for access to rear-entrance garages.

Alternative Tower Structure: Clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "stealth facility."

Amateur Radio Antenna: A radio communication antenna used by a person holding an amateur radio station license from the Federal Communications Commission ("FCC").

Annexation: The act of incorporating an area into the domain of the City.

Antenna: A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna and/or Antenna Support Structure, Commercial: An antenna and its support structure used for commercial broadcasting or telecommunication purposes and the transmission, retransmission, and/or reception of electromagnetic radio, television, or microwave signals. All radiating equipment must comply with FCC, Environmental Protection Agency ("EPA"), Occupational Health and Safety Administration ("OSHA"), and all other applicable State and federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. The antenna may be a tower, mast, pole, tripod or box frame. Preferably the antenna will be in stealth form, designed to be unobtrusive, virtually transparent or invisible to the surrounding neighborhood. Stealth antennas include, but are not limited to:

Antennas within a building's attic space;

On the roof of a minimum three (3)-story building and not visible from the property line of the lot in which the antenna is located;

A public utility structure, such as a water tower or high transmission support tower;

A flagpole;

A church steeple;

A clock tower; or

An athletic field light pole.

Antenna, Building Attached: An antenna attached to an existing structure in two (2) general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility: The mast, pole, structure, tower, building, equipment and other supporting material used to mount the antenna and equipment, equipment storage buildings and equipment concealing or screening structures needed to operate an antenna.

Apartment: A dwelling unit in an apartment building.

Apartment Building: A building or portion thereof housing three (3) or more dwelling units.

Appliance, Furniture and Home Furnishings Store: Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings,

draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

Approved Plat: The plat of a subdivision which has been approved in accordance with the requirements of this UDC and which has been filed for record with the Kaufman county clerk.

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

Assisted Care or Living Facility: A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are:

Elderly;

Disabled;

Orphaned;

Abandoned;

Abused or neglected children;

Victims of domestic violence;

Convalescing from illness;

Terminally ill; or

Temporarily homeless due to fire, natural disaster, or financial setback, together with supervisory personnel.

This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

Automobile Parts Sales: The use of any building for the display and sale of new or used parts, including tires.

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

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

Automobile Sales: Sales, rental, and/or lease of new or used automobiles or light-load vehicles, including as an accessory use: Automobile Repair, Major.

Bakery: A place where products such as bread, cake, candy or pastries are prepared and sold.

Bandit Sign: Any temporary ground sign announcing a subdivision, new development or builder.

Bank, Savings and Loan, Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines ("ATMs").

Banner Sign: A temporary sign constructed of a natural or man-made flexible material including, but not limited to, cloth, canvas, vinyl, or fabric which can be easily folded or rolled that is mounted with or without an enclosing framework that is attached or tethered to the building or structures.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Beauty Salon/Barber Shop: An establishment dealing with cosmetic treatments for men and women.

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

Billboard: Any sign erected and used for, or designed to be used for, the display of advertising material for the purpose of advertising a location, event, person, product, good, service, activity, institution or business not located on the same premises as the billboard. Mobile advertising and hand-carried signs shall not be considered billboards.

Block: A tract of land bounded by streets or a combination of streets and public parks, or corporate boundaries of the City.

Board of Adjustment ("BOA"): The board established by the City Council under the Texas Local Government Code that reviews and acts upon requests for variances, special exceptions or appeals and whose duties and responsibilities are specifically provided for in SECTION 3D of this UDC.

Boundary Street: A public street which is adjacent to and abutting one (1) or more sides of the proposed site.

Building: A structure for the support or shelter of any use or occupancy.

Building Area: The total square footage on a lot covered by a building measured on a horizontal plane at mean grade level.

Building, Detached: A building which is surrounded by yards or open space on its own building lot.

Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

Building Materials and Hardware Store: An establishment where building materials, fittings, cutlery, tools, utensils, or part of machines are sold at retail.

Building Mounted Sign: A sign attached to, or supported by any part of the building that encloses or covers usable space and is related to the business within, including but not limited to wall signs, signage on awnings, canopies, or marquees, and projecting signs.

Building Official: The officer or other designated authority charged with the administration and enforcement of the building codes of the City.

Building Setback Line: A building limit fixed at a specific distance from the front, rear or side boundaries of a lot beyond which a building cannot lawfully extend.

Building Sign: Any sign identifying the name or title of a specific building.

Cabinet or Upholstery Shop: An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture. This use does not include automobile upholstery.

Car Wash, Automated: A facility where a customer can have a motorcycle, automobile or light-load vehicle washed in exchange for financial consideration.

Car Wash, Self Serve: A facility, typically coin-operated, used by customers to wash motorcycles, automobiles and light load vehicles.

Cemetery or Mausoleum: Property used for the interring of the dead.

Church, Temple, Synagogue, Mosque, or Other Place of Worship: A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises.

City: The City of Crandall, Texas.

City Council: The City Council of the City of Crandall, Texas.

City Engineer: A licensed professional engineer employed or designated by the City to provide professional engineering services for and on behalf of the City.

Civic Club or Lodge: A non-Greek letter group of people organized for a common interest, usually for cultural, religious, civic, or entertainment purposes, with regular meetings, rituals, and formal written membership requirements.

Civic or Convention Center: A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

Clinic: An establishment of offices in which a group of physicians, dentists or other practitioners of the healing arts and allied professional assistants are associated for the purpose of diagnosing and treating ill or injured persons. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.

Civic Club or Lodge: An association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, good fellowship and similar objectives, which meets periodically and which is limited to members.

College or University: An educational institution authorized by the State to award associate, baccalaureate or higher degrees.

Co-location: The act of locating wireless communications equipment for more than one (1) telecommunications carrier on a single Antenna Facility.

Commercial Amusement, Indoor: An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

Commercial Amusement, Outdoor: An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracts, and carnivals.

Common Area: An area within a subdivision not used for development which is usually owned and maintained by subdivision homeowners associations.

Community Center: A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Comprehensive Plan: The Comprehensive Plan of the City, as approved by the City Council and including any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Concrete or Asphalt Batching Plant: A permanent manufacturing facility for the production of concrete or asphalt.

Convalescent Home: Any structure used or occupied by three (3) or more persons recovering from illness or receiving geriatric care for compensation.

Convenience Store with Gas Pumps: A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sale of motor vehicle fuels, lubricants, and accessories, but shall not include automotive repair or the sale of replacement parts.

Court: An open, unoccupied space bounded on more than two (2) sides by walls. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one (1) side open to a street, alley, yard or other permanent open space.

Cul-de-sac: A street having but one (1) outlet to another street, and terminated on the opposite end by a vehicular turn around.

Damaged Sign:

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

Any sign whose elements or the structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning or at angles other than those at which it was originally erected.

Day Care Center: A commercial institution or place designed for the care of children or adults that is subject to registration with the Texas Department of Family and Protective Services, or its successor agency. This use shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school.

Dead-end Street: A roadway, other than a cul-de-sac, with only one (1) outlet.

Density: The number of units per acre that may be placed on a tract in a particular zoning district under specified development conditions.

Development: Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment.

Development Permit: Any permit, license, authority, order, approval, certificate, endorsement, or permission, required from the City prior to the commencement or completion of any phase of development.

Development Sign: A temporary freestanding sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, residential subdivision or other development that may contain a mixture of residential, commercial, or industrial uses.

Directional Sign: Any sign designed to provide direction to pedestrian and/or vehicular traffic.

Distribution Center: A warehouse or storage facility where the emphasis is on processing and moving goods on to wholesalers, retailers, or consumers rather than on storage.

Dry Cleaning: A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

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

Dwelling, Duplex: A building designed for or occupied exclusively, but separately, by two (2) families. Also referred to as “Duplex”.

Dwelling, Multi-Family: A building or portion thereof containing three (3) or more dwelling units. Also referred to as “Multi-Family”

Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family. Also referred to as “Single-Family”

Dwelling Unit: A room, or suite of two (2) or more rooms, designed or intended for use by an individual or family in which culinary and sanitary convenience are provided for the exclusive use of such individual or family.

Easement: An acquired privilege or right-of-way use which one (1) person, business, entity and/or public agency has across, over or under the land of another person, business, entity and/or public agency.

Electronic Sign: A digital or other electronic sign composed of lights, LEDs, or other form of illumination that uses alternating electronic data control components to display messages, changeable messages and/or pictures, and includes features such as moving or flashing text or other display, intermittent lighting, changing colors, beacons, or items that revolve, blink, vary in intensity or brightness, grow, melt, scroll, travel, roll, or present pictures or animation. Electronic signs include all signs that appear animated or projected or are intermittently or intensely illuminated or of a sequential light type.

Extraterritorial Jurisdiction ("ETJ"): The ETJ of the City is the portion of the unincorporated area that is contiguous to the corporate boundaries of the City and not already in the incorporated area or ETJ of another city as set out in Section 42.021 of the Texas Local Government Code.

Family: Two or more persons occupying a single dwelling unit where all members are related by blood, marriage or adoption. No single dwelling unit shall have more than four unrelated individuals residing therein, nor shall any "family" have, additionally, more than four unrelated individuals residing with such family. The term "family" does not include any organization or institutional group that receives federal or State funding for the care of the individual.

Family Home: A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to State statute, or an entity certified by the State as a program provider for the mentally retarded. Family homes provide care for persons with mental and/or physical impairments that substantially limit one (1) or more major life activities. To qualify as a family home, a home must meet each of the following requirements:

Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time;

The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision; and

All applicable licensing requirements must be met.

Farmers Market: An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale.

FEMA: Federal Emergency Management Agency.

Fire Lane: A concrete driving surface identified for use by fire, EMS and other emergency vehicles within and maintained by the owners of a manufactured home park, recreational vehicle park, apartment complex, mall/shopping center, commercial or business area.

Flag: A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, or organization, or as a means of signaling.

Flea Market: An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market does not

include wholesale sales establishments or rental services establishments, but does include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flood or Flooding: A general and temporary condition of partial or complete inundation of areas not ordinarily covered by water due to:

The overflow of inland or tidal waters; or

The usual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map ("FIRM"): The official maps of the City and its ETJ on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the areas mapped.

Flood Management: 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.

Flood Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as the 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.

Flood Protection System: 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 the City and its ETJ subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodway: 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.

Freestanding Sign: A sign that is not attached to a building and which is self supporting by use of a pole, mast, pylon or other similar vertical support structure and has a minimum of thirty-six inches (36") of ground clearance.

Frontage: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

Furniture Store: A facility used principally for the display and retail sale of new furniture and appliances.

Garage: A building designed or used for the storage of personally owned motor-driven vehicles used by the occupants of the building.

Garden Home: An individually owned single-family home, separated from its neighbor by a minimum of ten feet (10') on a lot having a minimum of five thousand (5,000) square feet.

Gasoline Station/Fuel Pumps: A facility, equipment, or fixture used for retail dispensing of motor vehicle fuels.

General Manufacturing/Industrial Uses: Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Golf Course and/or Country Club: A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition also includes clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Government Facilities: A building, owned or operated by a city, county, state, federal government or school district, which is open for use by the general public.

Governmental Sign: Any sign indicating public facilities, public work projects, public services, or other places, events, persons, products, goods, programs, activities or institutions conducted by the federal, State or any local government.

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

Historic Structure: Any structure that is:

Listed individually in the Natural Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

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 to qualify as a registered historic district;

Individually listed on the State inventory of historic places with historic preservation programs that have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By any approved state program as determined by the Secretary of the Interior; or

Directly by the Secretary of the Interior in states with approved programs.

Home Occupation: Any occupation or activity, carried on by a member of the immediate family who resides on the premises, where no sign or display is used relating to the business that indicates from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, and there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type similar in character to that normally used for purely domestic or household purposes.

Homeowners Association: An organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the development.

Hospital: A building or portion thereof used or designed for the housing or treatment of the sick, aged, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel: A building used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barbershop or other service facilities for the guests for compensation. This definition does not include Bed and Breakfast Inns and boarding houses.

Household Appliance Service and Repair: The maintenance and rehabilitation of appliances customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, and vacuum cleaners.

Illegal Sign: A sign erected without a required permit or without the property owner's permission, or any sign not meeting the requirements established in this UDC.

In-Home Day Care: A home occupation that provides care for less than 24 hours a day to no more than six (6) children under the age of fourteen (14), plus no more than six (6) additional elementary school-age children (ages five (5) to thirteen (13)). The total number of children, including the caretaker's own children, shall be no more than twelve (12) at any time. This use is subject to registration with the Texas Department of Family and Protective Services, or its successor agency.

Landscape: Covering, adorning, or improving property with living plants (such as trees, shrubs, vines, grass or flowers), loose natural materials (such as rock, wood chips or shavings), decorative manmade material (such as patterned paving materials, fences, walls, fountains, or pools), or land contouring. "Landscape" does not include improving property with artificial trees, shrubs, turf or other artificial plants.

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

Limited Access Highways: Highway 175.

Livestock: Domestic animals used, raised or bred on a farm, especially those kept for a profit, including, but not limited to, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, or fowl, regardless of age, sex or breed. Persons who possess, own or otherwise keep livestock within the City in a residential zoned district where livestock is being kept, shall follow each of these restrictions:

Livestock shall be kept on a parcel of land that is at least one (1) acre in size.

There shall be no more than one (1) head of livestock for the first acre of land. For every additional 1/2 acre, a person may have two (2) additional head of livestock.

Livestock shall be kept in a stable, shed, pen or other enclosure wherever located within the City, which shall be a distance of at least 100 feet for every building/structure (other than the owner of such livestock) used for sleeping, dining and living, and shall be kept in such a manner as will be reasonably calculated not to be offensive to neighbors or to the public.

Swine are prohibited.

Livestock is only allowed on property zoned for agricultural purposes.

Lot: A physically undivided tract or parcel of land having frontage on a public street or other approved access and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and/or, which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Lot Depth: The distance of a line connecting the midpoints of the front and rear lot lines, which line shall be at right angle to the front lot or radial to a curved lot line.

Lot Width: The distance of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or at a point no farther than thirty-five feet (35') from the front lot line.

Lot Area: The area of a lot between lot lines, including any portion of an easement which may exist within such lot lines.

Lot, Corner: A lot which has an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of the intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, Interior: A building lot other than a corner lot.

Lot of record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Clerk of Kaufman County; or a parcel of land, the deed of which was recorded in the office of the County Clerk of Kaufman County.

Manufactured Home: A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development ("HUD"), transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent foundation designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems and bears a seal issued in accordance with State law. All references in this UDC to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

Manufactured Home Park: A contiguous parcel or lot which is owned by an individual, firm, trust, partnership, or public or private association or corporation and on which individual portions are leased for the placement of manufactured homes as a primary residence.

Manufactured Home Subdivision: A subdivision of land planned and improved for the placement of manufactured homes for residential use on single lots with each lot individually owned and meeting all requirements of this UDC.

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

Menu Board Sign: A permanent freestanding sign displaying the type and price of food, beverages or other products sold in connection with permitted outdoor dining or in connection with a restaurant with drive-through service.

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

Mobile Food Vendor - Any person or persons who operates or sells prepared food from a vehicle, stationary cart, or trailer mounted on chassis. This definition does not include food vendors associated with a special event.

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Modular Home: A structure that is manufactured in two (2) or more modules at a location other than the home site and which is designed to be used as a structure when the modules are transported to the home site and joined together and installed on a permanent foundation system in accordance with the appropriate Building Codes of the City including plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term modular home shall not mean or apply to a mobile home as defined in the Texas Manufactured Housing Standards Act, nor is it to include building modules incorporating concrete or masonry as a primary component.

Monopole Tower: A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.

Monument Sign: A permanent, freestanding ground sign whose base is directly on the ground or has a maximum of twelve inches (12”) of clearance from the adjacent grade.

Mortuary/Funeral Home: A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Motel: A building or group of buildings including either separate units or a row of units used or intended to be used as living quarters for transient guests, and providing off-street parking space on the same building lot for use of its occupants.

Multi-Tenant Sign: A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

Non-Access Easement: The limitation of public access rights to and from properties abutting a highway or street, by restricting curb cuts and access to the rear or side of property or to an area abutting a developed area that may have a deprecating and/or potentially dangerous effect on the developed properties.

One-foot non-access easement: The limitation of public access rights to and from properties abutting a highway or street by restricting curb cuts and access to the rear or side of property when the property has another dedicated access to a public right-of-way.

One-foot partial-access easement: The limitation of public access rights to and from properties abutting a highway or street only by use of portable ramps, and restricting curb cuts when the property has another dedicated access to public right-of-way.

Non-access easement: A designated area abutting a development which may be considered to have a deprecating and/or potentially dangerous effect to the property because it backs up to a railroad right-of-way, gas line, etc.

Nonconforming Sign: A sign that was legally installed or modified in accordance with local laws, ordinances and approvals in effect at the time of installation or last significant modification, but which does not comply to laws or ordinances enacted subsequent to that time.

Nonconforming Use, Structure or Lot: The use of land or a building, or a portion thereof, which use does not conform with the regulations of the zoning district in which it is situated and which was in existence prior to the effective date of this UDC and/or prior to being annexed into the City.

Off-Premise Sign: Any sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Office-Warehouse: A building primarily devoted to the storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

On-Premise Sign: Any sign relating to the premises on which it is located referring to events, persons, products, goods, services, activities, institutions or businesses on or offered on such premises, or the sale, lease, or construction of such premises.

Open Space: The part of the countryside which has not been developed and which is desirable for preservation in its natural state for ecological, historical or recreational purposes, or in its cultivated state to preserve agricultural, forest or urban greenbelt areas.

Parking Spaces: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, with a surfaced driveway connecting the parking space with the street or alley and permitting ingress and egress of a motor vehicle.

Pavement Width: The portion of a street available for vehicular traffic between the face of curbs and gutters.

Pawn Shop: An establishment where money is loaned on the security of personal property pledged and retained by the owners (pawnbroker).

Peak Hour Trips ("PHT"): The number of traffic units generated by and attracted to the proposed development during its heaviest hour of use, dependent on type of use.

Pennant: Any long, narrow, usually triangular flag composed primarily of cloth, paper, fabric or other similar non-rigid material which may be used as a temporary sign to announce grand openings and/or special events.

Permit: An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

Person: Any individual, association, firm, corporation, governmental agency or political subdivision.

Planning and Zoning Commission: The body established by the City Council under State law and the LGC whose duties and responsibilities are specifically provided for in SECTION 3C of this UDC.

Plat: The map, drawing or chart on which a subdivider's plan of a subdivision is presented and submitted for approval.

Political Sign: A sign pertaining to any national, state, county or local election or issue and erected for the purpose of announcing a political candidate, political party or ballot measure, or a position on a political issue.

Portable Sign: Any sign designed or constructed to be easily moved from one location to another or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign under this UDC.

Porte-cochere: A structure attached to a residence and erected over a driveway, not exceeding one story in height, and open on two or more sides.

Preexisting Towers and Preexisting Antennas: Any Tower or Antenna for which a building permit or Special Exception has been properly issued prior to the effective date of this UDC, including permitted towers or antennas that have not yet been constructed so long as such approval is current and has not expired.

Prohibited Sign: Any sign that does not meet the requirements established in SECTION 11, any sign specifically prohibited in this UDC or any type of sign not specifically identified as permitted in this UDC.

Real Estate Sign: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Recreational Vehicle: A bus conversion, Class A camper, Class C camper, travel trailer, fifth wheel trailer, or pop-up camper.

Recreational Vehicle Park: Any premise where recreational vehicles are parked for living and sleeping purposes, which includes any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such park.

Recycling Facility: A building or site that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are collected, stored and recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Rehabilitation Care Facility: A facility which provides residence and care to persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Restaurant or Cafeteria: An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

Restaurant, Drive-In: An eating establishment where food or drink is served to customers in motor vehicles or where facilities are provided on the premise which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail Food Store: A retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware and other similar items which are purchased for use and/or consumption off the premises; may be a drive-in or supermarket type.

Retail Stores and Shops: An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way: The right of passage acquired for or by the public through dedication, purchase or condemnation and intended to provide pedestrian and vehicular access to abutting lots, tracts or areas which may also be used for utilities and to provide for drainage ways.

Road: See the definition of “street.”

Roof Sign: Any sign wholly erected on, affixed to or supported by a roof of a building.

Safety Lanes: Paved easements granted to the City and to the public generally, the purpose of which is to provide access for emergency vehicles. These easements at times may be referred to as fire lanes. Safety lanes also may be used as ingress and egress to the property.

Satellite Antenna: An antenna, greater than one (1) meter in diameter, which enables the transmission of signals directly to and from satellites. Such an antenna is commonly known or referred to as a satellite dish, dish antenna, parabolic antenna, or satellite earth station antenna.

Satellite Receive-Only Antenna: An antenna, one (1) meter or less in diameter, which enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such an antenna is commonly known or referred to as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

School, Private: A school, operated by a private or religious agency or corporation other than an independent school district, which has a curriculum generally equivalent to a public elementary or secondary school.

School, Public: A school, operated by an independent school district or charter school, which provides elementary or secondary curriculum.

Secured (Gated) Community: A residential area, surrounded by a masonry or wrought iron fence with one (1) or more entrances, that include electrically or manually controlled gates, which is administered by a homeowners association.

Setback: The minimum distance specified by this UDC from the front, rear, and side lot lines, and extending across the full width of the lot, on which no building or structure may be erected.

Sexually Oriented Business: An adult arcade, adult audio or video center, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or other commercial enterprise a principal business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Sexually oriented businesses do not include: (i) a bookstore, movie theater, or video store, unless that business is an adult bookstore, or adult movie theater or adult video store; (ii) a business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing functions authorized under the license held; or (iii) a business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts. A commercial establishment may have other business purposes that are not a sexually oriented business or related to a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its business purposes is a sexually oriented business.

Shopping Center: A development containing a grouping of retail, service, and/or other commercial establishments in one (1) or more buildings on one (1) or more legally platted lots and constructed and designed to utilize shared parking and access.

Sign: A name, identification, description, display, or illustration, which is affixed directly or indirectly upon the exterior of a building or structure or upon a piece of land, which directs attention to an object, location, event, person, product, good, service, activity, institution, or business.

Sign Area: The area of any sign shall be the sum of the area enclosed by the minimum imaginary rectangles, triangles, or circles which fully contain all extremities of the sign, including the frame, and all words, numbers, figures, devices, designs, or trademarks by

which anything is made known, but excluding any supports. To compute the allowable square footage of sign area, only one (1) side of a double-face sign shall be considered.

Sign Height: The vertical distance between the highest part of a sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

Sign, Subdivision: Any sign used to mark the entrance to a specific subdivision or neighborhood. Usually a low profile monument sign designed in such a way as to indicate the name of the specific community and placed at the main entry to such community.

Site Plan: A development plan, drawn to scale, showing uses and structures proposed for a parcel of land required by this UDC. This includes, but is not limited to, existing and proposed conditions of the lot and major landscaping figures, the location of all existing and proposed buildings, lot lines, streets, driveways, parking spaces, walkways, means of ingress and egress, drainage facilities, utility service, landscaping, structures and signs, lighting, screening devices and other information that may be reasonably required to make an informed determination as opposed to a subdivision plan, which relates to the layout of lots and parcels, platting of lots and parcels and the provision of public facilities necessary to build a subdivision.

Stable, Commercial: A stable used for the rental of stall space or for the sale or rental of horses or mules.

Start of Construction (includes substantial improvements): The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction or 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. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets 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 main structure. 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.

State: The State of Texas.

Stealth Facility: "Stealth" is a generic term describing a method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, alternative tower structures, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

Storage or Wholesale Warehouse: A building used primarily for the storage of goods and materials.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: A strip of land comprising the entire paved area between the face of curbs and gutters and within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot.

Street, Collector: A roadway which collects traffic from local streets and connects within major/minor arterial streets.

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Street, Major/Minor Arterial: A designated principal traffic thoroughfare more or less continuous across the City, which is intended to connect remote parts of the City or areas adjacent thereto, and act as a principal connecting street with state and federal highways.

Street, Private: Any street right-of-way not dedicated to public use.

Street, Public: Any roadway for use of vehicular traffic dedicated to public use and/or owned, controlled and maintained by the City, a county, or the State.

Street Width: The shortest horizontal distance between the lines which delineate the street.

Structural Alterations: Any change of a supporting member of a structure such as bearing walls, columns, beams or girders.

Structure: Anything constructed or built, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its prior condition would equal or exceed fifty percent (50%) of the market value of the structure before damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

> A 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 conditions; or
>
> Any alteration of a "historic structure provided that the alteration will not preclude the structure's continued designation as a ‘historic structure’.”

Subdivider or Developer: Synonymous terms that include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee,

servant, or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope and purview of this UDC.

Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots, tracts or parcels of land for the purpose, whether immediate or future, of sale or rebuilding development, situated within the City's corporate limits or within the ETJ. It also includes the vacation and resubdivision of land or lots.

Surveyor: A licensed state land surveyor or registered public land surveyor, as authorized by State statute, who practices the profession of surveying.

Tax Certificate: A certificate from the Kaufman County Tax Assessor's office confirming that all City ad valorem taxes levied on a property that are due have been paid or that the property owner is lawfully contesting such taxes. If such taxes are being contested, the property owner must establish, to the satisfaction of the City Manager, in his/her sole discretion, that such contest is being conducted by the property owner with reasonable speed.

Telecommunications Equipment Storage Building: An unmanned, single-story equipment building or structure used to house telecommunications equipment necessary to operate a telecommunications network.

Telecommunications Tower: Any structure designed and constructed to support one (1) or more antennae used to provide commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Receive Only Antenna or Amateur Radio Antennas.

Telecommunications Tower Facility: A facility that contains a telecommunications tower and equipment storage building or structure.

Temporary Sign: Any sign identified by this UDC which is intended to be displayed for seasonal or brief activities including, but not limited to, sales, specials, promotions, holidays, auctions, and/or business grand openings.

Temporary Structure: A structure that is manufactured off-site and brought to the site. It is to be temporary in nature and used only until a permanent structure can be constructed or refurbished.

Theater, Outside: An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater, Indoor: A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances.

Tier One: Any property that lies within three hundred feet (300') of the right-of-way line for a highway or a major thoroughfare, shown as Type "B" or above on the Thoroughfare Plan, and any non-residentially zoned property that adjoins, or has some portion of the property within, the 300-foot distance from a highway or major thoroughfare.

Tier Two: Any non-residentially zoned property that is not located within Tier One, as well as any other nonresidential or institutional use or structure (e.g., school, day care

facility, church, hospital, civic building, etc.) that is located within a residential zoning district.

Townhouse: A single-family dwelling unit in a row of such structures and attached by one (1) or more common walls.

Trade School: A secondary or higher educational facility primarily teaching skills that prepare students for jobs in a trade and/or meeting the state requirement for a vocational facility such as barber/beauty college, or electrical training.

Travel Trailer: A structure designed for temporary dwelling for travel, recreation and vacation, and which can be readily towed over the road by a motor vehicle.

Truck Sales, Heavy Equipment: The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, heavy equipment or buses in operable condition.

TV Antenna: An antenna that enables the receipt of television signals transmitted from broadcast stations.

Use: The purpose or activity for which the land or building thereby is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this UDC.

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing utilities across, on, over, upon or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Variance: Permission to depart from the standards set forth in this UDC when, because of special circumstances applicable to the property, strict application of those standards deprives such property of privileges commonly enjoyed by other properties in the same vicinity.

Veterinarian Clinic and/or Kennel, Indoor: An establishment, with no outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

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

Visibility Triangle: The triangular sight area from the corner of converging streets to a distance of twenty-five feet (25') along each street with the triangle completed by drawing a line through the property from both 25-foot (25') points on the converging streets.

Wall Sign: Any sign painted on, attached to or projected from the wall surface of a building, including window signs and signs on awnings and/or marquees.

Water Surface Elevation: 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.

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

Wrecking or Salvage Yard: An open-air place where waste, discarded or salvage materials are bought, sold, exchanged, baled, packed, disassembled or handled. This definition includes automobile wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged materials of house wrecking, automobile scrap metal, and structural steel materials and equipment.

Xeriscape: Environmental design of residential and park land using various methods for minimizing the need for water use.

Yard, Front Setback: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered a parallel to the street upon which the lot has its least dimension.

Yard, Rear Setback: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches.

Yard, Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard to determine the width of a side yard, or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Side: A yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the building.

Zoning District: Any area of the City for which the zoning regulations, which govern the use of land and buildings, the height of buildings, the size of lots and the intensity of use, are uniform pursuant to this UDC.