



THE CITY OF

JARRELL

ORDINANCE NO. 2024-0206-01

AN ORDINANCE OF THE CITY OF JARRELL, TEXAS, UPDATING CHAPTER 4 OF EXHIBIT 9A IN THE UNIFIED DEVELOPMENT CODE, ALSO KNOW AS “Zoning Districts, Use Regulations, and Lot Design Standards”. SETTING FORTH A PENALTY; PROVIDING FOR SEVERABILITY AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER; OPEN MEETINGS CLAUSE; EFFECTIVE DATE CLAUSE.

WHEREAS, the City Council of the City of Jarrell will adopt the following policies regarding Zoning the Unified Development Code (UDC) described in Exhibit A hereto and incorporated herein and;

WHEREAS, on January 23rd, 2024, after proper notification, the Planning and Zoning Commission held a hearing on the request; and

WHEREAS, on February 6th, 2024, the City Council held a public hearing on the request; and

WHEREAS, The City Council finds that the new ordinance promotes the health, safety and welfare of the City of Jarrell; and

WHEREAS, the City Council finds that all notice requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JARRELL, TEXAS:

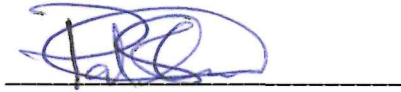
SECTION I. Severability. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of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

SECTION II. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION III. Effective Date. This Ordinance shall take effect **March 5th, 2024.**

PASSED AND APPROVED by the Jarrell City Council, County of Williamson, State of Texas,
on this the **6th** day of **February 2024**.

ATTEST:



Patrick Sherek, Mayor



Dianne Peace, City Secretary

EXHIBIT A

Chapter 4.00
Zoning District Use Regulations and Lot Design Standards

§ 4.01. Purpose and Intent

The purpose of this Chapter is to establish zoning districts within the City Limits of Jarrell, allowable uses within each district, and procedures for special and temporary uses within each district. Zoning districts are numbered in alignment with desired development intensity within each zoning district, with 1 being the lowest intensity (examples include SF-1 and C-1).

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-07-28-07 adopted 7/28/20)

§ 4.02. Official Zoning Map.

4.02.01 Creation of Official Zoning Map. The City is divided into zoning districts, shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Jarrell under the following words:

“This is to certify that this is the Official Zoning Map referred to in Section [4.02] of the Unified Development Code, Ordinance No. ____ of the City of Jarrell, Texas.”

4.02.01 Changes to the Official Zoning Map.

- A. If, in accordance with the provisions of this Code and Section 211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map, within (15) business days after the amendment has been approved by the City Council and signed by the Mayor.
- B. Approved zoning changes shall be entered on the Official Zoning Map by the City Manager and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- C. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this Code.

4.02.01 Digital Mapping. Digital maps, created through the use of Geographical Information Systems (GIS) technology, may be used in the administration and enforcement of this Code, but will not replace the paper originals of official maps required by this Code.

4.02.01 Interpreting Zoning District Boundaries. The City Manager or the Council’s designee shall provide clarification when uncertainty exists as to the current boundaries of districts as shown on the Official Zoning Map.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-07-28-07 adopted 7/28/20)

§ 4.03. Rezoning.

Any decision to amend the Official Zoning Map shall be made based on the criteria in Chapter 2 and 3. No rezoning action may specifically vary from the Permitted Uses Table found in Section 4.09 or from the Future Land Use Map included in the Comprehensive Plan.

4.03.01 Newly Annexed Territory.

- A. Initial Default Zoning. All new territory hereinafter annexed to the City shall have the Agriculture (AG) zoning district classification. No special action or hearing will be required for zoning upon annexation into the Agriculture (AG) district.
- B. Rezoning from Default Zoning. Rezoning of newly annexed territory may begin upon completion of annexation of the area, while staying within guidelines set forth by the State.
- C. Exception for lots already partially within City Limits. Newly annexed territory that is part of a lot already annexed or within City Limits will be zoned directly to the zoning designation of the portion of the lot already within the City.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-07-28-07 adopted 7/28/20)

§ 4.04. The Comprehensive Plan as Guidance.

It is intended that Chapter 4 of the Unified Development Code support the vision and goals of the City's current Comprehensive Plan, as amended and periodically updated. Proposed zoning changes shall be evaluated to ensure they are consistent with the plan's objectives, policies, and strategies. Any proposed zoning changes must demonstrate how they will contribute to the overall implementation of the Comprehensive Plan.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-07-28-07 adopted 7/28/20; Ordinance 2021-1207-05)

§ 4.05. Zoning Districts, Generally.

The Zoning Districts are categorized into 19 different zoning district classifications, which are stated below and described in Sections 4.06 – 4.08. Special planning areas are identified in the following Zoning District Table as Overlay Districts. Each zoning district also contains lot standards that apply to those lots within the zoning district. Portions of the City of Jarrell, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (Refer to Section 4.09 for allowable uses within each Zoning District and Table 4-11 for Lot Standards per Zoning District):

Table 4-1: Zoning Districts	
Residential Districts	
Low Density Residential	SF-1
Single-Family Mixed Lot	SF-2
Small Lot Residential	SF-3
Medium Density Residential	MF-1
High Density Residential	MF-2
Manufactured Housing	MH
Nonresidential Districts	
Neighborhood Commercial	C-1
General Commercial	C-2
Highway Commercial	C-3
Business Park	BP
Light Industrial/Warehousing	I-1
General Industrial	I-2
Special Purpose Districts	
Agriculture	AG
Public Facilities	PF
Planned Unit Development	PUD
Mixed Use District	MU
Special Districts	
I-35 Overlay District	I-35
Downtown Overlay	DT
Old Town Overlay	OT

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-07-28-07 adopted 7/28/20)

§ 4.06. Residential Districts.

- A. Single-Family Rural (SF-1). This district is intended to provide for conventional detached single-family dwellings on larger lots. An SF-1 district designation may be applied to a use on land where environmental limitations, utility constraints, or access preclude standard lot sizes or for use in an area for which rural characteristics are desired.
- B. Single-Family Suburban (SF-2). This district is intended to create medium intensity single-family residential neighborhoods. These neighborhoods should include primarily traditional single-family, but other housing types such as accessory dwelling units and duplexes are permitted. Design standards encourage a suburban feeling and access is managed well.
- C. Single-Family Small Lot Residential (SF-3). This district is intended to provide for residential development at a higher density than the SF-2 district. This district is intended to promote a variety of housing types in close proximity to amenities and the urban core of the city. Product types encouraged here include smaller lot single-family, accessory dwelling units and alternative housing types such two-family residences, townhomes, triplexes, garden homes, and single-family condominiums. Context-sensitive design standards are required to ensure a quality and enjoyable living environment.
- D. Medium Density Residential (MF-1). The purpose of this district is to provide for residential development at densities greater than the SF-1, SF-2, and SF-3 districts with multiple units on one lot. Appropriate housing types include triplexes, quadplexes, townhomes, and apartments. This district is further intended to encourage efficient utilization of land, affordable housing opportunities, and open space preservation. Context-sensitive design standards are required to ensure a quality and enjoyable living environment. Location and proximity to amenities such as open space, commercial services, employment centers, and public facilities should be prioritized. This district may serve as a transition between conflicting land uses.
- E. High Density Residential (MF-2). This district is intended to accommodate the highest density residential development where units are almost always attached apartments. Context-sensitive design standards are required to ensure a quality and enjoyable living environment. Attention should be made to the proximity to single-family development and to create a transition of land uses. Location and proximity to amenities such as open space, commercial services, employment centers, and public facilities should be prioritized.
- F. Manufactured Housing (MH). The manufactured housing base district is a residential district intended to allow HUD-code manufactured housing on lots under single ownership and designed to accommodate multiple manufactured home units, or on subdivided lots that are individually owned.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0728-07 adopted 7/28/20)

§ 4.07. Nonresidential Districts.

All nonresidential development shall adhere to development standards found in Chapter 6, Site Development and Design Standards, as well as other applicable standards found in this Code. Existing residential usage will be allowed to continue unless the usage changes. Infill will require adherence to be consistent with the stated zoning classification. All other uses will require a conditional use permit.

- A. Neighborhood Commercial (C-1). This district is intended to provide for small-scale, limited impact retail that is compatible with low and medium density residential neighborhoods. The uses permitted within this district are meant to serve the retail and personal service needs of residents in

adjacent and nearby neighborhoods (1/4 to 1/2 mile). The nature of the permitted uses and scale of buildings are intended to blend with adjacent and nearby properties without causing adverse visual or environmental impacts.

- B. General Commercial (C-2). This district is intended to provide for general commercial or office uses that serves neighborhood and community needs at a city-wide scale. This district is appropriate along major roadways, at key intersections, and near higher density residential development. This district should include uses of the same intensity as permitted in the C-1 district but will also allow for higher intensity commercial uses. This district should still provide sidewalk and trail connections to adjacent development. The standards in this district will allow continued, conforming use for existing uses, and encourage new development to be created to match the character of surrounding land uses. This district is also suitable to be located in Downtown when combined with the DT overlay district.
- C. Highway Commercial (C-3). This district is intended to provide for establishments offering the most intense commercial goods and services. These uses may produce large amounts of automobile traffic, benefit from a location along a regional corridor such as I-35, or those that may be inappropriate to locate near neighborhoods or commercial centers on City streets. Developments in this district should be incorporated into larger contiguous centers that include pedestrian amenities, supporting retail and commercial services, and high-density residential development.
- D. Business Park (BP). This district is intended to provide a location for office and research-oriented uses typically located as part of a large development. Uses that include incidental warehousing or showroom facilities may also be appropriate in the BP district. The BP District may be appropriate adjacent to residential areas, provided that there is adequate buffering and context sensitive design standards established. The BP district should include open space and commercial amenities and be accessible to vehicles and pedestrians.
- E. Light Industrial/Warehousing (I-1). This district is intended to provide for low intensity, limited impact industrial uses, which may include office warehousing, wholesaling, product assembly and light manufacturing conducted primarily within the confines of a building. Outdoor facilities may be appropriate depending on the site context. This district should have access on a major roadway and limited interaction with residential development or commercial centers.
- F. General Industrial (I-2). This district is intended to provide land for manufacturing and industrial activities with generation of nuisance characteristics greater than activities permitted in the I-1 district. Uses within this district are not compatible with residential areas and neighborhood commercial uses. Industrial operations shall be primarily conducted within the confines of a building. Other activities, including outdoor processing of materials, storage of materials, and display of products are subject to conditional use standards for potential nuisance mitigation.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0728-07 adopted 7/28/20)

§ 4.08. Special Districts.

The overlay zoning districts address special siting, use and compatibility issues that require use and development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires a development standard different than the base zoning district standards, the more restrictive standard shall apply. These standards are also supplemented by standards

found in other sections of this Code. When standards are in conflict, the more restrictive standard shall apply.

4.08.01 Special Use Districts

- A. Agriculture (AG). This zoning district should generally consist of areas with rural character and land uses, or undeveloped acreage that is not anticipated to be put to an urban use in the near future. This district is intended for areas that are farther away from the center of the city and are primarily used for farming, ranching, livestock raising, or wildlife management purposes. Single-family detached residential dwelling units are permitted but should be larger than one acre lots to not require municipal wastewater facilities. Rural or low intensity commercial uses can also be appropriate for this district.
- B. Public Facilities (PF). This district is intended to provide a location for government and other public or quasi-public facility operations. These may include schools, public parks, hospitals, airports, government offices, churches, and other related uses, but would not include industrial facilities or storage yards. Some uses allowed in this district might generate heavy traffic volumes and high-intensity operations. The PF District shall contain uses that are allowed in both residential and non-residential districts and is subject to non-residential design and landscaping standards for compatibility with nearby or adjacent residential uses.
- C. Mixed Use (MU). This district is intended to allow a variety of uses to locate on the same building, site, or block, and in structures of varying size and design. Commercial and residential uses, which are usually separated into discrete zoning districts, are encouraged to be combined, along with offices and public open spaces. The close proximity of the different land uses fosters increased pedestrian activity, as residents are able to accomplish a wide variety of tasks in a relatively small area without the continuous need for a vehicle. Additionally, this type of allows for the more efficient provision of infrastructure and natural resources.
- D. Planned Unit Development (PUD). The purpose of the Planned Unit Development District (PUD) is to provide land for uses and developments that promote development that enhances the standard pattern of development in Jarrell. A PUD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. Development is required to provide a higher level of amenities to its users or residents than what is usually required under the normal standards of this code. This district is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner. Applicants are responsible for developing the PUD Ordinance. See Section 3.07.05 for further information on PUD applications and applicability.

4.08.02 Overlay Districts

- A. Downtown Overlay District (DT) Reserved.
- B. Old Town Overlay District (OT) Reserved.
- C. I-35 Overlay District (I-35) Reserved.

(Ordinance 2020-0728-07 adopted 7/28/20)

§ 4.09. Use Table.

1. Types of Use. All of the land use categories listed in the following use tables (Table 4-3 – Table 4-10, Permitted Uses by Zoning District) are defined and described in Section 1.13 The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.
 - A. Uses Permitted By Right (“P”): indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this Code.
 - B. The City Manager or the Council’s designee shall use the descriptions found: indicates that a use is permitted, provided that it meets additional standards referenced in the far right "Note" column of each Use Table. These standards can be found in the limitations section following each use table. Such uses are subject to all other applicable regulations of this Code and the City Code of Ordinances.
 - C. Conditional Uses (Permitted Subject to Conditional Use Standards) (“C”): indicates that a Conditional Use Permit must be applied for under the provisions of Section 4.10
 - D. The criteria for determining conditions under this permit are described in Section 4.10. Such uses are subject to all other applicable regulations of this Code.
 - E. Uses Not Allowed (“-”): indicates that a use is not allowed.
 - F. Uses Not Listed: The City Manager or the Council’s designee shall use the descriptions found in Section 1.13 to determine how an unlisted use should be treated.

2. Primary and Accessory Uses.
 - A. Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Section 4.8 [4.09] of this Code. The establishment of such accessory uses shall be consistent with any or all of the following standards.
 - B. The accessory use shall be subordinate to and support a primary use.
 - C. The accessory use shall be subordinate in area, extent or purpose to the primary use.
 - D. The accessory use shall contribute to the comfort, convenience or necessity of the primary use.
 - E. The accessory use shall be located within the same zoning district as the primary use.
 - F. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.

3. Residential Uses by District
 - A. Residential Use Table (Table 4-3)

Table 4-3: Residential Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Household Living																
Single-family, Detached	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	
Single-family, Attached	—	—	L	P	—	—	—	—	—	—	—	—	—	—	—	
Duplex	—	P	P	P	P	—	—	—	—	—	—	—	—	—	—	
Triplex	—	—	P	P	P	—	—	—	—	—	—	—	—	—	—	
Townhouse	—	—	—	P	P	—	—	—	—	—	P	—	—	—	—	
Multifamily, Detached	—	—	—	—	P	L	—	—	C	C	—	—	—	—	—	A
Multifamily, Attached	—	—	—	—	P	P	—	—	C	L	P	—	—	—	—	B
Manufactured Housing	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	
Manufactured Housing Park	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	
Accessory Dwelling Unit	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	C
Home-Based Business	L	L	L	L	L	L	L	L	L	L	L	—	—	—	—	D
Group Living																
Group Home (5 or fewer)	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	
Group Home (6 or more)	—	—	—	—	P	P	—	P	P	—	—	—	—	—	—	
Senior Living	—	—	—	—	P	P	—	L	L	L	P	—	—	—	—	E
Assisted Living	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Nursing or Convalescent Home	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	
Hospice Facility	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	
Orphanage	P	—	—	—	P	P	—	P	P	—	—	—	—	—	C	

Student Housing	—	—	—	—	—	C	—	P	P	P	—	—	—	—	—	F
Rooming or Boarding House	—	—	—	—	P	P	—	—	P	—	—	—	—	—	—	
Halfway House	C	C	C	C	C	C	C	—	—	—	—	—	—	—	—	

B. Residential Use Limitations

A. Multi-family, Detached

1. Detached dwelling units may be permitted in the MF-2 district when directly adjacent to a property platted or planned for single-family or two-family use for the purpose of creating a transition between uses.
2. Detached dwelling units may be permitted in the C-2 and C-3 districts through approval of a Conditional Use Permit (CUP). When permitted by a CUP the site should adhere to the lot design standards of the MF-2 district.

B. Multi-family, Attached

1. Attached dwelling units are permitted in the C-2 or C-3 district when not located on the ground floor of a structure. When dwelling units are incorporated in the upper floors of the structure no more than 25% of the square footage of the ground floor may be utilized for accessory components of the residential use such as leasing offices, amenities, living components of live/work units, etc.
2. Within the C-2, C-3, and MU districts the City Manager may approve portions of the ground floor of a structure to be used as a dwelling unit provided that:
 - A. The dwelling unit is constructed to the appropriate standards of the adopted building codes for a commercial space so that it can later be converted to a commercial use.
 - B. No more than 25% of the square footage of the ground floor may be utilized for accessory components of the residential use such as leasing offices, amenities, living components of live/work units, etc.
 - C. The City Manager may have the authority to set limits on the duration of the temporary dwelling unit.

C. Accessory Dwelling Units

1. An accessory dwelling unit may not exceed 20% of the lot size.
2. At least one off-street parking space shall be provided for the accessory dwelling unit.
3. An accessory dwelling unit may not exceed two (2) stories in height.
4. Rental of an accessory dwelling unit shall be limited to owner occupied properties.

D. Home-Based Business

1. **Home-Based Business is that accessory use of a premise that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.**
 - a) The home-based business shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of

the dwelling or neighborhood or adversely affect the uses permitted in the District of which it is a part.

- b) Land uses that are addressed individually in the use chart of this chapter are not considered a home-based business for purposes of this section. Examples of those uses are: Group Homes, Family Day Cares, Bed and Breakfast, and Garage Sales.
- c) The Home-Based Business shall be conducted entirely within a dwelling or accessory structure or integral part thereof, and have no outside storage of any kind related to the business;
- d) No signage shall be allowed in connection with the Home-Based Business;
- e) Deliveries by commercial vehicle are limited to the hours of 8:00 a.m. to 6:00 p.m.; however, deliveries by a regular carrier such as USPS, UPS, and FedEx may be delivered during their typical hours;
- f) The Home-Based Business shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem;
- g) On-street parking utilized by the business shall only be allowed along the property line of the Home-Based Business residence and as allowed by current City Code. Off-street parking is limited to existing paved areas and the business shall not result in the increase of on-site parking areas;
- h) The Home-Based Business shall involve no on-site services. However, if the activity is kept at a small scale (meaning generally one or two people conducting the business or meeting with clients) and the business remains compliant with the limitations of this chapter, the following shall not be considered services:
 - a. Individual academic, music, dance, photography, art, hobby, or similar instruction or studio;
 - b. Seamstress or tailor;
 - c. Barber or beauty salon (one chair);
 - d. Financial/investment counseling, accounting, bookkeeping, real estate office or similar office;
 - e. Individual massage, natural therapy, or similar services;
 - f. Counseling in an office setting; and
 - g. Other similar low impact uses as determined by the Director.
- i) The Home-Based Business shall not have a retail store-front.
- j) There shall be a clearly visible street address posted or displayed on the premises.
- k) If Code Enforcement receives a complaint regarding a Home-Based Business, it shall be the responsibility of the operator of the business to demonstrate compliance with the above stated limitations and this Code.

E. Senior Living

Senior living is permitted in the C-1, C-2, and C-3 districts when developed as a part of a facility that includes an Assisted Living or Convalescent Homes components, or provides skilled nursing care.

F. Student Housing

Student housing may be permitted in the MF-2 district if the use is determined to be complementary to adjacent uses and context sensitive design methods are utilized.

4. Civic Uses by District

A. Civic Use Table (Table 4-4)

Table 4-4: Civic Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MHI	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Educational and Day Care Facilities																
School, Elementary or Middle	L	L	L	L	L	L	—	—	—	—	—	—	—	—	L	A
School, High	L	—	—	—	—	—	—	—	L	L	—	—	—	—	L	A
School, College or University	L	—	—	—	—	—	—	—	L	L	L	—	—	—	L	A
School, Boarding	L	—	—	—	—	—	—	—	—	—	—	—	—	—	L	A
School, Business or Trade	L	—	—	—	—	—	—	—	L	L	L	L	L	L	L	A
Day Care, Family Home	L	L	L	L	L	L	L	—	—	—	—	—	—	—	—	B
Day Care, Commercial	—	—	—	—	—	—	—	L	L	L	L	L	—	—	—	B
Government and Community Facilities																
Activity Center, Youth or Senior	C	C	C	C	C	C	—	L	L	L	L	—	—	—	L	C
Animal Shelter	L	—	—	—	—	—	—	—	—	—	—	—	L	L	L	D
Community Center	—	—	—	—	—	—	—	L	L	L	L	—	—	—	L	
Correctional Facility	C	—	—	—	—	—	—	—	—	C	—	—	C	C	C	
Government or Postal Office	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	
Library or Museum	—	—	—	—	—	—	—	P	P	P	P	—	—	—	P	
Social Service Facility	—	—	—	—	—	—	—	P	P	P	P	—	—	—	P	
Medical and Institutional Facilities																
Hospital	—	—	—	—	—	—	—	—	—	P	—	P	C	C	P	
Hospital, Psychiatric	—	—	—	—	—	—	—	—	—	P	—	P	C	C	P	
Substance Abuse Treatment Facility	—	—	—	—	—	—	—	—	—	P	—	P	C	C	P	

Blood or Plasma Center	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	
Places of Worship																
Religious Assembly Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Open Spaces																
Nature Preserve or Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Neighborhood Amenity, Activity, or Recreation Center	L	L	L	L	L	L	L	—	—	—	—	—	—	—	—	A
Public Park, Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Park, Regional	L	—	—	—	—	—	—	—	L	L	—	—	—	—	L	A
Golf Course/Country Club	L	L	L	L	—	—	—	—	—	—	—	—	—	—	L	A
Cemetery, Columbaria, Mausoleum or Memorial Park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

B. Civic Use Limitations

A. All Civic Uses

1. The principal vehicular entrance and exit shall be located on a collector-level street or higher, except as otherwise approved by the City Engineer.

B. Day Care

1. Day care facilities are permitted in accordance with Table 4-4 and subject to the following standards and limitations:
 - a) All day care facilities shall be licensed by the State and meet the minimum requirements for such facilities.
 - b) Outdoor play or instruction areas, playground equipment, and pools shall be located in the side or rear yards and screened from adjacent property by an opaque fence no less than six feet in height.
 - c) Day care facilities in residential zoning districts may only operate between the hours of 6:00 a.m. and 7:00 p.m. Day care facilities in the C-1 zoning district may only operate between the hours of 6:00 a.m. and 10:00 p.m. Hours of operation are not limited for day care facilities in other Non-Residential Zoning Districts.
 - d) A family home day care shall employ only residents of the premises, including all paid and unpaid care providers.

D. Animal Shelter

1. An animal shelter is permitted in accordance with the Permitted Use Table and limited to a required separation of at least 300 feet from the shelter to the property line of any property with a single-family use.

5. Commercial Uses by District

A. Commercial Use Table (Table 4-5)

Table 4-5: Commercial Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH1	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Overnight Accommodations																
Bed and Breakfast	C	C	C	C	C	C	—	L	L	—	—	—	—	—	—	A
Bed and Breakfast with Events	C	C	C	C	C	C	—	L	L	—	—	—	—	—	—	B
Inn	C	—	—	—	—	—	—	C	P	P	—	—	—	—	—	
Hotel	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	
Hotel, Boutique	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Hotel, Extended Stay	—	—	—	—	—	—	—	—	—	P	—	P	—	—	—	
Motel	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	
Campground or RV Park	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Food and Beverage Establishments																
Restaurant, General	—	—	—	—	—	—	—	P	P	P	P	L	—	—	—	C
Restaurant, Drive-through	—	—	—	—	—	—	—	—	P	P	—	L	—	—	—	C
Bar, Tavern or Pub	—	—	—	—	—	—	—	C	L	L	L	L	L	—	—	D
Micro Brewery, Micro Winery, or Micro Distillery	—	—	—	—	—	—	—	—	L	L	L	L	L	—	—	E
Food Catering Services	—	—	—	—	—	—	—	—	P	P	—	P	P	—	—	
Permanent Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	C	C	C	C	C	C	C	C	U
Entertainment and Recreation																

Live Music or Entertainment	—	—	—	—	—	—	—	—	L	L	L	—	—	—	—	F
Dance Hall or Nightclub	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	
Theater, Movie or Theater, Live	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Membership Club or Lodge	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	
Major Event Entertainment	C	—	—	—	—	—	—	—	—	C	C	—	C	C	C	
Event Facility	C	—	—	—	—	—	—	—	P	P	P	P	—	—	L	K
Athletic Facility, Indoor or Outdoor	—	—	—	—	—	—	—	P	P	P	P	P	P	—	P	
Commercial Recreation	—	—	—	—	—	—	—	—	L	P	P	—	—	—	—	G
Driving Range	L	L	L	L	—	—	—	—	—	—	—	—	—	—	L	G
Firing Range, Indoor	C	—	—	—	—	—	—	—	P	P	—	P	P	—	—	
Firing Range, Outdoor	C	—	—	—	—	—	—	—	—	—	—	C	C	C	—	
Game Room	C	—	—	—	—	—	—	—	—	C	—	C	C	—	—	
Health Services																
Home Health Care Services	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	
Medical or Dental Office or Clinic	—	—	—	—	—	—	—	P	P	P	P	—	—	P	—	
Urgent Care Facility	—	—	—	—	—	—	—	—	C	P	P	—	—	—	—	
Professional and Business Offices																
General Office	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	
Data Center or Commercial Document Storage	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	
Consumer Retail Sales and Services																
General Retail	—	—	—	—	—	—	—	P	P	P	P	L	—	—	—	H

Agricultural Sales/Landscape Supply Sales/Garden Center	P	—	—	—	—	—	—	—	C	P	—	P	P	—	—	
Farmer's Market	P	—	—	—	—	—	—	P	C	P	P	P	—	—	—	
Flea Market	C	—	—	—	—	—	—	—	—	C	—	—	—	—	—	
Artisan Studio and Gallery	P	—	—	—	—	—	—	—	P	P	P	P	P	—	—	
Personal Services	—	—	—	—	—	—	—	P	P	P	P	L	—	—	—	I
Personal Services, Restricted	—	—	—	—	—	—	—	—	C	C	C	C	P	P	—	
Dry Cleaning Service, Drop-off Only	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	
Laundromat	—	—	—	—	—	—	—	P	P	—		—	—	—	—	
Printing, Mailing and Reproduction Services	—	—	—	—	—	—	—	—	—	P		P	—	—	—	
Fitness Center	—	—	—	—	—	—	—	L	P	P	P	L	—	—	—	J
Banking and Financial Services	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	
Consumer Repair	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	
Small Engine Repair	P	—	—	—	—	—	—	—	—	P	—	P	P	—	—	
Funeral Home	P	—	—	—	—	—	—	P	P	P	—	P	—	—	—	
Veterinary Clinic, Indoor Pens Only/Kennel	P	—	—	—	—	—	—	—	L	P	—	P	—	—	—	L
Veterinary Clinic, Indoor or Outdoor Pens	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Self Storage, Indoor	—	—	—	—	—	—	—	—	L	L		L	L	—	—	M
Self Storage, Outdoor	—	—	—	—	—	—	—	—	—	C		C	C	—	—	M

Commercial Sales and Services

Event Catering and Equipment Rental Services	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—	
Furniture Repair and Upholstery	—	—	—	—	—	—	—	—	—	—	—	—	P	P		—	
Heavy Equipment Sales and Repair	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Pest Control or Janitorial Services	—	—	—	—	—	—	—	—	L	L	—	—	P	P	P	—	N
Office/Showroom	—	—	—	—	—	—	—	—	L	P	P	—	P	P	P	—	V
Wholesale Showrooms	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—	
Greenhouse, Wholesale	P	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Stone, Mulch or Dirt Sales Yards	P	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Manufactured Housing Sales	—	—	—	—	—	—	—	—	—	C	—	—	—	P	C	—	
Automotive Sales and Services																	
Automobile Sales, Rental or Leasing Facility	—	—	—	—	—	—	—	—	—	C	—	—	—	P	P	—	
Automobile Parts and Accessories Sales, Indoor	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	—	
Automobile Parts and Accessories Sales, Outdoor	—	—	—	—	—	—	—	—	—	C	—	—	—	P	P	—	
Automobile Repair and Service, Limited	—	—	—	—	—	—	—	—	P	P	—	—	—	P	—	—	
Automobile Repair and Service, General	—	—	—	—	—	—	—	—	C	L	—	—	—	P	P	—	Q
Fuel Sales	—	—	—	—	—	—	—	—	C	C	—	—	C	C	C	—	P

Fuel Sales with More than Six Fueling Positions	—	—	—	—	—	—	—	—	—	C	—	C	P	P	—	P
Car Wash	—	—	—	—	—	—	—	—	C	C	—	—	P	—	—	
Recreational Vehicle Sales, Rental or Service	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Towing Services and Impound Lots	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	

B. Commercial Use Limitations

A. **Bed and Breakfast**

1. On-site parking (except driveways) shall not be located in the front yard and shall be screened from the view of adjacent residences to a height of six feet by a solid screening fence or dense shrubs and vegetation. Temporary fences shall not be permitted.
2. Guestroom rentals shall not be allowed for more than 29 consecutive days.
3. The operator of the Bed and Breakfast must be a full-time resident of the main dwelling on the property in which the Bed and Breakfast establishment is located.

B. **Bed and Breakfast with Events**

1. Events associated with the Bed and Breakfast must be on the located on the same property on which a Bed and Breakfast is the primary use.
2. The event shall be a subordinate use to a Bed and Breakfast and shall not include an event center, meeting facility, or other form of entertainment operation.

C. **Restaurant**

- a) Restaurants permitted in the OF and BP Districts are subject to the following:
 - i. The eating establishment shall clearly be secondary and supportive to the primary use.
 - ii. The eating establishment shall not be located in a building which contains no other uses; however, in the BP District, a Conditional Use Permit may be considered if it is determined that a restaurant would be beneficial to a planned business park development
 - iii. A drive-thru restaurant is permitted in the BP District, subject to the limitations in Subsections i and ii. above.

D. **Bar, Tavern, or Pub**

1. A bar, tavern, or pub is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
2. The establishment shall be located no less than 300 feet from a church, public or private school or public hospital, subject to the measurements of the City Code of Ordinances.
3. The establishment is subject to the provisions of Chapter 5.02, Alcoholic Sales, of the City Code of Ordinances.

E. **Micro Brewery, Micro Winery or Micro Distillery**

1. A micro brewery, micro winery, or micro distillery is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
 - a) A micro brewery, micro winery, or micro distillery shall be located no less than 300 feet from a church, public or private school or public hospital subject to the measurements of the City Code of Ordinances.
 - b) A micro brewery, micro winery, or micro distillery is subject to the provisions of Chapter 5.02, Alcoholic Sales, of the City Code of Ordinances.

F. Live Music or Entertainment

1. Live music or entertainment is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
2. The entertainment use must be secondary to the primary use in the C-2 district.
3. Live music or entertainment uses are subject to the provisions of Chapter 8.02, Noise, of the City Code of Ordinances.

G. Commercial Recreation and Driving Ranges

1. Any outdoor fields or associated structures shall be set back 150 feet from the property line of a residentially zoned property.

H. General Retail

1. General retail is permitted in accordance with Permitted Use Table and subject to the following standards and limitations:
2. In the BP District:
 - a) The retail use shall clearly be secondary and supportive to the primary use.
 - b) The retail use shall not be located in a building which contains no other uses; however, a Conditional Use Permit may be considered if it is determined that a free-standing retail operation would be beneficial to a planned business park development.

I. Personal Services

1. Personal services, including all uses noted as limited in the Permitted Uses Table are permitted subject to the following standards and limitations:
 - a) The establishment shall clearly be secondary and supportive to the primary use.
 - b) The personal service use shall not be located in a building which contains no other uses; however, a Conditional Use Permit may be considered if it is determined that a free-standing personal service operation would be beneficial to a planned business park development.

J. Fitness Center

1. A fitness center is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
2. In the C-1 District, the hours of operation shall be limited from 5:00 a.m.—11:00 p.m.
3. In the BP District, a fitness center:
 - a) Shall clearly be secondary and supportive to the primary use.
 - b) Shall not be located in a building which contains no other uses; however, a Conditional Use Permit may be considered if it is determined that a free standing fitness center operation would be beneficial to a planned business park development.

K. Event Facility

1. An Event Facility is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:

2. A Conditional Use Permit is required in the PF District for Event Facilities designed to host events with more than 300 attendees.
3. Any outdoor live music or entertainment area shall be shown on a Site Plan and shall be set back a minimum of 50 feet from the property line of a residentially zoned property.
4. Any live music or entertainment in association with an event is subject to the provisions of Chapter 8.02 "Noise" of the Code of Ordinances
 - c)

L. Kennel.

1. Outdoor kennels are prohibited in the C-2 District.

M. Self-Storage, Indoor and Outdoor

1. Self-storage facilities shall be limited to the storage use only, with the exception of an accessory leasing office, accessory retail sales, and/or single living quarters for security purposes, and shall not be used for operating any other business. In no instance shall individual storage units be used as a business storefront or used as a residence or overnight accommodation.

N. Pest Control or Janitorial Services

1. A pest control or janitorial services facility is permitted in accordance with The Permitted Use Table and subject to the following standards and limitations:
2. No mixing of chemicals or pesticides is allowed on-site.
3. Storage of chemicals or pesticides is limited to ten percent (10%) of the total square footage of the primary facility.

O. Auto Repair and Service

1. Automobile Repair and Service, Limited and General, shall be an allowed accessory use with an Automobile Sales Facility. Automobile Repair and Service, General shall not be permitted on the premises of a Rental Vehicle Facility and any allowed limited repairs shall be performed only within the principal building.

P. Fuel Sales and Fuel Sales with More Than Six Fueling Positions

1. The use shall not abut a single family residential zoned or used property without attention to the impact of screening, buffering, and lighting to the adjacent residential uses.
2. Proximity to other developed fuel sales facilities shall be examined as part of the Conditional Use Permit process to avoid clustering of uses along a corridor, intersection, or neighborhood.
3. Fuel positions, vacuum, air, and water stations as well as other similar equipment are prohibited between the principal structure and the property line of a residentially-zoned property and shall comply with the building setbacks in all other circumstances.
4. No full-service, self-service, or automatic car wash is allowed with the fuel sales use. Only an accessory one-bay automatic car wash is allowed if not adjacent to a residential district.
5. No more than six fuel positions shall be permitted except when the proposed fuel sales establishment is an accessory use to a commercial development, such as a grocery store or retail center, with a gross floor area of 50,000 square feet or more. In no case shall a fuel sales establishment be permitted more than 10 fueling positions.

Q. Automobile Repair and Service, General

1. In the Highway Commercial (C-3) District, temporary outdoor storage of automobiles awaiting service or pick-up is permitted. No other outdoor storage is allowed in the C-2 or C-3 Districts.

R. Permanent Mobile or Outdoor Food Vendor

1. Permanent Mobile or Outdoor Food Vendor is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
2. The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property.
3. Each Mobile or Outdoor Food Vendor shall have a City approved connection to City approved electric, water and wastewater services.

S. Office/Showroom

1. An Office/Showroom is permitted in accordance with the Permitted Use Table and subject to the following standards and limitations:
2. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent (50%) of the total floor area.
3. Outdoor storage may be permitted in accordance with other provisions of this Code.

6. Transportation and Utility Uses by District

A. Transportation and Utility Use Table (Table 4-6)

Table 4-6: Transportation and Utility Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH1	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Airport	C	—	—	—	—	—	—	—	—	—		—	C	C	C	
Heliport	—	—	—	—	—	—	—	—	—	L		L	L	L	L	A
Bus Barn	—	—	—	—	—	—	—	—	—	—		—	P	P	P	
Parking Lot, Off-Site	—	—	—	—	—	—	—	—	P	P		P	P	P	P	
Parking Lot, Commercial	—	—	—	—	—	—	—	—	P	P	P	P	P	P	—	
Park-n-Ride Facility	—	—	—	—	—	—	—	P	P	P		P	P	P	P	
Private Transport Service	—	—	—	—	—	—	—	—	—	P		—	P	P	—	
Dispatch Facility																
Rail or Transit Yard	—	—	—	—	—	—	—	—	—	—		—	P	P	—	

Transit Passenger Terminal	—	—	—	—	—	—	—	—	—	P	P	—	P	P	P	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Services, Intermediate	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	B
Utility Services, Major	—	—	—	—	—	—	—	—	—	P	—	—	P	P	P	
Wireless Transmission Facility	C	—	—	—	—	—	—	C	C	C	C	C	L	L	L	C

B. Transportation and Utility Use Limitations

A. **Heliports**

1. Permitted when accessory to a hospital or government facility.
2. Permitted when an accessory use to a full-service hotel, office building, or convention center if the structure is over 100 feet in height and the heliport landing pad is located on the rooftop of such a structure; or
3. Permitted when an accessory use to a business park that is a minimum of 20 total acres.

B. **Utilities Services, Intermediate & Major**

1. The principal vehicular entrance and exit shall be located on a collector-level

C. **Wireless Transmission Facilities** on street or higher, except as otherwise approved by the City Engineer.

1. See also Section 4.13.

7. Industrial Uses by District

A. Industrial Use Table (4-7)

Table 4-7: Industrial Uses																	
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH1	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes	
Contractor Services, Limited	—	—	—	—	—	—	—	—	—	C	—	C	P	P	—	A	
Contractor Services, General	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—		
Movie Production	—	—	—	—	—	—	—	—	—	C	—	C	P	P	—		

Printing and Publishing	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Office/Warehouse	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—
Research, Testing and Development Lab	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—
Manufacturing, Processing and Assembly, Limited	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Manufacturing, Processing and Assembly, General	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Warehousing and Distribution, Limited	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Warehousing and Distribution, General	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Lumber Yard	—	—	—	—	—	—	—	—	—	C	—	—	P	P	—	
Dry Cleaning or Laundry Plant	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	
Asphalt or Concrete Batch Plant	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Resource Extraction	C	—	—	—	—	—	—	—	—	—	—	—	C	C	—	
Oil Refinery and Distribution	—	—	—	—	—	—	—	—	—	—	—	—	—	C	—	
Recycling Collection Center	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Waste Related Uses	—	—	—	—	—	—	—	—	—	—	—	—	C	C	—	
Wrecking, Scrap or Salvage Yard	—	—	—	—	—	—	—	—	—	—	—	—	C	P	—	
Hazardous Material sales/storage		—	—	—	—	—	—	—	—	—	—	—	—	C	—	
Storage Yard		—	—	—	—	—	—	—	—	—	—	—	L	L	—	B

B. Industrial Use Limitations

A. Contractor Services, Limited

1. Parking for fleet vehicles or outdoor storage may not be within parking spaces required by this code.

C. Storage Yard

1. All equipment, material and any other outdoor storage shall be located on an approved paved surface approved by the City Engineer.

8. Agricultural Uses by District

A. Agriculture Use Table (Table 4-8)

Table 4-8: Agriculture Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Farm Stand	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Petting Zoo	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Animal Husbandry	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Dairy	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Commercial Feed Lot	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Meat Market	P	—	—	—	—	—	—	—	—	P	—	—	P	—	—	
Aquaculture	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Horticulture	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Vineyard	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Taxidermist	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Public Stable, Riding Academy	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

A. Agricultural Use Limitations

- A. Reserved.

8. Temporary Uses by District

A. Temporary Use Table (Table 4-9)

Table 4-9: Temporary Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Seasonal Product Sales	L							L	L	L	L	L	L		L	A
Farmer's Market, Temporary	L	—	—	—				L	L	L	L	L	L		L	A
Temporary Mobile or Outdoor Food Vendor	—	—	—	—	—	—	—	—	L	L	L	L	L	L	L	A
Business Offices, Temporary	—	—	—	—	—	—	—	L	L	L	L	L	L	L	L	
Concrete Products, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Construction Field Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Construction Staging, Off-site	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Parking Lot, Temporary	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Portable Classrooms	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	B
Residential Sales Offices/Model Homes	L	L	L	L	—	—	L	—	—	—	—	—	—	—	—	
All Other Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	

B. Temporary Use Limitations

A. **Seasonal Product Sales, Temporary Farmer's Market, and Temporary Mobile or Outdoor Food Vendor**

1. Seasonal Product Sales, Temporary Farmer's Markets, and Temporary Mobile or Outdoor Food Vendors shall not be located in parking spaces required by this code.
2. Seasonal Product Sales, Temporary Farmer's Markets, and Temporary Mobile or Outdoor Food Vendors shall be secondary to an existing use on a property except as permitted by the City Manager.
3. Temporary Mobile or Outdoor Food Vendor is permitted in accordance with The Permitted Use Table and subject to the following additional standards and limitations:
 - a) The Mobile or Outdoor Food Vendor shall be secondary to an existing primary use on the property.
 - b) Mobile or Outdoor Food Vendor(s) shall be in operation and opened to the public during the primary use's hours of operation.
 - c) Mobile or Outdoor Food Vendor(s) may connect to City approved electric. Connection to water or wastewater services shall not be permitted.
 - d) Amenities including but not limited to restrooms, tables, chairs and shade structures may be permitted on the property subject to compliance with this Code.
 - e) No Mobile or Outdoor Food Vendor shall be located on a required parking space or loading area.

B. **Portable Classrooms**

1. Portable classrooms are permitted in accordance with The Permitted Use Table, subject to the following standards and limitations:
2. Portable classrooms are allowed as part of a site-built public school facility.
3. A site-built school building and required site improvements must be in place prior to any placement of portable classrooms.

J. **All Other Temporary Uses**

1. Other temporary uses deemed appropriate and compatible with the district and surrounding land uses may be permitted at the discretion of the City Manager.

9. Outdoor Storage

A. Outdoor Storage Use Table (4-10)

Table 4-10: Outdoor Storage Uses																
Specific Use	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH	C-1	C-2	C-3	MU	BP	I-1	I-2	PF	Notes
Outdoor Storage	L	—	—	—	—	—	—	L	L	L	—	L	L	L	L	A

B. Outdoor Storage Use Limitations

- A. Outdoor display and storage shall be permitted provided that the storage does not result in a safety hazard to subject property, adjacent property, pedestrians, or vehicles as determined by the City Manager.

§ 4.10. Conditional Use Permit Criteria.

4.10.01 Procedure and Criteria. A conditional use permit application follows the same procedures as a rezoning application. The Planning and Zoning Commission will review an application for conditional use with consideration of the following criteria, which may exceed the standards prescribed in Chapter 6, Site Development [and Design] Standards:

- A. Consistency with the Comprehensive Plan and conformance with applicable regulations in this Code.
- B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk, scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- C. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.
- D. Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.

4.10.02 Required Findings. The Planning and Zoning Commission makes a recommendation to the City Council, based upon its findings that:

- A. The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.
- B. That the proposed use will comply [with] each of the applicable provisions of these regulations.
- C. That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.
- D. That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed Site Development Regulations do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.
- E. The Commission has given due consideration to all technical information

supplied by the applicant.

- F. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

4.10.03 Establishment of Conditions. The Planning and Zoning Commission may establish conditions for approval, including, but not limited to:

- A. requirements for special yards,
- B. open spaces,
- C. buffers,
- D. fences, walls and screening,
- E. landscaping,
- F. erosion control,
- G. street improvements and dedications,
- H. regulation of vehicle ingress and egress and traffic circulation,
- I. regulation of signs, hours and other characteristics of operation,
- J. requirements for maintenance of landscaping and other improvements,
- K. establishment of development schedules or time limits for performance of completion, and
- L. any other conditions the Commission deems necessary to ensure compatibility with surrounding uses, preserving public health, safety, and welfare, and to enable the Commission to make its findings.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0728-07 adopted 7/28/20; Ordinance 2021-0427-02 adopted 4/27/21; Ordinance 2021-0727-01 adopted 7/27/21; Ordinance 2021-0824-03 adopted 8/24/21)

§ 4.11. Lot Design Standards.

4.11.01 Purpose. The purpose of this Section is to describe lot development standards for both residential and nonresidential lots. This section contains standards on lot size, minimum setback requirements, and maximum building heights in order to provide for a variety of housing and land development patterns and to meet the diverse needs of the current and future residents of Jarrell, all in a manner consistent with the goals and objectives set forth in the Comprehensive Plan. Chapter 6, Site Development [and Design Standards], has additional standards that pertain to both residential and nonresidential lots. Collectively, these standards exist in order to achieve a variety of housing and building types, as well as achieve the goals and policies identified in the City of Jarrell's Comprehensive Plan.

4.11.02 Applicability.

- A. This Chapter identifies minimum standards for areas both within the City limits and the ETJ. Lot design standards within the Jarrell City limits are categorized by Zoning District. Because zoning only applies to areas within the City limits, these standards are nonbinding guidelines for development in the ETJ. However, these lot standards shall apply to areas previously outside the City limits after they are incorporated and then zoned through annexation procedures.
- B. Lot sizes outside the City limits are also restricted by on-site wastewater treatment standards. Williamson County is the responsible entity for review and approval of applications for on-site wastewater treatment. For developments planning to utilize on-site treatment systems, please consult the Williamson County rules for On-site treatment standards.

4.11.03 Minimum Requirements. Every building erected (or moved) and every lot platted for development must conform to the following minimum requirements:

- A. Meet the minimum lot requirements of at least one type of lot described in this Chapter;
 - B. Have direct access to an approved public or private street or street right-of-way, as specified in this Code;
 - C. Provide safe parking and fire and police access; and
 - D. Meet the minimum dimensional, environmental, parking, landscaping, and water conservation requirements of this Code.
- E. Lot Design Standards

Lot Design Standards Table 4-11

	AG	SF-1	SF-2	SF-3	MF-1	MF-2	MH	C-1	C-2	C-3	MU	BP	I-1	I-2	PF
Min. Lot Area (square feet)	3 acres	1 acre	5,500	3,500	10,000	15,000	3 acres	-	-	-	-	-	-	-	-
Min. Lot Width (feet)	100	50	45	30	50	50	100	50	50	50	50	50	50	50	50
Min. Front Setback (feet)	50	20	20	20	15	15	25	15	15	25	15	25	25	25	25
Min. Rear Setback (feet)	50	20	10	5	10	10	10	0	0	15	10	10	10	10	10
Min. Rear Setback Adjacent to Residential (feet)	-	-	-	-	-	-	20	20	20	25	25	25	35	50	10
Min. Side Setback (feet)	50	10	5	0	10	20	10	5	5	15	15	10	10	15	10
Min. Side Setback Adjacent to Residential (feet)	-	-	-	-	-	-	15	15	15	15	20	20	25	50	10
Min. Street Side Setback (feet)	50	15	10	5	15	20	20	15	15	25	15	25	25	25	10
Max. Density (dwelling units per acre)	-	-	-	-	20	30	-	-	-	-	-	-	-	-	-
Max. Height (feet)	35	35	35	40	35	45	35	40	60	90	90	60	60	60	60

F. Lot Area & Lot Width Interpretations

- i. Minimum Residential Lot Width. Residential lots on cul-de-sacs and eyebrows may have a reduced minimum lot width of 25' at the front property line so long as the ultimate lot width is met at the front setback line.
- ii. Special Lots. Lots reserved by plat for special purposes such as those outlined below and defined in Section 1.13 shall be exempt from the requirements of Table 4-11:
 - a. Open space lots;
 - b. Landscape lots;
 - c. Drainage lots;
 - d. Median lots;
 - e. Utility lots; and
 - f. Access lots.
- iii. Lots on cul-de-sacs and eyebrows may have a reduced minimum lot width of 25' at the front property line so long as the ultimate lot width is met at the front setback line.
- iv. Residential lots with frontage on an arterial street shall also have frontage on a local street or alley so that such lot(s) have vehicular access not only to an arterial.
- v. Special Lots. Lots reserved by plat for special purposes such as those outlined below and defined in Section 1.13 shall be exempt from the minimum lot area and minimum lot width standards of Table 4-11:
 - a. Open space lots;
 - b. Landscape lots;
 - c. Drainage lots;
 - d. Median lots;
 - e. Utility lots; and
 - f. Access lots.

G. Setback Interpretations

- i. No building, structure, or other development feature shall be located within a required setback or yard unless otherwise specified in this section. Permitted encroachments into setbacks include:
 - a. Landscape features;
 - b. Drive aisles;
 - c. Driveways;
 - d. Sidewalks;
 - e. Uncovered patios;
 - f. Minor utilities;
 - g. Mechanical equipment;
 - h. Stormwater ponds;
 - i. Sills, belt courses, cornices, buttresses, chimneys, flues, eaves and other architectural features provided that such features do not extend further than 18 inches into any required setback.
 - j. Other features as determined by the City Manager or his designee.

H. Townhouse Development.

- i. There may not be more than 8 dwelling units per row of townhomes.

- ii. Between connected units of townhouses the side setback shall be reduced to zero. Side setbacks of Table 4.11 are required adjacent to end units on rows of Townhouses.
 - iii. Townhouses with rear loaded parking and access may reduce the front setback to (5) feet.
- I. Zero-Lot Line Development.
 - i. Zero-lot line single-family development is permitted in the SF-1, SF-2, and SF-3 zoning districts.
 - ii. The side setback one side of a lot may be reduced to zero (0) feet so long as the side setback on the not zero-lot line side of the lot is twice the required size of the side setback from Table 4-11.
- J. Rear Loaded Development.
 - i. In the SF-1, SF-2, and SF-3 districts. For rear loaded development, the following standards apply:
 - ii. In SF-2 and SF-3, the minimum lot size does not apply.
 - iii. The front setback is reduced to ten (10) feet.
 - iv. If utility services are provided in the rear of the lot, the minimum front setback is reduced to zero (0) feet.
- K. Accessory Building Standards
 - i. Accessory buildings on residential lots shall meet all front and side yard requirements for primary structures. However when the accessory building is located behind the rear facade of the primary structure, then it may meet the following setback:
 - ii. If the accessory building is two hundred (200) square feet or less in area and eight (8) feet or less in height, then it shall be set back a minimum of three (3) feet from the property line.
 - iii. If the accessory structure is greater than two hundred (200) square feet in area or eight
 - iv. (8) feet in height, then it shall be set back one (1) additional foot from the property line for each one (1) foot in height up to the minimum setback for a primary structure.
 - v. Notwithstanding the above, any garage or carport shall be set back a minimum of ten (10) feet from a right-of-way.
 - vi. Accessory dwelling units are not subject to these requirements.
- L. Portable Building Standards.
 - i. No portable storage building shall be erected in any required setback area; provided, however, that a portable storage building on a single-family residential lot may be excluded from this requirement if the City Manager or his designee determines that the portable building does not require a building permit and that a minimum unobstructed setback distance of five (5) feet is maintained between the primary residential building and the portable building.
 - ii. In such cases, the portable building must be located at a minimum distance of three (3) feet from the property line.

4.11.5 Lot Numbering. All lots must be numbered consecutively within each block.

- 4.11.6 Blocks. Blocks shall be laid out to provide effective connectivity within and among subdivisions and neighborhoods. The total block length in any case shall not exceed one thousand three hundred and twenty (1,320) feet except in Nonresidential, Multifamily, and Agricultural Residential Zoning Districts, where the block length may not exceed ten (10) times the minimum lot width permitted in the district.

. § 4.12. Wireless Transmission Facilities.

A Wireless Transmission Facility (WTF) is permitted in accordance with Table 4-11. Wireless Transmission Facilities are allowed, without a Conditional Use Permit, on existing towers or tanks, utility, lighting standard, sign support or other appropriate structures provided that the antenna or related equipment or structures do not exceed, by 10 feet, the lesser of the height of the structure or the height limits of the highest permitted structure in the district in which it is located.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0128-06 adopted 1/28/20; Ordinance 2021-0427-02 adopted 4/27/21)

§ 4.13. Nonconforming Uses.

4.13.01 Purpose. Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this Code when it is adopted, or when any amendments thereto, take effect.

4.13.02 Description.

- A. Any use of property existing at the time of the passage of this section of the Code that does not conform with the regulations prescribed in the preceding sections of this Code shall be deemed a nonconforming use, except that any single-family, duplex, or apartment use existing at the time of passage of this Code shall be thereafter deemed a conforming use.
- B. The lawful use of land existing at the time of the passage of this Section of the Code, although such use does not conform to the provisions hereof, may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) consecutive months, any future use of said premises shall be in conformance with the provisions of this Code.
- C. The lawful use of the building at the time of the passage of this ordinance may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification; provided, however, that in the event that a nonconforming use of a building is once changed to a nonconforming use of a more restricted classification, it shall not later be reverted to the former lower or less restricted classification (e.g., from C1 to SF2).

- D. The right to maintain the nonconforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the City Council, be reasonably required for the protection of adjacent property.
- E. A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) percent of its value, the building inspector shall issue a permit for reconstruction. If greater than fifty (50) percent and less than the total, the City Council, may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- F. A violation of this code provision and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.
- G. Notwithstanding any other provisions of Chapter 4, any legal non conforming use of property existing as of the date of adoption of this Code that does not conform with the regulations prescribed in the UDC of the City of Jarrell, shall be deemed a nonconforming use, subject to the provisions contained in this section.
- H. The lawful conforming use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued as a conforming use, but if said use is discontinued for a period of time in excess of six (6) months, any future use of said premises shall be in conformity with the provisions of the current regulations relating to the zoning district in which the property is located.
- I. If such conforming use is changed to a use otherwise authorized in said zoning district, then such premises may be used thereafter only for a use authorized in the zoning district where the premises are located.
- J. The use authorized herein as a conforming use may not be changed to another use not authorized by the use regulations in the zoning district where the premises are located.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0128-06 adopted 1/28/20; Ordinance 2021-0427-02 adopted 4/27/21)

§ 4.14. Vested Rights.

- A. Applicability. The provisions of this Section apply to any Application for Development Approval in which the Applicant claims an exemption from any provision of this Chapter based on common law or statutory vested rights.
- B. Criteria. Common law vested rights shall be acknowledged by the City Council or its designee after consultation with the City Attorney if the applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in subsection C, below. A request for such an acknowledgement must include documents establishing the criteria listed below together with an application review fee to offset the City's costs. The City Manager may request additional relevant material prior to issuing the acknowledgement. The applicant for common law vested

rights must show compliance with the following criteria for the specific project to obtain such rights:

1. In reliance upon properly issued permits or approvals the applicant made substantial financial commitments or assumed substantial financial obligations within the purview of the activities authorized by said permit or approvals; and
 2. The applicant proceeded in good faith, and no approvals or permits have lapsed or been revoked; and
 3. The applicant has sufficiently and legally established any other factor that may demonstrate vested rights under State or Federal law.
- C. Statutory Vested Rights. No Vested Rights Determination that is requested as a basis for approval of an Application for Development Approval shall be issued unless the applicant demonstrates entitlement to common law vested rights as provided in subsection B above and demonstrates compliance with the following criteria for statutory vested rights:
1. The applicant used its property or filed an application as provided in Texas Local Government Code section 43.002 prior to annexation by the City of Jarrell, and the regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code section 43.002(c).
 2. The applicant filed an application as provided in Texas Local Government Code chapter 245 prior to adoption of the regulations pursuant to which vested rights are claimed, that the regulations which are the basis for the claim of vested rights are not subject to an exemption as provided in Texas Local Government Code section 245.004 and that the project has not become dormant as defined in Texas Local Government Code section 245.005 and this Chapter.
- D. Consent Agreements. Any Applicant for a Vested Rights Determination may apply for Consent Agreement Approval provided that the requirements of 4.15.D.1 are satisfied or the required approval is for one (1) or more, but less than all phases of the proposed development. An application for Consent Agreement Approval may be approved subject to compliance with requirements of a Consent Agreement. An application for a Consent Agreement Approval may be filed concurrent with an Application for a Vested Rights Determination, or at any time prior to approval of a final decision relating to an Application for a Vested Rights Determination by the City Attorney or the City Council.
1. Terms and conditions. Consent Agreement shall be signed by the City Attorney, the City Manager, and the Applicant and shall include the following terms and conditions.
 - i. A legal description of the subject property and the names of the legal and equitable owners;
 - ii. The duration of the consent agreement and the conditions that will result in revocation;
 - iii. The uses permitted on the property, including population densities and/or building intensities and height;
 - iv. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed,

will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;

- v. A description of any preservation or dedication of land for public purposes;
- vi. A description of all development approvals, permits, or other local or State approvals needed for the proposed development;
- vii. A finding that the proposed development is consistent with the Master Plan and the relevant provisions of this Chapter;
- viii. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;
- ix. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable local, state and federal laws
- x. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development; and
- xi. A statement that the City Attorney and City Council or its designee shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement.

2. Failure to comply with Consent Agreement. If the City Council finds, on the basis of substantial competent evidence, that the applicant has failed to comply with the terms of the Consent Agreement, the Consent Agreement may be revoked or modified by the City Council after a public hearing which has been noticed by publication, and for which written notice has been expressly provided to the Applicant.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0128-06 adopted 1/28/20; Ordinance 2021-0427-02 adopted 4/27/21)

§ 4.15. Recognition of Vested Rights Derived From Texas Local Government Code Chapter 245.

4.15.01 Purpose. This section provides a methodology for the registration of permits, and permit applications, with the City Manager so that a determination can be made as to whether the permit, or permit application is one that would afford a project with the “vested rights” as provided in Chapter 245 and section 43.002 of the Texas Local Government Code. The purpose for such registration and determination is to assist City Staff in their review of the applicability of Chapter 245 or section 43.002 to a particular project. This section shall not apply to a claim of right under common law, a federal or state statute, other than Chapter 245 or section 43.002, or the state or federal constitutions. Any claim of right made under any law or authority, other than Chapter 245 or section 43.002, shall be made to the City Manager in writing. The City Manager shall advise the City Attorney of the claim, and the City Attorney shall make a determination of the validity of the claim within twenty (20) days of its receipt by the City; provided, however, that the twenty (20) day period shall not begin to run until all requisite information to support the claim has been submitted. Additionally, as provided in subsection (g) [sic] of this section, this section shall not apply to the types of ordinances, or other governmental action, enumerated in V.T.C.A. Local

Government Code section 245.004 or exempt from the requirements of Local Government Code section 43.002.

4.15.02 Vested rights recognition process.

- A. Initiation. An application may be made to the City Manager for recognition of vested rights for a particular project by completion of a form provided by the City Manager that indicates which permit or permits are being relied upon by the applicant for establishment of vested rights. The applicant shall provide the City Manager with a completed application together with a permit application review fee required by the City and two (2) copies of any documents applicant is relying upon to establish vested rights.
- B. Review and Approval.
 - 1. After receiving an application for recognition of vested rights, the City Manager shall review the application and approve, deny or request additional information to be provided by the applicant for consideration within twenty (20) working days. Should the permit, which is the basis for vested rights recognition, have been issued by a governmental agency other than the City, the City Manager shall request the City Attorney to determine whether the permit establishes rights under Chapter 245 of the Texas Local Government Code. In the event the City Manager does not respond to an application for vested rights within twenty (20) working days, the application will be considered denied. Provided, however, the time period may be extended upon the written request of the applicant. Upon review of the application, if the City Manager finds that the applicant has provided sufficient information to establish that one (1) or more legally sufficient and applicable permit(s) exists on a project, the City Manager shall issue a certificate to the applicant recognizing vested rights for the project which shall be dated and signed by the City Manager. The City Manager shall review all certificates prior to issuance to ensure it clearly indicates the term and conditions (indicated above) required for the continuation of the recognition of the vested rights. In the event the City Manager requests additional information for consideration of an application, the applicant shall be notified in writing within the required time period of specifically what information must be submitted in order to complete the review of the application.
 - 2. Should the application be denied, the City Manager may enumerate in writing any and all reasons for such denial, which shall be delivered to the applicant within the time period allowed for review.
- C. Recordation. The City Manager shall create a file of all certificates issued pursuant to this Section of the Code that will be available for the public's review during regular business hours. At a minimum the file should contain all certificates issued for a three-calendar year period and should be reviewed annually to remove certificates more than three (3) years old. Certificates more than three (3) years old may be made available in conformance with the Public Information Act.
- D. Vested rights recognition process appeal. In the event an applicant for recognition of vested rights is denied recognition of a vested right by the City Manager and is aggrieved by such action or by the application of the above requirements, the applicant may appeal the decision of the City Manager to the City Council by filing a request for appeal with the City Manager within fifteen (15) calendar days from the date the applicant is notified of the adverse

decision or action taken. The application for appeal shall be made in writing and shall contain the applicant's factual and/or legal rationale for the appeal. The City Manager shall place the appeal on the next agenda of the City Council and the City Council shall hold a hearing on the appeal and make its ruling within thirty (30) days from the date the hearing is held by the City Council. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the City Council and comply with the requirements of the Texas Open Meetings Act. The decision of the City Council shall be final.

- E. Variance. An individual, or business entity, that has applied for a vested rights determination may request a variance from the time limit, required action, or term that would otherwise cause the vested rights to expire. An individual requesting a variance shall make written application to the City Manager and pay the required fee[.] A request for variance shall identify the specific provisions for which a variance is being requested and the reasons that justify granting the variance. The City Manager shall review the application for variance and provide a written recommendation with regard to whether the variance should be granted, conditionally granted or denied to the City Council within thirty (30) days from the date the application for variance is filed. In the event the City Council fails to make a ruling on the variance within sixty (60) days from the date the application for variance is filed, the application for variance shall be deemed denied. Provided, however, the time period may be extended upon the written request of the applicant. In order to grant a variance from the provisions of this section, the City Council must find, that:
- i. The applicant would suffer a hardship in the absence of a variance that is not the result of the applicant's own negligence; and
 - ii. The applicant has been actively and diligently attempting to pursue and complete development of the project that is the subject of the vested rights; and
 - iii. Compliance with rules and regulations that were enacted after the application for recognition of vested rights would cause a substantial economic hardship to the developer/property owner that would preclude the capability of completing the project in a reasonable and prudent manner.

The City Manager shall schedule the hearing of the appeal at the earliest regularly scheduled meeting of the City Council that will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council shall be final.

- A. Exemption from vested rights. The types of ordinances enumerated in Local Government Code section 245.004 are exempt from this section and will apply to a project or development regardless of the effective date of the ordinance or the existence of vested rights for the project.
- B. Future ordinances. Any ordinance that concerns the development of real property and is adopted after the adoption of this Code, which incorporates this section into the Code, may specifically state whether it is the type of ordinance that is exempted by section 245.004. However, the absence of such a statement shall not be determinative as to whether the ordinance is or is not exempted.
- C. Existing ordinances. This section shall not be applicable to any ordinance that concerns the development of real property; as adopted prior to the adoption of this chapter and is exempted by section 245.004 from the protection provided by

Chapter 245.

- D. Determination by City Attorney. Should a question arise as to whether an Ordinance is exempted from Local Government Code Chapter 245 the City Manager shall request an opinion from the City Attorney and the City Attorney shall render a decision.
- E. Duration. This section shall not extend the time of validity for any permit. Any rights recognized by the application of this section shall not extend beyond the time periods prescribed for the validity of the permit or permits that were submitted for recognition except by the granting of a variance from the time limit as provided herein.
- F. Voluntary Compliance. Nothing herein would prohibit any applicant from the voluntary compliance with any future ordinance, regulation or incentive.
- G. Chapter 245 of Texas Local Government Code adopted. Chapter 245 of the Texas Local Government Code, as adopted in 2001 by the 77th Legislature, Regular session is hereby adopted and incorporated by reference herein. Should Chapter 245 be repealed by the Legislature it shall remain effective as part of this Code for one year from the date of such repeal. During said period City Council shall take action it deems necessary to provide municipal protection for ongoing projects from the adverse impact of unanticipated subsequent regulations.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0128-06 adopted 1/28/20; Ordinance 2021-0427-02 adopted 4/27/21)

§ 4.16. Dormant Projects.

- 4.16.01 Purpose. The purpose of this Section is to provide an expiration date for Permits, approved prior to this adoption of this Section, which lack an expiration date, as provided in Texas Local Government Code section 245.005.
- 4.16.02 Applicability. The provisions of this section apply to any Permit if as of the first anniversary of the effective date of Chapter 245 of the Texas Local Government Code:
 - A. the permit does not have an expiration date; and
 - B. no progress has been made towards completion of the project, as defined in Texas Local Government Code section 245.005.
- 4.16.03 Expiration of Dormant Projects. A dormant project, as defined in subsection 4.17.02, above, shall expire on one of the following dates, whichever comes later:
 - A. The fifth anniversary of the effective date of Chapter 245 of the Local Government Code; or
 - B. The expiration date established by applying the subsection discussing regulations pertaining to the Permit as established in Chapter 3 Applications and Permits; or
 - C. The expiration date for a Permit subject to section 4.16 of this Chapter for

any eligible Permit as set forth in section 4.16.

(Ordinance 2018-03-27-01 adopted 3/27/18; Ordinance 2020-0128-06 adopted 1/28/20; Ordinance 2021-0427-02 adopted 4/27/21)