



THE CITY OF

JARRELL

ORDINANCE NO. 2024-0206-02

AN ORDINANCE OF THE CITY OF JARRELL, TEXAS, UPDATING CHAPTER 1, ALSO KNOWN AS “GENERAL PROVISIONS”. CHAPTER 2 ALSO KNOWN AS “REVIEW AUTHORITY AND PROCEDURES”, CHAPTER 3 ALSO KNOWN AS “APPLICATIONS AND PERMITS”, CHAPTER 5 ALSO KNOWN AS “SUBDIVISION, INFRASTRUCTURE, AND PUBLIC IMPROVEMENTS”, CHAPTER 6 ALSO KNOWN AS “SITE DEVELOPMENT AND DESIGN STANDARDS, AND CHAPTER 7 ALSO KNOWN AS “ENFORCEMENT AND COMPLIANCE” OF EXHIBIT 9A IN THE UNIFIED DEVELOPMENT CODE. 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 Chapters 1,2,3,5,6, and 7 of Exhibit 9A in 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:

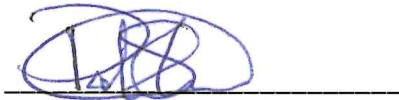
SECTION I. Severability. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of 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 All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

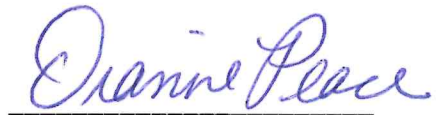
SECTION III. Effective Date. This Ordinance shall take effect **March 5th, 2024.**

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 1.00 General Provisions

§ 1.01. Purposes and Intent.

The purpose of the Unified Development Code (UDC or Code) is to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City of Jarrell. (Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0728-07 adopted 7/28/20)

§ 1.02. Consistency with Comprehensive Plan.

The City of Jarrell's Comprehensive Plan, as adopted and as amended and periodically updated, is the policy guide for the development of the Unified Development Code. The following General Land Use Policies from the Comprehensive Plan have been used in the development of this Code to ensure that land development within the City of Jarrell jurisdictional area is in accordance with the City of Jarrell Comprehensive Plan:

1.02.01 Manage Growth that is compatible with the Vision of Jarrell.

- A. New developments must be compatible with existing development and community character.
- B. Priority Growth Areas should be recognized and planned for by developing an infrastructure plan to encourage development in specific areas of the community.
- C. New development must occur in a fiscally responsible manner for the City.
- D. The city should encourage desirable development and construct infrastructure in an economically feasible way that is conducive to surrounding areas.

1.02.02 Protect the environment.

- A. Preserve and protect waterways and floodplains.
- B. Preserve and protect surface and ground water resources and hydrologically-active areas.
- C. Cooperate with area governmental entities to ensure water quantity.
- D. Preserve and protect air quality.
- E. Promote and incentivize water conservation practices.
- F. Promote awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation.

1.02.03 Design of Buildings should be compatible with existing buildings and Vision for Jarrell.

- A. Architectural control is important, within reason, and should encourage growth by giving protection to investors who are considering investing in commercial development in Jarrell.
- B. Regulations on commercial development should be intelligently crafted, so as to encourage economic development by providing predictability, continuity, and protection for investments that would be enhanced by orderly and attractive growth.

1.02.04 Signage should not deter from the beauty of the City.

- A. New off-premises signs are not allowed.

1.02.05 Promote Clean Industrial Development in Appropriate Locations.

1.02.06 Promote and Appropriate Levels and Location of Multifamily Housing Development.

1.02.07 Effectively Manage Manufactured Housing Development.

1.02.08 Preserve and protect Jarrell's rich heritage.

- A. Preserve and enhance historic areas throughout the City[.]
- B. Preserve the community character (e.g., residential street setbacks and layouts)[.]
- C. Preserve significant archaeological sites throughout Jarrell.
- D. Downtown development should be clean, under any scenario.
- E. Develop incentives for improving and maintaining historic structures.
- F. Designate a Downtown District.
- G. Develop Compatibility Standards.
- H. Develop a Downtown District Sign Ordinance.

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

§ 1.03. Authority.

Chapter 2 sets forth the specific responsibilities and authority for each administrative official and review entity as it relates to the implementation of this Code. Chapters 211 and 212 of the Texas Local Government Code together with the general police powers of municipalities empower the City to adopt this Unified Development Code.

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

§ 1.04. Jurisdiction.

1.04.01 Within City Limits and Extraterritorial Jurisdiction (ETJ). Within the City Limits and Extraterritorial Jurisdiction (ETJ). The City of Jarrell shall be the preliminary platting authority in the City's ETJ per the regulations set forth in the 1445 Interlocal Agreement with Williamson County. Further information about how procedures and regulations of this Code apply to the extraterritorial jurisdiction is found in Chapter 3.

1.04.02 Within City Limits. The City of Jarrell has the statutory authority to exercise a broad range of powers within its city limits. Pursuant to such authority, all chapters and sections of

the UDC shall apply to all areas within the city limits of Jarrell. All structures, land uses constructed or commenced after the effective date of the UDC and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring after the effective date of the UDC are therefore subject thereto.

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

§ 1.05. Applicability.

1.05.01 Future Development. This Code shall apply to all matters pertaining to the use and development of land within the jurisdiction described in Section 1.04 above. The Code applies to all public buildings and private land(s), and use(s) thereon, over which the City has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States.

1.05.02 Existing Development. Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated in the City of Jarrell except in compliance with the provisions of this Code; and then only after securing all required permits and licenses. Any building, structure, or use lawfully existing at the time of passage of this Code, although not in compliance therewith, may be maintained as provided in Chapter 4, Zoning, Section 4.15 [4.14], Nonconforming Uses.

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

§ 1.06. Minimum Requirements.

- A. The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and general welfare.
- B. Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the City Council will apply.
- C. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

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

§ 1.07. Effective Date.

This Code shall become effective and be in full force and effect immediately following its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

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

§ 1.08. Severability.

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.

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

§ 1.09. Projects in Transition.

The purpose of this section is to provide guidance to those development projects that have received some form of municipal approval prior to the date of enactment of this Code. More detailed information regarding Vested Rights and Nonconforming uses can be found in Chapter 4.

1.09.01 Projects in Construction.

- A. Building Permits. Nothing in this Code shall require any change in plans, construction, size or designated use of any building, structure, or part thereof that has been granted a building permit prior to the effective date of this Code, or any amendment to this Code, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.
- B. Approved Site Plans. Nothing in this Code shall require a change in site plan approved prior to the effective date of this Code, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.
- C. Violations Continue. Any violation of the previous zoning and sign ordinances or subdivision and site development regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 6 [7], Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred prior to the effective date of this Code.

1.09.02 Expiration of Plats. Any minor plat, replat, amending plat, preliminary plat, or final plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of Texas LGC section 245.005 will expire as deemed by Texas LGC.

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

§ 1.10. Annual Updates or Amendments.

- A. The purpose of this section is to provide guidance for annual updates to the Code in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.
- B. In the sixty (60) day period prior to September 1st of each year, any person may provide a request for amendment to the Code to the City Secretary. The request for amendment shall be labeled an “Annual Update Request” and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments. Annual Update Requests shall serve a legitimate purpose.
- C. The City Secretary shall receive the proposed amendments within the sixty (60) days preceding September 1st and shall refer the proposed amendments to the Planning and Zoning Commission by October 1st of each year.

- D. The Planning and Zoning Commission may conduct workshops to informally discuss the Annual Update Requests with interested neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
- E. The Planning and Zoning Commission shall refer the Annual Update Requests to the City Council with recommendations for amendments to the Code by December 1st of each year.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0728-07 adopted 7/28/20)

§ 1.11. Violations.

See Chapter 6 [7], Enforcement.

§ 1.12. 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 Code or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this Code or a variance or modification granted pursuant to this Code.

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

§ 1.13. Definitions.

§ 1.13.01 Purpose.

The purpose of this chapter is to define words, terms, and phrases contained within this Unified Development Code, unless otherwise specifically defined elsewhere herein.

§ 1.13.02 Word Usage.

- A. In the interpretation of provisions in this Code, the rules of this chapter shall be observed and applied, except when the context clearly indicates or requires otherwise. In case of a conflict between this chapter and the text of this Code, an interpretation shall be made by the City Manager.
- B. For the purpose of this Code, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with adopted building codes, the City Code of Ordinances or their customary usage and meaning.
- C. Random House Webster's Unabridged Dictionary may be referenced to determine the meaning of terms not otherwise defined within this chapter, subject to approval of interpretation by the Director.
- D. Terms found in this Code may be defined in this chapter in alternate order. For example, "Senior Activity Center" may be listed here as "Activity Center, Senior."

§ 1.13.02 Definitions.

The following definitions describe terms found in this Code.

Abutting. Sharing a property line or common border or a portion of a property line or common border.

Access. A means of vehicular entry to or exit from property.

Accessory. A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

Accessory Building. See "Structure, Accessory".

Accessory Dwelling Unit. See "Dwelling Unit, Accessory".

Accessory Use. See "Use, Accessory".

Acre. A land area of 43,560 square feet.

Acreage, Net The remaining area after all deductions are made, including streets, easements for access, and street dedications.

Acreage, Net Residential. The acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

Activity Center, Senior. Senior centers of a public, nonprofit or charitable nature providing fraternal, social, and/or recreational programs generally open to the public and generally designed to accommodate and serve the retired or elderly segment of the community. Accessory uses may include offices, meeting areas, food preparation areas, and day care uses.

Activity Center, Youth. Youth club facilities of a public, nonprofit or charitable nature providing social and/or recreational programs generally open to the public and designed to accommodate and serve the adolescent segments of the community. Accessory uses may include offices, meeting areas, food preparation areas, day care uses, and athletic facilities.

Adjacent. Abutting and directly connected to or bordering.

Adjoining Property. Property that touches, abuts, or is adjacent to the subject property.

Administrative Official. A City staff member who has been appointed or assigned the positions listed in Section 2.03.02 of this Code.

Advertise. To make something known or to draw attention to.

Agricultural Sales. An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods.

Agricultural Use. See "Use, Agricultural".

Airport. A facility or area of land reserved, designed and improved for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including all necessary facilities for the housing, maintenance, safety, and security of aircraft, such as hangars, facilities for refueling and repair, and other related accessory structures, as well as various accommodations for passengers, baggage, or freight.

Alley. See "Street, Alley".

Alley Loaded. See "Rear Loaded".

Alteration. Any exterior change or modification in the architectural appearance and design, other than cosmetic or decorative, or in supporting members of a building, such as bearing walls or partitions, columns, beams or girders; or a complete rebuilding of the roof or the exterior walls. Alteration also includes the removal, stripping or concealing of any significant exterior architectural feature that is integral to the historic character of a building or structure that is designated as a local historic landmark

or contributing to the historic district. "Alteration" does not include modifications that qualify as "ordinance maintenance and repair" as this term is defined in this Code.

Amenity. Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g., a swimming pool or tennis courts), security systems, views, landscaping and tree preservation, or attractive site design.

Amenity Center. See Neighborhood Amenity, Activity or Recreation Center.

Amphitheater. An outdoor structure consisting of rising rows of spectator seats where musical, athletic, drama, and other forms of entertainment are held.

Animal Husbandry. The raising, care, breeding, judging and/or production of farm animals or production of animal products, such as meat, fur, or eggs. The incidental processing of animals may be an accessory to this use.

Animal Shelter. A public, nonprofit or not-for-profit facility at which stray, lost, homeless, abandoned, or unwanted dogs, cats, or other domesticated animals are kept for purposes of distribution to the general public.

Annexation. the process by which a city extends its municipal services, regulations, voting privileges and taxing authority to new territory.

Antenna. Any device used to collect or radiate radio waves, microwaves or electromagnetic waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for commercial use.

Apartment. A structure that contains four or more dwelling units that share common walls, floors or ceilings with one or more dwelling units. The land underneath the apartment structure is not divided into separate lots. See also "Multifamily, Attached Dwelling Units."

Appeal. A process by which an aggrieved person may request for review of a decision made during the application of a provision of this Code.

Applicant. A person applying for development-related approval of any type under this Unified Development Code.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission of the city for development review, approval, or permitting purposes.

Aquaculture. The farming or cultivation of freshwater or saltwater aquatic organisms, such as fish, shellfish, mollusks, crustaceans, and aquatic plants, in a controlled environment.

Aquifer. An underground bed or layer of permeable rock that retains groundwater. An aquifer often releases water to the surface through the form of springs or artesian wells.

Ambulance Service, Private. A privately owned emergency or non-emergency transportation service engaged in the transportation of patients that provides mobile medical care.

Architectural Feature. An architectural element attached to, contiguous to or otherwise related to a building, structure, or property including, but not limited to, awnings, pillars, posts, windows, doors, lights, overlays, moldings and other fixtures.

Articulation. An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance or a differentiation in the height of the wall surface.

Artisan Studio and Gallery. An establishment for the creation, preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items that are either made to order or which involve considerable handwork. Artisans shall include sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers. On-site sale of the product is required and accessory uses may include instruction of the particular skill to groups not exceeding five persons and sale of supplies directly related to the trade. This use excludes cabinet making or assembly shops and the use of mechanized assembly line production.

As-Builts. Plans and specifications that clearly denote all final construction.

Asphalt or Concrete Batch Plant. A permanent manufacturing facility engaged in the storing and mixing of raw materials to produce concrete or asphalt, including trucks that transport the product to job sites.

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

Athletic Facility, Indoor or Outdoor. An area, field, building or combination thereof, which is constructed and equipped for use in participatory and/or spectator-oriented sports and athletics. This use includes, but is not limited to, facilities intended for the instruction, practice, and competitive events associated with basketball, volleyball, soccer, tennis, gymnastics, swimming, baseball or football. Accessory uses may include offices, snack bars, limited sales, locker rooms and incidental childcare. This term excludes racetracks for dirt bikes or motorized vehicles, amusement parks, sports arenas, and any other facility otherwise categorized as Major Event Entertainment.

Automobile. A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Also includes vehicle or motor vehicle.

Automobile Parts and Accessory Sales. Retail sales of automobile related parts and accessories. The outdoor storage or display of merchandise shall only be allowed in those districts where Automobile Parts and Accessory Sales, Outdoor is permitted.

Automobile Rental or Leasing Facility. A facility engaged in the rental of automobiles, noncommercial trucks or motorcycles, including incidental storage and limited servicing.

Automobile Repair and Service, General. General repair or replacement services for any vehicles, including commercial. In addition to those services provided under limited automobile repair and service, general automobile repair and services includes rebuilding, reconditioning or replacement of engines, transmissions or power trains; collision services such as body, frame, or fender replacement, straightening or repair; steam cleaning, undercoating and rust proofing; major painting; or similar

servicing, rebuilding or repairs that normally require significant disassembly or overnight on-site storage of vehicles, excluding dismantling, wrecking, or salvage. Outdoor storage of materials such as tires, auto parts, etc. is allowed.

Automobile Repair and Service, Limited. Minor repair or replacement services for automobiles, light trucks, motorcycles, trailers, recreational vehicles, and commercial motor vehicles. Services include engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires, transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstery or similar servicing or repairs not part of collision repair and normally not requiring any significant disassembly or overnight on-site storage of vehicles. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

Automobile Sales Facility. The sale of automobiles, commercial trucks, or motorcycles, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships or motorcycle dealerships.

Back-of-curb. The outside edge of an approved curb type not adjacent to a travel way. The basis of measurement for paved width and curb basis within this Code.

Banking and Financial Services. An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This term does not include "check cashing" or "payday loan" establishments.

Banner. Any sign or attention-getting device made of fabric, plastic, or other non-rigid material designed to hang from rope or wire or suspended from a pole and not mounted in a permanent, rigid frame.

Banner, Light Pole Mounted. Any flexible material mounted between two horizontal supports projecting at a perpendicular from a light standard in flag fashion. The term includes any rigid or semi-rigid sign face or lens mounted in a frame attached to the side of a light standard in a way to achieve the same effect.

Banner, Street. Any banner hung over or across a city street or other public right-of-way.

Bar. A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, pubs, cocktail lounges, and similar uses other than a Restaurant.

Beacon. Any light, either permanent or portable and either stationary or moving, with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move, whose purpose is to attract attention.

Bed and Breakfast (B&B). A private residential structure(s) used for the rental of overnight accommodations and whose owner serves breakfast at no extra cost to its lodgers. In all designated zoning districts, the primary use of the property shall be residential with the Bed and Breakfast use considered an accessory use. The events associated with a Bed and Breakfast shall be subordinate to the Bed and Breakfast.

Best Management Practices. Schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the state from point and non-point sources to the maximum extent practicable. Best management practices also include treatment requirements,

§ 1.10 UNIFIED DEVELOPMENT CODE § 1.12
operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bicycle Lane. An on-street defined travel lane for the exclusive use of bicycles.

Block. One or more parcels together forming a unit of land bounded by through-streets, railroad rights-of-way, watercourses, public parks, cemeteries, rural land, or any other barrier to the continuity of development or any combination thereof. In cases where the platting is incomplete or disconnected, the Planning Director shall determine the outline of the block.

Blood or Plasma Center. A facility that obtains blood or blood plasma from voluntary donors.

Board of Adjustment. The board that has been created by the City Council to hear and determine Appeals of Administrative Decisions and Exceptions, Special Exceptions, Variances, and any other powers granted thereto by the State, City Charter, or this Code, pursuant to Section 2.03.04 of this Code.

Boarding House. See "Rooming House".

Bond. A sealed instrument under which a person or entity is obligated to pay an agreed-upon amount of money on or before a specified expiration date or action. Binding security; firm assurance.

Buffer Yard. A combination of physical spaces and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Build-to-Line. An invisible line located a precise distance from a right-of-way that a portion of a building must be built to, as established by certain zoning districts.

Buildable Area. The area of a lot available to be constructed upon after accounting for the required setbacks.

Building. A structure constructed, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

Building, Enclosed. A roofed building surrounded on all sides by walls.

Building Floor or Story. The part of a building from one floor to the next floor above or to the ceiling if there is no floor above.

Building Height. See "Height, Building".

Building Line. An invisible line parallel to any lot line that is established by the portion of a building that is closest to that lot line for the purposes of establishing the yard boundaries of a lot.

Building Official. The individual designated by the City Manager to ensure compliance with the adopted Building Codes of the City of Jarrell or the Building Official's designee.

Building Permit. An official document or certificate signed by the Building Official or designated employee authorizing performance of a specified activity.

Building, Principal or Primary. A building in which the primary use of the lot is conducted.

Building Scale. The perceived relative height and bulk of a building relative to that of neighboring buildings.

Building Wall. Any vertical partition under the roof of a dwelling unit or accessory structure.

Bus Barn. A facility where buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

Business Office, Temporary. The use of a structure, frequently a portable structure, to temporarily house the operations of a business while permanent facilities are being constructed.

Business or Trade School. See "School, Business or Trade".

Campground. Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. The maximum length of stay at a camping and recreational vehicle park shall be 30 days.

Canopy. An awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, fuel pumps, or outdoor area.

Car Wash, Full-Service. A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles, or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax, and/or detail the vehicle for a fee.

Car Wash, Self-Service. A facility for the washing, waxing, or cleaning of automobiles, recreational vehicles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. This term includes a wash facility providing automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed and a wash facility providing wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

Caretaker Residence. An accessory dwelling unit located on the premises of a non-residential use, which is used exclusively to house a caretaker, guard, or night watchman employed by the business to provide security.

Cemetery. A place or ground used or intended to be used for the burial or entombment of the dead, whether human or animal, including a mausoleum or columbarium.

Certificate of Occupancy. The written approval of the Building Official certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with this Code and all applicable Municipal building codes, fire code, and other adopted City regulations.

Church. See "Religious Assembly Facility".

Circulation System. A network of transit, automobile, bicycle, and pedestrian rights-of-way that connect origins and destinations.

City. The City of Jarrell, Texas.

City Council. The City Council of the City of Jarrell, Texas.

City Limits. The official corporate limits of the City of Jarrell, Texas.

City Manager. The chief administrative officer of the City, as appointed by the City Council or their designated representative.

City Secretary. That person holding the office of City Secretary, Jarrell, Texas, as appointed by the City Council or their designated representative.

Civic Use. See "Use, Civic".

Classroom. Any room, including laboratories, in which classes are conducted at a school, church, or other educational facility, but excluding hallways and other common areas, auditoriums, sanctuaries, gymnasiums, cafeterias, libraries, storage and maintenance areas, and administrative offices.

Classroom, Portable. A classroom(s) located within a building constructed off-site and placed at an educational facility on a temporary basis as permitted in Section 5.08 of this Code.

Code Enforcement. Duties designated by the City Manager to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards of this Code and other required building codes.

Collocation. Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure.

College. An educational institution or other institutions of higher learning that offers courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Accessory uses include offices, student housing, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

Commercial. A term used to describe activities that are non-residential and non-civic in nature and involve the exchange of goods and/or services.

Commercial Document Storage. A business providing off-site document or record storage, management, and retrieval services in a secure, temperature-controlled facility for commercial businesses or government entities.

Commercial Feed Lot. A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and which is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Commercial Message. A message that calls attention to a business, product, service, or other commercial activity.

Commercial Recreation. A privately established and operated facility that provides indoor or outdoor recreational opportunities for a fee, including batting cages, bowling alleys, miniature golf courses, roller- and ice-skating rinks, game courts, video arcades, pool halls, laser tag, skate parks, rock climbing walls, go kart tracks, and similar uses. Accessory uses may include snack bars, limited sales, and locker rooms. This use excludes outdoor firing ranges, stadiums, amphitheaters, amusement parks, country clubs, golf courses, camping and recreational vehicle parks, fairgrounds, and swim/tennis clubs.

Commercial Sales and Services. Non-Residential use for which the primary activity involves the sale of goods and/or services.

Commercial Use. See "Use, Commercial".

Commission. See "Planning and Zoning Commission".

Communication Tower. Any fixed, free standing, uninhabitable structure, not a shelter, built primarily to support antennas or other associated hardware. Communication towers include, but are not limited to the following:

1. Towers that are supported, in whole or in part, by guy wires and ground anchors are not allowed in the City.
2. Lattice towers which are self-supporting structures consisting of a network of crossed metal braces, forming a tower which is usually triangular or square in cross section; or
 1. Monopoles which are self-supporting structures consisting of a single pole sunk into the ground and/or attached to a permanent foundation.

Communications Facility. A facility supporting antennas and microwave dishes that sends and/ or receives radio frequencies signals. Communications facilities include structures or towers, accessory buildings, and ground base equipment.

Community Center. A building or complex of buildings typically consisting of one or more meeting or multi-purpose rooms and kitchen and/or outdoor barbecue facilities, owned and/ or operated by a governmental agency or private non-profit agency and used for and providing religious, fraternal, social, cultural, educational, athletic, recreational, or entertainment activities generally open to the public and designed to accommodate and serve significant segments of the community. Community centers may be available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Facilities. Facilities providing educational, recreational, social, and/or cultural activities which are open to the public.

Community Garden. A site used for growing plants for food, fiber, herbs, and/or flowers, which is shared and maintained by community residents.

Comprehensive Plan Roadway or Thoroughfare. A street or trail identified in the City's Overall Transportation Plan as an existing or future roadway needed to accommodate the current and future transportation needs of the community. Includes Major Collector, Minor Arterial, Major Arterial, and any identified public trail or railway.

Comprehensive Plan. The long-range development plan for the community approved by the City Council.

Concrete Products, Temporary. A temporary facility or area for the mixing and distribution of concrete or asphalt to serve a nearby development project during construction, to be removed when the project is completed.

Conditional Use. A permit that allows a use not automatically permitted by right to be located within a zoning district, upon approval by the City Council. A Conditional Use Permit may be subject to specific provisions contained in this Code and/or other conditions imposed by the City Council as a condition of approval.

Condominium. A form of real property ownership that combines separate ownership of individual apartments or units with common ownership of other elements such as land or accessory buildings.

Consent Agreement. An agreement between the City and owners and developers of land in a proposed district which, if agreed to, shall be attached to the consent resolution adopted by the City Council.

Consent Resolution. A resolution approved by the City Council setting forth terms of its consent to creation of a district.

Conservation Area. Open space areas that contain features which are required to be part of the Conservation Open Space, such as wetlands, endangered species habitat, etc.

Construction Field Office, Temporary. A temporary building used as an office for supervisory or administrative functions related to the construction of (1) new residential structures within the subdivision in which the construction field office is located or (2) a new commercial development on the tract on which the construction field office is located. A Construction Field Office shall not be used as a residence and shall not be constructed with sleeping facilities. RVs, motor homes, or mobile homes are not permitted or defined as a Construction Field Office.

Construction Plans. The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision or a site.

Construction Specifications and Standards Manual. Referred to often in this Code as the "Construction Manual," this City of Jarrell document includes standard details and specifications for the construction of public improvements.

Construction Staging, Off-site. The temporary use of property for activities related to the construction of public improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, storage of construction materials or product, and other uses as determined by the Building Official.

Consumer Repair. An establishment primarily engaged in the provision of repair services to individuals and households rather than firms. Typical uses include appliance repair, locksmiths, watch or jewelry repair, or musical instrument repair. This use excludes automotive and large equipment servicing or repair.

Consumer Retail Sales and Services. Group of commercial uses providing retail sales and services primarily to individuals, typically for frequently or recurrently needed services of a personal nature.

Contiguous. Adjacent property whose property lines are shared or are separated by only a property line, street, alley, easement, or right-of-way.

Contractor Services, General. An establishment primarily engaged in construction or related activities off-premises. This use includes offices associated with the business and the maintenance and indoor or outdoor storage of supplies, equipment, machinery, and vehicles.

Contractor Services, Limited. An establishment primarily engaged in construction or related activities off-premises. This use is limited to the offices associated with the business and the indoor incidental storage of supplies, and excludes the on-site maintenance or storage, temporary or otherwise, of equipment or machinery.

Correctional Facility. A facility providing judicially required detention or incarceration of individuals convicted of crimes where these individuals are housed until such time as they have completed their sentences. Such facilities include minimum- and maximum-security prisons for adults as well as juvenile detention centers for minors.

Council. See "City Council".

Country Club. A private recreational, social, and multi-purpose use generally associated with a private golf course for the benefit and enjoyment of members and their guests. Typically includes clubhouses, tennis courts, playgrounds, and swimming pools.

County. Williamson County, Texas.

Cul-de-Sac. See "Street, Cul-de-Sac".

Curb. A defined concrete edge of a street, which may or may not include a stormwater gutter.

Curb, Mountable. Also described as a rollover or roll-up curb, a Mountable Curb is a street border that has sloping faces that allow vehicles to easily encroach upon on them and is not considered a vehicular barrier curb. Mountable Curbs are considered a combined curb type that is the primary component of a stormwater conveyance system that carries alongside a roadway.

Curb, Ribbon. Also described as a lay-down curb, a Ribbon Curb is a street border that is generally flat and is not considered a vehicular barrier curb. Typically associated with sheet-flow or open ditch stormwater conveyance and does not carry stormwater laterally alongside a roadway.

Curb, Vertical. Also described as a stand-up curb or barrier curb, a Vertical Curb is a street border that is generally accepted as a safety barrier separating vehicular traffic from a building, sidewalk, or other area where vehicles are not desired. Typically paired with a defined stormwater conveyance gutter that carries stormwater laterally alongside a roadway.

Curb Basis. The dimensional area between the back of a street curb and the outside of the right-of-way.

Curb Stop. A concrete barrier secured to a parking stall to stop the tire of a moving vehicle.

Dairy. A commercial agricultural facility used for the production of milk and milk products, including the care, feeding, and raising of cows and/or goats.

Dance Hall. An establishment open to the general public for entertainment, in particular, dancing, but excluding any entertainment otherwise included in the definition of "Sexually-Oriented Business".

Data Center. A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

Day Care, Commercial. A day care facility that provides less than 24-hour care and supervision for six or more individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees. This term shall include commercial daycare for children, adults or handicapped persons. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

Day Care, Family Home. A home occupation in which an individual provides less than 24-hour care and supervision for six or fewer children under the age of 14, plus no more than six additional elementary school-age children (age five to thirteen). The total number of children, including those under the legal custody of the day care provider, is no more than 12 at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

Day Care Facilities. A group of uses providing care and supervision for children or adults.

Decision-Making Body or Authority. The entity that is authorized to finally approve or deny an application or permit required under this Code.

Dedication. The commitment of property interests from a private entity to a public entity for a public purpose.

Density. The overall average number of units located on the gross or net acreage.

Developed Area. That portion of a lot, easement, or parcel upon which a building, structure, pavement, or other improvements have been placed.

Developer. A person or entity partaking in an activity governed by this Unified Development Code including, but not limited to, division of land, erection or modification of buildings, construction of public improvements, or any other alteration of land or property subject to this Code. The term "developer" may include the terms "property owner", "subdivider", "applicant", and/or "builder" as the parties responsible for successive stages of a development project may vary.

Development. Initiation of any activity governed by this Unified Development Code related to land or property modification whether for imminent or future construction activities including, but not limited to, division of a parcel of land into two or more parcels; alteration of the surface or subsurface of the land including grading, filling, or excavating; mining or drilling operations; clearing or removal of natural vegetation and/or trees; installation of public infrastructure including utilities, roadways, and drainage facilities; and construction or enlargement of any building, structure, or impervious surface. Exclusions from this definition include maintenance of lawns, gardens, and trees; repairs to existing utilities; minimal clearing of vegetation for surveying and testing; and bona fide agricultural activities.

Development Agreement. An agreement approved by the City Council for a development that could not otherwise be accomplished under this Code or the Code of Ordinances. A Development Agreement may modify or delay certain requirements of this Code (including any Manuals adopted by reference in the Code) and/or any other provisions of the City Code of Ordinances.

Development Engineer. A professional engineer licensed by the State of Texas and designated to serve in the capacity of the Development Engineer for duties specified in this Code.

Director. The Director of the City's Planning and Development Department or their designated representative.

Director of Jarrell Utility Systems. This term shall include the Director of Jarrell Utility Systems, the Director's designee or other City personnel assigned the responsibilities referenced in these regulations.

District Size, Minimum. The minimum amount of total land required to establish a particular zoning district. A minimum district size is separate and distinctive from a minimum lot size and can be the collection of more than one lot or parcel.

Dormitory. See "Student Housing".

Drainage. (1) Surface water runoff; and (2) The removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

Drainage Engineer. A professional engineer licensed by the State of Texas and designated to perform duties specified in this Code.

Drainageway or Waterway. Any natural or man-made channel conducting storm water.

Driveway. A private travel way providing vehicular access from a street to the adjacent property.

Driveway, Non-Residential. A driveway serving typically non-residential development, including multi-family and townhouse uses.

Driveway, Residential. A driveway serving single- and two-family uses.

Driving Range. An outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

Dry Cleaning or Laundry Plant. A commercial facility at which clothes are brought to be dry cleaned, and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a dry-cleaning service outlet.

Dry Cleaning Service. An establishment engaged in providing laundry, dry cleaning and other related services on a pickup and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may take place at that facility. If laundering and/or dry cleaning of clothes from other service outlets take place, it shall be considered a "Dry Cleaning or Laundry Plant."

Duplex. A residential structure containing two attached dwelling units which share common walls and are designed exclusively for the use and occupancy of two families living independently of each other. The land underneath the structure is not divided into separate lots. See also "Single-family, Attached."

Duplex, Double. A separate or detached four-family residence, the first and second floors of which are each designed and arranged for use by two families separated by a vertical division wall, each unit of which is heated independently of the others. Each dwelling unit shall have its own separate, private means of ingress.

Dwelling or Dwelling Unit. A building or portion thereof that includes sleeping, cooking, eating, and sanitation facilities, designed and used for residential occupancy by a single household. Dwelling units do not include overnight accommodations.

Dwelling or Dwelling Unit, Accessory. A small separate dwelling unit, either detached or attached to the principal dwelling unit, which includes full kitchen facilities and living quarters. Often referred to as "guest homes", "granny flats", "garage apartments", or "mother-in-law units", accessory dwelling units are intended to be integrated into primarily single-family neighborhoods to provide housing alternatives for a variety of age groups and income levels with minimal impact on the character of the neighborhood.

Dwelling or Dwelling Unit, Principal. The main residential structure or part thereof on a lot or parcel.

Easement. A dedication by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction and maintenance of utilities, drainageways, driveways, and roadways.

Easement, Public Utility (P.U.E.) An easement located on private property and dedicated for the construction and maintenance of a public utility purpose, including drainage easements, utility easements, roadway easements, and access easements.

Educational Facilities. A group of uses including public and private schools at the primary elementary, middle, junior high, or high school level that provides basic academic education and colleges and other institutions of higher learning that offer courses of general or specialized study.

Edwards Aquifer. Aquifer formation in Central Texas consisting of a Recharge Zone, Contributing Zone, and Transition Zone, all of which are often preceded in name by "Edwards Aquifer". The boundaries of the Edwards Aquifer and its divisions are determined by the Texas Commission on Environmental Quality (TCEQ). If not specifically singled out by individual zone, "Edwards Aquifer" shall be determined to encompass all three zones collectively. Also see "Aquifer".

Egress. An exit.

Electronic Message Center. Any sign which contains an illuminated, programmable message or graphic, whether fixed in place or moving/changing ("traveling").

Emergency Services Station. Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Engineer's Report. A signed and sealed report by a registered professional engineer licensed by the State of Texas.

Environment. The physical conditions which exist within the area that will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

Erosion Control Measure. Those best management practices employed to prevent or reduce erosion or sedimentation and are typically necessary when ground disturbance occurs.

Erosion Control, Terracing. An erosion control method that uses small hills and contours of the land surface to control flooding and runoff.

Event Catering and Equipment Rental Services. An establishment providing large scale food catering services and the storage, rental, and supply of party, banquet, or event equipment, furnishings, or fixtures.

Event Facility. A building, structure, or site available for rental by the public for the primary intended purpose of hosting parties, wedding receptions, banquets, corporate meetings or similar group events. Event Facility does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., General Restaurant) or a Community Center as it is defined in this Code.

Existing Street Connection. A public street connection to an existing public street that ultimately connects in two or more locations to a Major Street.

Exterminating Services. See "Pest Control Services".

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not part of any other municipality, which is outside of and contiguous to the corporate limits of the City of Jarrell, as defined and established in accordance with Texas Local Government Code Chapter 42.

Farm. Land used for the growing of produce such as vegetables, fruits, trees, and grain and their storage; the raising of animals such as horses, cattle, sheep, chickens, and swine on a limited basis; and dairy farms. Farms include accessory uses for treating and storing the product, provided, however, that it does not include the commercial raising or pen feeding of animals or the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Farm Stand. An accessory building or structure erected for the seasonal display and retail sale of fresh fruits, vegetables, flowers, herbs or plants produced on the property or neighboring property where the stand is erected. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.

Farmer's Market. A permanent indoor or outdoor market where individual vendors offer produce and related items for retail sale directly to the consumer. The products are typically locally and regionally grown and may include items such as fresh fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and processed food products such as jams, honey, pickled foods, and sauces. Baked goods, handmade crafts, art, clothing, jewelry, and produce items not native to this region may also be sold but may not constitute a majority of total sales. Sale of new and used household goods, personal effects, tools, small household appliances, and similar merchandise are not included in this definition.

Farmer's Market, Temporary. A farmer's market held at a temporary outdoor location.

Fence. A constructed barrier typically designed for screening, enclosure, or prevention of entry.

Firing Range. Any rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event or for practice or instruction in the use of the firearm or for the testing of a firearm.

Fitness Center. An establishment providing exercise equipment, facilities and instruction designed to maintain or improve the physical fitness of participants. Facilities may include childcare centers, swimming pools, sports courts and similar amenities and may also include incidental food sales, retail sales, and personal care services. May also be referred to as a gym or a health club.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of conveying a message. A flag shall be considered a sign for purposes of this Code.

Flag, Governmental. Flags of the United States, the state, the city, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

Flea Market. A permanent indoor or outdoor market where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. The individual sellers at the flea market need not be the same each time the market is in operation. A flea market is different from a "Farmers Market" in that the majority of goods sold at a flea market are non-edible.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source, including, but not limited to flooding (see "Flood").

Floodway or Floodplain, Regulatory. The channel of a river or other watercourse 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.

Floor-to-Area Ratio (FAR). The FAR is the ratio of total building floor area to the area of the lot on which it is located. When the allowed FAR is multiplied by the lot area it results in the maximum amount of floor area allowable in a building on that lot. For example, a 10,000 square foot lot with a maximum FAR of 0.65, the floor area of a building cannot exceed 6,500 square feet.

Food and Beverage Establishments. A group of uses including businesses that store, prepare, package, serve or otherwise provide food and beverages for human consumption. Examples include restaurants, bars, and food catering services.

Food Catering Services. A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

Fourplex. A multifamily structure containing four attached dwelling units which share common walls and are designed exclusively for the use and occupancy of four families living independently of each other. The land underneath the structure is not divided into separate lots. May also be referred to as a quadraplex. See also "Multifamily, Attached Dwelling Units."

Front Loaded. A lot where access to garages or parking spaces is provided from a street at the front or side of the property rather than from an alley.

Frontage. The portion of a lot, parcel, or tract of land abutting a street right-of-way.

Facade. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Facade, Front. Those portions of a facade which face and are most closely parallel to the front lot line.

Facade, Nonprincipal. The exterior wall(s) of a structure that do not face a public right-of-way.

Facade, Principal. Exterior walls of a building which are adjacent to or front on a public street, park, or plaza.

Facade, Street. Those portions of a facade which face and are most closely parallel to a street lot line.

Fuel Pump. A dispenser of fuel, including gasoline, diesel, ethanol, etc. or combination thereof, serving one vehicle. Includes electric recharge.

Fuel Sales. The on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels.

Funeral Home. An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.

Furniture Repair and Upholstery. Establishments engaged in the repair or re-upholstering of used or antique furniture.

Garage. A building or structure or part thereof, designed, used, or intended for the parking and storage of automobiles.

Garage, Private. An enclosed accessory building, whether attached or detached from the principal structure, housing vehicles owned and used by occupants of the building(s) on a site.

Garage Apartment. See "Dwelling or Dwelling Unit, Accessory".

Garage Sale. (1) The sale of tangible personal property that is held in a garage, carport, porch, patio, driveway, sidewalk, or yard of the seller's dwelling; or (2) the sale of tangible personal property that is held in a parking lot, driveway, sidewalk, or yard of a non-residential property other than one zoned therefore and for which a current valid commercial store license has been issued by the State. The term "Garage Sale" includes the terms "yard sale," "estate sale," "occasional sale," and similar phrases.

Garden Center. See "Landscape Supply Sales".

Golf Course. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes standalone driving ranges or miniature golf facilities.

Government and Community Facilities. A group of uses focused on the provision of a public or cultural service. Typically, these facilities are public or non-profit and serve a wide range of needs and patrons.

Government Office. Federal, State, County, or City offices containing administrative, clerical, or public contact services and may include incidental storage and maintenance of necessary vehicles.

Grade. The level of the finished surface of the ground or improvements

Greenhouse. A glass or plastic enclosure used for the protection and cultivation of plants. Typically, a residential accessory structure that is small-scale in nature.

Greenhouse, Wholesale. A large-scale commercial greenhouse used to grow flowers, shrubs, trees, or other plants for the wholesale trade to restaurants, farmer's markets, grocery stores, and other off-site markets. The business may have incidental retail sales in conjunction with the wholesale sales.

Gross Floor Area. The square feet of floor space within all exterior walls and including all floors of a building. Gross Floor Area (often referred to as GFA) does not include porches, garages or space in a basement or cellar not used for dwelling purposes.

Group Home. A facility or home licensed by the State to provide shared residential living arrangements for the 24-hour protective care of the mentally and/or physically impaired, developmentally disabled, or victims of abuse or neglect. This term includes foster homes, congregate living facilities for persons 62 years of age or older, and maternity homes. This term does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.

Group Living. A group of uses characterized by the residential use of a site for occupancy by groups of persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, boarding houses or fraternal orders.

Guest House. An attached or detached accessory building used to house guests of the occupants of the principal building, which is never rented or offered for rent, and does not contain a kitchen.

Gym. See "Fitness Center".

Halfway House. Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

Hardship. Deprivation; suffering; state of misfortune or affliction. For the purposes of this Code, hardship does not include economic hardship when in reference to a Variance to a Zoning provision, as such term is defined in this Code.

Hazardous Material. Any substance that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

Health Club. See "Fitness Center".

Health Services. A group of uses intended for the treatment and care of injured or ill patients, including doctor's offices and clinics, urgent care facilities, and home health care services, but excludes hospitals.

Heavy Equipment Sales and Repair. A facility providing retail sales, leasing, and repair of heavy or commercial vehicles or equipment such as those used in construction, farming, or manufacturing.

Height, Building. The vertical distance from grade to the average height of the highest roof structure.

Heliport. Any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

Historic District, Designated. Any site, district, or area of historical, archeological, or cultural importance or value which the City Council determines by action shall be protected, preserved, or enhanced in the interest of the culture, prosperity, education, and welfare of the people.

Historic Landmark. A building, structure or site of historical, architectural, or cultural importance or value to the City of Jarrell that has been designated as a "landmark" by ordinance of the City Council and that is to be protected, preserved, restored, and enhanced in the interest of the culture, prosperity, education, and welfare of the people.

Historic Structure. A building or structure that is a) 50 years or more, and b) associated with significant people or events, or c) conveys a character of building and design found during the City's period of significance. Historic structure also includes a building that has been designated as a local Historic Landmark, or that is contributing to the historic overlay district.

Historic Structure, Contributing. A building in a designated historic overlay district and/or National Register District that supports the district's historical significance through location, design, setting, materials, workmanship, feeling and association. Buildings identified as low, medium and high priority structures in the currently adopted Historic Resources Survey of Jarrell, Texas, and properties categorized as contributing resources in National Register Districts shall be considered contributing Historic Structures for purposes of this Code. For the purpose of demolition only, buildings or structures assigned a high or medium priority in this survey and that are located outside of a historic overlay district shall be considered contributing historic structures.

Historic Structure, Non-Contributing. A building in a designated historic overlay district that does not support the district's historic significance through location, design, setting, materials, workmanship, feeling and association. Buildings that are not identified on the currently adopted Historic Resources Survey of Jarrell, Texas shall be considered non-contributing historic structures for purposes of this Code.

Home-Based Business. An occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit. Telecommuting from a person's regular place of employment is not a home-based business. Home-based businesses may also be called home occupations. Home-based businesses exclude uses that are otherwise addressed in Chapter 5, such as Bed and Breakfasts.

Home Health Care Services. A facility primarily engaged in providing skilled nursing services in the home along with a range of additional services to help patients live independently by taking care of activities that are essential to daily living. In addition to traditional nursing (such as changing wound dressings, checking vital signs, and providing tube feedings), these care giving services may include personal care (such as bathing, dressing, eating, and walking), homemaker and companion services (such as shopping and paying bills), physical therapy, medical social services, medications, medical equipment and supplies, 24-hour home care, counseling, dietary and nutritional services, speech therapy and audiology.

Horticulture. The growing of fruits, vegetables, or ornamental plants such as flowers, shrubs, or trees. This use excludes on-site retail sales.

Hospice Facility. A facility licensed through the State of Texas to provide 24-hour palliative care to terminally ill persons.

Hospital. An institution providing primary health services and medical or surgical care, primarily on an in-patient basis, to persons suffering from illness, disease, injury, and/or other abnormal physical conditions. Services may include out-patient and emergency treatment, diagnostic services, laboratories, rehabilitation services, training or teaching facilities, medical offices, hospital administration, meeting areas, maintenance facilities, staff dormitories, and supportive services for patients, employees, and visitors such as cafeterias and ancillary retail sales.

Hospital, Psychiatric. Hospitals that are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness. The treatment often requires an extended stay in the hospital.

Hotel. A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. All rooms are accessed exclusively by interior corridors via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services and amenities, such as linen and maid service, are included.

Hotel, Boutique. A small hotel, usually less than 50 guest rooms, which is non-highway serving and generally not part of a large hotel chain. A boutique hotel will typically have a unique location or building or might be associated with a specialty, such as a spa. Accessory uses may include a restaurant, lounge or live entertainment.

Hotel, Extended Stay. A hotel offering for rent individual guest rooms or suites intended to be used for stays which may exceed 30 consecutive days. Meeting rooms, a clubhouse, and recreational facilities for the use of residents and their guests are permitted and suites may contain complete kitchen facilities.

Hotel, Full Service. A hotel generally consisting of at least 100 guest rooms and providing a full-service restaurant, meeting rooms, recreational facilities, and personal services in addition to the customary hotel services and amenities.

House. See "Dwelling or Dwelling Unit".

Household. Any of the following: (1) one or more persons related by blood, marriage, adoption or legal guardianship, including foster children, living together in a dwelling; (2) up to four unrelated persons; or (3) two unrelated persons and their children living together in a dwelling.

Household Living. A group of uses characterized by one or more persons living together in a single dwelling as a household.

Illuminated. Using an artificial or a reflective light source.

Illumination, External. See "Sign, External Illumination".

Illumination, Internal. See "Sign, Internal Illumination".

Impervious Cover. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, pavement, graveled areas, sidewalks, and paved recreation areas. Impervious Cover is subject to the determination of the Development Engineer. Includes and may be referred to as the term "Impervious Surface".

Improvement. Any constructed physical feature which is not a natural feature. For example, a structure, building, fence, gate, landscaping, tree, wall, parking facility, etc.

Industrial Use. See "Use, Industrial".

Infill. material that fills in something (such as a hole or the spaces between a building's structural members)

Infill Development. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities) provided by the applicable local governmental entity. Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern laterally and horizontally thus necessitating a higher expenditure for capital improvements than would be required for infill development. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.

Infrastructure. Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, irrigation system, water line system, sewer system, storm drainage network, electric system, telecommunications, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Inn. A property, often a former single-family residence, offering up to 15 guestrooms for rent to tourists, vacationers, and similar transients, for a period of time not to exceed 30 consecutive days. Guest quarters are typically accessible by hallways through a main entrance and do not include cooking facilities. An inn may consist of more than one building and may include a single kitchen facility to offer on-site meal service.

Ingress. Access or entry point or entrance.

Janitorial Services. An establishment providing cleaning services for the interior or exterior of buildings, structures or dwellings, whether or not industrial, commercial, or income-producing real property or the contents thereof. Such services are rendered either on a scheduled, periodic basis or only on a single occasion.

Jurisdiction, City of Jarrell. The City's corporate limits and/or extra-territorial jurisdiction (ETJ).

Kennel. A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for boarding, training or breeding purposes. Typical uses include boarding kennels, pet motels, and dog training centers. Outdoor facilities associated with this use are subject to the limitations of this Code.

Kitchen. Any room or space used or designed to be used for the preparation or cooking of food and including or designed to include a cooking appliance, refrigerator, and sink. Installation of a kitchen shall constitute a dwelling unit. Does not include and is distinct from Outdoor Kitchen, as that term is defined in this Code.

Kitchen, Outdoor. An accessory kitchen located in the rear or side yard. The kitchen may include all of the following: stove, grill, pizza oven, sink, storage areas, refrigerator, dish washer, and/or other appliances normally found in a kitchen. The kitchen may be either open to the air or included in a covered patio area. Under no circumstances shall an outdoor kitchen area be fully enclosed.

Landfill. A location used solely for the burial of non-hazardous and non-medical farm, residential, institutional, commercial or industrial waste.

Landscape or Landscaping. The soil, water, landscape materials and hardscape that affect the aesthetics and/or function of the land.

Laundromat. A facility where patrons wash and/or dry clothing, linens, and other fabric items in machines operated by the patron.

Legal Lot. Either a lot recorded in the Williamson County Plat Records under the applicable subdivision regulations at the time of its creation or an unplatted tract of land having existed in its present configuration prior to May 10, 1977.

Library. A public facility or other place containing books for reading, study, and research.

Lighting, Artificial. Any fixed source of light emanating from a man-made device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction or security lights.

Lighting, Direct Illumination. Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Lighting, Street. Lighting on poles, with either underground or overhead service, along a street for purposes of illuminating public or private ways.

Live Music. A designated area suitable for the conduction of a live concert of vocal or musical instrument performance, which can often be heard beyond the property line of the premises.

Loading Space. An off-street space for the parking of a vehicle while loading or unloading merchandise or materials.

Lot. A single parcel of land intended as a unit for transfer of ownership or for development, which may be occupied by at least one building or use and the accessory buildings or uses customarily incidental thereto and having frontage on a dedicated street. Lot includes the word "plot" or "parcel."

Lot Area. The area contained within the boundary lines of a lot, excluding any street, street easement, or street right-of-way.

Lot Line, Front. The lot line abutting an existing or dedicated street. For corner lots, the front lot line shall be adjacent to the shortest street dimension of the lot.

Lot Line, Rear. The lot line which is most distant and relatively parallel (within 45 degrees of being parallel) to the front lot line.

Lot Line. A legal boundary that divides one lot from another lot or from a dedicated right-of-way. (Same as "Property Line")

Lot, Access. A lot established only for the use of access.

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

Lot, Double-Frontage. A lot, other than a corner lot, which has frontage on two non-intersecting streets.

Lot, Flag. A lot containing a narrow portion of the lot fronting a public roadway. May also be referred to as a panhandle or pipe stem lot.

Lot, Front Loaded. Refers to a property where the primary building or structure is positioned towards the front of the lot, closer to the street or road. This configuration allows for a larger front yard or setback area, enhancing the visual appeal and creating a more spacious entrance to the property.

Lot, Interior. Any lot other than a corner lot.

Lot, Landscape. A lot generally used for landscaped open space or entry features, which are often smaller than minimum lot size requirements.

Lot Line, Side. Any lot line that is not a front lot line or a rear lot line.

Lot Line, Street. Any lot line abutting an existing or dedicated street right-of-way.

Lot, Median. A lot within the right-of-way.

Lot, Open Space. A lot that may provide space only for green belts, landscape, recreational uses, or signage.

Lot, Platted. A parcel of land identified as an individual lot on a subdivision plat recorded in the Williamson County Plat Records.

Lot, Rear Loaded. A property where the primary building or structure is situated towards the rear of the lot. Access to the building is typically provided through a driveway or alley located at the back. This design allows for a larger front yard or setback area, providing a more private and secluded outdoor space away from the street.

Lot, Utility. A lot primarily providing for the installation of utilities and utility facilities.

Lot Width. The width of a lot from one side lot line to another at the street frontage.

Low Impact Development (LID). LID is an integrated site design approach for maintaining or replicating the pre-development hydrologic regime through the use of design techniques. LID practices include grading minimization, impervious area disconnections, preservation of existing landscaping and topography, increasing flow lengths, lengthening the time of concentration, and increasing opportunities to mimic pre-existing hydrology.

Lumber Yard. An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

Major Event Entertainment. A public or privately owned structure or area with a capacity of greater than 1,000 persons for the purposes of public performances, sporting events, or similar attractions that may generate heavy traffic. Major event entertainment facilities include concert halls, stadiums, sports arenas, commercial water parks, racetracks, rodeo arenas, zoos, coliseums, amusement parks, and convention centers. Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

Major Street. See "Street, Major".

Manufactured Home. a house built in conformity with the provisions of the federal HUD Code

Manufactured Housing. A residential structure constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, that is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Manufactured Housing Park. A parcel of land under single entity ownership which has been planned and improved for the placement of two or more manufactured homes and their accessory uses.

Manufactured Housing Sales. An establishment engaged in the sales or leasing of new or used manufactured housing.

Manufacturing, Processing and Assembly, General. The general mass producing, processing or manufacturing of goods, materials, or products, predominately from extracted or raw materials, using mechanical power and machinery, and usually for sale to wholesalers or other industrial or manufacturing uses. This use includes procedures such as milling of grain; manufacturing, processing or assembly of wood products including cabinet and furniture production; processing of animals and animal products including slaughtering, meat packing and hide tanning; production of animal food; production of large durable goods such as motorcycles, cars, manufactured homes, or airplanes; canning or bottling of food or beverage for human consumption including brewery and distillery plants; manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; production or fabrication of metals or metal products including enameling, plating, galvanizing, and use of a foundry, welding or machining; processing of recyclable materials, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials; clothing or textile manufacturing; tire recapping or retreading; and the production of items by means of the chemical processing of materials.

Manufacturing, Processing and Assembly, Limited. The assembly, processing or manufacturing of objects or items that are made from standard parts or components predominantly from previously prepared parts or materials without the use of any of the processes described within the definition of general manufacturing, processing, and assembly. This use is conducted within an enclosed building and includes the finishing, fabrication, treatment, or packaging and the incidental storage, sales, and distribution of products such as software, electronics, communication products, precision scientific and technical equipment, medical equipment and devices, and small appliances and instruments.

Marquee. Any permanent roof-like structure projecting beyond a building or extending from a facade, along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather including a mansard roof.

Master Sign Plan. A coordinated program for one or more signs on a property, identifying the size, height, location and color scheme of all signage proposed for the location, based upon total signage allocation established through this ordinance.

Mausoleum. An external free-standing structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

Meat Market. An establishment that offers to the general public the sale of meat, poultry or fish and the service of processing and packaging such meats, provided the facility complies with all state, federal, and local health regulations. All processing is conducted indoors with no emission of noxious odors or noise. This definition does not include the slaughtering or boarding of live animals.

Median. A raised or depressed curbed division of travel lanes. Does not include a "flush" median, which acts only as a painted division of travel lanes. May be of a pervious or impervious surface but is typically covered with grass, landscaping, trees and may contain pedestrian facilities.

Medical or Dental Clinic. A facility housing the offices of more than three medical practitioners including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. In addition to the services offered at a "Medical or Dental Office", a clinic may include facilities providing minor outpatient surgical services requiring a stay of less than 24 hours, dialysis or cancer centers, or similar treatment facilities. Overnight stays of patients at such facilities shall not be allowed.

Medical or Dental Office. A facility housing the offices of no more than three medical practitioners, including physicians, dentists, optometrists, chiropractors, podiatrists, psychologists, osteopaths, acupuncturists, physical therapist, respiratory therapist, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state, who provide examination, diagnosis, consultation, treatment, therapy, or other preventative or correctional services on an outpatient basis. Facilities may include patient waiting rooms, treatment areas, and laboratory space. Overnight stays of patients at such facilities shall not be allowed.

Medical and Institutional Facilities. A group of uses designed for the treatment and care of physically or mentally ill patients, patients seeking treatment for dependency abuse, and also including centers for the receiving of blood, plasma, or other bodily fluids.

Membership Club or Lodge. An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

Memorial Park. See "Cemetery".

Microbrewery. A retail establishment where beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A microbrewery typically produces less than 15,000 barrels annually.

Micro distillery. A retail establishment where alcohol is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro-distillery typically produces less than 15,000 barrels annually.

Micro Winery. A retail establishment where wine is produced on premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. A micro winery is typically a small wine producer that generates up to 15,000 gallons of wine annually.

Mitigation Plan. A plan, which may be included with the Tree Protection Plan, illustrating the trees that will serve as compensation for removed trees.

Mixed-Use Development. A single development that combines two or more mutually supporting land uses on a single parcel or site or within a general development plan, overlay district, or cohesive zoning plan. Land uses may be mixed vertically within the same physical structure or horizontally with a physical and functional integration of buildings, project components, and pedestrian connections on the same lot and/or under unified control.

Mobile Home. A residential structure that was constructed before June 15, 1976, transportable in one or more sections, 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.

Mobile or Outdoor Food Vendor. A vehicle-mounted food service establishment that is designed to be readily movable, including push carts, mobile kitchens, hot dog carts, pretzel wagons, concession trailer, etc. Foods are limited to prepackaged or commissary prepared food unless the unit is equipped and approved by the County Health District (WCCHD) to handle food preparation. Any unit that requires direct hand contact with the food shall have a hand washing sink.

Mobile or Outdoor Food Vendor, Permanent. A Mobile or Outdoor Food Vendor that is a primary use of a property. This may include a single Mobile or Outdoor Food Vendor, or a Mobile Food Park consisting of two or more Mobile or Outdoor Food Vendors.

Mobile or Outdoor Food Vendor, Temporary. A Mobile or Outdoor Food Vendor that supplements and is secondary to an existing business located on the same property.

Mobile or Outdoor Food Vendor, Transient. A Mobile Food Vendor that locates temporarily on a property with an existing business, in accordance with the standards of this Code.

Model Home. A building created for the short-term intention of being used as a sales office or display model for homes available for sale in a particular subdivision, with the long-term intention of being converted into a residential dwelling.

Motel. A facility offering transient lodging accommodations for rent to the general public for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included.

Motor Vehicle. See "Automobile".

Movie Production. An establishment engaged in, or facility used for the development, production, and creation of a film or video, including graphic design, set construction, sound and film recording, editing, etc. and storage of any equipment required thereof.

Mulch. Organic materials customarily used in landscape design to retard erosion, retard weed infestation, and retain moisture. For use in planting areas.

Multifamily. The use of a single lot or parcel for four or more dwelling units regardless of whether those dwelling units are attached within one structure or detached in multiple structures. Does not constitute nor equal a multifamily zoning district or uses allowed therein.

Multifamily, Attached Dwelling Units. Four or more dwelling units located on a single lot or parcel, with each dwelling unit located in a structure containing three or more dwelling units. This term includes, but is not limited to, triplexes, quadraplexes, and apartments.

Multifamily, Detached Dwelling Units. Four or more dwelling units located on a single lot or parcel, with each dwelling unit located within a structure containing no more than two dwelling units.

Museum. A facility or area devoted to the acquisition, preservation, study and exhibition of works of artistic, historical, or scientific value.

Natural State. Substantially the same conditions of the land which existed prior to its development, including but not limited to, the same type, quality, quantity, and distribution of soils, drainage, ground cover, vegetation, and topographic features.

Nature Preserve. An area of land that is protected and managed in order to preserve a particular type of habitat and its flora and fauna, which are often rare or endangered.

Neighborhood Amenity, Activity or Recreation Center. A private facility associated with a specific residential development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development.

Nightclub. An establishment open to the general public for the purposes of entertainment, characterized by either dancing; performances by magicians, musicians, or comedians; or a combination of the two. The term "nightclub" does not include theaters or auditoriums with fixed row seating or establishments defined in this Code as a "Sexually-Oriented Business".

Nonconforming. A use, lot, building, site, sign or other situation which does not conform to one or more of the regulations of this Code.

Non-Residential District. A zoning district established by this Code to be used for primarily nonresidential uses and purposes. Includes the following Districts: CN, C-1, C-3, OF, BP, IN, PF, and may include MU-DT and AG where non-residential uses apply.

Nursing Home. A facility housing and providing care for persons who are aged, chronically ill, or incurable who are unable to care for themselves, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. Services typically include custodial or attendant care and meals but may or may not provide for routine and regular medical and nursing services. Nursing home includes homes for the aged, convalescent and rest homes, but does not include assisted living or senior apartments or hospitals or similar medical facilities.

Off-Site Improvement. Any required improvement which lies outside of the area being platted or developed.

Off-Street Parking Space. An area reserved exclusively for the parking of motor vehicles that is located outside of the public right-of-way.

Office, General. The provision of executive, management or administrative services; including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices. This term excludes medical offices and the sale or storage of merchandise on the premises.

Offices, Professional and Business. A group of uses that include facilities where business offices, administrative services, or data management services are provided.

Office/Showroom. An establishment with both a business office and associated showroom for display of sample goods or services to be delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services is permitted. This designation does not include contractor's shop or storage yard.

Office/Warehouse. A business office with an associated small-scale warehouse typically located at the rear of the space for the purposes of storing materials needed to supply service off-site. This use can accommodate trades such as plumbers or electricians, as long as there is no processing, manufacturing, fabrication or outside storage of materials on site.

Official Zoning Map. The most recent printed copy of the City's zoning map signed by the Mayor, attested by the City Secretary and bearing the Seal of City of Jarrell, in accordance with State law. The Official Zoning Map depicts the zoning status of land and water bodies, buildings and other structures throughout the city and is updated periodically using digital mapping software.

Oil Refinery and Distribution. An industrial plant used for the purifying and distribution of crude petroleum.

On-Site Wastewater System (OSS). All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. On-site wastewater facilities are usually composed of three units: the generating unit (the residence, institution, etc.), treatment unit and the disposal unit (the drainfield that may be an absorption trench or bed or an evapo-transpiration bed). Including a septic tank, seepage tile sewage disposal system or any other on lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations. Also see "Septic System".

Open Space. Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents, patrons, or users of the development.

Orphanage. A public or nonprofit institution that houses children who are orphaned, abandoned, or whose parents are unable to care for them. A school may be an accessory use to an orphanage.

Outbuilding Guest Room. See "Dwelling Unit, Accessory".

Outdoor Display. The outdoor display of merchandise, goods or materials actively for sale or samples thereof associated with the primary use of the site on which they are displayed. Outdoor display is subject to the limitations of Section 6.12 of this Code.

Outdoor Display, Off-site Vehicles. The display of vehicles offered for sale off-site, pursuant to Section 6.12 of this Code.

Outdoor Pens. An outdoor enclosure, in which animals are housed, restrained or contained for the purposes of monitoring, handling, feeding or exercise.

Outdoor Recreational Playing Field. An area used for outdoor sports or recreation, including playing fields, sport courts or other similar facilities, and playscapes over 1,000 square feet.

Outdoor Storage. The outdoor storage of merchandise, goods or materials that are not actively for sale or display. Outdoor storage is subject to the limitations of this Code.

Overlay Zoning District. An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

Overnight Accommodations. A group of uses providing facilities used for the renting of rooms or other areas intended for overnight guests.

Oversized Utility Line. A utility facility that is described in the City's water or electric master plan, necessary to accommodate current and future users. May be constructed by various parties with potential cost-sharing partnership opportunities.

Pad Site. See "Outparcel".

Parcel. Continuous land area owned by or controlled by the same person or entity.

Park, Community. Parks of 16 to 99 acres, serving several neighborhoods.

Park, Neighborhood Public. A park of one to 15 acres, serving one neighborhood or a ¼- to ½-mile radius.

Park, Regional Public. A park consisting of 100 or more acres, serving several communities typically within one hour driving time.

Parking Lot, Commercial. An off-street facility for the parking of automobiles on a temporary basis that may be operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

Parking Lot, Off-Site. An off-street facility for the parking of automobiles on a temporary basis that serves an adjacent or nearby principal use.

Parking Lot, Temporary. A facility intended for the temporary parking of automobiles, for a period of time not to exceed 72 hours. Temporary Parking Lots shall be constructed of a paved surface approved by the Development Engineer.

Park-n-Ride Facility. A facility designed for parking automobiles, the occupants of which transfer to public transit, carpools, van-pools, or bus-pools to continue their trips.

Parkland Dedication. The transfer of property from private to public ownership for public parkland. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Parks and Open Spaces. A group of uses providing private and public areas intended for the outdoor usage of its patrons, including associated structures, playscapes, and other facilities.

Parks and Recreation Board. Board appointed by the City Council to advise the City on matters concerning parks and recreation activities.

Patio. A level surfaced area directly adjacent to a principal building no more than three feet above finished grade and not above the first-floor level, without a permanent roof intended for outdoor entertainment. A free-standing patio (not adjacent to the principal structure) is a level surface that may be no more than one foot above the finished grade, without a permanent roof, intended for outdoor entertainment.

Paved Surface. An area surfaced with single or multiple-course surface treatment, asphalt, concrete, pervious concrete, or grasscrete pavement constructed on a base course or similar all-weather surface. Does not include gravel, grass, stones, decomposed granite, or similar unpaved materials. Also does not include existing concrete strip driveways allowed for residential parking areas.

Personal Services. An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, nail salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, photography studios, pet grooming (no overnight stay), and services of an informational or instructional nature including driving schools, dance studios, and handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided. This term does not include any uses that are otherwise defined in the term "Restricted Personal Services".

Personal Services, Restricted. An establishment providing personal services that are generally less desirable adjacent to residential areas including, but not limited to, tattoo parlors, body piercing studios, sexual oriented businesses, check cashing facilities, bail bond agent, pawnshops, and palm and card readers.

Pervious Surface. Any surface that allows water to permeate through such surface. Determination of a pervious surface is made by the Development Engineer. For comparison, see "Impervious Cover".

Pest Control Services. An establishment primarily engaged in the off-site eradication, extermination or control of rodents, birds, mosquitoes, termites, ants, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this definition.

Places of Worship. A group of uses providing facilities for religious assembly.

Planned Unit Development (PUD). A customizable zoning district, represented through an adopted development plan, per the regulations of this Code, which may provide for one or more main uses or structures on a single parcel or contiguous parcels of land controlled by a single landowner or development group, and which permits flexibility from specific Code provisions related to land uses, dimensional requirements, landscaping, design, and other similar regulations in return for assurances of a comprehensive plan for overall innovation and/or quality of development.

Planning and Zoning Commission. The Planning and Zoning Commission of the City of Jarrell, whose duties are assigned by the City Code of Ordinances and Chapter 2 of this Code. Also referred to as the Commission or P&Z.

Plat, Administrative. A plat that is approved administratively by the Director if it meets all approval criteria, as established by this Code and the Texas Local Government Code. Administrative Plats include Amending Plats, Minor Plats, and Final Plats.

Plat, Amending. A plat that amends a preceding plat for minor changes or corrections, according to the specific criteria established by the Texas Local Government Code.

Plat, Final. The final map of all or a portion of a subdivision previously approved by the proper decision-making body. A Final Plat shall be prepared in accordance with the provisions of this Code and those of any other applicable local regulation, with the purpose of being prepared to be placed on record in the office of the County Clerk.

Plat, Minor. A plat containing four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities, as provided for in the Texas Local Government Code.

Plat, Preliminary. A document prepared in compliance with this Code, which delineates certain features required by State Law and this Code, including, but not limited to, property lines, lot and block dimensions, geometric layout, streets, monuments, and other landmarks for the purpose of identifying property.

Premises. A site or area including the improvements, buildings, or structures occupying it.

Preservation. Stabilizing and maintaining a structure in its existing form and preventing further change or deterioration.

Preserve. An area in which beneficial uses in their present condition are protected; for example, a nature preserve or an agricultural preserve.

Primary. The basic, fundamental or most important use, activity or development of a building or site. Usually, the first activity in order of time or development. The first in rank, importance, or value. For

the purposes of this Code, "Primary" is equal to, identical to, and often used interchangeably with "Principal".

Primary Entrance and Building Facade. The face or wall of a building that serves as the primary entrance for customers of a business within the building. This building face shall not include service areas, trash collection, loading dock, or other similar functions. The primary face of a building shall receive the highest level of architectural treatment on the building. Pursuant to this definition, a building may have no more than two primary facades.

Primary Structure. See "Structure, Principal".

Principal. See "Primary". For the purposes of this Code, "Principal" is equal to, identical to, and often used interchangeably with "Primary".

Principal Building. See "Building, Principal".

Principal Use. See "Use, Principal".

Printing and Publishing. The commercial production, reproduction, printing, binding, cutting, or copying of written, printed, drawn, or photographed materials including books, magazines, newspapers, posters, photos, signs, or drawings on a bulk basis by means of a printing press, lithography, offset printing, blue printing, photographic reproduction techniques, or similar methods for either distribution or sale. This use does not include copy shops.

Printing, Mailing and Reproduction Services. A commercial establishment open to the general public that is primarily involved in the electronic duplication of graphic and printed materials for personal or business use, and which also provides other products and services including, but not limited to, photocopying, electrostatic printing, laser printing, blueprint, word processing services, computer generated graphics, computer aided design services and video imaging, and reproduction services. Off-set printing or similar printing processes shall not be permitted. These facilities may also be referred to as copy shops.

Property Line. A legal boundary line that divides one lot from another lot or from a dedicated right-of-way. (Same as "Lot Line")

Prune or Pruning. Removal of dead, dying, diseased, crossed, crowned, or weakly attached limbs from a tree. The diameter and amount of wood removed is appropriate to size, species, and age.

Public Improvement. Any improvement, facility, or service together with its associated public site, right-of-way, or easement necessary to provide transportation, drainage, public or private utilities, parks, energy, or similar essential public services and facilities, for which a governmental entity may ultimately assume ownership and the responsibility for operation and maintenance.

Rail or Transit Yard. A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

Rear Loaded. A lot where garages or parking spaces are provided through an alley at the rear of the lot rather than from street at the front or side.

Recharge Feature. Geological features, such as springs, bluffs, caves, fractures, crevices, and sinkholes, which tend to have a high degree of connectivity with the Edwards Aquifer. A recharge feature shall be considered significant if it lies within an area subject to inundation from the 100-year storm event or rapid infiltration to the subsurface may occur.

Reconstruction. Rehabilitation or replacement of a building or structure which has been damaged, altered, or removed, or is proposed to be altered or removed.

Recreational Vehicle (RV). A unit designed as temporary living quarters for recreational, camping, or travel use that may be self-propelled or towed by an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Director. A recreational vehicle may or may not include individual toilet and bath.

Recreational Vehicle (RV) Park. A parcel upon which two or more recreational vehicles are parked or any parcel upon which space for the parking of recreational vehicles is rented or offered. The term does not include premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

Recreational Vehicle (RV) Sales, Rental, or Service. An establishment engaged in the sales or leasing of new or used recreational vehicles.

Recycling Collection Center. A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

Regulation. A rule or order prescribed for managing government.

Religious Assembly Facility. A facility providing regular organized religious worship and religious study. This term includes churches, synagogues, temples, mosques, and other types of religious assembly halls. Accessory uses may include community recreational facilities, classrooms, administrative offices, and similar facilities that are directly associated with and supported by the membership assembly on site. Private primary or secondary educational facilities and day care facilities are subject to the standards of Chapter 4 for such uses.

Relocation. The act or process of moving a building or structure from one site to another site or to a different location on the same site.

Research, Testing and Development Lab. An indoor facility where scientific research and development, including biotechnology and nanotechnology, is conducted and analyses performed. These uses are typically characterized by controlled uniformity of conditions (constant temperature, humidity, cleanliness).

Residential District. A district established by this Code to be used for primarily residential uses and purposes. Includes the following Districts: RE, RL, RS, TF, TH, or MF and may include MU-DT and AG where existing residential uses apply.

Residential Rural/Estate Subdivision. A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the City Limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development with lots of at least one acre in size.

Residential Sales Office, Temporary. An office, often part of a model home, which is intended to provide sales information regarding a home or a residential subdivision.

Residential Structure. A structure used or intended to be used for residential purposes.

Residential Use. See "Use, Residential".

Residentially Zoned Property. Any lot or parcel located in a Residential District.

Resource Extraction. The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

Restaurant, Drive-Through. An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, through a pass-through window accessed by a vehicle via a drive-through lane. This term also includes drive-in restaurants. For restaurants licensed to serve alcoholic beverages the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.

Restaurant, General. An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption. This term includes facilities typically referred to as diners, cafes, cafeterias, dinner-houses, coffee shops, bakeries, and ice cream parlors, but does not include fast food restaurants or drive-through services. For restaurants licensed to serve alcoholic beverages, the gross receipts for alcoholic beverages shall not exceed 50 percent (50%) of the total gross receipts.

Restoration. The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Retail, General. An establishment engaged in the retail sale of goods and merchandise to the general public for direct consumption, usually in small quantities and not for wholesale, and not including retail facilities otherwise specifically listed in the Use Table of this Code.

Review Body or Authority. Any entity that is authorized to either recommend approval or denial or be the decision-making authority of an application or permit required under this Code.

Riding Academy. A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

Right-of-Way. Land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use.

Right-of-Way Flare. A diagonal cut-back between two public street rights-of-way specified in [Chapter 12](#).

Roadway. See "Street".

Roof. The top covering of a building. For the purposes of this ordinance, a roof shall be defined as having a slope of less than 65 degrees. A roof having a slope of greater than six degrees, including mansard roofs, shall be treated as a wall surface for the placement of signs (See for comparison "Wall Surface Area")

Rooming House. A residential building other than a hotel or apartment where lodging and possibly meals are provided by pre-arrangement for definite periods for compensation. No cooking facilities are provided in individual living units.

Rural Residential Subdivision. A subdivision that is zoned either AG (Agriculture) or RE (Residential Estate) if within the City Limits or a subdivision in the extraterritorial jurisdiction (ETJ) that is platted for single-family residential development.

School. A facility where persons regularly assemble for the purpose of instruction or education. Accessory uses may include playgrounds, cafeterias, stadiums, and other structures or grounds used in conjunction therewith.

School, Boarding. Any building or group of buildings with dormitories, dining rooms, and other accessory uses for the boarding of students, the use of which meets state requirements for primary, secondary, or higher education.

School, Business or Trade. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.

School, Charter. A school established by a contract with the State or the board of trustees of an independent school district; licensed by the State and meeting the State requirements for primary, secondary or higher education.

School, Elementary. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools.

School, High. A public, private, or parochial school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools.

School, Middle. A public, private, or parochial school offering instruction at the middle (junior) school level in the branches of learning and study required to be taught in the public schools.

School, Public. Facilities that are used to provide instruction or education by primary or secondary schools or institutions of higher education that receive public funding. Private schools, day cares, and other similar uses, and facilities not used for instructional purposes, such as administrative and service facilities, shall not be included in this definition.

Screening. A method of visually obscuring structures or land uses (i.e. parking or outdoor storage) from another with the use of one or combination of fencing, walls, dense vegetation, or berms or other acceptable screening material.

Seasonal Product Sales. A facility or site used for the temporary sale of merchandise which is available or needed during certain seasons of the year. Use shall generally require one to three months of operation and be similar to firewood sales, Christmas tree sales, pumpkin sales, or other types of items for sale that have seasonal characteristics, as determined by the Director.

Secondary. For the purposes of this Code, "Secondary" is equal to, identical to, and often used interchangeably with "Accessory".

Sedimentation and Filtration Basin. A basin that provides water quality benefits through the sedimentation or filtration of runoff.

Self-Storage, Indoor. A building or group of buildings in a controlled access and fenced area containing individual storage compartments of varying sizes that are leased for the storage of business and household goods. There is no conduct of sales, business or any other activity allowed within the individual storage units. May also be referred to as mini-storage or mini-warehouse.

Self-Storage, Outdoor. A fenced area with controlled access providing individual storage spaces, not within a fully enclosed structure, which are leased for the storage of motor vehicles, trailers, boats, and similar items. There is no conduct of sales, business or any other activity allowed within the individual storage units.

Septic System. See "On-site Wastewater System".

Setback. A measurable distance, dictated by zoning district, from any property line to an invisible parallel plane, within which certain buildings and structures are prohibited. A setback is separate and distinct from, but is usually included within, a yard, as that term is defined in this Code.

Setback, Garage. A setback located along and generally parallel to a street right-of-way indicating the minimum distance required between front facing garage or carport access and the street right-of-way.

Setback, Front. The setback located along, and generally parallel to, the front lot line, extending the full width of a lot.

Setback, Rear. The setback located along, and generally parallel to, the rear lot line, extending the full width of a lot.

Setback, Side. The setback located along, and generally parallel to, any side lot line, extending the full depth of a lot.

Setback, Street. Any setback located along, and generally parallel to, a street right-of-way and street lot line.

Sexually Oriented Business. Any building, structure, or facility including, but not limited to, an arcade, bar, bookstore, cabaret, overnight accommodation, theater (including movie), bath house, massage parlor, nude modeling studio, video store, love parlor, or similar facility used entirely or partially for commercial entertainment, exchange of merchandise, or offer of a service of a sexually-explicit nature. These activities are predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sexual activities and include the sales, rental, exhibition, or presentation of a device or other item intended to provide sexual stimulation or sexual gratification to the customer.

Shared-Use Path. A paved pathway accommodating pedestrians and bicyclists, meeting accessibility standards. Differentiated from a "hike-and-bike trail" which may be a pervious material and not accessible.

Shrub. Any self-supporting woody perennial evergreen and/or deciduous species normally growing to a height of 24 inches or greater, characterized by multiple stems and branches continuous from the base.

Sidewalk. A strip or section of concrete or stone a minimum of five feet in width, typically located adjacent to vehicle roadways, intended for use as a pedestrian facility. This area must be kept free of obstructions, both temporary and permanent.

Sign. Any device that uses letters, numerals, emblems, pictures, outlines, characters, spectacle delineation, announcement, trademark, logo, illustrations, designs, figures, or symbols to convey a message. The term "sign" shall also include any use of color such as bands, stripes, patterns, outlines or delineations displayed for the purpose of conveying a message, including commercial identification (corporate colors), that comprises more than 20 percent (20%) of any facade or visible roof face. This term shall also include all flags.

Sign, Abandoned. A sign attached to a building or space which has been vacant for at least two years. Any sign on a vacant lot or parcel, other than a legally-permitted Billboard, is also considered an Abandoned Sign.

Sign Area. The area of a sign inclusive of the sign face, sign base and sign cabinet.

Sign Base. The structure supporting a sign. The sign base is a part of the sign, unless otherwise specified in Chapter 6 of this Code.

Sign, Billboard. A large freestanding sign, generally supported by a metal frame, and consisting of one sign face or two parallel sign faces that are oriented in opposite directions, used for the display of posters, printed, or painted advertisements that generally directs attention to a location other than the premise on which the sign is located. Includes "commercial signs" as defined by Chapter 391 of the Texas Transportation Code, "off-premises signs" as defined by Chapter 394 of the Texas Transportation Code, and "outdoor signs" as used in Chapter 216 of the Texas Local Government Code.

Sign, Construction Site. A temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier, or on an active construction site authorized by a City or County permit, as applicable.

Sign, External Illumination. A sign utilizing an artificial or reflective light source mounted or operated from the outside of the frame of the sign, for the purpose of lighting the sign.

Sign Face. The area of a sign where the message is displayed and the background on which it is placed. Does not include the sign cabinet or frame.

Sign, Homebuilder Wayfinding. A sign installed by, on behalf of, the City of Jarrell that directs motorists to a model home or model homes of a participating homebuilder(s).

Sign, Identification. An incidental sign of identification or of informational nature.

Sign, Illuminated. A sign utilizing an artificial or a reflective light source.

Sign, Incidental. A sign that is secondary or incidental to the permitted use on the property on which it is located.

Sign, Internal Illumination. A sign utilizing an artificial or a reflective light source mounted or operated from the inside of the frame of the sign, for the purpose of lighting the sign.

Sign, Low Profile Pole. A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Sign, Marquee. Any sign attached to, in any manner or made a part of a marquee.

Sign, Monument. A sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

Sign, Multiple-Tenant. A sign for more than one business at the same location.

Sign, Off-Premises or Off-Site. Any sign advertising an activity or use that is not conducted on the property on which the sign appears.

Sign, Pole. A sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting. Any sign affixed to a wall of a building in a non-parallel manner.

Sign, Sandwich Board. An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as A-Frame or T-Frame signs.

Sign, Suspended. Any type of sign that is suspended from the underside of a predominantly horizontal plane surface, such as a porch or canopy, and is supported by such surface.

Sign, Temporary. Any sign that is not intended to be permanent.

Sign, Wall. A sign which is fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of, the sign.

Sign, Window. Any sign that is placed inside a window or upon the window or upon the windowpanes of glass and is intended to be visible from the exterior of the window. Merchandise displays shall not be considered window signs.

Single-Family. The use of a single lot or parcel for one principal dwelling unit in a single building, other than a mobile home. Does not constitute nor equal the RS, Residential Single-family Zoning District.

Single-Family, Attached. A single-family dwelling unit located on its own lot that shares one or more common walls with one or two other single-family dwelling unit.

Single-Family, Detached. A single-family dwelling unit, located on its own lot that is not attached to any other dwelling unit.

Single-Family, Zero Lot Line. A single-family detached dwelling unit, located on its own lot, which is set on or relatively close to one interior side lot line to create additional side yard area on the opposite side of the unit. Zero Lot Line units must maintain the required separation from units on adjacent properties.

Site. A parcel of land for which a permit or development approval is issued or considered pursuant to this Code.

Site Plan, Conceptual. A concept site layout plans containing general information about a site for review of related documents, in order to provide an overview of a development plan. Is typically not binding unless adopted as an exhibit or otherwise specified.

Site Development Plan. A detailed site layout plan containing sufficient information to evaluate the land use, construction plans, and architectural harmony of the proposed development including compatibility of the development with nearby areas. A Site Development Plan shall follow the requirements and approval procedures of Chapter 6 of this Code.

Site Orientation. The direction that the site faces in relation to the sun's path, wind patterns, and the lot itself.

Slope. The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Small Engine Repair. A business that repairs, adjusts, tunes, or modifies gasoline engines of a small horsepower commonly used to power grass trimmers, riding or push lawn mowers, chain saws, and similar service equipment. This repair service may also conduct work on electric motors commonly used in power tools, lawn maintenance equipment, and small household appliances. This term does not include work all-terrain vehicles (ATV), jet skis, or similar vehicles and does not include storage or repair work conducted outside of a building.

Social Service Facility. A multi-functional facility that provides assistance, advocacy, case management, guidance, counseling, or similar services on a daytime care basis to persons requiring rehabilitation assistance or those with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning, or physical disabilities, and child support issues, but does not include a rescue mission, homeless shelter, or day care.

Special District. A municipal utility district ("MUD"), water control and improvement district ("WCID"), fresh water supply district ("FWSD"), or similar political subdivision created to provide water, sewer or drainage utility services, roads, or other services allowed by law to a specified area, pursuant to Article III, Section 52, and/or Article XVI, Section 59, of the Texas Constitution.

Stadium. A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a racetrack. The sale of beverages, snack foods, and sundries geared to on-premises consumption or usage by spectators shall be permitted.

State. The State of Texas.

Stone, Mulch or Dirt Sales Yard. A typically outdoor facility that stores and conducts retail sales of dirt, mulch, stone, or other material commonly sold to an individual or contractor.

Storage Yard. A facility primarily used for outdoor storage of equipment and materials.

Storm Sewer. An approved means of conveyance that carries storm, surface, and ground water drainage, but excludes sewage and residential, commercial, and industrial wastes.

Stormwater Management, Nonstructural. Any natural or planted vegetation or other nonstructural components of the stormwater management plan that included no excavation and provides or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but

is not limited to, riparian buffers, open and green space, overland flow filtration areas, natural depression, and vegetated channels.

Stormwater Runoff. Surplus surface water generated by rainfall that does not seep into the earth but flows into storm drains or overland to flowing or stagnant bodies of water.

Story. See "Building Floor or Story".

Street. An improved surface used for the transport of automobiles and other motor vehicles from one location to another. Includes the term "road" and "roadway."

Street, Alley. An alley is a passageway designed primarily to provide access to or from the rear or side of property otherwise abutting on a public street.

Street, Arterial. A street designed to carry large volumes of local and regional traffic into or out of the City which provide for efficient vehicular movement between distant locations, decreasing traffic on local and collector streets.

Street Banner. See "Banner, Street".

Street, Collector. A street that connects and distributes traffic between Arterial Streets and Local Streets providing access and movement between neighborhoods, parks, schools, retail areas and the arterial street system. A collector street may serve both residential and commercial development, depending on the type of collector and average daily traffic volume.

Street, Context Sensitive. A street constructed to the alternative cross-sections depicted in the Overall Transportation Plan to allow for design characteristics compatible with adjacent development.

Street, Cul-de-Sac. A street or series of connected streets that has a single approved vehicular access point.

Street Facing Facade. The building facade or wall that is parallel to a street lot line.

Street Frontage. The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street, Highway. A controlled-access divided street or highway that is intended to move high traffic volumes over long distances and serve as primary routes throughout the region. Includes the term "freeway" and "expressway."

Street, Loaded. A street that allows for vehicular access driveways.

Street, Local. A street that provides access to residential and commercial properties with short trip lengths, low speeds, and typically serves local traffic only. Local Streets may also encompass streets classified by this Code as an Alley, Residential Lane, or Residential Local Street, the specific characteristics and average daily trip ranges of which can be found.

Street, Major Collector. A street that connects and distributes traffic between Arterial Streets, other Collector Streets or Local Streets, but primarily serving commercial development.

Street, Major Arterial. See "Street, Arterial".

Street, Minor Arterial. See "Street, Arterial".

Street, Neighborhood. A street that primarily serves the local traffic needs a subdivision, neighborhood or development, with relatively low traffic counts and lower speeds. Street types include Residential Lanes, Local Streets, Residential Collectors and Neighborhood Collectors.

Street, Private. An improved roadway for which no public entity has jurisdiction or maintenance responsibilities. A private street may be used as the principal means of access to a lot if such lot meets the minimum required lot frontage on a public roadway, as specified in this Code.

Street, Public. An improved roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property and maintained by a public entity.

Street, Residential Collector. A residential street that connects and distributes residential traffic between Local Streets and Major Collectors and Arterials. May directly serve residential development, with limited spacing between access points.

Street Right-Of-Way. See "Right-of-Way".

Street, Residential Rural/Estate. A street serving Residential Rural/Estate Subdivisions that may include roadside ditches in lieu of curb and gutter and other generally rural roadway features.

Street, Through-. A street having two distinct points of ingress and egress from two other through-streets. Alleys, cul-de-sac, and loop streets shall not be considered through-streets.

Street Tree. See "Tree, Street".

Street Yard. See "Yard, Street".

Structural Integrity. Ability of a structure to maintain stability against natural forces experienced by said structure.

Structure. Anything constructed or erected on the ground or attached to something located on the ground. Examples of structures include, but are not limited to, buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel, and permanent signs. Sidewalks and paved surfaces shall not be considered structures unless located within a public easement.

Structure, Accessory. A structure that is subordinate to, incidental to, and is detached from, a principal building or a principal use of a lot. Also, may be referred to as "Secondary Structure".

Structure, Internal Circulation. A structure that did not legally exist prior to the adoption of this ordinance and does not conform with the current ordinance requirements for the district in which it is located.

Structure, Principal. A structure in which the primary use of the lot is conducted. For example, for single-family residential lots, the house is the principal structure. Also, may be referred to as "Primary Structure".

Student Housing. One or more buildings occupied or designed to be occupied by students or residents of a boarding school, college, university, or similar institution, that provide(s) sleeping accommodations and common gathering rooms accessed through a common entrance, and may include group cooking and dining facilities designed to service the entire residency of the dorm or dormitory complex. May also be referred to as a dormitory or residence hall.

Subdivider. Any person, firm, partnership, corporation, or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision. The division of a tract of land where the resulting lots or parcels differ from the existing configuration for the purpose of transfer of ownership; dedication of streets, alleys, or easements; or development, as that term is defined in this Code. For example, the division of one lot into two or more lots or the division of more than two lots into a lesser number of lots. Subdivision includes "re-subdivision".

Subdivision Variance. See "Variance, Subdivision".

Substance Abuse Treatment Facility. A facility providing 24-hour supervision, counseling, and treatment for persons not needing regular medical attention, but requiring rehabilitation services for alcohol or chemical dependency or similar disorders, including those ordered as a condition of probation.

Tavern. See "Bar".

Taxidermist. An establishment engaged in the art of preparing, stuffing, mounting, or processing the skins, feathers, or horns of animals.

Telecommunications. The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Temporary Use. See "Use, Temporary".

Theater, Live. An indoor facility that provides fixed seating for customers to view dramatic, musical, or live performances, including accessory snack and/or food and beverage services.

Theater, Movie. An indoor facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

Thoroughfare. Any roadway classified on the Overall Transportation Plan as a Collector, Arterial, or Highway, which functions as generally high-volume corridors throughout the city and the surrounding areas.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include but will not be limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

Tower or Antenna, Commercial. A telecommunications structure or facility operated for financial gain by a person, corporation, or business.

Tower, Amateur Radio or Non-Commercial. A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances for the private use and enjoyment of an individual holding a valid amateur radio (HAM) license issued by the Federal Communications Communication and not used for any commercial or industrial use. This shall also include a structure or facility operated by a utility company or governmental entity for its own use (such as an electricity

or natural gas provider, water district, or other company which is licensed or regulated by the state or the federal government).

Towing Service and Impound Lot. A facility in which tow trucks are utilized in the hauling of motorized vehicles and for the temporary storage or impoundment of primarily operable or repairable motor vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

Townhouse. A dwelling unit on an individual lot that is part of a series of three or more dwelling units having common side walls with one or more adjoining dwelling units in a townhouse row.

Townhouse Lot. A lot being a portion of a townhouse development that is intended for separate ownership. A townhouse lot consists of the townhouse and associated required private open space. Townhouse lots are only applicable when three or more townhouses are grouped in a townhouse row and cannot stand alone as a single lot.

Traffic Impact Analysis (TIA). An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Transport Service, Private. A privately owned transportation service engaged in the transport of people and includes services such as taxi, limo, and ambulance services.

Transport Service Dispatch Facility, Private. A location engaged in only the dispatching of private transport service vehicles with no on-site storage, maintenance, or temporary parking of the transport vehicles.

Transportation and Utility Use. See "Use, Transportation and Utility".

Tree. Any self-supporting woody perennial plant species usually having a single trunk diameter of no less than two inches at maturity, measured one-foot above grade, and which normally grows in Central Texas to an overall minimum height of 12 feet.

Triplex. A multifamily structure containing three attached dwelling units which share common walls and are designed exclusively for the use and occupancy of three families living independently of each other. The land underneath the structure is not divided into separate lots. See also "Multifamily, Attached Dwelling Units."

Truck Terminal. A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

TxDOT. Texas Department of Transportation.

University. See "College".

Upper-Story Residential. Dwelling units located on the second or higher floor in a building with predominately Non-Residential uses on the ground floor.

Urgent Care Facility. A medical facility where ambulatory patients can be treated on a walk-in basis, without an appointment, and receive immediate non-emergent care.

Use. The purpose or activity for which land or any structure thereon, is designed, arranged or intended or for which it is occupied or maintained.

Use, Accessory. A use that is subordinate and incidental to the primary use.

Use, Agricultural. A Use Category encompassing uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

Use, Civic. A Use Category encompassing uses that provides community services to or for the general public. Civic uses are typically found in non-residential zoning districts but may be allowed in residential districts, often with limitations or Special Use Permits. These uses are generally public or non-profit but also include for-profit entities that provide a service to the general public. Civic uses include, but are not limited to, facilities for education, day care, government, social services, institutions, places of worship, and parks and open spaces.

Use, Commercial. A Use Category encompassing uses that include businesses that facilitate the buying and selling of manufactured goods or provide consumer and professional sales and services. These uses may include, but are not limited to, overnight accommodations, establishments for food and beverage preparation and consumption, entertainment or recreation-oriented activities, out-patient or home-care health and medical services, and professional and business offices. A commercial use also encompasses retail sales and service uses for personal improvement, self-storage, heavy commercial and wholesale sales and services, and automobile sales, repair, and service.

Use, Industrial. A Use Category encompassing uses that range from light manufacturing and assembly, equipment servicing, storage/freight management to waste related services. Public traffic and onsite sales are very limited. Industrial uses and facilities are typically incompatible near residential districts.

Use, Primary. The use which is conducted as the primary activity upon the lot on which it is located. Also, may be referred to as "Principal Use".

Use, Residential. A Use Category encompassing uses that are intended for residential dwellings and related accessory uses. These uses include single-family and multi-family residential structures and also accommodate groups of people that may exceed the definition of household.

Use, Secondary. See "Use, Accessory".

Use, Temporary. A use established for a fixed, usually short-term, period of time with the intent to discontinue the use upon the expiration of the time. Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zoning district in which they are proposed.

Use, Transportation and Utility. A Use Category encompassing uses that are intended for public or private utilities, transportation, parking, and large-scale communication transmission facilities. These uses may serve small or large-scale areas with various intensity and nuisance. Transportation uses include, but are not limited to, terminals, storage and dispatch facilities for public and private transportation. Utility uses typically contain light traffic and minimal personnel although some larger uses, which serve the general community, may not be compatible in residential areas.

Utility Service, Intermediate. Publicly or privately owned facilities or systems including elevated water storage tanks, lift stations, telephone switching facilities (over 100 square feet gross floor area), electric substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities; and towers erected by a public authority for public safety or emergency services communication purposes.

Utility Service, Major. Publicly or privately owned facilities or systems including generation, production, or treatment facilities such as power plants, water treatment plants, wastewater treatment plants (including package treatment plants), or similar utilities; and radio and television transmission towers.

Utility Services, Minor. Publicly or privately owned facilities or systems that are necessary to support principal development. Minor utilities include transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; and telephone switching facilities (up to 100 square feet gross floor area).

Vacation. The termination of (1) an interest in an easement, right-of-way or public dedication of land; or (2) a legally recorded Subdivision Plat or portion thereof.

Variance, Subdivision. A grant of relief from the Subdivision requirements of this Code, as determined by the Planning and Zoning Commission. Subdivision Variances may be considered to the provisions only as specified within this Code. A Subdivision Variance permits construction or development in a matter otherwise prohibited by this Code. Does not constitute nor equal a Zoning Variance.

Variance, Zoning. A grant of relief to a person from the Zoning requirements of this Code when specific application thereof would result in unnecessary hardship, as determined by the Zoning Board of Adjustment. A Zoning Variance, therefore, permits construction or development in a manner otherwise prohibited by this Code. Does not constitute nor equal a Subdivision Variance.

Vehicle. See "Automobile".

Vehicle Display and Sales Area. The area specifically reserved for the display and storage of vehicles actively for sale. This area shall not include areas reserved for required parking spaces, parking of vehicles in service, or areas reserved for the storage of vehicles not actively for sale.

Vehicle Storage. Long-term storage (over 72 hours) of operable or inoperable vehicles. Typically includes storage of tow-aways or impound yards, but this term excludes dismantling or salvage.

Verification Letter, Legal Lot. A letter confirming whether or not a tract of land is a Legal Lot, as that term is defined in this Code.

Verification Letter, Zoning. A letter that indicates that a specified use is permitted within a particular zoning district or confirming the established zoning district on a particular property. A Zoning Verification Letter does not authorize the property owner to proceed with a development; the letter does not specify requirements that must be met for future development; nor does the letter include a determination that a tract of land may be developed.

Veterinarian Clinic. A facility, operated under the supervision of a licensed veterinarian, where domestic animals and pets are admitted for examination, observation, diagnosis, and medical treatment. This term includes those facilities with and without outdoor pens as permitted in the Use Table in of this Code.

Vineyard. An agricultural establishment that cultivates and processes grapes or other berries on premises for the purpose of producing wine or similar spirits containing not more than 24 percent (24%) alcohol by volume. Processing includes crushing, fermenting, blending, bottling, aging, labeling, packaging, storing, and/or warehousing. A winery may include wholesale sales of the wine

product, administrative offices for the wine operations, tasting rooms, retail sales of wine and wine paraphernalia, meeting or banquet facilities, and incidental food sales.

Wall, Building. See "Building Wall".

Wall, Fencing. An opaque masonry wall used for fencing and screening, not considered part of a building not used for retaining purposes.

Wall, Retaining. A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

Warehousing and Distribution, General. An establishment engaged in the open-air storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include household moving, general freight storage where the goods are stored in containers, and grain terminals. This definition does not include truck terminals or rail yards, as herein defined.

Warehousing and Distribution, Limited. An establishment engaged in the storage, distribution, or movement of materials, equipment, or goods within an enclosed structure for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.

Wastewater (Sewage) Treatment Plant. A facility designed for the collection, removal, treatment, and disposal of waterborne wastewater or sewage that serves in excess of two dwelling units and is operated by a publicly regulated organization or board.

Waste Related Uses. Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing and recycling facilities.

Wholesale Showroom. An establishment engaged in selling merchandise primarily to retailers, contractors, industrial, commercial, or institutional professional business users; or to other wholesalers or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include agents, merchandise, or commodity brokers; commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical, plumbing, heating and air conditioning supplies, and equipment. The facility may also include storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed wholesale showroom but rather shall be considered a retail sales operation.

Wireless Transmission Facility (WTF). An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.

Wrecking or Salvage Yard. An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and

household equipment. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

Yard. The area that lies between an established building line and its parallel or semi-parallel lot line. A yard is separate and distinct from, but usually inclusive of, a required setback.

Yard, Front. The area that lies between the established front building line of the principal building and the front lot line.

Yard, Rear. The area that lies between the established rear building line of the principal building and the rear lot line.

Yard, Side. The area that lies between the established side building line of the principal building and the side lot line.

Yard, Street. The area of a lot that lies between any adjoining street right-of-way and any existing or proposed building, the portion of which is closest to the right-of-way line. Street Yard boundaries extend from the building the length of the lot, generally parallel to the right-of-way line of the street.

Zero Lot Line. See "Single Family, Zero Lot Line".

Zoning Map. The "Official Zoning Map" of the City.

Zoo. A facility, park, or institution, in which live wild animals are kept, studied, bred, and exhibited to the public.

Zoo, Petting. A collection of domestic farm animals, such as goats, ducks, and sheep and sometimes docile wild animals such as turtles or deer, for children to feed and pet. May also be referred to as a children's zoo. Many general zoos also contain a petting zoo.

Chapter 2.00 Review Authority and Procedures

§ 2.01. General.

2.01.01 Purpose. The purpose of this Chapter is to establish the responsibilities and structure for administering and enforcing this Code, including the reviewing authority and minimum review procedures that will be followed by each reviewing authority. Chapter 3 provides supplemental information to the review procedures described in Chapter 2.

2.01.02 Conformity with Development Regulations. All City officials and employees with the responsibility or authority to issue a permit, certificate or license are prohibited from issuing a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, certificate or license issued in conflict with the provisions of this Code is null and void.

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

§ 2.02. Responsibility of Property Owner and/or Applicant.

- A. It is the responsibility of an applicant to provide accurate and complete information and plans to comply with the requirements of this Code and all applicable laws and regulations. The City of Jarrell is not responsible for the accuracy of information or plans provided to the City for its review or approval.
- B. The City or its representatives may inspect any development activity to enforce the provisions of this Code. By submitting an application to the City, the applicant consents to entry upon the site by the City or its representatives during regular business hours for the purpose of making reasonable inspection to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans and permits and the requirements of this Unified Development Code.
- C. The use of the following terms in this Code refers to the person, entity, or agent thereof who may apply for an approval or a permit or another decision of the City under this Code. All such terms shall be considered interchangeable. The terms include the following: owner, owner's agent, landowner, property owner, applicant, developer, and subdivider.

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

§ 2.03. Administrative Officials and Review Entities.

2.03.01 City Manager.

- A. The administrative official for the purposes of this Chapter shall be the City Manager and his/her assistants, deputies, and department heads insofar as they may be charged by the City Manager and the provisions of this chapter with duties and responsibilities referenced in this Chapter and Chapter 3. The City Manager or his/her designee shall ordinarily administer and enforce the provisions of this Code. The City Manager shall serve as staff to the Planning and Zoning Commission, Board of Adjustments (BOA), and the City Council except where otherwise provided by this Chapter.
- B. Until such time that the City has the resources to support a City Manager, the City Council may choose to contract these services to an individual or entity with similar.

expertise and experience.

2.03.02 City Manager Powers and Duties. The City Manager and his/her designees have the following powers to make final action and review and reporting duties regarding this Code:

- A. The City Manager and his/her designees are responsible for taking final action on the following procedures described in this Code and according to the specific criteria for each procedure as described in the Code.
 - 1. Letter of Zoning Compliance
 - 2. Subdivision Plat Compliance
 - 3. Master Sign Plan
 - 4. Temporary Use Permit
 - 5. Administrative Plat Review
 - 6. Minor Plat, Final Plat or Amending Plat. (If the City Manager does not approve such a plat, the plat must automatically be forwarded to the Planning and Zoning Commission under the Subdivision Plat Review procedure.)
- B. The City Manager and his/her designees will review and make either a report or recommendation to the BOA, Planning and Zoning Commission, or City Council, as required pursuant to the Code, on the following procedures:
 - 1. Preliminary Plat Review
 - 2. Site Development Permit
 - 3. Conditional Use Permit
 - 4. Planned Unit Development
 - 5. Comprehensive Plan Amendment
 - 6. Zoning Map Amendment (Rezoning)
 - 7. Unified Development Code Text Amendment
- C. The City Manager and his/her designees shall have the following additional duties:
 - 1. To comply with any other duty or responsibility clearly assigned to the City Manager elsewhere in this Code.
 - 2. To enforce all provisions of this Code.
 - 3. To meet with potential applicants in preapplication conferences as described in this Code.
 - 4. To act and serve as staff for each review body designated by this Code; and
 - 5. To render advice and guidance, upon reasonable request of any property owner, or its agent, or occupant, on development or new construction or the restoration, alteration or maintenance of any building within the City.

- D. The City Manager and his/her designees shall comply with any specific procedures described in this Code.
- E. The City Manager and his/her designees may develop administrative rules or additional procedures to clarify implementation of this Code, provided that such rules or procedures are approved by the City Council prior to their implementation or enforcement and provided further that additional procedures do not violate any other provisions of this Code.
- F. The City Manager and his/her designees will develop an Administrative Procedures Manual for application requirements for all procedures described within or developed pursuant to this Code. Such requirements must be sufficient to permit the Manager to effectively review the application and for the final approving authority to render an informed decision.
- G. Application requirements must be consistent with state law.
- H. The City Manager may waive application requirements when appropriate but may not require additional submission requirements after an application has been determined to be complete.
- I. Interpretation of the Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Manager, in consultation with the staff, city engineer, or city attorney, as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and the UDC. The interpretation given by the Manager shall be final unless an appeal is made by the applicant to the City Council or Board of Adjustment to review and overturn his decision. In such a case the burden shall be on the applicant to prove that the Manager's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

2.03.03 City Engineer.

- A. The City Manager will appoint a City Engineer to function as described in this Code. The City Engineer must be a registered professional engineer, licensed by the State of Texas and competent in the design and review of land development and urban public works.
- B. The City Engineer and his/her designees are responsible for review and final action on the following plans described in this Code, subject to the specific criteria for the procedure as described in the Code:
 - 1. Approval of Master Drainage Plans
 - 2. Approval of Street and Drainage Plans
 - 3. Approval of Water Distribution Plans
 - 4. Approval of Wastewater Plans
 - 5. Approval of Electric, Telephone and Telecommunications Plans
 - 6. Approval of Water Quality Controls
- C. The City Engineer and his/her designees will review and make either a report or recommendation to the City Manager, Planning and Zoning Commission or City Council on the following procedures, subject to the terms and conditions set forth for

such procedures in this.

Code:

1. Preliminary and Final Plat Review
 2. Site Plan Review
- D. The City Engineer and his/her designees shall comply with any specific procedures or technical criteria described in this Code.
- E. The City Engineer and his/her designees may develop and implement additional procedures or technical criteria to clarify implementation of this Code, provided that such procedures or criteria are approved by the City Manager prior to their implementation and enforcement and provided further that the additional procedures do not violate any other provisions of this Code.

2.03.04 Board of Adjustment (BOA or Board).

- A. The regulations and restrictions of the Board of Adjustment (BOA) for the City of Jarrell will be pursuant to the provisions of applicable statutory requirements of the State of Texas. No BOA action may govern if in conflict with specific provisions of this Code.
- B. The BOA has the powers and duties of a BOA in accordance with the Texas Local Government Code section 211.008. The BOA's jurisdiction extends to and includes the following final actions:
1. Appeal of an Administrative Decision
 2. Administrative Exception
- C. The BOA will be constituted and conduct all activities in accordance with the Code and all other applicable Codes, and any adopted By-Laws. The City Council of the City of Jarrell will act as the BOA until such time as a separate BOA has been created.
- D. The BOA review process will be required for any permit or application that requires final action from the BOA, as described in this Code.
- E. Initiation of a BOA process may be made upon:
1. Application by the property owner of the affected property or its authorized agent.
 2. An administrative exception may only be requested by the City Manager.
 3. Appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision, in compliance with section 211.010 of the Texas Local Government Code.
- F. Applications must be made in a format consistent with requirements determined by the City Manager. Applications must include all materials determined necessary by the City Manager. Information regarding format requirements and submittal materials required for the application will be made available by the City Manager in advance of any application.
- G. Appeal of an administrative decision must be made to the BOA in a format acceptable to the BOA.

- H. Upon submission of an application, the City Manager will determine whether the application is complete, as described in Chapter 3.
- I. Appeals of administrative decisions will be forwarded to the BOA regardless of completeness. The BOA will determine whether the appeal is complete.
- J. Once a procedure has been initiated and the application deemed complete, the City Manager will review the application, considering any applicable criteria for approval and prepare a report to the BOA.
- K. The City Manager may establish procedures for administrative review necessary to ensure compliance with this Code and state law.
- L. The City Manager may assign staff to review the application and provide a preliminary report to the Manager.
- M. The City Manager's report may include a recommendation for final action.
- N. The BOA will review the application, the City Manager's report, conduct a hearing in accordance with the BOA's established procedures and state law, and take final action on the application. In accordance with Texas Local Government Code 211.009, the concurring vote of 75 percent of the members of the board 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 board is required to pass under a zoning requirement (Chapter 4 of this Code), or
 - 3. authorize a variation from the terms of the zoning ordinance (Chapter 4) of this Code.
- O. The application must be complete, and the information contained within the application must be sufficient and correct enough to allow adequate review and final action.
- P. Specific criteria for considering Administrative Exceptions are provided in Chapter 3.
- Q. Specific procedures and criteria for considering appeals of administrative decisions are provided in Chapter 3.
- R. A person aggrieved by a final action on a BOA procedure may appeal to a competent court of record within ten (10) days of the final action (see Texas Local Government Code, section 211.011). Failure to appeal within ten (10) days shall cause the final action to be contractually agreed to and the action will become final and unappealable. The action will be abated upon request of either party for mediation if appealed within 10 days.
- S. Prior to filing an appeal with a competent court of record, any party to an appeal may request that alternative resolution of the dispute be attempted.

2.03.05 Planning and Zoning Commission.

- A. The regulations and restrictions of the Planning and Zoning Commission for the City of Jarrell will be pursuant to the provisions of applicable statutory requirements of the

State of Texas. No requirement or the procedure of the Planning and Zoning Commission action may govern if it is in conflict with specific provisions of this Code.

- B. The Planning and Zoning Commission has the powers and duties of a Planning and Zoning Commission in accordance with Texas Local Government Code section 211.007 and section 371.042, provided, however, that it serves only in an advisory capacity to City Council. The Planning and Zoning Commission's authority extends to and includes review and recommendation of the following:
1. Preliminary Plat
 2. Conditional Use Permit
 3. Overlay District Designation
 4. Planned Unit Development
 5. Comprehensive Plan Amendment
 6. Zoning Map Amendment (Rezoning)
 7. Variance to a zoning decision.
 8. Unified Development Code Text Amendment
- C. The Planning and Zoning Commission will be formed and conduct all activities in accordance with this Code and other applicable City code requirements, the ordinance creating the Commission and any adopted By-Laws.
- D. The Planning and Zoning Commission review process will be required for any permit or application that requires review and recommendations from the Planning and Zoning Commission, as described in this Code.
- E. Initiation of a Planning and Zoning Commission process may be made upon application by the property owner of the affected property or its authorized agent.
- F. Application must be made in a format consistent with requirements determined by the City Manager. Applications must include all materials determined necessary by the City Manager. Information regarding the format requirements and submittal materials required for the application will be made available by the Manager in advance of any application.
- G. The Planning and Zoning Commission will serve as an Advisory Body to the City Council. The Planning and Zoning Commission will have no authority for final action.
- H. A preliminary or final plat, Conditional Use permit, zoning map amendment, or variance request will not be recommended for approval until the application is complete and the information contained within the application is sufficient and correct so as to allow adequate review and a decision on a recommendation by the appropriate review authority.
- I. No plat shall be recommended without a determination that the plat conforms to the following:
1. The requirements of this Code and any applicable state law.

2. The City's Comprehensive Plan and any other adopted plans as they relate to:
 - i. The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
 - ii. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - iii. Any subdivision design and improvement standards adopted by the City pursuant to Texas Local Government Code section 212.002 or Texas Local Government Code section 212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.
 - iv. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion of required improvements.
- J. Until the Commission has been given final action authority by the City Council, appeals shall be made to City Council.

2.03.06 City Council (Council). The regulations and restrictions of the City Council for the City of Jarrell will be pursuant to the provisions of applicable statutory requirements of the State of Texas. The City Council (Council) has the following powers and duties:

- A. The City Council is responsible for appointing and removing any members of the Planning and Zoning Commission and BOA. Appointments will be made on the recommendation of the Mayor and a vote of approval by the City Council.
- B. The City Council has responsibility for hearing and taking final action on the following procedures described in this Code.
 1. Preliminary Plat
 2. Variance Request
 3. Plat Amendments
 4. Site Development Permit
 5. Conditional Use Permit
 6. Dedication of land and community facilities
 7. Overlay District Designation
 8. Planned Unit Development
 9. Comprehensive Plan Amendment
 10. Zoning Map Amendment (Rezoning)
 11. Unified Development Code Text Amendment

- C. Any other specific procedure or legislative action that requires City Council action as specified in this Code or required by state or federal law.
- D. The City Council membership and by-laws have been established by City Charter and Texas Local Government Code.
- E. Procedures for City Council review and action will be developed and adopted by the Council when appropriate.
- F. The City Council shall serve as the final action authority for all development-related applications listed in Section 2.3.9(b) [2.03.06B] above, and as indicated throughout this Code.

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

Chapter 3.00 Applications And Permits

§ 3.01. Purpose and Intent.

The purpose of this Chapter 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 Jarrell.

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

§ 3.02. Application and Permit Clarification.

3.02.01 Types of Applications and Permits. Application and permit types can be categorized as (A) Policy- and Legislative-Related Applications and Permits, (B) Subdivision-Related Applications and Permits, or (C) Development-Related Applications and Permits. Review authorities for applicable development applications and permits are described in Table 3-1, below. The Administrative Procedures Manual (developed by the City Manager) establishes timelines for review and applicable fees. Certain procedures apply inside city limits that do not apply in the ETJ. Table 3-1 also provides guidelines for the procedures that apply in the city limits or ETJ.

- A. Policy- and Legislative-Related Applications and Permits. Approval of applications for development is based (among other basis for consideration described in this Code) upon the proposed development's conformance with existing policies (including the Comprehensive Plan, Zoning Map, and Code). In cases where a proposed development is not in accordance with these policies[,] changes to policies must be made by the appropriate review entity (either the City Council or Board of Adjustment for Policy- and Legislative-related applications and permits before any subdivision or development not in accordance with existing policies may proceed). Includes: Comprehensive Plan Amendment, Planned Unit Development, Conditional Use Permit, Zoning Map Amendment, Code Text Amendment procedures, and certain Variances.
- B. Subdivision-Related Applications and Permits. Subdivision-related procedures are necessary to establish how individual lots or projects may be developed. These procedures are used to establish what is commonly referred to as a "legal lot" on which development may occur. Subdivision activities and projects must be in compliance with this Code as well as the current (at the time of plat application) version of the Williamson County Subdivision Regulations. Should there be a conflict between the Code and the Williamson County Subdivision Regulations, the more stringent criteria will apply: Includes: Comprehensive Plan Consistency Review, Minor Plat, Amending Plat, Replat, Preliminary Plat, Construction Plan, and Final Plat.
- C. Development-Related Applications and Permits. Development in the City must occur in compliance with all regulations of this Code. In addition, land must be appropriately subdivided and platted before any development project may occur. Includes: Zoning Verification Letter, Legal Lot Verification Letter, Written Interpretation, Master Sign Plan, Administrative Decision, Temporary Use Permit, Administrative Exception, Site Development Permit, Stormwater Permit, Certificate of Design Compliance, Appeal of

an Administrative Decision, Variance, and Building Permit (sign only) procedures.

Table 3-1: Applications and Permits						
Development in City Limits	Development in ETJ	City Council	P&Z	BOA	Admin Review	Williamson County
POLICY-RELATED APPLICATIONS AND PERMITS						
Comprehensive Plan Amendment	Comprehensive Plan Amendment	X	O		O	
UDC Text Amendment	UDC Text Amendment	X	O		O	
Zoning Map Amendment		X	O		O	
Planned Unit Development		X	O		O	
Special Use Permit		X	O		O	
SUBDIVISION-RELATED APPLICATIONS AND PERMITS						
Plan Consistency Review	Plan Consistency Review				X	
Minor Plat Amending Plat	Minor Plat Amending Plat				X	
Replat	Replat				X	
Development Plat	Development Plat	X	O			
Preliminary Plat	Preliminary Plat	X	O			
Construction Plan	Construction Plan				X	
Final Plat	Final Plat	X	O			
DEVELOPMENT-RELATED APPLICATIONS AND PERMITS						
Zoning Verification Letter					X	
Legal Lot Verification Letter	Legal Lot Verification Letter				X	

Table 3-1: Applications and Permits						
Development in City Limits	Development in ETJ	City Council	P&Z	BOA	Admin Review	Williamson County
Written Interpretation	Written Interpretation				X	
Master Sign Plan	Master Sign Plan				X	
On-site Wastewater Permit	On-site Wastewater Permit					X
Site Plan Review					X	
Site Development Permit					X	
Certification of Design Compliance			O		X	
Stormwater Permit	Stormwater Permit				X	
Administrative Decision					X	
Appeal of an Administrative Decision			X			
Administrative Exception			X			
Variance		X	O			
Temporary Use Permit					X	
Building Permit	Building Permit (Signs and Utility Permit Only)				X	

X	Final Review Authority
O	Initial Review Authority or Recommending Authority
A	Advisory Review

Note: Within the ETJ, The City of Jarrell will have the ability to review and approve plats in accordance with regulations set forth by Williamson County.

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

§ 3.03. Related Applications and Permits.

Related applications and permits shall be submitted, reviewed, and approved/denied based on the procedures listed below. Some of these procedures may be followed concurrently, while some procedures require pre-approval of other procedures. Notify the City Manager if the Administrative Procedures Manual does not clarify the timing of these procedures.

- A. Development Requiring Multiple Approvals. The following restrictions apply to development applications requiring multiple approvals:
1. Policy- or legislative-related applications for permits required for a particular project may occur in any order but shall be sequenced so that when final actions occur, each approval provides any requisite requirement for a subsequent related approval.
 2. Subdivision applications may generally be considered concurrently.
 3. Approval of the final plat shall not be granted until written approval plans for dedication of land and community facilities has been given by the City Manager.
 4. Development or permit applications may generally be considered concurrently.
 5. No Development or permit application may be considered if there is pending subdivision activity for the same tract of land, except for administrative determinations.
 6. Appeals of administrative decisions may only occur after a final decision by the City Manager.
 7. Consideration of development or permit applications shall be sequenced so that when an approval occurs, it will provide any requisite requirement for a subsequent related approval.
- B. Simultaneous Submission of Related Applications.
1. Submittal of different applications related to the same development may be made simultaneously, although the review and processing of applications must remain in sequence as described in Table 3-1 above and elsewhere in this Code.
 2. Applicants may file multiple applications for nonconcurrent actions/approvals. Applications shall be reviewed and processed in the sequence required pursuant to this Code. After each application receives final action, the next consecutive application in the Code process will be reviewed for completeness pursuant to the appropriate process.
 3. Any application submitted simultaneously with other applications is subject to approval of all other related applications that are prerequisite(s) to consideration of another application in the development process. Denial or disapproval of any concurrently submitted application shall prevent consideration of any related applications unless and until the denied or disapproved application is resolved or approved.
 4. An applicant may withdraw any individual application from a group of simultaneously.

submitted applications.
(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 3.04. Common Review Elements.

3.04.01 Pre-Development Conference. Prior to submission of an application, a preapplication conference between the applicant and the appropriate City Staff is required. A preapplication conference is a meeting between a potential applicant under this Code and the City Manager or his/her designee. The conference is an opportunity for an applicant to describe the development that will be submitted and for the City Manager to explain the development process (i.e., which application is appropriate, which review body is responsible for final action, what the potential timelines for review may be, and what criteria will be used to determine whether the application may be approved). Completion of a preapplication conference does not imply or indicate subsequent City approval of the permit or application.

3.04.02 Application Forms and Fees. The following regulations shall apply to all applications.

A. Forms.

1. Applications required under this Code shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City and/or indicated in the Administrative Procedures Manual. The City Manager shall have the authority to request any pertinent information required to ensure compliance with this Code.
2. The City Manager must make any submission requirements and applicable fee requirements available to the applicant as a part of the Administrative Procedures Manual.
3. The City Council may, from time to time, adopt by resolution specific forms and submission requirements. Such resolution shall be incorporated as an Appendix to this Code.

Editor's note—Such resolutions are not included herein as an appendix. These forms and submission requirements shall be maintained on file in the offices of the city.

4. Submission Requirements
5. Development applications (which includes, among other types, the ones listed in Section 3.04.01 [sic] above) shall be prepared and submitted in a format acceptable to the City Manager.

B. Fees.

1. Development and permit application fees shall be established from time to time by ordinance of the City Council.
2. All required fees shall be made payable to “The City of Jarrell,” by local check, money order, or cashier’s check.
3. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to the formal

written notification of completeness or incompleteness, shall be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City. The application fee required for all policy or legislative applications is not refundable.

3.04.03 Application Deadline. All applications shall be completed and submitted to the City Manager in accordance with the Administrative Procedures Manual. An application shall not be considered as officially submitted or filed until it is determined to be complete as specified below.

3.04.04 Determination of Application Completeness.

- A. A determination whether an application is complete will be made by the City Manager within fifteen (15) working days of submittal of the application.
- B. If the application is determined to be incomplete, the City Manager shall notify the applicant in writing. If the application is not resubmitted within a period specified by the City Manager, a new application and fee shall be required.

3.04.05 Expiration of Inactive Permits and Approvals. Approvals and permits issued pursuant to this Code shall expire according to the following Table 3-2. The following general provisions apply:

- A. Notification of the expiration of regulations shall be provided to the applicant as part of the notification of approval of the development-related permit.
- B. A Letter of Regulatory Compliance or Written Interpretation stays in effect indefinitely where no related development is proposed. Upon submission of a proposed development application related to the Letter of Regulatory Compliance or Written Interpretation, the Letter of Regulatory Compliance or Written Interpretation shall expire according to Table 3-2 unless the proposed development is not pursued.
- C. A development for which an approval or permit has been issued pursuant to this Code shall be considered to be in process as set forth below:
 1. A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued.
 2. In case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within twelve (12) months from the date site plan approval is granted. Each subsequent application must be submitted within twelve (12) months from the date of issuance of a certificate of occupancy for the previous building or phase.
 3. A lapse of a period equal to or greater than the period set forth in Table 3-2 shall cause the related approvals or permits to expire and be of no further force and effect.
- D. The City Manager may extend the expiration date of any permit one time for a period not to exceed one (1) year in length. Such extension may be granted at any time prior to or within the twelve (12) months preceding the expiration date, but the extension period may not begin later than the original expiration date.

- E. Reinstatement of a lapsed approval shall require the applicant to pursue the same submittal and to obtain approval as an original application.
- F. Any minor plat, replat, amending plat, preliminary plat, final plat, (approved pursuant to previous Subdivision Regulations) or Detailed Development Plan (approved pursuant to previous Subdivision Regulations) that is dormant in accordance with the provisions of Texas Local Government Code section 245.005 will expire within the provision for expiration described in the most current version of Texas Local Government Code section 245.005.

Table 3-2: Expiration of Inactive Permits or Approvals	
Procedure	Expiration
Letter of Regulatory Compliance	12 months
Plan Consistency Review	12 months
Written Interpretation	12 months
Temporary Use Permit	2 months (or as specified in Permit)
Administrative Plat	No Expiration
Site Plan Review	12 months
Building Permit (Sign-related only)	12 months
Stormwater Permit	12 months
Certificate of Design Compliance	12 months
Appeal of Administrative Decision	12 months
Administrative Exception	12
months.	
Variance	12 months
Master Sign Plan	12 months
Construction Plan	24 months
Special Use Permit	No Expiration
Conditional Use Permit	As Approved
Historic District Designation	12 months
Planned Unit Development	No Expiration
Comprehensive Plan Amendment	No Expiration
Zoning Map Amendment (Rezoning)	No Expiration
Unified Development Code Text Amendment	No Expiration

3.04.06 Written Decision after Final Action. Within ten (10) days after a final decision is made by the authority authorized to make the final determination under the requirements of this Code, a copy of the written decision will be sent to the applicant. A copy of the notice will

be filed at the Office of the City Manager, where it will be available for public inspection during regular office hours. The written decision will also state the final action authority's findings, conclusions, and supporting reasons or facts whenever this Code requires such findings as a prerequisite to the final action.

3.04.07 Limitation on Reapplication. If any development permit application or other application for approval, any petition for a plan amendment or any petition for an amendment to this Code is disapproved by the final action authority, another application or petition for the same permit, approval, or amendment for the same property or any portion thereof may not be filed within a period of ninety (90) days or within a period of twelve (12) months for zoning change applications from the date of final disapproval, except with written approval of the City Council. Such reapplication must demonstrate:

- A. There is a substantial change in circumstances relevant to the issues and/or facts considered during the original review of the application that might reasonably affect the decision-making body's review of the relevant standards to the development described in the application; or
- B. New or additional information is available that was not available at the time of the original application that might reasonably affect the decision-making body's review of the relevant standards to the proposed development; or
- C. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or
- D. The final decision on the application was based on a material mistake of fact.

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

§ 3.05. Standard Review Period.

3.05.01 Establishment of Review Period. The City Manager is required to establish a standard time period for review and final action on all applications. This information will be published in the Administrative Procedures Manual. This review period will be used to determine the number of days for all time limits within this Code. If the City Manager fails to establish review periods for each procedure, the default review period will be ninety (90) days unless State law imposes a shorter period, in which event the shorter period will prevail.

3.05.02 Restrictions on Review Period Serving as Time Limit. All time requirements are guidelines, and do not require final action within a specified period of time. The following rules describe administration of time requirements.

- A. Ongoing consideration of an application beyond the standard review period allows a review body or the final action authority to work in good faith with the applicant to make changes, modifications, and corrections in order to continue consideration of an

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application that might otherwise be disapproved without the changes, modifications, or corrections.

- B. Once consideration of an application has continued past the standard review period and is eligible for final action upon request of the applicant, the applicant may request in writing a final action decision from the final action authority. An administrative final action authority must respond with written notification of final action within ten (10) days.

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

§ 3.06. Public Hearing and Notice.

3.06.01 Summary of Notice Required. Notice shall be required for review of an application as shown in the following table.

Table 3-3: Summary of Required Notice	
Procedure	Mailed
Administrative Appeal	
Variance	X
Special Use Permit	X
Conditional Use Permit	X
Comprehensive Plan Amendment	
Historic District Designation	X
Planned Unit Development	X
Zoning Map Amendment (Rezoning)	X
Unified Development Code Text Amendment (*Refer to Texas LGC Chapter 211)	X*

3.06.02 Mailed Notice. A Notice of Public Hearing shall be sent by the City through U.S. mail to owners of record of real property within 200 feet of the parcel under consideration and within the City Limits of Jarrell, as determined by the most recent tax rolls from the Williamson Central Appraisal District. The notice must be mailed at least ten (10) days prior to the date set for the public hearing.

3.06.03 Required Public Hearing. Table 3-4 identifies the types of procedures requiring a public hearing. Modifications of the application at the public hearing by the Applicant can be referred back to the recommending body by the decision-making body.

Table 3-4: Summary of Required Public Hearings			
Type of Application	Board of Adjustment	Planning & Zoning Commission	City Council
Appeal of Administrative Decision	X		
Variance Legislative and Judicial	X		
Conditional Use Permit		X	X
Planned Unit Development		X	X
Comprehensive Plan Amendment		X	X

Table 3-4: Summary of Required Public Hearings			
Type of Application	Board of Adjustment	Planning & Zoning Commission	City Council
Zoning Map Amendment (Rezoning)		X	X
Unified Development Code Text Amendment		X	X
Appeal of Denial of Building Permit (sign-related)	X		

X - Public Hearing Required

3.06.04 Conduct of Public Hearings.

- A. All public hearings shall follow the procedures set forth by the City of Jarrell. Modifications of the application during a public hearing may be made if assurances can be given by the applicant that the changes will be made. The City Council or other review authority holding the public hearing may approve or recommend action on the application subject to the suggested changes being made and incorporated into the new application.
- B. All findings and conclusions necessary to the permit or decision (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence that people of ordinary prudence would rely on in conducting their own affairs) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

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

§ 3.07. Policy-Related Applications.

This section provides specific approval criteria for the following policy-related applications:

- Comprehensive Plan Amendments
- Code Text Amendments
- Conditional Use Permits
- Zoning Changes / Rezoning
- Planned Unit Developments (PUDs)
- Variance

3.07.01 Comprehensive Plan Amendment.

- A. Applicability. The Comprehensive Plan reflects Jarrell's long-term plan for growth and development. The City Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries herein established, or contained in the Comprehensive Plan.
- B. Approval Criteria. The City Council may consider criteria it deems relevant and important in taking final action on the amendment but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- C. Responsibility for Final Action. Recommendations regarding Comprehensive Plan amendments may be by [sic] made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward their recommendation to the City Council who is responsible for final action on Comprehensive Plan Amendments.

3.07.02 Unified Development Code Text Amendment.

- A. Applicability. Amendments to this Code may be made from time to time in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, or to correct errors in the text or caused by changing conditions in a particular area or in the City. All text amendments shall be in accordance with the Comprehensive Plan. If the Comprehensive Plan is amended, the Code should also be amended if found to be necessary or advisable by the Planning and Zoning Commission.
- B. Approval Criteria. The City Council may consider criteria it deems relevant and important in taking final action on the amendment but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- C. Responsibility for Final Action. Recommendations regarding the Code text amendments shall be made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council who is responsible for final action on a Code Text Amendment.

3.07.03 Conditional Use Permit.

- A. Applicability. Conditional Use permits allow 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 set forth in this Code. These uses and the districts where they may locate are listed in Section 4.09. These uses may locate in districts as indicated under special conditions. No such use shall commence without prior approval of a Conditional Use permit.
- B. Approval Criteria. A binding Site Plan for the Conditional Use Permit must be approved by the City Council in order to approve issuance of a Conditional Use Permit.
 - 1. The Site Plan must be reviewed by the City Manager for compliance with this Code.
 - 2. In addition to the criteria for zoning changes found in Section 2.5 [sic], the City Council may approve an application for a Conditional Use Permit where it.

reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City Council will review the Conditional Use Permit application based on the potential use's impact on the health, safety and welfare of the surrounding neighborhood; its impact on public infrastructure such as roads, parking facilities and water and sewer systems; and its impact on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately provide services.

3. Any modification to an approved site plan that was filed as part of a Conditional Use Permit shall cause the Conditional Use Permit to become void, regardless of its current status, including any approval previously given by the City Council.
 4. Such Conditional Use Permits must be resubmitted to the City Manager and the City Council for consideration using the modified site plan.
 5. The City Manager may determine that the modification to the site plan does not change the basis for Conditional Use Permit approval and issue a temporary approval to the modified Conditional Use Permit. In this case, the City Manager shall report this action in writing to the City Council and place the modified Conditional Use Permit directly on the City Council agenda for action at the Council's next meeting.
 6. If the City Manager determines that the modifications to the site plan changes the basis for the initial Conditional Use Permit approval, the modified permit shall follow the regular review process for a regularly submitted Conditional Use Permit.
- C. Responsibility for Final Action. The City Council is responsible for final action on applications for Conditional Use Permits.

3.07.04 Zoning Map Amendment – Rezoning.

- A. Applicability. For the purpose of establishing and maintaining sound, stable, and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district. All amendments must be in accordance with the Comprehensive Plan, which may be amended according to the procedure in Chapter 2 (Section 2.4 [sic]). Newly annexed areas shall be zoned AG during the annexation process.
- B. Approval Criteria (Rezoning). The City Council may consider criteria it deems relevant and important in taking final action on the amendment but shall generally determine that the amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
- C. Responsibility for Final Action. Conditions and proposed decisions regarding rezoning shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on Zoning Map Amendments.

3.07.05 Zoning Map Amendment - Planned Unit Development (PUD).

- A. Applicability. A PUD may be used to permit new or innovative concepts in land utilization, master-planned communities, mixed use development that other zoning districts do not accommodate, and to provide site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility. PUDs are appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or where the Comprehensive Plan reflects mixed use as a land use category.
- B. Submission Requirements. The applicant is responsible for submitting an application for a PUD that must include submission of a proposed development ordinance with an attached General Development Plan. The proposed ordinance, as modified and if approved by the City Council, shall be binding on the applicant and its successors. Final action on the PUD includes final action on the proposed development agreement. Any future development permits must comply with the final approved development ordinance.
- C. The PUD development ordinance and general development plan must provide sufficient information for the Council's evaluation. These submission items must also include development standards which shall address: uses, density, lot area, lot width, lot depth, yard depths and widths, setback requirements, building height, building elevations, building articulation, parking, access, streets and circulation, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, restrictive covenants and other restrictions, fiscal surety for completion of construction of improvements, cost participation agreements, and other requirements the City Council may deem appropriate.
- D. Approval Criteria (PUD). Upon receipt of the Planning and Zoning Commission's recommendation to the City Council, the Council will consider the following specific objectives and criteria in making a determination on the development ordinance and general development plan associated with the PUD. Rezoning to and development under the PUD district will be permitted only if the development ordinance and general development plan meet the following criteria:
1. Compatible with the goals and policies of the Comprehensive Plan.
 2. Assurance of adequate utility infrastructure in conformance with utility and drainage plans available.
 3. Assurance of a variety of housing types, employment opportunities or commercial services to achieve a balanced community for families of all ages, sizes and levels of income.
 4. Provision of a comprehensive transportation system for bicycle, pedestrian and vehicular traffic that is connected and integrated with existing development.
 5. Provision of a gross site area as well-designed and appropriately improved open space.
 6. Development is staged in a manner that can be accommodated by the timely provision of public utilities, facilities and services.

E. Effect of Council Approval.

1. City Council approval of a PUD also constitutes final approval of the binding PUD development ordinance and PUD general development plan that were attached to the PUD application, as modified by the City Council.
2. The PUD development ordinance, as modified and approved by the City Council, becomes, in effect, a modification to the regulations and standards of this Code that apply only to the area of land described by the PUD development ordinance. All future or ongoing development approvals or permits within the area of the PUD shall comply with the PUD development ordinance in addition to this Code.
3. The PUD general development plan, as modified and approved by the City Council, becomes, in effect, an amendment to the City's Comprehensive Plan and Zoning Map that applies only to the area of land described by the PUD. All future or ongoing development approvals or permits, including any plat-related approval, shall comply with the PUD general development plan in addition to the City's Comprehensive Plan.

F. Minimum Requirements. Unless otherwise indicated in the approved PUD development ordinance or PUD general development plan, the minimum requirements for each development shall be those stated in this Code for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted.G. Responsibility for Final Action. Decisions regarding a Planned Unit Development (PUD) shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on a PUD.

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

§ 3.08. Development Related Compliance Issues.

This section applies to general compliance issues related to development within the City of Jarrell.

3.08.01 Letter of Regulatory Compliance (City Manager Approval).

- A. Applicability. The subdivider may obtain a Letter of Regulatory Compliance from the City Manager prior to commencing work on any development and may be required to do so by the City as part of an application for another procedure. The Letter of Regulatory Compliance certifies that specific uses of land and any new development is in compliance with the requirements of these development regulations.
- B. Zoning Verification Letter. A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the zoning district. A Zoning Verification Letter does not vest the property owner with permission to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed. The City Manager may include additional information about the uses and standards required for a development to proceed, however, and such additional information does not constitute permission to proceed with development.

- C. Legal Lot Verification Letter. A Legal Lot Verification Letter is a letter in accordance with section 212.0115 of the Texas Local Government Code that indicates whether or not a lot has been properly platted.
- D. Responsibility for Final Action. The City Manager is responsible for final action.

3.08.02 Written Interpretation of the Unified Development Code (City Manager Approval). The City Manager shall have the authority to make all written interpretations of this Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Manager, in consultation with the staff, city engineer, or city attorney, as may be appropriate, shall make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and the Code. The interpretation given by the Manager shall be final unless an appeal is made by the applicant to the Board of Adjustment to overturn his decision. In such a case the burden shall be on the applicant to prove that the Manager's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

- A. Submission requirements for written interpretations will be developed by the City Manager.
- B. In addition to the general criteria for consideration of administrative procedures in Section 2.03, the City Manager will determine, based on analysis of the requested interpretation, and considering this Code, the correct interpretation for whatever question is raised.
- C. The City Manager will first determine that the application does not request a written interpretation that is already clear in this Code or that the application could more appropriately be decided through another procedure in this Code. If this is the case, the City Manager shall reject the applicant's proposed written interpretation and refer the applicant to the appropriate section of the Code. This reference will serve as the written interpretation.
- D. In making a written interpretation, the City Manager may consider, but is not limited to the following:
 - 1. Any previous written interpretations.
 - 2. Best practices in the planning and land development professions.
 - 3. Current practices of the City of Jarrell.
 - 4. Any other relevant source.

3.08.03 Stormwater Permit (City Engineer Approval).

- A. A stormwater permit is required prior to any development construction within the City limits to ensure conformance to the stormwater management provisions and other applicable requirements of this Code. Issuance of a site development permit or a final plat for a single-family residential subdivision within the City Limits constitutes approval of a Stormwater Permit for that specific development.
- B. The applicant must ensure that the application for a stormwater permit was prepared or reviewed and approved in writing by a licensed professional engineer prior to

submission to the City.

- C. A stormwater permit will be issued after the City Engineer has determined that the development meets the stormwater and pollution management requirements of Chapter 5 of this Code.
- D. Prior to issuance of a stormwater permit, the City Manager or City Council must approve the site plan for projects in the City's ETJ to ensure any required compliance with this Code, as required in Section 2.2 [2.03]).
- E. A stormwater permit approved by the City is condition[ed] upon approval of all applicable related permits required from the Texas Environmental Quality Commission (TCEQ), the U.S. Environmental Protection Agency (EPA) or any other state or federal agency being issued by that agency. Permits issued by entities such as the EPA, which may issue permits closer in time to construction, shall be made available to the City within seven (7) days after having received such permit(s).
- F. The City Engineer is responsible for final action.

3.08.04 Appeal of an Administrative Decision (BOA Approval).

- A. Procedures including initiation of appeals of administrative decisions are explained in Chapter 2.
- B. Effect of Appeal. All development activities permitted by the action being appealed, or any subsequent approval, must stop upon appeal, and remain inactive until the appeal is resolved. If the City Manager certifies in writing that such a cessation of activity would cause imminent peril to life and property, the development may proceed, unless a stop order is issued by the BOA, or a restraining order is issued by a competent court of record. The stop order or restraining order stopping development must indicate the reason for stopping the activity.
- C. Alternative Dispute Resolution. Prior to hearing or deciding an appeal of an administrative decision, the Chairperson of the Board of Adjustment (BOA) may request that the applicant and administrative official agree to mediation or other alternative form of resolution of the dispute prior to a public hearing.
 - 1. If the applicant refuses to accept alternative resolution of the dispute, the appeal will be heard and acted upon by the BOA no later than its next meeting.
 - 2. If the applicant and administrative official cannot agree on a format or mediator for the appeal within thirty (30) days, the Chairperson of the BOA may assign a mediator.
 - 3. The mediator will coordinate the mediation or other alternative form of resolution with the parties, including the date, time, and place of meetings.
 - 4. The mediator may invite any person, organization or governmental unit with relevant information to participate in the mediation. The parties may suggest persons, organizations or governmental units that should be requested to participate.
 - 5. Both parties will equally share any costs associated with the alternative dispute

resolution process, unless they agree otherwise in writing.

6. If no alternative resolution of the dispute can be agreed to by both parties, and if a party is not participating in good faith, the mediator may declare an impasse. The appeal will then be heard and decided at the next BOA meeting.
 7. The Board of Adjustment (and/or City Council) must approve, in a public hearing, any alternative resolution of the appeal that involves a minimal change in development standards of this Code and consistent with all legal requirements.
- D. Approval Criteria. The Board of Adjustment considers whether the City Manager's or City Council's official action was appropriate considering the facts of the case and the requirements contained in this Code. The Board will make its decision based on this Code and the information presented to the BOA by the applicant and the City Manager or other administrative official.
- E. Basis for Appeal. An applicant may only appeal the specific reasons given for the administrative disapproval or denial. An applicant may not appeal the disapproval or denial without effectively establishing that the specific basis for the administrative disapproval or denial was incorrect.
- F. Burden of Proof in Appeals.
1. When an appeal is taken to the Board of Adjustment, the City Manager's or other administrative official's action is presumed to be valid. The applicant shall present sufficient evidence and have the burden to justify a reversal of the action being appealed. The City Manager may present evidence and argument to the contrary.
 2. All findings and conclusions necessary to the permit or appeal decision (crucial findings) shall be based upon reliable evidence. Competent evidence will be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.
- G. The Board of Adjustment is responsible for final action.

3.08.05 Administrative Exception (BOA Approval).

- A. Applicability. Upon written receipt of an application requesting an Administrative exception or adjustment, the City Manager may request the BOA to consider an administrative exception or adjustment.
- B. In order to provide a method by which human error (e.g., miscalculations) may be corrected, administrative exceptions or adjustments may be permitted. Special exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:
1. Compatible with surrounding land uses.
 2. Harmonious with the public interest.
 3. Consistent with the purposes of this Code.

The BOA shall have the authority to authorize an adjustment of up to ten (10) percent of any numerical standard.

Administrative exceptions require compliance with all other elements of this Code not specifically excused or permitted by the administrative exception.

- C. Application Requirements for Administrative Exceptions. Submission requirements for administrative exceptions will be developed by the City Manager but applications must include an affidavit from the owners or authorized agents of any property abutting the area subject to the administrative exception attesting to the applicant's exception.
- D. Criteria for Administrative Exceptions. To approve an application for an administrative exception, the Board of Adjustment must determine that the following criteria are met:
 - 1. That granting the administrative exception serves an obvious and necessary purpose.
 - 2. That granting the administrative exception will ensure an equal or better level of land use compatibility than the otherwise applicable standards.
 - 3. That granting the administrative 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.
 - 4. That granting the administrative exception will not adversely affect adjoining property values in any material way.
 - 5. That granting the administrative exception will be generally consistent with the purposes and intent of this Code.
- E. The Board of Adjustment is responsible for final action.

3.08.06 Variance (City Council or BOA Approval). Procedures, including initiation of variances are explained in Section 2.03.05 in addition to this Section.

- A. Applicability. The City Council shall have the authority to hear and grant requests for a variance from the development standards of this Code. Waivers of the standards required for plat approval are not considered variances and must be requested from the Planning and Zoning Commission and then the City Council during the plat review process. Any variance requests up to ten (10) percent of any minimum or maximum measurement required by this Code may be treated as an Administrative Exception if the City Manager agrees to recommend the Administrative Exception. A variance to the development standards of this Code will be considered an exception to the regulations contained herein. Granting of a variance in one case does not set a precedent for a subsequent case. Each variance request will be judged on its own merit based on subparagraph B. below.
- B. Criteria for Review and Required Findings. The City Council may authorize a variance from the requirements of this Code when an unnecessary hardship would result from the strict enforcement of this Code. In granting a variance, the City Council shall first review the recommendation of the Planning and Zoning Commission and then shall.

prescribe only conditions that it deems not prejudicial to the public interest. In making the required findings, the City Council shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the City Council finds all of the following:

1. Extraordinary Conditions. That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
 2. Preservation of a Substantial Property Right. That the variance is necessary for the preservation of a substantial property right of the applicant.
 3. Substantial Detriment. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.
 4. Other Property. That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
 5. Applicant's Actions. That the conditions that create the need for the variance are not the result of the applicant's own actions.
 6. Comprehensive Plan. That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
 7. Utilization. That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- C. Insufficient Findings. The following types of possible findings do not constitute sufficient grounds for granting a variance:
1. That the property cannot be used for its highest and best use.
 2. That there is a financial or economic hardship.
 3. That there is a self-created hardship by the property owner or its agent.
 4. That the development objectives of the property owner are or will be frustrated.
- D. Profitability Not to Be Considered. The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.
- E. Variances from Floodplain or Stormwater Management Regulations. The City Council shall make a final decision on any variance request from floodplain or stormwater management regulations.
- F. Responsibility for Final Action. Variance requests shall be reviewed by the Planning.

and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on the Variance request.

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

§ 3.09. Subdivision-Related Applications.

This section applies to the following subdivision-related applications:

- Administrative Plat
- Preliminary Plat
- Final Plat
- Construction Plan

3.09.01 General Requirements for Approval of Plats.

- A. Prior to the subdivision, re-subdivision, or development of any land within the City, all plans, and plats [and] plans for infrastructure improvements must first be approved in accordance with regulations specified in Section 3.08 except for:
 1. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access change is required to meet the standards of this Code are necessary to support such building addition or alterations.
 2. Divisions of land created by order of a court of competent jurisdiction.
 3. A change in ownership of a property through inheritance or the probate of an estate.
 4. Cemeteries complying with all state and local laws and regulations.
- B. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the City Council or the City Manager in accordance with these regulations.
- C. No building permit or certificate of occupancy may be issued for any parcel or tract of land until such property has received final plat approval and is in conformity with the provisions of this Code, the plat has been recorded, public improvements have been accepted by the City (if applicable), and no private improvements will take place or be commenced except in conformity with these regulations in this Code.
- D. No person shall transfer, lease, sell or receive any part of a parcel before an administrative plat or final plat of such parcel and the remaining parcel have been approved by the City Council in accordance with the provisions of these regulations in this Code and filed of record with the County Clerk of Williamson County.
- E. The platting or subdivision of any lot or any parcel of land, by the use of GPS as a substitute for metes and bounds for the purpose of sale, transfer, lease or development is prohibited. GPS may be used as supporting documentation only and the datum source must be referenced.

3.09.02 Administrative Plat Review.

- A. Applicability. Minor plats, amending plats, or replat may be approved by the City Manager following an evaluation for plan compliance and technical compliance with this Code.
1. Minor Plat. A minor plat is any plat for five or fewer lots and that does not require any dedication of land to the City of Jarrell.
 2. Amending Plat. A plat that complies with Texas Local Government Code section 212.016, as amended, which is generally submitted to correct errors and omissions when agreed to by all adjacent property owners.
 3. Plat Vacation. A previous plat is no longer applicable, and all demarcations are eliminated.
 4. Replat. Any plat that complies with Texas Local Government Code section 212.014, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat.
 - i. Replatting a portion of a recorded lot is not permitted.
 - ii. A replat does not itself constitute approval for development of the property.
 5. Any plat that requires a waiver from Subdivision Design and Improvement Standards, any utility dedication, or any dedication of land must be reviewed as a preliminary plat by the Planning and Zoning Commission.
 6. It shall be unlawful to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of Jarrell of record with the County Clerk unless the plan, plat or replat bears the endorsement and approval of the City Manager.
- B. Approval Criteria (Administrative Plat). All subdivisions and plats of land shall be reviewed using the criteria in this Code. They must be reviewed and approved before any final action may be taken by the City Manager or the developer.
- C. Responsibility for Final Action. The City Manager is responsible for final action on Administrative Plat Reviews. If the City Manager determines the Administrative Plat does not meet the approval criteria, the applicant may request that the application be forwarded to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action.
- D. Action Following Plat Approval. After approval of an administrative plat, the subdivider shall notify the City Engineer within ten (10) days which of the following construction procedure(s) the subdivider proposes to follow:
1. The subdivider may file a Construction Plan, and upon approval of the Construction Plan by the City Manager or his/her designee, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install. The City will inspect the work as it progresses, and upon completion and final acceptance by the City, and upon written request of the subdivider, the final plat may be approved and filed of record with the County Clerk; or
 2. The subdivider may elect to post fiscal surety and assurance of construction as

provided in Chapter 6, in which case the surety of assurance shall be filed with the City, together with a request that the plat be filed for record. In this case, the final plat will be approved and filed with the County Clerk. The subdivider shall pay the record filing fee. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements; and upon completion of construction, the subdivider shall deliver to the City a one (1) year guarantee of workmanship and materials.

3. The City Engineer's signature on the construction documents provides the requisite authority for the subdivider to proceed with the construction of streets and utilities.
- E. Recordation. After the City Manager has approved the plat, the City Engineer has approved the Construction Plan and the subdivider has either posted fiscal surety and assurance of construction (see Chapter 6) or completed required provision of infrastructure and public improvements, the final plat shall be recorded in the Office of the County Clerk. The subdivider will pay the record filing fee.

3.09.03 Preliminary Plat Review.

A. Applicability.

1. Preliminary Plat approval shall be required before any land is subdivided (or does not meet the requirements of Section 3.09.02, Administrative Plat Review).
2. Preliminary Plats are required for land being divided into separate parcels, plats with six or more lots, and any plats that require a dedication of land to the City.
3. It shall be unlawful to offer and cause to be recorded any Preliminary Plat of land within the City limits or extraterritorial jurisdiction of Jarrell with the County Clerk by any party other than the City Manager or another duly authorized representative of the City of Jarrell.

B. Preliminary Plat Application Requirements.

1. Submission requirements for the preliminary plat will be established by the City Manager and will include basic engineering information necessary for the Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision (Detailed engineering information will be required for the Final Plat).
2. A plat submitted for consideration as a Preliminary Plat may not have an area or signature block for any endorsement and approval by the City Council, as is required to file the final plat with the County Clerk.

C. Approval Criteria. Subdivisions and plats of land shall be reviewed using the criteria specified or referenced in State Law.

D. Waivers. The Planning and Zoning Commission may recommend to City Council the approval, approval with conditions, or disapproval of waivers of the standards required for plat approval, by using the criteria for consideration of Variances in Section 3.08.06.

- E. Responsibility for Final Action. Recommendations regarding Preliminary Plat approval shall be made by the Planning and Zoning Commission. The Planning and Zoning Commission shall forward its recommendation to the City Council, which is responsible for final action on the Preliminary Plat.
- F. Action Following Preliminary Plat Approval. After approval of a preliminary plat, the subdivider shall prepare and submit a final plat.

3.09.04 Final Plat Approval.

- A. Applicability.
 - 1. Final plats are technically complete versions of an already approved preliminary plat. No final plat may be considered or approved unless the preliminary plat for the same land has been approved.
 - 2. Final plat review is required to ensure that a final recorded plat includes final engineering diagrams and descriptions that conform to the preliminary plat as approved by the City Council. The final plat must incorporate all changes from the preliminary plat that were considered and approved by the City Council.
- B. Final Plat Application Requirements.
 - 1. Submission requirements for the final plat will be developed by the City Manager.
 - 2. When filed, the final plat must also provide all support documentation required by the County Clerk's office for recordation.
 - 3. A plat submitted for consideration as a final plat must have an area or signature block for any endorsement and approval by the City Manager, as required to file the final plat with the county clerk.
 - 4. Estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for final plat review.
- C. Approval Criteria.
 - 1. Subdivisions and plats of land shall be reviewed using the criteria in this Code and any technical criteria referenced by this Code.
 - 2. A final plat must be determined to be consistent with a previously approved preliminary plat.
 - 3. A construction plan for any required or agreed improvements must be approved by the City Manager or his/her designee as required in this Code.
- D. Recordation. If the City Council has approved the plat, the City Manager or his/her designee has approved the construction plans, and the subdivider has either posted fiscal surety and assurance of construction, or completed the required infrastructure and public improvements, the final plat becomes the instrument to be recorded in the Office of the County Clerk when all requirements have been met. The subdivider shall pay the record filing fee and file the final plat with the County Clerk.

3.09.05 Construction Plan (City Engineer Approval).

- A. Applicability. Construction plans must be submitted to the City Engineer for all existing or proposed streets, sidewalks, drainage and utility improvements, water quality controls, park improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve the development. Where the final plat is for property being developed in phases, the required construction plans must include the improvements specified in the general development plan or preliminary plat to serve the phase being platted. The construction plans are intended to provide for the detailed engineering drawings for all improvements required to serve the development. The construction plans must be kept as a permanent record of the City. The City Engineer as referenced in this Code is acting as agent for the City Manager and shall have the powers specified in this Code only to the extent that the Engineer is expressly delegated those powers by the City Manager.
- B. Responsibility of Subdivider's Engineer. The registered professional engineer representing the subdivider is responsible for the accuracy, completeness and conformance of all plans to City standards and must certify (with seal) the construction plans as to accuracy and design and conformance with all applicable City requirements. The City assumes no project design or engineering responsibility. The subdivider's professional engineer certifying the plans is responsible for the accuracy and completeness of the documents and the soundness of the designs as submitted for review and actual construction.
- C. Approval Criteria.
1. The purpose of the City Engineer's review is to ensure conformance to City policies and standards. However, the City Engineer's review is limited to facts as presented on submitted plans.
 2. The City Engineer will approve any Construction Plan that is submitted and sufficiently shows compliance with any city-approved or adopted design or construction criteria manuals, or in the absence of city approved or adopted design requirements, standard engineering practices.
 3. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.
 4. The City Engineer may not approve a Construction Plan that does not adequately represent construction of the approved infrastructure and public improvements included in the approved administrative or preliminary plat, or that he knows does not comply with this Code or other applicable law.
 5. The City Engineer is responsible for final action on Construction Plans.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-07-28-07 adopted 7/28/20)

§ 3.10. Nonresidential Development Related Procedures.

This Section describes the applicability and specific approval criteria for all Administrative Procedures necessary under this Code and applicable to the following:

3.10.00 Nonresidential Development Related Procedures

- A. Site Plan Review [and] Site Development Permit
- B. Master Sign Plan and Sign Permit
- C. Temporary Use Permit
- D. Stormwater Permit
- E. Building Permit
- F. On-Site Wastewater Permit

3.10.01 Site Plan Review and Site Development Permit (City Manager Approval).

- A. Applicability. Prior to any excavation, clearing, or other land alteration for the purpose of development within the City limits an applicant must submit a site plan for approval and issuance of a site development permit under this section. No such excavation or development shall be lawful or permitted to proceed without issuance of a site development permit. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site development permit approval must be met at the time of development.
- B. Criteria for Approval. A site plan will be approved, and a site development permit issued if the development is in compliance with the general criteria for approval of administrative review procedures, the requirements of Chapter 5 [6] of this Code (Site Development [and Design] Standards) and the following additional criteria:
 - 1. Compliance with the general development plan and development agreement or ordinance governing the parcel of land to which the site plan is related.
 - 2. Compliance with any additional site plan approval criteria required under Chapter 5 [6] of this Code, or any additional approval criteria for overlay districts, or any site plan approval criteria adopted as part of a neighborhood or special area plan.
 - 3. Prior to final approval of any plan within the City Limits, the City Engineer must certify to the City Manager that all requirements for a TCEQ Stormwater Permit are met by the site plan. Approval of the site plan constitutes approval of the Site Development Permit and Stormwater Permit.
- C. Responsibility for Final Action. The City Manager is responsible for final action on developments specified in Section [sic] Chapter 2 of this Code.

3.10.02 Master or Common Sign Plan (City Manager Approval).

- A. Applicability. A master sign plan shall be required for all multiple-tenant buildings, PUDs, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan.
- B. Criteria for Approval. In addition to the general administrative review criteria in Section 2.03, the City Manager must determine the following in order to approve the

Master Sign Plan:

1. The plan provides for signs that meet the size and height limitations, location requirements, and other applicable requirements of Chapter 6 of this Code.
- C. The City Manager is responsible for final action.

3.10.03 Sign Permit (City Manager Approval).

- A. Applicability. No sign may hereafter be erected, moved, added to, or structurally altered within the City or the ETJ without a permit issued by the City Manager in conformity with the provisions of this Section and Section 6.12 of this Code. No building permit issued under the provisions of this Code for signs shall be considered valid unless signed by the City Manager.
- B. Criteria for Approval. In addition to the general criteria for approval of administrative procedures, the City Manager shall base the final action on the following criteria:
1. Whether the intended sign conforms in all respects with all applicable regulations and standards of this Code and any applicable construction or safety standards of the City's building Code.
 2. If the subject property has a Master Sign Plan, development agreement or ordinance governing it, whether the plans, specifications and intended use of such building or structures or part thereof, including the proposed sign, conform in all respects to the development agreement or ordinance.
- C. The City Manager is responsible for final action.
- D. Appeals of City Manager actions regarding sign-related building permits shall be considered and decided by the City Council.

3.10.04 Temporary Use Permit (City Manager Approval).

- A. Applicability. Temporary uses, as identified in Chapter 4, are required to obtain a temporary use permit from the City Manager. The permit specifies the use, the period of time for which it is approved, and any special conditions attached to the approval.
- B. Approval Criteria. In addition to the general criteria for consideration of administrative procedures, the City Manager shall consider whether the application complies with the following standards:
1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this Code and the zoning district in where [which] it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
 2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may be required before any structure to be used in conjunction with the temporary use is constructed or modified. All structures and the site as a

whole shall meet all applicable building Code, zoning district, and fire Code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention-attracting devices or other evidence of the special event or use).

3. Duration. The duration of the temporary use shall be consistent with the intent of the use and compatible with the surrounding land uses. The duration shall be established by the City Manager at the time of approval of the temporary use permit.
 4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or safety concerns, as determined by the City Engineer, given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
 5. Off-Street Parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on or near the site.
 6. Appearance and Nuisances. The temporary use shall not cause any temporary or permanent nuisance. The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
 7. Other Conditions. The City Manager shall consider any other conditions that may arise as a result of the temporary use.
- C. Public Conveniences and Litter Control. Adequate on-site restroom facilities may be required. Adequate on-site solid waste containers may also be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed within a reasonable and appropriate timeframe at no expense to the City. The guarantee shall be in a form and substance approved by the City Manager, which may include the requirement of a fiscal posting.
- D. Signs and Attention-Attracting Devices. The City Manager shall review all signage in conjunction with the issuance of the permit. The City Manager may approve the temporary use of attention-attracting devices that generally conform to the requirements of this Code. The City Manager may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.
- E. The City Manager is responsible for final action.

3.10.05 On-Site Wastewater Permit (Williamson County Approval).

- A. Applicability. On-site Wastewater permits shall be required from Williamson County for any development that applies for a development permit and wishes to use a septic tank or similar type of on-site wastewater system.

B. Approval Criteria.

1. Williamson County has established criteria for review and approval for an on-site wastewater permit application. Consult the Williamson County Health Department for further information.
2. Williamson County is responsible for final action.

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

CHAPTER 4 ON SEPARATE ITEM

Chapter 5.00 Subdivision, Infrastructure, and Public Improvements

§ 5.01. Purpose and Intent.

- A. The purpose of this Chapter is to assure that subdivision and site development projects constructed within the City of Jarrell and its extraterritorial jurisdiction (ETJ), are adequately furnished with necessary public infrastructure. These include water, wastewater, stormwater drainage, roads, and open space resources.
- B. Design and construction of infrastructure in the City and ETJ shall be consistent with the policies and guidelines established in the most recent versions of the Jarrell Comprehensive Plan. Any interpretation of the requirements of this Section shall be made in a manner consistent with the Comprehensive Plan.

(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)

§ 5.02. Conformance with the Comprehensive Plan.

This chapter addresses policies contained in the Comprehensive Plan and legal requirements for the adequate provision of infrastructure for the health, safety, and welfare of the residents of the City of Jarrell and its surroundings.

(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)

§ 5.03. General Standards.

5.03.01 Unapproved Final Plat or Site Development. City approvals, including but not limited to building, repair, plumbing, or electrical permits, shall not be issued by the City for any structure on a lot in a subdivision or on a parcel for which a final plat or site development permit has not been approved and filed for record.

5.03.02 Compliance with Standards. Full compliance with the standards contained within this Code must be obtained before the issuance of a building repair, plumbing or electrical permit for any structure on a lot within a subdivision within the jurisdiction of the City.

5.03.03 Review, Permit and Enforcement Authority. In fulfilling any responsibilities in this Section that require technical or other expertise, the City Manager or designee of the Council shall rely on the assistance of City Engineer or another designee for such expertise.

5.03.04 No City Maintenance. The City shall not repair, maintain, install or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor any parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein or referred to herein have not been complied with in full.

5.03.05 No Utility Service. The City shall not sell or supply water, gas, electricity or sewerage within a subdivision for which a final plat has not been approved and filed for record, or parcel or lot for which a site development permit has not been issued, nor in which the standards contained herein have not been complied with in full.

5.03.06 Grandfather Provisions. The provisions of this Section shall not be construed to prohibit.

the issuance of permits for any lot or undivided tract or parcel of land upon which a structure exists that was in existence prior to the passage of this Code.

5.03.07 Required Improvements. In the absence of any provision to the contrary, the subdivider, developer or applicant shall provide the following improvements, as approved in the construction plans, in conformance with the standards, specifications and requirements of this Unified Development Code:

- A. Streets including rights-of-way, alleys, sidewalks, bridges, signalization, and street lighting.
- B. Water system including utility easements, water distribution lines, fire hydrants, valves, pumps, and water towers in conformance with the terms and regulations of the provider of said utility.
- C. Sanitary sewer system including utility easements, sanitary sewer lines, manholes, and lift stations in conformance with the terms and regulations of the provider of said utility.
 - i. Fire Hydrants must be fitted with a 4.5 to a 5.0 Storz Adapter. Acceptable brands include:
 - a. Mueller, American Darling B84B, or Clow.
- D. All onsite water lines shall be minimum of 8 inches in diameter with a dedicated 12-inch minimum trunk through the development to ensure fire flow unless approved by the City Engineer. This trunk line shall be looped when possible. Offsite water line extensions shall be a minimum diameter of 16 inches unless approved by the City Engineer.
- E. All onsite wastewater lines shall be a minimum of 8 inches in diameter. All offsite wastewater lines shall be a minimum diameter of 12 inches unless approved by the City Engineer.

Minimum Diameter for Utility Lines		
	Onsite	Offsite
Water	8-inch*	16-inch
Wastewater	8-inch	12-inch
*12-inch (minimum) looped trunk line required through development		

- F. Drainage system including drainage easements, channels, storm sewer lines and inlets, basins, control structures, and landscaping.
- G. Parkland.
- H. Permanent monument markers.
- I. Utilities for electric and telephone service and associated utility easements installed in conformance with the terms and regulations of the provider of said utility.
- J. Gas, cable television and other telecommunications service and associated utility easements, when provided, installed in conformance with the terms and regulations of

the provider of said utility.

5.03.08 Improvement Continuity and Integration.

All improvements must be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Pedestrian, vehicle, water, wastewater and drainage improvements must be extended to the perimeter of a subdivision. Including the following provisions for water and sewer main extensions.

- I. Required extensions - all developments shall be required to extend across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the Master Sewer and Water Plans for the City.
- II. Properties already served by water and sewer shall not be required to install additional facilities unless:
 - a. The current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities.
 - b. The current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.

5.03.09 Improvement Plans.

- A. Plans for the improvements required by this Chapter shall be prepared and approved in accordance with the provisions contained herein and certified for accuracy and completeness by a registered professional engineer licensed by the State of Texas.
- B. After completion of construction, the developer shall deliver to the City as-built construction documents indicating all improvements, new construction, and upgrades. These documents shall clearly indicate the location of all improvements including the location of above-and-below ground utilities. The documents shall include a certification from a licensed Professional Engineer that all construction required by this code was performed in compliance with the standards and specifications required of this code.

5.03.10 Acceptance of Improvements. During the course of installation and construction of the required improvements, the City Engineer or another designee of the City Manager shall make periodic inspections of the work to ensure that all improvements comply with this Code and other municipal, county and State requirements. Upon completion of installation and construction of all required improvements, the developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a one-year maintenance bond in an amount as specified at the time of final plat submittal. In addition, the developer shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

5.03.11 Maintenance and Supervision. Where a subdivision contains sewers, sewage treatment facilities, water supply systems, parks and grounds held in common, drainage facilities, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing

public agency, provision shall be made which is acceptable to the City for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Manager and approved as to form by the City Attorney at the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit thereof.

(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)

§ 5.04. Adequate Public Facilities Processing Procedures.

- A. A final plat or replat or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services. These services include:
1. Streets including alleys, bridges and street lighting, rights-of-way, sidewalks, signalization.
 2. Water system including wells (where used), utility easements, water distribution lines, fire hydrants, valves, pumps, pressure tanks, water towers and other water facilities.
 3. Sanitary sewer system including utility easements, sanitary sewer lines, manholes, and lift stations.
 4. Drainage system including drainage easements, culverts, channels, storm sewer lines and inlets, basins, control structures, and landscaping.
 5. Parkland in accordance with parkland dedication requirements.
 6. Utilities for electric and telephone service and associated utility easements shall be installed in conformance with the terms and regulations of the provider of said utility.
 7. Gas and cable television service and other telecommunications service and associated utility easements, when provided, shall be installed in conformance with the terms and regulations of the provider of said utility.
- B. The City of Jarrell's Design and Construction Standards shall apply for all public facilities within the City limits and ETJ of Jarrell. This policy may be further defined and supplemented by other codes adopted by the City.
- C. Where appropriate, a letter from each respective utility service provider (when such utility is not provided by the City of Jarrell) which states that all requirements have been met, is sufficient in meeting the intent of this section.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.05. Street Access.

- A. A plat or replat or site development permit will not be approved unless the proposed lot(s) have safe and reliable street access for daily use and emergency purposes. A plat or replat will not be approved unless the proposed lot(s) have direct access to an improved public street, private street, or an approved public way, and connected by improved public street to an improved public thoroughfare. Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have at least two means of vehicular access or

approach on a paved public right-of-way. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, in its sole discretion, accept a temporary street connection, or median divided street or entry to satisfy this requirement.

- B. A site development permit will not be approved unless the parcel on which the development is proposed is a legal lot, duly recorded in the County Deed Records. Such legal lot shall have safe and reliable street access for daily use and emergency purposes. The permit will not be approved unless the lot has direct access to an improved public street, private street, or an approved public way, and connected by improved public street to an improved public thoroughfare.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.06. Lighting.

A plat or replat or site development permit will not be approved unless lighting requirements as defined in this Code are met.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.07. Water.

A plat or replat or site development permit will not be approved unless the proposed lot(s) or development is connected to a water supply system which is capable of providing adequate water for health and emergency purposes. Except for lots along an approved cul-de-sac or where it is impracticable, all lots must be provided service connections from a looped water main providing water flow from two directions or sources. New developments or improvements of existing developments should consult the City of Jarrell or appropriate utility provider for compliance.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.08. Wastewater.

A plat or replat or site development permit will not be approved unless the proposed lot(s) or site developments are served by an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the proposed development's wastewater system. The City may require the phasing of development and/or improvements to the systems so as to maintain adequate wastewater capacity. New developments or improvements of existing developments should consult the City of Jarrell or appropriate wastewater utility service provider for compliance.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.09. Fire Protection.

Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the Williamson County Emergency Services District No. 5 Department Chief, or his/her designee, and the City Engineer. The City may require the phasing of development, and/or the construction of improvements to maintain adequate fire protection.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.10. Drainage.

Increased stormwater runoff attributable to new development must not exceed the capacity of the

downstream drainage systems or adversely affect adjoining property. Where the projected runoff would exceed capacity based on the standards specified in this Code, the City may require the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements as means of mitigation. New developments or improvements of existing developments should consult the City of Jarrell for compliance.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.11. Parks and Recreation.

- A. The provision of adequate parkland for use as parks is necessary for the protection of public health, safety and general welfare of the community. The city has attempted to provide parks to serve the immediate recreational needs of residents near their homes, but it faces a severe shortage of local recreational space as new subdivisions are approved and the city's population grows. Accordingly, it appears that the provision of parks can best be accomplished in conjunction with the platting and development of new residential areas, which increase the need for parkland and whose residents will be direct beneficiaries of the provision of such parkland.
- B. The subdividers of all residential subdivision of more than four single-family lots shall be required to provide for the parkland needs of future residents through the clear fee simple dedication of suitable land for park and recreational purposes. Nonresidential subdivisions and residential subdivisions of four or fewer single-family lots shall not be subject to the parkland dedication requirements of this section.
- C. The subdivider shall dedicate parkland to the city as a part of the final plat approval. The area to be dedicated for the purpose of parkland shall be shown on the conceptual plan, the preliminary plat, and the final plat, and shall be included in the dedication statement. The parkland shall be dedicated to the city by general warranty deed, and acceptable evidence of clear title and evidence that all taxes have been paid shall be furnished by the city.
- D. The minimum amount of land required to be dedicated as parkland shall be 8% of the total subdivision acreage proposed for residential use, excluding acreage within the 100-year floodplain.
- E. Land dedicated for park and recreational purposes shall be of size, character, and location consistent with the standards outlined below:
 1. If necessary for optimum park placement, large dedicatory requirements under this section may be accomplished by dedication of two or more separate park sites as long as each size meets the requirements set out in this section.
 2. The dedicated parkland shall provide a minimum of 200 feet of frontage on a dedicated public street or of a width acceptable to the parks board and the city.
 3. At least 50% of the dedicated parkland shall be level, well-drained, and suitable for use as an open playfield.
 4. Water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage of the park. The subdivider must demonstrate that there is sufficient water and wastewater utility line capacity available to serve the park.

5. The area shall not be subject to any reservation of record, encumbrances of any kind, or easements which will interfere with the use of the land for park or recreational purposes.
- F. All land proposed for dedication as parkland that is located in a floodplain area shall:
1. Be easily accessible and have adequate street frontage.
 2. Have any alteration of its natural character and that of its waterway approved by the parks board and city.
 3. Be at least 100 feet in width, or of a width acceptable to the parks board and the city.
 4. Have a configuration and topography suitable for placement of facilities such as playgrounds, picnic facilities, and open playfields.
- G. If a subdivider is unable to meet the standards set out in subsections D. and E. above, resort may be had to one or more of the following alternatives:
1. Dedication by the subdivider of a unique area of natural beauty or an area possessing unique natural features or biologically valuable qualities.
 2. The combination of two or more required dedications to form a single, viable park area.
 3. Land dedication that would expand existing parks or recreation facilities; and/or
 4. Transfer of required parkland dedication in one subdivision to another location owned by the same subdivider within one-half mile of the proposed subdivision.
- H. When an area is required to be dedicated, the city may require a cash payment in lieu of dedication or parkland.
1. Where with respect to a particular subdivision the city council determines that a subdivider is unable to meet the requirements of subsections E., F. and G. above, the subdivider may be required to deposit a cash payment with the city. The amount of such cash payments shall be in accordance with the provisions set out in this section. Alternatively, the city may accept a combination of parkland dedication and a cash payment in lieu of a portion of the parkland dedication.
 2. All cash payments shall be used exclusively for the acquisition and/or improvement of parks.
- I. The amount of cash payment to be made to the city shall be 8% of the fair market value of the land proposed to be subdivided, as determined by a qualified real estate appraiser employed by the city, less a credit for the value of the land actually dedicated for parkland as determined by such real estate appraiser. A subdivider, at his own expense, may obtain an additional appraisal by a qualified real estate appraiser mutually agreed upon by the city and the subdivider. In such case, the city council shall determine fair market value upon consideration of both appraisals.
- J. All required cash payments must be submitted prior to final plat approval:[.]
- K. Fifty percent of land contained within the 100-year floodplain shall be credited against the parkland dedication requirement, provided that adjoining land within the 25-year floodplain is also dedicated. Land within the 25-year floodplain shall not be credited against the

parkland dedication requirement.

- L. Unless otherwise specified, the requirements of this section shall apply to all residential subdivisions. Exemptions from the provisions of this section shall be as follows:
1. Any resubdivision of land that does not increase the allowed number of dwellings units;
 2. A subdivision for which a preliminary plat was approved on or before the effective date of this article, and which preliminary plat has not expired prior to approval of a final plat; or
 3. Where there has been entered into a special agreement with the city including specific provisions for the dedication of parkland or cash payments or in lieu of the requirements of this section.
- M. Any land that is dedicated as parkland and is disturbed during construction of the subdivision must be restored by the developer to its original condition or better prior to release of fiscal [sureties] for the subdivision.
- N. A plat or replat or site development permit will not be approved unless adequate parks and recreational requirements are provided, based on the standards specified in this Code. All residential developments will be required to comply with these standards and requirements. It is the intent of this Code that parks, and recreational facilities are located and constructed to provide adequate capacity and functionality to the residents they serve and provide safe, healthy recreational opportunities to the community.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.12. Monumentation and Survey Control.

A plat or replat or site development permit will not be approved unless the following monument and ground control requirements of this Code are met:

- A. All monuments and control points shall be placed by a licensed land surveyor and must be in place prior to the installation of any roadway improvements.
- B. To the extent it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction shall be re-established in conformance with the provisions of this Code by a licensed land surveyor.
- C. All corners of subdivisions and points of curvature (P.C.) and points of tangency (P.T.) along boundary lines of subdivisions shall be marked with a one-half inch iron rod, two feet in length, set in the center of a concrete monument six (6) inches in diameter and thirty (30) inches deep, with the top of the concrete monument set flush with the finished ground surface.
- D. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be set as to assure a clear view between adjacent monuments.
- E. Corner markers shall be a one-half inch iron rod, or three-fourths inch pipe, two feet in length, and shall be installed flush with the ground. Corners of all lots, block corners, street right-of-way P.C.s and P.T.s shall be marked with corner markers.

- F. One permanent benchmark must be installed and referenced to the North American Datum 1983 and the State Plane Coordinate System (Texas State Plane grid coordinates, Central Zone, Feet). Surface coordinates may be provided but should include a scale factor and convergence to reflect grid coordinates. The City Manager may waive the requirement for installations of a benchmark for subdivisions smaller than 50 acres when at least two benchmarks are located within one-half mile of the proposed subdivision boundaries.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 5.13. Fiscal Surety and Assurance of Construction and Maintenance.

The landowner or developer shall be required to comply with all the requirements for Fiscal Surety relating to Construction and Maintenance as detailed in Chapter 7.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

Chapter 6.00 Site Development and Design Standards

§ 6.01. Purpose and Intent.

The purpose of this Chapter is to set forth site development and design standards for residential and nonresidential development and building construction. Chapter 6 contains general standards applicable to all land development, standards applicable only to nonresidential site development, and standards applicable only to residential development. The purpose of These standards exists in order [sic] is to achieve a minimum level of quality, compatibility and environmental protection in new and existing developments while maintaining significant flexibility in site layout and design. The standards also serve to implement selected goals and policies identified in the City of Jarrell's Comprehensive Plan.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.02. Relation to Comprehensive Plan Policies and Guidelines.

Design and construction of site developments in the City and ETJ should be consistent with the policies and guidelines established in the most recent version of the Jarrell Comprehensive Plan. Any interpretation of the requirements of this Section should be made and shall be interpreted in a manner consistent with the Comprehensive Plan.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.03. Applicability.

6.03.00 Applicability

- A. The minimum site development and site design standards apply to areas both within the City limits and the ETJ.
- B. Standards within base zoning districts and overlay districts may be slightly different than those standards found within this Chapter. When in conflict, the more restrictive standard shall apply.
- C. Also included in certain sections of this Chapter are recommended "guidelines" that are not mandatory and not legally enforceable outside of the city limits of Jarrell. Standards are mandatory when they are only enforceable within the city limits of Jarrell. In some cases, the words "should" or "may" are used instead of "shall" or "must" to connote this legal distinction. Applicants requesting a variance or anticipating voluntary annexation or any discretionary decision by the City are advised that compliance with these guidelines may be a factor in receiving a favorable recommendation from the Planning and Zoning Commission and City Council.

6.03.01 Thresholds of Development Requiring Site Development Permit. A site development permit shall be required for all site developments as described or exempted below:

- A. Construction that involves paving or other impervious surface alteration of seventy-five hundred (7,500) square feet or more, or modifications to a drainage channel or storm drain or pipe or other storm drainage feature with a drainage area, whether on site or off site, equal to five (5) acres or more, and that does not join or abut a public right-of-way requires a site development permit.

- B. Construction that involves paving or other impervious surface alteration of one thousand (1,000) square feet; or modifications to a drainage channel or pipe or other storm drainage feature with a catchment's area, whether on-site or off-site, less than or equal to five (5) acres, may be reviewed and permitted by the City Engineer, without requiring City Council approval.
- C. Construction or expansion of a building other than a single-family or duplex residential building, with a floor area expansion of more than one thousand (1,000) square feet or more requires a site development permit.
- D. Conversion of a residential or nonresidential structure to a nonresidential use in which the floor area of the building is one thousand (1,000) square feet requires a site development permit.

6.03.02 Residential.

- A. Construction on single-family or duplex lots in existing subdivisions with average lot sizes greater than one-half (1/2) acre or twenty-one thousand seven hundred and eighty (21,780) square feet do not require a site development permit.
- B. Conversion or expansion of a residential structure to a nonresidential use must apply for and receive a site development permit prior to commencement of construction.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.04. Content of the Site Development Permit Application.

The City Manager shall define the content and form of the site development permit application. Until such time as the City Manager has defined the content and form of the site development permit application more specifically in an Administrative Procedures Manual, the application shall consist of the following, demonstrating conformance with applicable provisions in this Code:

- A. Applicant's name, mailing address and contact information.
- B. A description of the nature of the project, including physical address.
- C. A statement of the legal subdivision name, including lot, block and recording information.
- D. A copy of the recorded plat[.]
- E. Copies of letters from utility providers stating that utility service is available at the site.
- F. Copy of approved TxDoT Driveway permit, if applicable.
- G. Five copies of a site plan, drawn at a minimum scale of 1"=60', which reflects the property boundary dimensions, all setbacks and easements, and the location of physical improvements, including buildings, parking lots, landscaping, utilities, and accessory structures. The site plan shall indicate conformance with any applicable provisions of this Code.
- H. Review fee, as applicable.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.05. (Reserved)

§ 6.06. (Reserved)

§ 6.07. Tree Inventory and Protection.

An inventory of existing trees greater than ten (10) inches diameter measured from four (4) feet above ground level shall be inventoried and identified in the Site Plan. The Site Plan shall indicate which trees are proposed to remain, and which are to be removed. The following requirements apply:

- A. Trees to remain after construction is complete shall be protected from possible injury during construction.
- B. Exceptions to these requirements include the following:
 1. Trees that should be removed because they pose a safety risk.
 2. Trees that must be moved because of right-of-way expansion; or
 3. Trees that must be moved during a fire prevention operation.
- C. Land Clearing and Modification. Clear cutting of any sort (by hand, chainsaw, machine or other means) of trees greater than nineteen (19) inches in diameter measured four (4) feet from ground level from a residential or commercial property shall be prohibited. Up to 40% of trees under 19" in diameter can be removed. Trees under 10" in diameter are not included in the 40%. Exception can be granted by the City Manager if an acceptable replacement plan is provided.
- D. Exceptions to this prohibition are made for trees that pose a health and safety problem, including Hackberry, Mesquite, and Ash Juniper/Cedar.
- E. Any hardwood tree 19" [in] diameter or larger shall require Planning and Zoning Commission Approval before removing.
- F. No tree shall be planted in a public right-of-way without prior authorization from the City Manager and any other applicable entity (e.g., Williamson County, TxDOT).
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.08. Buffering.

6.08.01 Purpose. Buffering is intended to protect the character and stability of residential areas, to conserve the value of land and buildings of the properties and neighborhoods adjacent to nonresidential developments, and to enhance the visual and aesthetic image of the City of Jarrell. Buffering provides visual screening and spatial separation of two adjoining buildings and areas of intense activity.

6.08.02 Applicability. Buffering applies to all development except single-family construction adjacent to residential zoned property.

6.08.03 Location. Buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not be located within existing streets or public rights-of-way.

6.08.04 Dimension. Buffer Width is based on the following Buffer Intensity Classifications:

Class 1: Cemeteries, golf courses, passive recreational areas, wholesale nurseries, day-care homes[.]

Class 2: Offices (3 stories or less), churches, schools, public facilities including playgrounds, ball fields, community swimming pools, and similar facilities, day-care facilities.

Class 3: Neighborhood and other local commercial and service activities, including but not limited to retail operations, restaurants (without drive-up windows), banks (without drive-up windows), convenience stores (without gasoline sales), offices (over three stories), multifamily and manufactured housing.

Class 4: Commercial activities with higher vehicle activities, including but not limited to vehicle repair, service stations, drive-up window restaurants and banks, carwashes, hotels and motels, shopping centers, funeral homes, schools, and childcare centers. Also, light manufacturing activities and research facilities.

Class 5: Heavy industrial uses, heavy manufacturing, truck terminals, mobile home sales, vehicle sales, vehicle storage and salvage, heavy equipment sales, facilities involving outdoor storage and outdoor commercial recreation establishments.

No buffers shall be required for property in the Downtown Overlay District although some landscaping and buffering standards may apply per the conditional use permitting process.

6.08.05 Alternate Compliance. The City Council, at time of site plan approval, may reduce buffer widths and required plantings by up to fifty percent (50%) if the site plan indicates berming, alternate landscaping, walls, opaque fence or topographic features, which will meet or exceed the buffer yard objectives of this section and are designed to complement adjacent properties. The City Council may also reduce the buffer width along a property line by an amount not to exceed fifty percent (50%) of the width of a public utility easement if the easement is located on the property line and in the same location or orientation as the buffer yard. Berms may not have a slope greater than four-to-one (4/1) and must have a crown width of at least three (3) feet. Reductions of buffer width more than fifty percent (50%) shall not be considered without written approval from the adjoining property owners, and only upon written approval by the City Council.

Buffer Intensity Class (BIC)	Residential Zone	Residential Use in Nonresidential Zone	Multifamily Zone
BIC 1	10'	5'	10'
BIC 2	20'	10'	20'
BIC 3	30'	15'	20'
BIC 4	50'	25'	40'
BIC 5	80'	40'	80'

6.08.06 Integration with Landscaping. Buffer requirements can be applied within the required setback spaces and can be used to satisfy any landscaping requirements of this Code. (Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.09. Design of Improvements.

Design of improvements shall conform to the standards and specifications of the City of Jarrell Design and Construction Standards, as amended.

(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.10. General Access, Circulation and Parking Standards.

6.10.01 Purpose. The purpose of this Section is to require that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, and pedestrians, both within the development and to and from surrounding areas.

6.10.02 Consistency with the Transportation Plan. All new roadways shall be built in accordance with any the [sic] Transportation Plan Element of the City of Jarrell Comprehensive Plan, the City's thoroughfare plan as may be adopted by the City Council, and any TxDot standards that may apply.

6.10.03 Safety Considerations; Pedestrian Separation. To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.

6.10.04 Added Width for Bicycles. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of anticipated pedestrian and bicycle traffic volumes. A minimum width of eight (8) [feet] and maximum width of twelve (12) feet shall be required for all walkways and sidewalks which require shared use by pedestrians and bicyclists. Requires sidewalks in residential developments and adds a minimum width of seventy-two (72) inches for any sidewalk as well as stating that there shall be no gap between the curb and sidewalk.

6.10.05 Curb Cuts and Ramps. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for pedestrians pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Uniform Building Code and the Americans with Disabilities Act ramp standards and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/ collection areas.

6.10.06 Corner Lot View Lines. On a corner lot in any district, nothing shall be erected, placed, or planted or allowed to grow in such a manner so as to materially impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two points located twenty-five (25) feet back from the property lines intersection; except that fences, walls, and/or hedges may be permitted provided that such fences, walls, and/or hedges do not impair vision from three (3) feet to six (6) feet above the curblines elevation.

6.10.07 Access and Parking Lot Requirements.

- A. General. All vehicular use areas in any site development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will access the site including, without limitation, cars, trucks, buses, bicycles,

pedestrian, and emergency vehicles. Mutual access easements may be required during the platting process to limit the number of curb cuts along Major and Minor Arterials. In addition, cross-access easements may be required between adjacent lots to encourage a secondary circulation system.

- B. Pedestrian/Vehicle Separation. To the maximum extent feasible, pedestrians and vehicles shall be separated through provision of a separate sidewalk or walkway for pedestrians. Where complete separation of pedestrian and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting and other similar means to clearly delineate pedestrian areas.
- C. Access. Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.
- D. Geometric Design. Parking lots shall be designed in accordance with the City of Round Rock Transportation Criteria Manual, as amended. Generally, parking lots shall be laid out to continue the street/block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the urban design of the surrounding development[.]
- E. Pavement. All open, off-street parking, and vehicular use areas shall bear an all-weather geotechnically engineered surface to meet a loading requirement of 75,000 pounds.
- F. Lighting. Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists. See Section 6.11 [6.13] of this Code for lighting standards.
- G. Maintenance. The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two weeks or longer, and all landscaping in a healthy and growing condition, replacing it when necessary, as specified in the approved site development permit.
- H. Provision of Access Easements. The City Manager or City Engineer may require the provision of mutual access and/or cross-access easements for circulation control.
(Ordinance 2018-03-27-01 adopted 3/27/18 ; Ordinance 2020-0128-05 adopted 1/28/20)

§ 6.11. Assessment and Improvement of Transportation Network.

- 6.11.01 Purpose and General Policy. The purpose of this section is to require that development within the Jarrell jurisdictional area is supported by an adequate roadway network, including collector-level and higher capacity streets, as may be necessary to accommodate the continuing growth and development of the City and its jurisdictional area. Acquisition of new rights-of-way for off-site, abutting and internal streets to support new development is necessary and desirable. The city requires that: (1) development impacts are mitigated through contributions of street rights-of-way and/or improvements to existing and new roadways; or (2) new developments contribute their fair share of the costs of needed.

transportation improvements.

- 6.11.02 Proportionality of Requirement. There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner or applicant for new development to dedicate and improve off-site, abutting and internal street rights-of-way to City standards. The City desires to assure both that development impacts are mitigated through contributions of street rights-of-way and transportation system improvements and that new development contribute their fair share of the costs of transportation improvements. It is the City's intent to institute a procedure to assure that mandatory dedications of street rights-of-way and street construction requirements are proportional to the traffic demands created by a new development.
- 6.11.03 Administration. The City Manager or his/her designee shall be the primary point of contact with the landowner or developer or his/her agents and has considerable authority and responsibility for administering the provisions of this section of the Code. However, all final decisions concerning participation in costs and completion of improvements that may be specified in a traffic impact analysis, capital improvements plan, or mitigation plan as required in this section shall be made by the City Council and reviewed in advance by the Planning and Zoning Commission.
- 6.11.04 Applicability. The requirement for assessment of and improvements to the transportation network apply to existing and future transportation networks associated with land development activities, within the City limits and within the City's extraterritorial jurisdiction. Any application for subdivision approval or subdivision improvements, zoning or zoning change, or site development in accordance with this Code must comply with these standards. The City Engineer may at his professional discretion (and approval by City Council) issue a waiver to this requirement.
- 6.11.05 Threshold of Requirement. The threshold requirement for a TIA shall be a development or combination of developments that would result in trip generation of more than an average of one thousand (1,000) trips per day based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. If the proposed development does not exceed the threshold, a TIA waiver shall be noted on the TIA Determination Worksheet. If the TIA threshold is exceeded, the applicant shall be so advised on the TIA Determination Worksheet and referred to the City Manager or his/her designee for consultation concerning the preparation of a TIA.
- 6.11.06 Traffic Impact Analysis. When a TIA is required, the type and scope of the study shall be determined during a scoping meeting with the City Manager or his/her designee. The scoping meeting may occur during any required preapplication conference but may also be scheduled after an initial preapplication meeting. No application requiring a TIA may be made until the scope of the required study has been determined. The City Manager or his/her designee may involve representatives of or request assessments from other agencies and departments and consultants. The TIA will follow the criteria outlined in the City of Round Rock Transportation Criteria Manual, Section 2, as amended.
- 6.11.07 Dedication and Improvement of Internal and Adjacent Thoroughfares. For thoroughfares that currently are or will in the future be located alongside a property boundary, the property owner shall dedicate and improve, as a minimum, one-half of the right-of-way necessary to meet the specification of future thoroughfares contained in the Comprehensive Plan or the City or County Thoroughfare Plan as adopted or amended by the City Council from time to

time. The City may require additional land and improvements for rights-of-way for adjacent thoroughfares where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the development.

- 6.11.08 Substandard Street Improvements. Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
- 6.11.09 Capital Improvements Plan for Roads. A road improvement may be considered adequate for an application if the City Manager determines that the required improvement is included, funded, and approved in the City's, County's or State's capital improvements plan for roads, provided that the applicant agrees to phase development to conform to the date of completion of such scheduled improvement. This section shall not be construed to prevent the City from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a TIA in order to determine a development project's proportionate costs of improvements.
- 6.11.10 Participation in Costs and Completion of Improvements.
- A. The City may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a subdivision improvement agreement.
 - B. During the course of providing for improvements, the City shall cooperate with the developer in the use of its governmental powers to assist in the timely and cost-effective implementation of improvements. Assistance shall not mean financial aid in actual easement acquisition, construction or engineering costs.
- 6.11.11 Deferral of Obligation. Upon request of the applicant or property owner, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a subdivision or site development improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares, including the posting or depositing of a letter of credit or other fiscal surety,

in a form and under terms acceptable to the City, in advance of approval of the development application.

6.11.12 Cash Contributions. In lieu of the obligation to dedicate or improve thoroughfares or make traffic-control improvements or post fiscal surety for subsequent construction to achieve road adequacy, the applicant may propose to make equivalent cash contributions based upon the development project's proportionate share of the costs of improvements, which the City in its sole discretion may accept in satisfaction of road adequacy standards in this section. Any funds accepted by the City shall be earmarked for construction of the improvements for which the contribution was made.

6.11.13 Options. Whenever the proposed development's share of the costs of a thoroughfare or traffic-control improvement needed to mitigate traffic generated by the development is less than one hundred percent (100%), the City in its sole discretion may do the following:

- A. participate in the excess costs; or
- B. aggregate the costs of improving multiple thoroughfares or intersections identified in the TIA and require improvements to only some of the thoroughfares or intersections affected by the development.

6.11.14 Advance Funding. If the landowners determine to either fund in advance or fund more than their pro-rata share, the City shall credit the developer's future fiscal posting. For those contributions and improvements beyond the developer's pro-rata participation, the City may either credit the developer's future fiscal posting or reimburse the developer out of City funds or funds allocated from other area landowners' contributions for those specific improvements.

(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 6.12. Sign Regulations.

6.12.01 Purpose. The purposes of regulating the placement and specifications of signs within the City's jurisdictional area are as follows:

- A. To promote and protect the safety of persons and property by assuring that signs do not create traffic hazards or impair motorists' ability to see pedestrians, other vehicles, obstacles or read traffic signs.
- B. To promote the aesthetics, safety, health, morals and general welfare, and the assurance of protection of adequate light and air by regulation of the position, displaying, erection, use and maintenance of signs.
- C. To promote the efficient transfer of general public and commercial information through the use of signs.
- D. To enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes the City and surrounding area.

6.12.02 Applicability - Effect.

- A. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of the Section.

- B. The effect of this Section as more specifically set forth herein, is:
1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Section.
 2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective Lots on which they are located, subject to the substantive requirements of this Section, but without requirements for permits.
 3. To provide for Temporary Signs without Commercial Messages in limited circumstances.
 4. To prohibit all signs not expressly permitted by this Section; and
 5. To provide for the enforcement of the provisions of this Section[.]
- C. The City Manager is authorized to issue an administrative variance for any signs deemed unable to conform to standards set forth in the following overlay districts.

6.12.03 Change of Use or Abandonment.

- A. In the case of Change of Use:
1. Owner must submit plans for new sign as well as bring current sign into the most current code compliance.
- B. In the case of Abandonment:
1. After 12 months of a property not being occupied, the City reserves the right to demolish or repurpose signs located within the Jarrell City Limits at expense of property owner.

6.12.04 Definitions and Interpretation. Words and phrases used in this Section shall have the meanings set forth in the Reference section of this Code. Principles for computing sign area and sign height are contained in Section 6.12.05 below. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

6.12.05 Computation.

- A. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a Wall Sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Code regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multifaceted Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all signs face visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are

part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

- C. Computation of Height. The height of a sign shall be computed as the distance from the ground to the top of the highest attached component of the sign. Normal grade shall be construed to be the (1) existing grade prior to construction (2) the newly established grade after construction, or (3) the crown of the adjacent roadway.
- D. Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a Zone Lot shall be computed by applying the formula contained in Table 6-3, “Maximum Total Sign Area per Zone Lot by Zoning District,” to the Lot :frontage, building frontage, or wall area, as appropriate, for the zoning district in which the Lot is located. Lots fronting on two or more Streets are allowed the permitted sign area for each Street Frontage, with signs facing a maximum of two Streets. However, the total sign area that is oriented toward a particular Street may not exceed the portion of the Lot’s total sign allocation that is derived from the Lot, building, or wall area frontage on that Street.

6.12.06 Permitted and Prohibited Signs.

- A. Interstate Criteria.
- B. Sign Permits. Signs shall be allowed on private property in the City or its extraterritorial jurisdiction in accordance with, and only in accordance with, Table 6-3, “Permitted Signs by Type and Zoning District” [Table 6-2 “Permitted Signs by Zoning District”]. If the letter “A” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If no letter appears for a sign type in a column, such sign is not allowed in the zoning districts represented by that column under any circumstances. The following zoning districts are identified for the purpose of these tables:

Table 6-2 Permitted Signs by Zoning District					
Sign Type	Residential	C-1	C-2	C-3	Industrial
Freestanding					
Other	P	P	P	P	P
Incidental	A	A	A	P	A
Building					
Banner	-	P	P	P	P
Building Marker	A	A	A	A	A
Canopy	-	P	-	P	-
Incidental	A	A	A	A	A
Marquee	-	P	P	P	-

Table 6-2 Permitted Signs by Zoning District					
Sign Type	Residential	C-1	C-2	C-3	Industrial
Monument	P	P	P	P	P
Projecting	-	P	P	P	-
Residential	P	P		-	-
Roof	-	-	-	P	
Roof, Integral	-	-	P	P	P
Street Address	A	A	A	A	A
Suspended	-	A	A	P	A
Temporary	A	P	P	P	P
Wall	-	P	P	P	P
Window	-	P	P	P	P
Miscellaneous					
Flag	A	A	A	A	A
Portable	A	P	P	P	P

(A) Allowed without Permit (P) Permit required (-) Prohibited.

- C. Although permitted under the previous paragraph, a sign designation by an “A” or “P” in Table 6-2 shall be allowed only if:
1. The sum of the area of all building and Lots on the Zone Lot conforms to the maximum permitted sign area as determined by the formula for the zoning district in which the Lot is located as specified in Table 6-7 [6-3].
 2. The size, location, and number of signs on the Lot conform to the requirements of Tables 6-2 and 6-3, “Number, Dimensions, and Location of Individual Signs by Zoning District.”

Table 6-3 Number, Dimensions and Location of Individual Signs by Zoning District					
Sign Type	Residential	C1	C-2	C-3	Industrial
Freestanding					
Area (sq. ft.)	20	30	200	200	200
Height (feet)	5	10 (Pole/Post/ Arm) 5 (Monument)	30	30	25
Setback (feet)	8	8	10	10	10
Number Permitted					

Table 6-3 Number, Dimensions and Location of Individual Signs by Zoning District					
Sign Type	Residential	C1	C-2	C-3	Industrial
Per Zone Lot	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	N/A
Per Feet of Street Frontage	N/A	N/A	1 (per 200')	1 (per 200')	1 (per 400')
Building					
Area (max. sq. ft.)	2	30 (Wall) 15 (Projecting)	45 (Wall) 16 (Projecting)	45 (Wall) 16 (Projecting)	N/A
Wall Area (percent)	N/A	10	10	10	5

D. Permits Required.

1. If a sign requiring a permit under the provision of this Chapter is to be placed, constructed, erected, or modified on a lot either within the City limits or the City’s extraterritorial jurisdiction, the owner of the Lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 6.12.06.G below.
2. No signs shall be erected in the public right-of-way except in accordance with Section 6.12.06.J below.
3. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Section (including those protecting existing signs) in every respect and with the Master or Common Signage Plan in effect for the property, if applicable. If a permit is administratively denied the property owner may appeal to a committee composed of the Mayor, Mayor Pro tem, and City Manager.

E. Signs Exempt From Regulation. The following signs shall be exempt from regulation under this Chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
2. Temporary real estate signs not exceeding six square feet in area and three feet in height in residential zoning districts and not exceeding 64 square feet in area and 12 feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven days after the property is sold or leased.
3. Works of art that do not include a Commercial Message.
4. Holiday lights and decorations with no Commercial Message.
5. Traffic-control signs on private property, such as stop, yield, and similar signs, the face of which meet Department of Transportation standards and that contain no Commercial Message of any sort.

6. Temporary signs advertising a “garage sale” not exceeding six square feet in area. These signs may not be posted earlier than three days before and must be removed within one day after the sale.
 7. Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding 64 square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven days after the completion of the project.
 8. Permanent subdivision identification signs approved by the City Council as part of the platting process.
 9. Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three weeks before and must be removed within one day after the event.
 10. Model home signs not exceeding 32 square feet in area and 5 feet in height.
 11. No Trespassing, No Hunting, and No Fishing Signs placed by the landowner.
 12. Temporary real estate signs (commonly referred to as “bandit” signs) are prohibited.
 13. The City permits directional also known as “wayfinding” signs, within the public right-of-way.
- F. General Permit Procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this Section, and the submission and review of Common Signage Plans and Master Signage.
1. Applications. All applications for sign permit of any kind and for approval of Master or Common Signage Plan shall be submitted to the City Manager.
 2. Fees. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.

Editor’s note–Sign permit fees are currently adopted by ordinance and are provided in article 9.04 of the Code of Ordinances.
 3. Completeness. Within five days of receiving an application for a sign permit or for a Master or Common Signage Plan, the City Manager shall review it for completeness. If the City Manager finds that it is complete, the application shall then be processed. If the City Manager finds that it is incomplete, the City Manager shall, within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Chapter.
 4. Action on Permit. Within seven days of the submission of a complete application for a sign permit, the City Manager shall either:
 - i. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of the Section and of the applicable Master or Common Signage Plan; or

1. Term. A Temporary Sign permit shall allow the use of a Temporary Sign for a specified 30-day period.
 2. Number. Only one Temporary Sign permit shall be issued on the same Zone Lot during any consecutive 4-month period.
 3. Other Conditions. A Temporary Sign shall be allowed only in districts with a letter “A” or “P” for “Temporary Signs” on Table 6-2 and subject to all of the requirements for Temporary Signs as noted therein.
- I. Signs Prohibited Under this Section. All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with Section 6.12.06.C [E] above are prohibited in the City or its extraterritorial jurisdiction. Such signs include, but are not limited to:
1. Beacons
 2. Obscene Signs
 3. Inflatable signs and tethered balloons
 4. Off premises (Billboards)
- J. Signs in the Public Right-of-Way.
1. No signs shall be allowed in the public right-of-way except for those specifically licensed or permitted by the City or the State to be there.
 2. Banners Hung Across Roadways.
 - i. The responsible party must obtain a banner permit from TxDOT and provide the City Manager with proof of the permit.
 - ii. The permit applicant must submit a sign permit application including the dates during which the banner is to be hung. A banner may be hung for no more than thirty (30) days.
 - iii. The sign permit application must be submitted to the City Manager at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.
 - iv. Specifications for Banners.
 1. Banners must be made of mesh material to insure air flow.
 2. Banners shall not exceed four (4) by thirty-six (36) feet.
 3. Banners hung across roadways shall be elevated so as to leave an open span a minimum of nineteen (19) feet above the roadway.
 3. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation.
 4. In addition to other remedies hereunder, the City shall have the right to recover.

from the owner or person placing such a sign the full costs of removal and disposal of such sign.

- K. Vehicles used solely as Signs. Signage is allowed on a truck, bus, car or other motorized vehicle provided all the following criteria are met:
1. Primary purpose of such vehicle or equipment is not the display of signs.
 2. Signs are painted upon or attached directly to an integral part of the vehicle or equipment.
 3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public Streets when applicable, and actively used in the daily function of the business to which such signs relate.
 4. Vehicles and equipment are not used primarily as static displays advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the general public.
- L. Political and Campaign Signs.
1. Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts.
 2. In Residential Districts on Lots smaller than one (1) acre, one (1) sign per Street Frontage for each candidate or measure not exceeding six (6) square feet in area and four feet (4') in height.
 3. In Residential Districts on Lots larger than one (1) acre and in all other zoning districts, one sign per Lot for each candidate or measure not exceeding thirty-two (32) square feet in area or eight feet (8') in height.
 4. Signs shall not be displayed earlier than ninety (90) days prior to an election and shall be removed within three (3) days following said election.
 5. Signs shall not be placed in any portion of the public right-of-way located between a Street or sidewalk and a property line fence (i.e. residential Lot backup to an arterial Street)[.]
 6. The Person, party or parties responsible for the distribution and display of such signs shall be individually and jointly responsible for their removal.
- M. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:
1. All signs shall comply with applicable provisions of the adopted versions of the Uniform Building Code, and the National Electrical Code.
 2. Except for Banners, Flags, Temporary Signs, and Window Signs conforming in all respects with the requirements of this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 3. All signs shall be maintained in good structural condition, in compliance with all.

building and electrical codes, and in conformance with this code, at all times.

N. Master or Common Signage Plan.

1. Master Signage Plan. Master Multi-Tenant Sign Plan. For any Multi-tenant Center on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the City Manager, a Master Signage Plan containing the following:
 - i. An accurate plot plan of the Lot(s) at such scale as the City Manager may require.
 - ii. The location of buildings, parking lots, driveways, and landscaped areas on such lot.
 - iii. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of Freestanding Signs allowed on the Lot under this Section.
 - iv. An accurate indication on the plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental Window Signs need not be shown.
 - v. An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the Lot(s) affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions; and,
 - vi. If the signage in the plan meets the full intent of this Section, then a 20% increase in the maximum sign area shall be allowed for each sign.
2. Multi-Lot Development. A multi-Lot development is one in which contains two or more contiguous and adjacent Lots (disregarding intervening Streets and alleys) that may or may not be under common ownership that contain more than one building (not including any accessory building). The owner(s) of such multi-Lot development may file a Master Signage Plan. For the purpose of this paragraph, if the signage in the plan meets the full intent of the Section, then a 20% increase in the maximum sign area shall be allowed for each sign.
3. Common Signage Plan. If the owner of two or more contiguous (disregarding intervening Streets and alleys) Zone Lots or the owner of a single Lot with more than one building (not including any accessory building) file with the City Manager for such Zone Lots a Common Signage Plan conforming with the provisions of the Section, a 25 percent increase in the maximum total sign area shall be allowed for each included Zone Lot. This bonus shall be allocated within each zone as the owner(s) elects.
4. Provisions for Common Signage Plan. The common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the Zone Lots affected by the Plan with regard to:
 - i. Color scheme.

- ii. Lettering or graphic style.
 - iii. Lighting.
 - iv. Location of each sign on the building.
 - v. Material; and
 - vi. Sign Proportions.
5. Limit on Number of Freestanding Signs under Common Signage Plan. The Common Signage Plan, for all Zone Lots with multiple uses or multiple users, shall limit the number of Freestanding Signs to a total of one for each Street on which the Zone Lots included in the plan have frontage and shall provide for shared or common usage of such signs. Lots with significant Street frontage may have one sign per 100 feet of frontage.
6. General Provisions for Master or Common Signage Plans.
 - i. Existing Signs Not Conforming to Common Signage Plan. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this Section in effect on the date of submission.
 - ii. Showing Window Signs on Master or Common Signage Plan. A master or Common Signage Plan including Window Signs may simply indicate the areas of the windows to be covered by Window Signs and the general type of the Window Signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every Window Sign.
 - iii. Other Provisions of Master or Common Signs. The Master or Common Signage Plan may contain such other restrictions as the owners of the Zone Lots may reasonably determine.
 - iv. Consent. The Master or Common Signage Plan shall be established by all owners or their authorized agents in such form as the City Manager require[s].
7. Procedures. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously. Where no official plan is required by the City, the City Manager may review the Master Signage Plan and approve it provided it meets the full intent and standards of this Section, may approve it with conditions; or may deny the plan.
8. Amendment. A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the ordinance then in effect.
9. Binding Effect. After approval of a Master or Common Signage Plan, no sign

shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of the Section. In case of any conflict between the provisions of such a plan and any other provision of this Section, this Section shall control.

10. Signage (to include but not limited to the name of the water corporation, logo of the water corporation, or selling of advertising rights to another party) on a water storage device, to include but not limited to elevated tanks and ground storage, constructed after adoption of this section [sic].

6.12.07 Nonconforming Signs.

- A. This Section shall apply to all Nonconforming Signs. All Nonconforming Signs shall be brought into compliance with this chapter in accordance with the provisions of this Section.
- B. All Nonconforming Signs that were erected in violation of the ordinances of the City in existence at the time the sign was permitted or should have been permitted, and which violation was or has not been cured, shall, upon written notice, be required to be brought into compliance with this Section or removed within a reasonable time frame specified by the City Manager, but not to exceed 30 days.
- C. Nonconforming Signs that do not comply with the City Construction Code shall be subject to enforcement under the Construction Code, as well as this Section. Repairs or modifications required under the City Construction Code shall not entitle the owner of the Nonconforming Sign to compensation under this Subchapter.
- D. All Nonconforming Signs shall be subject to the following provisions:
 1. Any Nonconforming Sign that has been destroyed or damaged to the extent that the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign shall be removed or shall be brought into compliance with this Chapter within six months from receipt of an order from the City Manager.
 2. No Nonconforming Sign shall be required to be relocated or removed unless such Nonconforming Sign is more than 50 percent destroyed or damaged as provided above.
 3. Existing on-premises advertising may be replaced with like size and structure, not to exceed the square footage and height of the original sign.
- E. Change of use: Whenever a land use changes, any nonconforming sign must be modified or removed so as to be in full compliance with these sign regulations.
- F. Any water storage device existing at the date of this adoption would be nonconforming and would be precluded from restoring any type of signage upon repainting of the water storage device.

6.12.08 Abandoned signs and supporting structures.

- A. The owner of any premises on which there is displayed or maintained an abandoned sign or abandoned supporting structure shall comply with the following requirements:
 1. Any sign that is deemed dilapidated by the City Manager on or before the adoption.

date of this Section, the owner shall remove the sign within 30 days after receiving written notice from the City Manager or the adoption of this Section, whichever is later.

2. Any sign that is deemed dilapidated by the City Manager after the adoption date of this Section, the owner shall remove the sign within 30 days after receiving written notice from the City Manager.
 3. If a supporting structure used or designed to be used with a sign is deemed dilapidated by the City Manager on or before the adoption date of this Section, the owner shall remove the supporting structure within 30 days after receiving written notice from the City Manager.
 4. If an abandoned supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed or made to comply with the provisions of the Section.
 5. No sign or supporting structure that is altered under the provisions of this section shall be made more nonconforming.
- B. Any dilapidated sign or dilapidated supporting structure not in compliance with this Section is an unlawful sign and may be removed by the City in compliance with Chapter 7 and the owner may be prosecuted or be enjoined from continuing such violation.
- C. If any sign, which conforms to the regulations of the Section, is abandoned, the owner, user, and Persons who benefit from the sign and the owner, operator, and tenants of the property on which the sign is located shall remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this Section so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within 90 days after receiving written notice from the City Manager.
- D. The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:
1. Like material. Only the same, like, or better-quality material as that being replaced shall be used as a face on or in the abandoned sign. The face of the supporting structure must be one that the supporting structure is designed to support.
 2. Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked.
- E. Covered Messages.
1. Abandoned signs may be painted in order to “blank” the face. However, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.
 2. Covered sign faces must be of a material or substance that renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation.

of the Chapter to allow a covered message to bleed or show through the paint or covering.

- F. No Person shall alter an abandoned sign or supporting structure without first obtaining a permit to do so from the City Manager.

(Ordinance 2020-0225-02 adopted 2/25/20 ; Ordinance 2020-0728-07 adopted 7/28/20)

§ 6.13. Outdoor Lighting.

6.13.01 Purpose and Intent. The purpose of this section 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 everyone's privacy, degrades the enjoyment of the night sky, and higher energy use results in 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 in keeping with the desired objectives of the Comprehensive Plan.

6.13.02 Regulation.

- A. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights-of-way.
- B. The regulations contained in this section are binding only within the city limits of Jarrell.
- C. 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.

6.13.03 Applicability.

- A. All outdoor lighting fixtures installed on private and public property within the city limits after the adoption of this Code shall be required to comply with this Code. This Code does not apply to interior lighting. However, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance, or a safety hazard as defined in the References section of this Code.
- B. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code shall be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Code.
- C. Modifications to nonconforming lighting fixtures shall also comply with this Chapter.
- D. Compliance with these requirements shall be administered by the City Manager or his/her designee.
- E. In the event of a conflict between this section and any other section of this Code, the more stringent requirements shall apply.

6.13.04 Exemptions. The following are exempt from the provisions of this Code:

- A. Publicly maintained traffic-control devices.
- B. Streetlights installed prior to the adoption of this Code.
- C. Temporary emergency lighting (fire, police, repair crews).
- D. Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right-of-way.
- E. Moving vehicle lights.
- F. Navigation lights (aircraft warning beacons on water towers and wireless transmission facilities), notwithstanding the terms as may be set forth in licensing agreements with the owners/operators of such lights.
- G. Seasonal decorations with lights in place no longer than sixty (60) days.
- H. Sports field lighting[.]
- 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 and fifty (150) watts (2220 lumens).
- K. Security lights of any output that are controlled by a motion sensor switch provided they do not remain illuminated for a duration not to exceed ten to twelve (10-12) minutes after activation.

6.13.05 Submittals. Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, shall provide proof of compliance with this Code. 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 catalogue illustrations from the manufacturer.
- C. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission; and
- D. Additional information as may be required by the Planning and Zoning Commission in order to determine compliance with this Code.

(Ordinance 2018-03-27-01 adopted 3/27/18)

Chapter 7.00 Enforcement And Compliance

§ 7.01. Compliance.

7.01.01 General.

- A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Code apply, except in accordance with and upon compliance with the provisions of this Code.
- B. The City and its agents shall enforce and ensure compliance with the provisions of this Code and shall take necessary and appropriate actions to prevent or cease any violations of the provisions of this Code.
- C. Interpretation and Conflict.
 1. Minimum requirements. The standards and provisions of this Code shall be interpreted as the minimum requirements necessary for any person to comply with the Code.
 2. Private restrictions. Whenever this Chapter imposes a higher standard than that required by easements, deed restrictions, covenants or agreements, the provisions of this subchapter shall govern to the extent permitted by law. In the case of a conflict between two standards, the more restrictive shall apply.
 3. Other requirements. Wherever this Code imposes a higher standard than that required by any other ordinance or requirement, the provisions of this Code shall govern to the extent permitted by law. In cases where state or federal laws supersede the City's requirements, then the applicable state or federal requirements shall apply.
 4. If the City Council determines that the condition of a party's development or action of another party violates a higher standard than that required by this Code, the provisions of the applicable state or federal statute shall govern.

7.01.02 Violations. The following shall be deemed violations under this Code and constitute sufficient grounds for the City to take enforcement actions and pursue the penalties as specified below.

- A. Development Without Permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon any area or to make improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth in this Code.
- B. Development Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted by the City for such activity.
- C. Violation by Act or Omission. To violate, by act or omission, any term, variance, modification, condition, stipulation or qualification imposed by the City Council or its

authorized agents upon any required permit, plat, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

- D. Use in Violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building, structure, property, or to use any land in violation or contravention of these regulations or any other regulation established under any other applicable legal authority.
- E. Continue a Violation. The continuation of any of the above violations is a distinct offense, and each day such violation continues shall be considered a separate offense.
- F. Complaints Regarding Violations. Whenever a violation of this Code occurs, or is alleged to have occurred, any person who witnessed the violation may file a written complaint with the City Secretary or City Manager. Such complaint shall state fully the causes and basis thereof and the date on which the violation began or was first observed. The complaint shall also include a description of the property on which the violation occurred and the names and addresses of the parties involved. The City shall record the complaint, investigate within a reasonable time, and take action thereon, as provided by these requirements. The City Manager may also act upon violations that otherwise become known during the normal performance of his/her duties. A public record of the disposition shall be made and maintained in the appropriate City records.
- G. Fire Access Violations.
1. A person commits an offense if the person intentionally alters, defaces, injures, knocks down, or removes or attempts to do so, any sign designating a fire lane which has been erected under the terms of this Code section.
 2. A summons or notice to appear in answer to a charge of parking, standing or stopping in violation of this section shall be issued on the official form prescribed by the City of Jarrell. The summons or notice shall require the appearance of the violator before the Municipal Court of the City and all fines paid by the violator shall be paid to the Municipal Court Clerk.
 3. A summons or notice to appear in answer to a charge of parking, standing or stopping in violation of this section must specify the location of the fire lane or accessible space in which the violation occurred. A summons or notice may be issued by any police officer or code enforcement officer employed by the City of Jarrell, an employee designated by the Fire Marshall, or an employee of the City authorized to issue tickets for parking violations.
 4. A person authorized to issue citations for violations as provided in this section may cause to be removed any vehicle found to be in violation.
 5. When a vehicle is towed, the owner shall be liable for the wrecker and the storage fees in addition to the fine for the violation of this Code section.

7.01.03 Roles and Responsibilities Concerning Compliance.

- A. Generally. It shall be the duty of the City Council and the City Manager, acting on behalf of the City Council, to enforce the requirements of this Code. The City Manager may call upon officials of the City, including the City Engineer, City Building

Inspector, or other appropriate City employees, to furnish him with such information or assistance as he may deem necessary for compliance with and enforcement of this Code.

B. Land Use and Planning Matters.

1. The City shall not issue a building permit or certificate of occupancy required by any City ordinance for any land located within the jurisdictional limits to which this Code applies, until and unless the owner of the property, or its agent, is in compliance with the requirements of this Code.
2. The City shall not provide or connect City water, sewer, or other utility owned or licensed by the City to any property to which the provisions of this Code apply, unless and until the owner of the property, or its agent, is in compliance with the provisions of this Code.

C. Health and Sanitation Matters.

1. Whenever a user has violated or continues to violate any provision of this Code pertaining to water and wastewater infrastructure, an industrial wastewater discharge permit or order issued hereunder, or any other applicable waste pretreatment standard or health and sanitation requirement, water service to the user may be discontinued. Service will only be reconnected, at the user's expense, after the user has ceased the violation and satisfactorily demonstrated and established his ability to comply with this Code.
2. A violation of any provision of this Code that is dangerous to human life or health; that renders the ground, the water, the air or any food or drink unwholesome and a hazard to human life and health; that may injure or affect the public health or comfort in any manner; or a violation of a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and illegal, and shall be abated by any procedure authorized by law; further, the City shall be entitled to recover its damages, attorney fees, and expenses of litigation for enforcement or cessation of such violation.

D. Responsible parties.

1. The owner or tenant of any building, structure, premises, or any part thereof, and any architect, engineer, builder, contractor, agent or other person who knowingly commits, participates in, permits, assists with or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Chapter; in addition, each party may also be subject to civil penalties as provided in this Chapter or applicable law.
2. Any person who opposes, obstructs, or resists any City official or any person authorized by the City Council in the discharge of his or her duties as provided by this Code shall be in violation of this Code and may be prosecuted for a Class "C" misdemeanor.

E. Continuing or Repeat Violations. If an owner, occupant, or other person repeats the same violation, within a five-year period from the date of the initial violation, it shall.

be considered to be a repeat of the initial violation and shall be subject to additional penalties and remedies. Payment of a fine shall be considered admission of a violation for the purposes of a repeat violation.

(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 7.02. Enforcement.

7.02.01 Generally.

- A. The City may refuse to authorize or make utility connections on the grounds set forth in Tex. Loc. Govt. Code Ann. Section 212.012 (Vernon 1988 & Supp. 1994), as amended.
- B. Notice of Intent to Suspend or Revoke.
 1. Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this Code, the City Manager or Building Official or another designee of the City Council shall give written notice of intent to suspend or revoke via certified mail, return receipt requested. The notice may specify a reasonable time for compliance with this Code.
 2. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.
 3. The City Manager, Building Official, or another designee of the City Council shall not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

7.02.02 Suspension and Revocation of a Variance or Special Use Permit.

- A. When the City Council determines there is a failure to comply with any term, condition, or requirement that was a condition of the approval of a variance or special use permit, the City Council may direct the City Manager, City Attorney, or another agent or official to suspend the variance or special use permit pending compliance with the terms, conditions, or requirements under which the variance or special use permit was approved.
- B. Notice of suspension or revocation of a variance or special use permit shall be sent by certified mail, return receipt requested, to the permit holder of the variance or special use permit.
- C. The City Council shall, if requested in writing by the permit holder, hold a public hearing no later than forty-five (45) days after notification is sent to the permit holder of the variance or special use permit of its intent to suspend. If the City Council determines there is a failure to comply with any term, condition, or requirement made a condition of the variance or special use permit, the City Council may revoke the variance or special use permit or take such action as it considers necessary to ensure compliance.
- D. A decision to revoke a variance or special use permit shall be effective immediately. Notice of the decision by the City Council shall be sent by certified mail, return receipt requested to the permit holder of the variance or the special use permit.

7.02.03 Stop-work orders. The City Manager, City Inspector other City official duly authorized.

by the City Council may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this Code or a subdivision plat or approved site plan is found. Any person, including a workman on the site, who fails to comply with a stop-work order, shall be guilty of a misdemeanor, punishable as provided in this Chapter of the Code. Upon receiving an application to resume work and a declaration from the landowner or developer that any claimed violations of this Code have ceased and that the landowner or developer is currently in compliance, the City Manager shall determine, within ten (10) working days of receipt of said application, whether the work is in compliance. If the City Manager determines that the work or site is in compliance, he may authorize the work to proceed in writing.

(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 7.03. Penalties.

7.03.01 Generally.

- A. Except where otherwise provided therein, the maximum fine for violating any provision of this Code, or any ordinance, rule or police regulation that governs fire safety, zoning or public health and sanitation, including dumping of refuse, shall not exceed two thousand dollars (\$2,000.00); for all other violations, the maximum fine shall not exceed five hundred dollars (\$500.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- B. Each day a separate offense[.]
- C. Each day any violation of this Code or of any ordinance of the City continues shall constitute a separate offense.
- D. Penalties are cumulative[.]
- E. The penalties in this section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

7.03.02 Assessment of Expenses. In addition to any other remedy provided in this Code or any other ordinance of this City and cumulative thereof, the City shall have the power by resolution of the City Council to cause any of the work or improvements required to be completed by the owner or applicant under the provisions of this Code to be undertaken by the City on the account of the owner of the property on which work or improvements are done; and the City shall cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred and/or shall place a lien on said property.

7.03.03 Land Use and Zoning.

- A. If the City Council finds, after notice and hearing, that a significant violation of an approved site plan has occurred, the Council may revoke its approval of such site plan. It shall be unlawful for any person to perform any work on the site pursuant to the site plan unless and until a new application for site plan approval has been filed and processed in accordance with the provisions of this Code and the City Council grants approval of a new final site plan that remedies the violations of the original site plan.
- B. Any person who violates any provision of this Code or any order issued under the

authority of this Code, or who causes or permits any such violation, or who fails to perform any act required under this Code, or who performs any prohibited act or takes any action contrary to the final plats or site plans approved by the City Council, or who fails to take any action required by such approved plat or site plan, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). Each and every day that the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

7.03.04 Signs.

- A. The City Manager or his/her/her designee shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person within the City or its extraterritorial jurisdiction for the purpose of enforcing the provisions herein.
- B. When a sign requiring a permit under Chapter 6 of this Code is erected without a sign permit, the City Manager shall use the following procedures.
 1. The City shall give written notice of violation to the responsible party or to the occupant of the premises if the responsible party is not known. The notice shall include a description of the violation, the date such violation was noted, instructions to contact the City Manager to apply for a permit for the sign, if applicable, and the fine schedule if the notice is not heeded, refused or unclaimed. The notice is deemed delivered when deposited in the United States Postal mail, with postage paid to the last known address of the party responsible for such sign.
 2. If the City is unable to deliver written notice to the responsible party, a telephone call shall be made by the City Manager or his/her designee, date and time recorded, informing the owner of the premises on which the sign is located that on a set day, a fine shall commence to be assessed to the owner of the sign for each day of the violation until the sign(s) are removed.
 3. If, within fourteen (14) days, the responsible party fails to contact the City Manager in writing, bring the sign into conformance with this Code, or apply for a permit for the sign, the City Manager shall have the sign removed or impounded without further notice, and/or shall fine the owner on a daily basis as set forth within this Code.
 4. The party responsible for the sign shall, upon conviction, be guilty of a misdemeanor and shall (a) forfeit both the sign and any permit associated with the sign; and (b) pay the fines set by the court, not to exceed the fines specified by this Code for each violation. Each day of the continued violation shall constitute a separate violation.
- C. Impoundment of Signs.
 1. The City Manager shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited or not authorized by this Code, and to impound them for a period of fourteen (14) days.

2. The owner of an impounded sign may recover the same upon payment of an impoundment fee for each sign, and all costs associated with the removal of the sign, prior to the expiration of the fourteen (14) day impoundment period; in the event the sign is not claimed and retrieved from the City's possession within fourteen (14) days, the City Manager shall have authority to dispose of such sign. The owner shall be responsible for all costs associated with removal and disposal of the sign.

(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 7.04. Civil remedies.

7.04.01 Civil action.

- A. In addition to the penalties otherwise provided, any condition caused or permitted to exist in violation of any provision of this Code or any ordinance, which provision is intended for the protection of the public health, safety or welfare, may be determined to constitute a public nuisance and may be abated by the City as provided by law.
- B. Prior to taking civil action, the City shall notify the defendant of the provisions of the Code that are being violated. Upon initiation of the civil action, the City shall demonstrate that the defendant was actually notified of the provisions of the Code; and that after receiving notice, the defendant committed acts in violation of the Code or failed to take action necessary for compliance with the Code.

7.04.02 Injunction and other remedies. Any structure erected or used, or any development that is planned or implemented, contrary to any of the provisions of this Code or to any of the requirements contained in a final plat or site plan approved by the City Council, is hereby declared to be unlawful and shall constitute a violation of this Code. The City Council may initiate the legal process to obtain an injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use, or development, or otherwise ensure compliance with this Code.

7.04.03 Civil penalties. Any person who violates any provision of this Code is subject to a civil penalty of up to one thousand dollars (\$1,000.00) and not less than one hundred dollars (\$100.00), or more as permitted by law, for each act of violation and for each day of violation.

7.04.04 Penalties are cumulative. The penalties in this section shall be cumulative and not exclusive of any other rights or remedies the City may have.

(Ordinance 2018-03-27-01 adopted 3/27/18)

§ 7.05. Fiscal Surety and Assurance of Construction and Maintenance.

7.05.01 Payment of Taxes. The landowner or developer shall provide the City Manager with a certifiable receipt showing that all taxes have been paid in conjunction with the submittal of an application for final plat approval or site development permit issuance.

7.05.02 Letter of Credit or Performance Bond.

- A. Before any development or project can proceed, the City Manager must be satisfied that the landowner or developer will be in a financial position to install or cause to be installed at his own cost, risk, and expense, all of the improvements required by this.

Code.

- B. If the landowner or developer elects to construct the required improvements prior to recording of a subdivision plat, after such plat has been approved, all such construction shall be inspected while in progress; in addition, the construction must be approved upon completion by the City Manager or his/her designee. A certificate by the City Manager or his/her designee that the construction conforms to the plans and specifications and the standards contained in or referred to in this Code must be presented to the City Council by the landowner or developer prior to approval of the final plat.
- C. The landowner or developer of a site development shall post fiscal surety, as provided below, to assure completion of all construction required under this Code following issuance of the site development permit. If the landowner or developer of a subdivision decides or elects to post fiscal surety in lieu of completing construction prior to final plat approval, the landowner or developer may utilize one of the following methods of posting fiscal surety. If the landowner or developer elects to post fiscal surety for subdivision or site development related construction, the plat shall not be approved, or the permit shall not be issued unless the landowner or developer has done the following:
1. The landowner's or developer's engineer shall provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by this Code; and the estimate shall be acceptable to the City Manager or his/her designee; and,
 2. The City Manager shall require sufficient fiscal surety to ensure the orderly development within any subdivision or site development in the form of either (1) a performance bond or (2) an irrevocable letter of credit, equal to 110% of the estimated total cost of the improvements not yet completed and/or accepted as complete. Such letter of credit or bonds shall be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council.
 3. The fiscal surety shall be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the landowner or developer. The landowner or developer shall complete all such improvements specified or referenced in the subdivision plat or site development permit and the construction plans for the same, within one (1) year from the date of final plat approval or site development permit issuance unless granted an extension by the City. Failure to do so shall authorize the City to complete the improvements using the fiscal surety provided by the landowner or developer.
- D. It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.

7.05.03 Requirements Prior to Final Acceptance for Maintenance.

- A. The landowner or developer shall ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good.

working order and in accordance with the design performance criteria of each such facility, for one (1) year commencing on the date of approval of final completion by the City Manager or his/her designee.

- B. Prior to final acceptance for maintenance of the completed improvements by the City Manager, the landowner or developer shall require any construction contractors with whom he contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and shall himself be required to furnish to the City, a written guarantee, that all workmanship and materials shall be free of defects for a period of one (1) year from the date of acceptance by the City Manager. The guarantee shall be either in the form of a one (1) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or an irrevocable letter of credit from a financial institution authorized to do business in Texas, and approved by the City Manager, committing funds for the correction and repair of any defects in materials or workmanship. Said bonds or letters of credit shall be in the amount of at least twenty (20) percent of the total construction cost. The financial institution shall be reviewed and approved in advance and the letters of credit or bonds shall conform to forms or criteria approved in advance by the City Council. The one- (1) year assurance period shall commence on the date of approval of final completion of the improvements by the City Manager or his/her designee.

7.05.04 Acceptance of Improvements.

- A. During the course of installation and construction of the required improvements, the City Manager or his/her designee shall make periodic inspections of the work to ensure that all improvements comply with the requirements of this Code. Upon completion of installation and construction of all required improvements, the landowner or developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a one- (1-) year maintenance bond as specified in the terms and conditions above. In addition, the landowner or developer shall provide a certified statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.
- B. After final inspection, the City Manager shall notify the landowner or developer and the City Attorney in writing as to its acceptance or rejection. The City Manager shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. No release of any posted fiscal surety shall occur until the City has formally accepted the constructed improvements that are the subject of such surety.
- C. If the City Manager rejects such construction, the City Attorney shall, upon direction of the City Council, proceed to enforce the guarantees provided in this Chapter.
- D. When good cause exists, the City Manager may extend the period of time for completion. Such extension of time shall be reported to the City Council and recorded in the minutes. No such extension shall be granted unless fiscal surety, as set forth above, has been provided by the landowner or developer covering the extended period of time.

7.05.05 Maintenance and Supervision. Where a subdivision contains sewers, sewage treatment facilities, water supply systems, water quality protection facilities, streets and other.

transportation related improvements, parks and grounds held in common, park and recreation improvements, drainage easements and/or drainage improvements, landscape improvements or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to the City Manager and approved as to form by the City Attorney prior to the time of final plat approval or site development permit issuance and shall be filed of record with the plat or permit.

(Ordinance 2018-03-27-01 adopted 3/27/18)