

ARTICLE VIII. SCHEDULE OF USES

ARTICLE VIII. SCHEDULE OF USES

Schedule of Uses	Planned Unit Development District See PUD Agreement	Downtown Overlay District	Commercial District	Highway Commercial Corridor District	Industrial Park District	Public Facilities District
Zoning Classification	PUD	DD	CD	HC	IP	PFD
Accessory Building		X	X	X	X	X
Aerial Surveying			CUP	CUP	CUP	
Agriculture/Open Space		X	X	X	X	X
Air Conditioning Sales, Retail, and Service (Completely Enclosed in CD District)			X	X	X	
Airport (Non-Governmental)				CUP	CUP	
Alcoholic Beverage (Microbrewery / Distillery) Manufacturer (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		X	X	X	X	
Alcoholic Beverage (Retail) Sales (No On-Premises Consumption)		CUP	X	X	X	
Ambulance Service				X	X	X
Amusement Park			CUP	CUP	CUP	
Animal Shelter (Governmental)				X	X	CUP
Animal Shelter (Non-governmental)				X	X	CUP
Antique Store (Outside storage, display or sale of goods, products or merchandise shall be permitted provided such goods, products or merchandise do not encroach into the right-of-way.)		X	X	X	X	
Apparel/Accessories/ Alteration & Repair (Retail)		X	X	X	X	

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Appliance Repair and Sales (Completely Enclosed in CD District)			X	X	X	
Armory				CUP	CUP	CUP
Art Gallery and/or Museum		X	X	X	X	
Artisan, Artist, and Fine Arts Studio (Outside storage, display or sale of goods, products or merchandise shall be permitted provided such goods, products or merchandise do not encroach into the right-of-way.)		X	X	X	X	
Auditorium (Governmental and Non-Profit)		CUP	CUP	X	X	CUP
Auditorium (Non-Governmental)		CUP	CUP	X	X	CUP
Automobile Car Wash			X	X	X	
Automobile Filling Station and/or Service (Service Completely Enclosed in CD District)			X	X	X	
Automobile Glass Sales and Service (Completely Enclosed in CD District)			X	X	X	
Automobile Paint and Auto Body Shop (Completely Enclosed in CD District)			X	X	X	
Automobile Parking Lots or Garages (Commercial)		CUP	X	X	X	CUP
Automobile Part Sales (Completely Enclosed) (Retail)			X	X	X	
Automobile Rental			X	X	X	
Automobile (Incl. Motorcycles) Sales and Service (New and Used, When Used Incidental to New Sales) (Service Completely Enclosed in CD District)			CUP	X	X	
Automobile Upholstery Sales and Installation			CUP	X	X	
Bait Store			X	X	X	
Bakery (Retail)		X	X	X	X	
Barber and Beauty Equipment Sales (Retail)		CUP	X	X	X	
Barber and Beauty Shop		X	X	X	X	
Bed and Breakfast		CUP	X	X	X	
Bicycle and/or Lawnmower Sales and Service (Completely Enclosed in CD District)			X	X	X	

Deleted: (Rental Car Parking Area Completely Fenced with 6 ft. Opaque Fencing in CD Districts)

ARTICLE VIII. SCHEDULE OF USES

Blueprinting, Photostatting/Reproduction/Print Shop		X	X	X	X	
Book and Stationery Store		X	X	X	X	
Bowling Alley (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		X	X	X	X	
Building Hardware Sales (Completely Enclosed in CD District)			X	X	X	
Building Lumber Sales			CUP	X	X	
Bus Passenger Station at Existing Business Other Than Busing Company			CUP	X	X	CUP
Cabinet, Carpentry, or Upholstery Sales (Completely Enclosed in CD District)			X	X	X	
Camera and Photographic Store		X	X	X	X	
Candle Shop (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Carpet Sales, Service, and Cleaning (Completely Enclosed in CD District)			X	X	X	
Catering Shop (Completely Enclosed in DD and CD Districts)			X	X	X	
Confectionary and Nut (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Church		CUP	X	X	X	CUP
Civic / Community Center		CUP	X	X	X	CUP
Club or Lodge (Governmental and Non-profit) (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food			X	X	X	CUP
Club or Lodge (Non-Governmental) (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food			X	X	X	CUP

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Coffee Roasting (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Communications Tower and Associated Stations		CUP	CUP	CUP	CUP	CUP
Contractor (Completely Enclosed in CD District)			X	X	X	
Convenience Store (Completely Enclosed in CD District) <u>(No On-Premises Consumption)</u>			X	X	X	
Dairy Equipment Sales and Service (Completely Enclosed in CD District)			X	X	X	
Dairy Products (Retail)		X	X	X	X	
Delicatessen		X	X	X	X	
Department Store		X	X	X	X	
Dispensary (Medical Marijuana and Related Goods) <u>(No On-Premises Consumption)</u>		CUP	CUP	CUP	CUP	
Drag Strip				CUP	CUP	
Drug Sales (Retail)			X	X	X	
Dry Cleaning Shop			X	X	X	
Dry Goods (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Dwelling (Garden Home) (2 units)			X	X	X	X
Dwelling (Living Quarters Onsite w/ Business) <u>(Living Quarters Owned by Business Owner)</u>		X	X	X	X	
Dwelling (Mobile / Manufactured Home) (1 unit)						
Dwelling (Multifamily) (3+ units)			CUP	CUP	CUP	
Dwelling (Residential Loft) (1+ units)		X				
Dwelling (Single-family) (1 unit)			X	X	X	X
Dwelling (Townhome) (2 units)			X	X	X	X
Dwelling (Two-family) (2 units)			X	X	X	X
Electric Power Generator (Primary Station)		CUP	CUP	CUP	CUP	CUP
Electric Repair Shop (Completely Enclosed in CD District)			X	X	X	
Electrical Substation (Completely Enclosed by an Opaque Fence; Minimum 6 ft. in Height)		CUP	CUP	CUP	CUP	CUP

ARTICLE VIII. SCHEDULE OF USES

Elevator Maintenance and Service (Completely Enclosed in CD District)			X	X	X	
Entertainment <u>(On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food</u>		X	X	X	X	
Exterminator (Completely Enclosed in CD District)			X	X	X	
Fabric or Needlework Shop		X	X	X	X	
Fairgrounds, Baseball Park, and Stadium <u>(On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food</u>			CUP	CUP	CUP	CUP
Farm Equipment Sales/Service (Completely Enclosed in CD District)			X	X	X	
Farm/Ranch/Feed Supply (Completely Enclosed in CD District)			X	X	X	
Farmers Market		X	X	X	X	
Financial Institution		X	X	X	X	
Firearms and/or Ammunition Sales and Service		X	X	X	X	
Fire Station			X	X	X	X
Fish Market (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Flea Market		CUP	CUP	CUP	CUP	
Floor Covering Sales (Retail) (Completely Enclosed in DD and CD Districts)		CUP	X	X	X	
Floral Shop (Retail)		X	X	X	X	
Food Products (Retail)		X	X	X	X	
Food Truck Park and Bar Facility <u>(On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes</u>		X	X	X	X	
Funeral Home			X	X	X	
Furniture Sales, Service, and Repair (Retail) (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Gambling				CUP	CUP	

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Gas Utility Station		CUP	CUP	CUP	CUP	CUP
Gift Shop (Outside storage, display or sale of goods, products or merchandise shall be permitted provided such goods, products or merchandise do not encroach into the right-of-way.)		X	X	X	X	
Glass Sales and Service (Retail) (Completely Enclosed in CD District)			X	X	X	
Golf Driving Range or Course (Consumption of Alcohol Permitted)			CUP	CUP	CUP	CUP
Greenhouse or Nursery (Retail and Wholesale)		CUP	X	X	X	
Grocery (Retail)		X	X	X	X	
Group Home (1+ Units / Beds)						
Gymnasium			X	X	X	CUP
Nail Salon		X	X	X	X	
Heavy Machinery Sales, Service, and Storage				X	X	
Hobby Supply Sales		X	X	X	X	
Home Occupation		X	X	X	X	
Hospice (1+ Units / Beds)		CUP	CUP	CUP	CUP	CUP
Hospital			CUP	CUP	CUP	CUP
Hotel (Other Than Motel or Motor Inn Where Patrons Access Rooms Via Parking Area) (Swimming Pool Allowed) (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		CUP	X	X	X	
Ice Cream Parlor/Store		X	X	X	X	
Indoor Entertainment/Amusement (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		X	X	X	X	
Interior Decorator		X	X	X	X	
Jewelry Sales and Service		X	X	X	X	
Laboratory (Dental or Medical) (Completely Enclosed in CD District)			X	X	X	CUP

Deleted: / Transitional Center

Deleted: Hotel, including, but not limited to, short-term rental unit, located within a multi-family dwelling unit. ... [1]

ARTICLE VIII. SCHEDULE OF USES

Laboratory (Research, Testing, and Analysis) (Completely Enclosed in CD District)			CUP	CUP	CUP	CUP
Laundry (Plant)				X	X	
Laundry (Retail)			X	X	X	
Leather Goods or Luggage Store		X	X	X	X	
Library (Governmental and Non-Profit)			X	X	X	X
Library (Non-Governmental)			X	X	X	CUP
Local Utility Distribution Center or Lines		CUP	CUP	CUP	CUP	CUP
Locksmith			X	X	X	
Machine and Welding Shop (Completely Enclosed in CD District)			CUP	X	X	
Machine Tools and Construction Equipment Sales and Service (Completely Enclosed in CD District)			X	X	X	
Manufacturing, Light			CUP	X	X	
Manufacturing, Heavy				CUP	CUP	
Marine Sales and Service (New and Used, When Used Incidental to New Sales) (Service Completely Enclosed in CD District)			CUP	X	X	
Massage Therapy		X	X	X	X	
Medical Institution (Other Than Hospital)			CUP	CUP	CUP	CUP
Medical Supply (Retail)			X	X	X	
Milliner (Retail) (Completely Enclosed in CD District)		CUP	X	X	X	
Millwork (Retail) (Completely Enclosed in CD District)			X	X	X	
Mobile Home Sales and Service (New Mobile Homes Only)				CUP	CUP	
Moving Company (Completely Enclosed in CD District)			CUP	X	X	
Music Store		X	X	X	X	
Newspaper Printer (Completely Enclosed in CD District)			CUP	X	X	
Newsstand		X	X	X	X	
Nursery or Daycare			X	X	X	
Nursing Home or Assisted Living (1+ Units / Beds)			X	X	X	

ARTICLE VIII. SCHEDULE OF USES

Office (General, Medical, Real Estate, and Professional Business)		X	X	X	X	
Off-Street Parking, When Incidental to Main Use		X	X	X	X	X
Office Supply Store (Completely Enclosed DD and CD Districts)		X	X	X	X	
Open / Outdoor Storage (See Ch. 14, Art. II, Sec. 2-11)		CUP	CUP	X	X	CUP
Optometry Office and Optical Goods (Retail)		X	X	X	X	
Oversized Vehicle Car Wash				CUP	CUP	
Oversized Vehicle Filling Station and/or Service (No On-Premises Consumption)				CUP	CUP	
Oversized Vehicle Rental				CUP	CUP	
Oversized Vehicle Sales and Service				CUP	CUP	
Paint and Wallpaper Store		X	X	X	X	
Park/Recreation Center (No Permanent Alcoholic Beverage Sales Permitted)		X	X	X	X	CUP
Pawnshop (Completely Enclosed in CD District)			X	X	X	
Pet Shop and Supply (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Picture Framing (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Pipeline and Electrical Transmission Lines		CUP	CUP	CUP	CUP	CUP
Playground Equipment Sales and Manufacturing			X	X	X	
Plumber (Completely Enclosed in CD District)			X	X	X	
Plumbing Fixture Sales and Service (Completely Enclosed in CD District)			X	X	X	
Post Office		X	X	X	X	X
Radio or Television Broadcast Studio		CUP	X	X	X	CUP
Recreational Vehicle Park			CUP	CUP	CUP	
Recreational Vehicle Sales and Service (New and Used, When Used Incidental to New Sales) (Service Completely Enclosed in CD District)			CUP	X	X	

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ARTICLE VIII. SCHEDULE OF USES

Rehabilitation Center (1+ Units / Beds)			X	X	X	
Restaurant (Alcoholic Beverages Incidental to Food Sales)	X	X	X	X	X	
Restaurant with Drive Thru (Alcoholic Beverages Incidental to Food Sales)		CUP	CUP	X	X	
Riding Stable or Academy			CUP	CUP	CUP	
School, College			X	X	X	CUP
School, Elementary and Secondary			X	X	X	CUP
School, Trade			X	X	X	CUP
Sexually Oriented Business				CUP	CUP	
Sewerage Pumping Station		CUP	CUP	CUP	CUP	CUP
Shoe Sales and Repair (Retail)	X	X	X	X	X	
Short-term Rental Unit (Not Allowed in Commercially-Zoned Districts or Multi-family Dwelling Units)						
Sign Sales, Manufacturer, and Repair (Completely Enclosed in CD District)			X	X	X	
Skating Rink (Completely Enclosed)	X	X	X	X	X	
Sporting Goods Sales and Service (Completely Enclosed in DD and CD Districts)	X	X	X	X	X	
Stamp/Coin Sales (Retail)	X	X	X	X	X	
Stone Cutting and Monument Sales/Service (Completely Enclosed in CD District)			X	X	X	
Storage Building (Marine, Automobile, Home, Commercial) (Completely Enclosed in CD District)			CUP	X	X	
Storage Building Sales and Service With Outside Display of Storage Buildings			CUP	X	X	
Swimming Instruction			X	X	X	
Swimming Pool (Community or Private)			X	X	X	CUP
Swimming Pool Sales and Service (Completely Enclosed in CD District)			X	X	X	
Tanning Salon	X	X	X	X	X	
Tavern (Completely Enclosed in DD and CD Districts) (On-	X	X	X	X	X	

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<u>Premises Consumption with/without Food</u>						
Tavern With Outdoor Area For Patrons/Entertainment Purposes (<u>On-Premises Consumption</u>) and with/without Food		X	X	X	X	
Taxidermist (Completely Enclosed in CD District)			CUP	X	X	
Temporary Field Construction Office (Allowed During Duration of Project)		X	X	X	X	X
Theater (Completely Enclosed) (Consumption of Alcohol Permitted) with/without Food		X	X	X	X	
Theater (Completely Enclosed) (Consumption of Alcohol Not Permitted) with/without Food		X	X	X	X	
Theater (Outdoor) (Consumption of Alcohol Permitted) with/without Food		CUP	X	X	X	
Theater (Outdoor) (Consumption of Alcohol Not Permitted) with/without Food		CUP	X	X	X	
Tobacco, E-Cigarette Store and Hookah Lounge		CUP	X	X	X	
Tool Rental, Sales, and Service (Completely Enclosed in CD District)			X	X	X	
Tool Rental With Outside Storage (Outside Storage Completely Fenced with 6 ft. Opaque Fencing in CD District)			CUP	X	X	
Trailer (Towing) Manufacturer, Sales, and Service (No Mobile Homes) (Completely Enclosed in CD District)			X	X	X	
<u>Transitional Center (1+ Units / Beds)</u>						
Utilities, Utility Shops, Storage, Yards, and Buildings, Public or Private, Other Than Already Listed		CUP	CUP	CUP	CUP	CUP
Utility Company Customer Service Center (Completely Enclosed in DD and CD Districts)			X	X	X	CUP
Veterinarian Office and Hospital			X	X	X	

ARTICLE VIII. SCHEDULE OF USES

Watch / Clock Sales and Service (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Water/Sewage Pumping Station, Overhead Storage, or Plant		CUP	CUP	CUP	CUP	CUP
Well Drilling Contractor (Completely Enclosed in CD District)			X	X	X	
Window Covering Assembling, Sales, and Service, Including Awnings (Completely Enclosed in DD and CD Districts)		X	X	X	X	
Winery (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		X	X	X	X	

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CUP—City Council Approval Required

Schedule of Uses	Single-family Residential District	Single-family Residential District - Restricted	Mixed Residential District	Manufactured Home District	Micro Housing District	Garden Housing District
Zoning Classification	SF	SFR	MR	MH	MHD	GHD
Accessory Building	X	X	X	X	X	X
Agriculture/Open Space	X	X	X	X	X	X
Artisan, Artist, and Fine Arts Studio					CUP	
Church	X	X	X	X	X	X
Civic / Community Center						
Club or Lodge (Non-governmental) (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food	CUP	CUP	CUP	CUP	CUP	CUP
Clubhouse and/or Swimming Pool (Associated with Homeowner's Association and/or Subdivision)	X	X	X	X	X	X
Community Garden	CUP	CUP	CUP	CUP	X	CUP
Dwelling (Garden Home) (2 units)	CUP		X	X	CUP	X

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ARTICLE VIII. SCHEDULE OF USES

Dwelling (Mobile / Manufactured Home) (1 unit)				X		
Dwelling (Multifamily) (3+ units)			X		CUP	CUP
Dwelling (Single-family) (1 unit)	X	X	X	X	X	X
Dwelling (Townhome) (2 units)	CUP		X	X	CUP	X
Dwelling (Two-family) (2 units)	CUP		X	X	CUP	X
Electric Power Generator (Primary Station)	CUP	CUP	CUP	CUP	CUP	CUP
Electrical Substation (Completely Enclosed by an Opaque Fence; Minimum Six (6) ft. in Height)	CUP	CUP	CUP	CUP	CUP	CUP
Farmers Market	CUP	CUP	CUP	CUP	CUP	CUP
Fire Station	CUP	CUP	CUP	CUP	CUP	CUP
Gas Utility Station	CUP	CUP	CUP	CUP	CUP	CUP
Government Building	CUP	CUP	CUP	CUP	CUP	CUP
Greenhouse or Nursery (Retail and Wholesale)	CUP	CUP	CUP	CUP	CUP	CUP
Grocery (Retail)					CUP	
Group Home (1+ Units / Beds)	CUP		CUP			
Home Occupation	X	X	X	X	X	X
Hospice (1+ Units / Beds)	CUP	CUP	CUP	CUP	CUP	CUP
Library (Governmental, Non-Profit, and Non-Governmental)	CUP	CUP	CUP	CUP	CUP	CUP
Local Utility Distribution Center or Lines	CUP	CUP	CUP	CUP	CUP	CUP
Locksmith						
Nursery or Day Care (Maximum of Six (6) Children)	CUP	CUP	CUP	CUP	CUP	CUP
Nursing Home or Assisted Living (1+ Units / Beds)	CUP	CUP	CUP	CUP	CUP	CUP
Off-Street Parking, When Incidental to Main Use	X	X	X	X	X	X
Park/Recreation Center (No Permanent Alcoholic Beverage Sales Permitted)	CUP	CUP	CUP	CUP	CUP	CUP
Pipeline and Electrical Transmission Lines	CUP	CUP	CUP	CUP	CUP	CUP
Post Office						
Recreational Vehicle Park	CUP	CUP	CUP	CUP	CUP	CUP
Rehabilitation Center (1+ Units / Beds)	CUP	CUP	CUP	CUP	CUP	CUP
Riding Stable or Academy	CUP	CUP	CUP	CUP	CUP	CUP
School, Elementary and Secondary	CUP	CUP	CUP	CUP	CUP	CUP
Short-term Rental Unit (Not Allowed in Commercially-Zoned Districts or Multi-family Dwelling Units)	X	X	X	X	X	X
Swimming Pool (Public or Private Club) (Not Associated with Homeowner's Association and/or Subdivision)	CUP	CUP	CUP	CUP	CUP	CUP
Transitional Center (1+ Units / Beds)	CUP		CUP			
Utility Company Customer Service Center	CUP	CUP	CUP	CUP	CUP	CUP
Utilities, Utility Shops, Storage Areas and Yards, and Utility Buildings (Public or Private) (Other Than Already Listed)	CUP	CUP	CUP	CUP	CUP	CUP
Water/Sewage Pumping Station, Overhead Storage, or Plant	CUP	CUP	CUP	CUP	CUP	CUP

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Deleted: Club or Lodge (Non-governmental) ... [5]

Deleted: Short-term Rental Unit¶ (Not Allowed in Multi-family Dwelling Unit)

ARTICLE VIII. SCHEDULE OF USES

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CUP—City Council Approval Required

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ARTICLE 14.01 GENERAL PROVISIONS

§ 14.01.001 **Official map.**

The map, attached to Ordinance 22-0104 adopted 1/4/21, marked and labeled City of Johnson City Zoning Map, is hereby adopted as the official zoning map of the city. The map shall be maintained in the office of the city secretary. The map may be amended and corrected from time-to-time by the city council. The zoning districts and boundaries indicated upon said map are hereby declared to be the official zoning districts and boundaries for the city. All properties shown on the map as within a particular zoning category are hereby declared to be within the zoning district and zoned accordingly to comply with the requirements of the zoning ordinance of the city. All prior zoning maps and designations conflicting with the attached map are hereby repealed to the extent of conflict only. The city secretary shall keep the official zoning map among the permanent records of the city available for inspection and review during regular business hours.

(Ordinance 22-0104 adopted 1/4/21)

§ 14.01.002 **Zoning changes.**

All zoning changes after the effective date of this article may, in addition to being adopted by ordinance, be reflected on the official zoning map upon completion of the zoning amendment. Should the map be annotated, the official zoning map shall indicate:

- (1) The date of the zoning change;
- (2) The number of the ordinance or resolution, if any, by which the change was made; and
- (3) A reference to the minutes, ordinances, or resolutions records in which the ordinance or resolution is recorded in full.

(Ordinance 22-0104 adopted 1/4/21)

ARTICLE 14.02 ZONING ORDINANCE

§ 14.02.001 **Adopted.**

The zoning ordinance, Ordinance 16-0303, adopted by the city on February 1, 2016, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

(Editorially supplied)

ARTICLE I GENERAL

§ 1-1 Purpose and intent.

- (a) This ordinance is intended to promote the health, safety and general welfare of the public and to implement the adopted comprehensive plan for the orderly and controlled development of the city.
- (b) To accomplish these ends, this ordinance is designed to achieve the following goals and objectives:
 - (1) Promote the health, safety, morals and general welfare of the citizens of the city and to create and maintain conditions under which the citizens and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations.
 - (2) Ensure that all new developments are in general agreement and conformance with the comprehensive plan to ensure a harmonious pattern of development.
 - (3) Ensure that new development will be adequately served by streets, utilities, schools, parks and other community facilities and that older developed areas can be maintained as well.
 - (4) Ensure that appropriate allocations of various land uses will be provided to meet future population levels and types.
 - (5) Create quality zoning controls that allow some flexibility for all districts.
 - (6) Promote infill development of various types in appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars and preserving agricultural land.
 - (7) Protect residential areas from conflicting land uses by providing adequately landscaped buffer zones between conflicting areas.
 - (8) Encourage higher types of commercial, industrial and high-density development to locate at the most economic and environmentally desirable locations.
 - (9) Ensure that industrial activity does not deplete the resources and quality of the land intended for current and future generations.
 - (10) Reduce excessive use of signs, which cause sight restrictions and urban clutter.
 - (11) Promote quality development both within the city and within the city's extraterritorial jurisdiction to direct orderly and systematic growth.

(Ordinance 16-0303 adopted 2/1/16)

§ 1-2 Conflicting ordinances.

Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any state or federal statute or any other city ordinance or regulation, the provision of this ordinance shall govern. Whenever any provision of any state or federal statute or other city ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such state or federal statute or other city ordinance or regulation shall govern.

(Ordinance 16-0303 adopted 2/1/16)

§ 1-3 Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in this article. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. All other words and terms not expressly defined shall have their general meaning, as interpreted by the zoning administrator, otherwise, Webster's Dictionary (latest edition) shall be used. It should be noted that there are other articles within this ordinance that define terms that are specific to that article.

Accessory building or structure

means a structure on the same lots with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses, pool houses, tennis courts; gazebos and workshops.

Accessory use

means a use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Adjacent

means touching, adjoining, contiguous or abutting.

Administrative or research facilities

means a facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Agriculture

means the production, raising, breeding or maintenance of plants and animals including, but not limited to, forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse[s] or goats, game animals, exotics, fish and any mutations or hybrids, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a conservation easement, soil conservation or forestry management program. This does not include hunting and the commercial slaughter of poultry, livestock or other animals.

Alley

means land dedicated to public use and devoted to secondary access to lots.

Alterations

means any change, addition or modification in construction, [or] any change in the structural members of a building, such as walls or partitions, columns or beams or girders.

Assisted living facility

means an establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor and provides personal care services.

Automobile wrecking yard

means a place for the dismantling, storage, trading or buying and selling of disabled and damaged vehicles. A damaged vehicle as used herein means any vehicle, which has been involved in a collision in which a reinspection is required by state law.

Bakery

means a place for baking and/or selling baked goods.

Bar

means an establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this section.

Barn

means a structure intended for the purpose of storing farming and ranching related equipment or housing livestock; such a structure shall conform with the regulations of the lot, and shall conform to all construction and design standards of the district in which it is constructed. This term also includes agricultural structure(s).

Bed and breakfast

means a detached dwelling or grouping of dwellings in which rooms are rented to transient guest[s] on an overnight basis and breakfast is served.

Board

means the Board of Adjustment of the city.

Buffer yard

means an area of land, together with a specified amount of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between adjacent uses.

Building

means any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building footprint

means the area of the building in contact with the ground.

Church

means a structure owned and/or used by a religious organization or congregation that provides regular organized religious worship, religious training, or education of its members. The term also includes a rectory, convent, meeting hall, or offices for administration of the institution. A church may include the following accessory use in addition to the principal structure: dwelling units for religious organization personnel located within an accessory structure.

City

means the City of Johnson City, Texas.

City limits

means the incorporated boundary limits of the City of Johnson City, Texas.

Commercial indoor recreation

means indoor commercial uses which by their nature are recreational, including but not limited to, bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, etc.

Commercial outdoor recreation

means outdoor commercial uses which by their nature are recreational, including but not limited to, golf

courses, driving ranges, miniature golf courses, outdoor swimming pools, tennis courts, basketball courts, recreational camps, etc.

Commission

means the Planning and Zoning Commission of Johnson City, Texas.

Comprehensive plan

means a periodically updated document that unifies all elements and aspects of city planning. This plan serves as a policy guide to zoning and subdivision decisions reflecting the best judgment of the staff, planning commission and the City Council.

Conditional use permit

means a use which is not automatically permitted by right, but which may be permitted within a zoning district; subject to meeting specific conditions contained in this ordinance.

Condominium

means the use of a site for attached or detached condominiums, as defined under section 82.003 of the Texas Property Code.

Conservation easement

means a nonpossessory interest held by a governmental body empowered to hold an interest in real property under the laws of this state or the United States; other qualified entity, pursuant to section 170(h) of the Internal Revenue Code (26 USC 170h), as amended; or a charitable corporation, charitable association, or charitable trust in real property that imposes limitations or affirmative obligations designed to retain [retain] or protect property or assure its availability for agricultural, forest, recreational or open space use.

Council

means the City Council of the City of Johnson City, Texas.

Coverage, lot,

means the total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot coverage.

Day care, nursery or kindergarten

means a facility that provides, for less than 24 hours a day, whether for profit or not, care[,] training, education, custody, treatment or supervision for more than six children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility.

Density

means the quantity of an item per unit area. For example, the number of dwelling units per acre.

Distribution center

means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

District

means a classification applied to any certain land area within the city stipulating the regulations of land usage and development.

Dwelling

means a structure or portion which is designed or used exclusively for residential purposes, including single-family, two-family, attached dwellings, multifamily dwellings and manufactured homes.

Dwelling, accessory,

means a detached or attached residential unit, other than a manufactured home, designed for and occupied by one family only. The structure shall only be accessory to a single-family dwelling.

Dwelling unit

means a building or portion of a building that is arranged, occupied or intended to be occupied as living quarters and that includes facilities for food preparation, bathing, use of the toilet and sleeping.

Equestrian facilities

means a structure or area for horseback riding activities including boarding, training, lessons and shows.

Extraterritorial jurisdiction (ETJ)

means the unincorporated area outside of and contiguous to the corporate boundaries of the city as defined and established in accordance with Texas Local Government Code ordinance [chapter] 42.

Fabricating

means the process of assembling using standardized parts.

Family

means one or more persons related by blood, marriage or adoption occupying an individual dwelling unit. No single dwelling unit shall have more than four unrelated individuals residing therein.

Floor area ratio

means the ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of 0.5.

Garage

means an accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building.

Garage, automobile service:

An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles. May include installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

Garage, private,

means an accessory building or an accessory portion of a main building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.

Garage, public,

means an accessory building or an accessory portion of a main building, except a private garage, used or designed to be used for the storage of motor vehicles.

Garage sale

means the sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

Garden home

means a residential structure which is separated by a shared common wall.

Grain elevator

means a facility for the temporary storage of large quantities of agricultural grain.

Greenhouse, commercial,

means a facility for the growing and commercial distribution of plant materials.

Grocery/supermarket

means an establishment for the display, preparation and retail sale of foods and associated items.

Ground cover

means low growing, dense spreading plants.

Group home

means a building that provides food and shelter, personal guidance, care, habitation services and supervision to persons with disabilities. It must be a community-based residential home operated by the Texas Department of Mental Health and Mental Retardation or a community center organized under section 3.01 of the Texas Mental Health and Mental Retardation Act (Texas Health and Safety Code section 534.001), or an entity subject to the Texas Non-Profit Corporation Act, or an entity certified by the Texas Department of Human Services as a provider, under the medical assistance program servicing persons in intermediate care facilities, for persons with mental retardation.

Home occupation

means a commercial enterprise commonly carried on within a home by a member of the occupant's family occupying the dwelling. The use of the home for commercial enterprise purposes shall be incidental and subordinate to the use of the home as a dwelling.

Hospital

means an institution licensed by the state as a hospital where humans are given medical treatment.

Hotel

is a building or facility, as defined in Section 11.04.001, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than 30 consecutive days. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, bed and breakfast, short-term rental unit, and any accommodation hereinafter described under State law, as amended.

Hotel/motel, extended stay,

means a building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation for periods of one calendar month or more.

Interior landscape area

means the area of the lot remaining after subtracting out the area included in the required buffer yard.

Laundry facilities

means a commercial laundering establishment which cleans clothing, carpeting, drapes and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

Live/work units

means a dwelling unit that allows 25 percent (25%) of the floor area to be used as work space, subject to

home occupation limitations.

Loading and unloading space, off-street,

means an open, hard-surfaced area of land other than a street or public right-of-way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lot

means a designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.

Lot area

means the net area of a lot exclusive of any portion of streets, alleys or rights-of-way.

Lot, corner,

means a lot abutting upon two or more streets at their intersection.

Lot depth

means the average horizontal distance between the front and rear lot lines.

Lot, interior,

means any lot other than a corner lot.

Lot line

means a boundary of a lot.

Lot line, front,

means that lot line adjacent to street right-of-way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

Lot line, rear,

means that lot line opposite the front lot line of said lot not intersecting with the front lot line.

Lot line, side,

means any lot line which intersects the front lot line of said lot.

Lot of record

means a parcel of land, the dimensions of which are shown on a recorded plat on file with the county clerk.

Lot width

means the straight line distance between the side lot lines, measured at the two points where the front building line intersects the side lot lines.

Manufactured home

means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. This term does not include a recreational vehicle.

Manufactured home subdivision

means a tract of land that is subdivided and platted for individual ownership of HUD-code manufactured homes.

Massage parlor

means an establishment that provides massage or other physical therapy by licensed physical therapists.

Medical office/center

means a walk-in facility for medical, obstetrical or surgical care limited to day use only.

Micro housing

means an efficient single-family dwelling unit that has a minimum of 300 square feet and a maximum of 750 square feet. For the purposes of this ordinance, micro housing shall be located within planned and approved micro housing districts.

Motor freight terminal

means any premises where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

Multifamily dwelling

means a building that contains more than two dwelling units. The term includes Multifamily Dwelling Unit contained within Article 4.07 Hotel/Short-term Rental Unit Permit Registration and Regulations of this Code.

Nursing home

means a home for the aged, chronically ill or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-street parking

means an enclosed or unenclosed area, not on a public street or alley, established for or used for the parking of a motor vehicle.

On-site parking

means an area used for the storage of motor vehicles located wholly within a single lot whose use is dedicated to that particular lot.

Outdoor storage

means the storage of large quantities of materials or products associated with an industry or business. Such storage requires a structure designed for and/or devoted to the containment of the item or items, such as an oil storage tank or grain elevator.

Parking lot

means an area not within a building designed and used for the storage of motor vehicles.

Parking space

means usable space within a public or private parking area, or a building of sufficient size and area, exclusive of access drives, aisles or ramps, for the storage of one properly spaced passenger automobile or commercial vehicle.

Permeable pavement

means a paving material that permits water penetration.

Permitted use

means that use of a lot which is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

Recreation vehicle

means a motorized vehicle or non-motorized trailer designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Restaurant

means a structure that prepares and serves food to customers, including sit-down, fast-food, drive-through and drive-in facilities. At least 51 percent (51%) of the gross income shall be derived from the sale of prepared food.

Retail sales and service

means a business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale).

Right-of-way

means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Right-of-way, parkway,

means that area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way boundary line.

Sale of produce grown on-site

means roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

Schools, public and private,

means a facility that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Screening

means the establishment of an opaque fence or barrier for the purpose of obscuring a particular land use, structure or activity from sight.

Self-service storage

means a structure or portion of a structure used for storage, mainly of excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Setback

means the minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

Shopping center

means a group of commercial establishments planned, developed and managed as a unit, related in location, size and type of shops to the trade area that the unit serves, and which provides on-site parking.

Single-family dwelling

means a building that contains only one living unit.

Site plan review

means the comprehensive evaluation and compliance of a development and its impact on neighboring properties and the community as a whole, from the standpoint of land use, site design, landscape design, architecture, lighting, signs, health and safety, other adopted standards and criteria of this ordinance, and all other adopted codes and ordinances of the city.

Special Exception also Variance

means a form of approval granted by the Board of Adjustment (BOA) waiving all or certain provisions of an ordinance. An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district; a special exception is granted by the BOA.

State

means the State of Texas.

Story

means that portion of a structure included between the surface of any floor and the surface of the floor directly above it, or if there is no floor above it, the space between the floor and the ceiling above it; provided that a room, suite or story with more than one-half of its height below grade shall not be considered a story for the purposes of height regulations.

Street

means a public or private thoroughfare right-of-way which affords the principal means of access to abutting property. The term "street" shall include avenue, drive, circle, road, boulevard, highway or any other similar term.

Subdivision

means the division or re-division of land into two or more lots, tracts, sites or parcels.

Telecommunication tower

means radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes.

Theater, amphitheater,

means a structure or area for the presentation of plays, motion pictures, concerts, etc.

Truck or bus washing station

means a facility for the washing of vehicles having a gross vehicle weight of greater than 11,000 pounds.

Truck stop

means a facility for the parking, refueling and repair of tractor-trailer trucks. These facilities may also include retail sales of food or other items and temporary sleeping quarters.

Used asphalt

means previously used asphalt or previously used asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

Variance also Special Exception

means a form of approval granted by the Board of Adjustment (BOA) waiving all or certain provisions of an ordinance. An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district; a special exception is granted by the BOA.

Warehousing

means the storage in an enclosed building of materials and goods. This definition also includes all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.

Wholesaling

means the sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

Yard, front,

means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Yard, rear,

means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

Yard, side,

means an open space extending from the required front yard to the required rear yard, the width of which is the minimum horizontal distance between the side lot line and the side building line.

Zero Lot line home

means a home that is permitted to be located all the way, or very close to, the edge of the lot in order to maximize usable space. It may or may not have common wall construction between neighboring homes.

Zoning

means the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Zoning administrator

means the person designated by the City Council to receive and process plats, site plans, amendments to this ordinance, the zoning map or the comprehensive plan.

Zoning district

means a classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

Zoning map

means the official zoning map of the city upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance together with all amendments thereto.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 22-0603 adopted 6/7/2022)

§ 1-4 Zoning upon annexation.

- (a) All territory hereafter annexed into the city shall be classified as Single-Family Residential (SF).
- (b) The zoning of a land parcel after annexation must meet the requirements for notification and public hearings as set forth in this ordinance and all other applicable state laws.
- (c) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation. No annexation application may be made conditioned upon the approval of any particular zoning classification.

(Ordinance 16-0303 adopted 2/1/16)

ARTICLE II REGULATIONS

§ 2-1 Purpose and intent.

This article provides regulations regarding buildings, structures and land use within the City limits.

No building or structure hereafter shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this ordinance as referred to on Exhibit "A," the Official Zoning Map of the City of Johnson City, Texas.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-2 Prior approvals.

Nothing in this ordinance shall be deemed to require any change to the plans, plats, lots or buildings previously approved prior to the effective date of the ordinance from which this ordinance is derived.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-3 Administration and enforcement.

The provisions of this ordinance shall be administered and enforced by the zoning administrator. The zoning administrator and such city staff or committees as may be assigned to or appointed shall have all necessary authority on behalf of the city to administer and enforce the provisions of this ordinance, including the remedying of any condition and the pursuit of legal action to ensure compliance.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-4 Certificates of use and occupancy.

- (a) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy has been issued by the city, stating that the building or proposed use of a building or premises complies with the building code and the provisions of these regulations. A change in use shall be construed to mean any change in the occupancy of a business.
- (b) If the provisions of this ordinance are violated, the certificate of use and occupancy shall become null and void, and a new certificate shall be required for any further use of such building, structure or land.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-5 Zoning districts.

The city shall be divided into classes of residential, office, commercial, industrial and special zoning districts

as presented in Article III of this ordinance. The location and boundaries of the zoning districts ordinance [are] as indicated on the map attached as Exhibit "A" entitled "Official Zoning Map of the City of Johnson City, Texas," City Council ordinance filed in the office of the city secretary.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-6 Interpretation of zoning district boundaries.

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the official zoning map, the following rules shall apply:

- (1) Where zoning district boundaries of the city appear to follow streets, alleys, railroads or highways, such boundaries shall be construed as the centerlines of those streets, alleys, railroads or highways.
- (2) Where zoning district boundaries appear to follow lines of lots or parcels of record, such lot or acre lines shall be construed to be such boundary.
- (3) Where a zoning district divides a parcel of land, the location of such boundary shall be determined by the use of the zoning map scale as measured to the nearest foot unless such line can be more accurately determined by geometric or land surveying computations.
- (4) Where indicated district boundaries are approximately following city boundaries, such boundaries shall be construed to be the district boundaries.
- (5) Where district boundaries are indicated as approximately following a creek, stream, or marsh, the centerline of the creek, stream or marsh shall be construed to be the district boundary.
- (6) All areas of the city which are under water are considered to be within a zoning district and controlled by applicable district regulations.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-7 Interpretation of district regulations.

- (a) Permitted uses and conditionally permitted uses are listed for the various zoning districts governed by this ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a conditional permit use shall be prohibited.
- (b) No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use [by right or] by a conditional use permit as regulated by the provisions for such use and the applicable district requirements of this ordinance.
- (c) No use of a structure or land that is designated as a conditionally permitted use in any district shall be established or hereafter changed to another use designated as a conditional use, unless a conditional use permit has been secured from the City Council.
- (d) No sign, fence, wall, accessory use or structure or home occupation shall be hereafter established, altered or enlarged unless in accordance with the provisions of this ordinance. Any variations from the provisions of this ordinance must have a variance or conditional use permit, as applicable.
- (e) Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-8 Accessory uses and structures.

- (a) Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot as, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately.
- (b) Except as necessary for ongoing construction activity, the storage or overnight parking of commercial vehicles rated over one ton is prohibited in any residential zoning district is limited to no more than 7 nights [sic].
- (c) In residential districts, no motor homes, recreational vehicles, trailers or boats shall be parked on the street right-of-way. Such vehicles may be used for any form of habitation on a residential lot for 30 days with a renewable permit and may connect to utilities if 1) the vehicle has a backflow prevention device for water, and 2) the vehicle owner applies for and receives a permit from the City.
- (d) No accessory structure shall be located in a front yard, except fences and walls.
- (e) No accessory building may be placed within the limits of an alley or required fire lane. No permanent accessory building may be placed within the boundaries of a recorded easement.
- (f) No accessory structure other than garages, barns and agricultural structures shall exceed 16 feet in height. Garages may be as tall as 30 feet in height provided that the garage shall meet the primary structure's side yard setback on all lot lines and that the height of the garage shall not exceed the height of the primary residential structure. Barns and other agricultural structures must not exceed the district height requirements.
- (g) Accessory buildings which are not a part of the principal structure (including those structures that are connected to the principal building by an open breezeway), may be constructed in a rear yard, provided such accessory building does not occupy more than 20 percent (20%) of the area of the required rear yard and provided it is not located closer than five feet to any lot line.
- (h) Swimming pools may occupy a required rear or side yard, provided that such pools are not located closer than ten feet to a rear lot line or ten feet to a side lot line. Swimming pools are not permitted in the front yard. A pedestrian space of at least three feet in width shall be provided between pool walls and the protective fences or barrier walls of the pool. Swimming pools shall be fenced.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-9 Accessory dwellings.

One accessory dwelling may be maintained within a single-family detached dwelling in the Single-Family Zoning Districts, contingent upon approval as a conditional use, in accordance with this ordinance and subject to the following:

- (1) The principal dwelling shall be occupied during the maintenance of the accessory dwelling.
- (2) The floor area of an accessory dwelling shall not exceed 25 percent of the existing floor area of the main building.
- (3) The accessory dwelling shall have a bathroom.
- (4) The permitted accessory dwelling shall be exclusively occupied by not more than four persons.
- (5) Off-street parking shall be as required by the parking ordinance of the city.
- (6) If the above conditions are met, the zoning administrator shall issue a temporary conditional use permit

to allow the establishment and maintenance of the accessory apartment during the time of allowed occupancy.

- (7) All accessory dwellings must comply with the aesthetics of the primary residence and surrounding neighborhood.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-10 Walls and fences.

Walls and fences, berms and similar items that may restrict passage or vision or simply enhance private property may be located within required yards as defined by building setbacks except as restricted herein:

- (1) No walls or fences located within the front yard shall exceed a height of 48 inches as measured from the grade at the point of placement. No walls or fences or similar items other than landscaping within rear yards shall exceed a maximum height of eight feet. Rear yard fences that are taller than 48 inches may extend to the front corners of the primary structure. Fences in the rear yard on a corner lot shall meet the side yard setback adjacent to the right-of-way line in the zoning district.
- (2) In the Industrial and Highway Commercial Corridor Districts, walls and fences which are clearly used for safety or security purposes must comply with the administrative rules and statutory regulations of the Texas Department of Transportation.
- (3) These provisions shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site or business or industrial activity for security purposes.
- (4) Walls and fences, hedgerows and other dense landscaping which occur on corner lots and exceed 36 inches in height and present an obstruction to vision shall be reduced in height to 24 inches or relocated at least 20 feet from the intersection of street right-of-way lines.
- (5) In all residential districts, walls and fences that adjoin property lines shall not be electrified, barbed or otherwise secured in a manner inappropriate or dangerous to the neighborhood. Such restrictions are waived for agricultural uses.
- (6) A fence, shrub, or wall may be installed in an easement, provided that the City or a utility company may need to remove the structure at the Owner's expense if access is deemed necessary.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-11 Outside storage and display.

- (a) The outside storage, display or sale of goods, products or equipment is permitted only in the Industrial and Highway Commercial Corridor Districts except that the outside storage, display or sale of new goods, products or merchandise shall be permitted in any nonresidential zoning district provided such goods, products or merchandise shall not encroach into the right-of-way and shall not be more than five feet in height.
- (b) Storage and display of rental trailers and trucks is not allowed except in districts where such uses are indicated as permitted on the schedule of uses located at Article IX [Article VIII] of this ordinance.
- (c) Outside storage limitations shall not apply to the following:
 - (1) Merchandise dispensing units placed adjacent to a building limited to not more than three for any one business establishment when such merchandise dispensing units are operated in connection with the operation of a convenience food store, service station, grocery/supermarket or combination thereof.

- (2) Storage, display and sale of newspapers in newspaper racks.
- (3) The outside display of merchandise by a greenhouse.
- (4) Temporary outdoor services such as mobile blood banks, health screening and veterinary care.
- (d) The prohibition provided above shall not prohibit temporary outdoor sales of merchandise for periods not exceeding five consecutive days once a month operated by a building tenant holding the current certificate of occupancy. Temporary outdoor sales are limited to merchandise which is ordinarily sold on the premises by the building tenant. Temporary sales activities shall not encroach the right-of-way from all property lines and shall be no more than eight feet in height. A permit from the building official shall be obtained for each temporary outdoor sales event not more than 90 days prior to each event.
- (e) The prohibition provided above shall not prohibit garage sales in residential districts, provided that such garage sales do not last more than four days within any 30-day period of time. All garage sale signs must be outside of city and state rights-of-way and must be removed within 24 hours after the conclusion of the sale. Violators will be subject to a fine.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-12 Telecommunication towers.

For the purpose of this ordinance, telecommunication towers shall include radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes as interpreted by the zoning administrator. Telecommunication towers shall be regulated by the City's Code of Ordinances.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-13 Home occupations.

- (a) A home occupation shall be conducted only by persons residing on premises.
- (b) The home occupation shall not result in the alteration of the appearance of the residential dwelling unit or the lot on which it is located. There shall be no storage or display of goods outside of a completely enclosed structure.
- (c) The home occupation shall be conducted within the dwelling and shall not involve equipment which is deemed by the zoning administrator to be in conflict with the intent of the residential nature of the community.
- (d) The home occupation shall not involve the use or storage of explosives, flammable or hazardous materials and may not involve any process that produces smoke, dust, odor, noise or vibration, which is harmful to surrounding properties, as determined by the zoning administrator or his designee.
- (e) The home occupation shall not involve the delivery and storage of materials at a frequency beyond that which is reasonable to the residential use of the property, as determined by the zoning administrator.
- (f) Any use which generates traffic to and from the home in excess of what is normally associated with a single-family dwelling shall not be permitted as a home occupation.
- (g) There shall be no group instruction, assembly or activity, nor any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a residential dwelling. A personalized, identifying sign not exceeding 20 square feet is permissible. There shall be no advertising on the sign or the premises.

(h) Within the context of the above requirements, home occupation uses include, but are not limited to the following:

- (1) Artist, sculptor or photographer.
- (2) Author or composer.
- (3) Computer programmer or Internet service provider.
- (4) Licensed massage therapist.
- (5) Child care provider (in accordance with State regulations).
- (6) Tailor or seamstress.
- (7) Professional office.
- (8) Tutoring.
- (9) Salesperson.
- (10) Telephone answering service.
- (11) Music teacher.
- (12) Caterer.
- (13) Baker.
- (14) Beauty parlors and barbershops (must obtain a hair salon permit in addition to license to cut hair).

(i) Specifically prohibited home occupation uses include, but are not limited to, the following:

- (1) Auto repair or auto paint shop.
- (2) Adult entertainment businesses.
- (3) Medical and dental clinics.
- (4) Nursing homes, convalescent homes and adult care facilities.
- (5) Restaurants.
- (6) Wrecking and towing service.
- (7) Welding and machine shops.
- (8) Lawn equipment repair.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 16-0401, sec. II.A, adopted 4/5/16)

§ 2-14 Group homes.

- (a) A group home shall be located not less than 1,000 linear feet from any other group home or child care facility as measured from the nearest boundary of the sites on which they are located.
- (b) No structural alterations shall be permitted that will cause the group home to be substantially

distinguishable from other surrounding residential properties.

- (c) All group homes shall meet every state statutory licensing requirement.
- (d) Parking shall be in accordance with the City's parking ordinance.
- (e) No signs shall be permitted.
- (f) All exterior lighting designed for security, illumination, [or] parking lot illumination shall be designed in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-15 Signs.

All new signs and modifications or repairs to existing signs are subject to the regulations set forth in the City of Johnson City's Sign Ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-16 Effect of interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to [be] the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this ordinance shall govern.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-17 Present uses.

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-18 Stop work orders.

Whenever any work is being done contrary to the provisions of this ordinance, the city may order the work stopped by notice in writing (referred to as a "Stop Work Order") served on any persons engaged in the doing or causing such work to be done. The Stop Work Order shall be posted adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the city to proceed with the work.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-19 Permit revocation.

A violation of this ordinance shall authorize the zoning administrator or the zoning administrator's designee to cancel any permit depending in whole or in part on any approval under this ordinance. If a permit is canceled, no further work shall be done on the project made the subject of the permit until the violation has been cured and new submittals under this ordinance, as required by the zoning administrator or the zoning administrator's designee, have been made and approved in accordance with the provisions of this ordinance and a new permit has been issued.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-20 Denial of approvals and permits.

A violation of this ordinance shall authorize the zoning administrator or the zoning administrator's designee to deny any approvals or permits sought by the person violating this ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-21 Penalties and injunctive relief.

- (a) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.
- (b) Criminal prosecution. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.
- (c) Civil remedies. Nothing in this ordinance shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this ordinance, and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - (2) A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
 - (3) Other available relief.

(Ordinance 16-0303 adopted 2/1/16)

§ 2-22 Administrative penalties.

Any person violating this ordinance may agree with the city to remit one or more forms of administrative penalties in lieu of municipal court or district court enforcement.

(Ordinance 16-0303 adopted 2/1/16)

ARTICLE III ZONING DISTRICTS

Division 1 Generally

§ 3-1 Single-Family Residential - Restricted (SFR).

- (a) The purpose of the SFR district is to stabilize and protect the owner-occupied housing characteristics of the district and to promote and encourage a suitable environment for living. Manufactured housing is not permitted in the SFR district.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the SFR zone are contained in the table below:

SFR DISTRICT

Maximum dwelling units	Five dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	7,500 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage (all)	50 percent (50%)
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

(d) Landscaping requirements are contained in the City's landscaping ordinance.

(e) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. D, adopted 5/3/19; Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

§ 3-2 Mixed Residential District (MR).

- (a) The purpose of the MR district is to provide for owner-occupied single-family housing and also to provide for and to encourage development at higher densities with smaller minimum lot sizes, and duplex, triplex, quadplex, or small multifamily apartment buildings.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the MR zone are contained in the table below:

MR DISTRICT

Maximum dwelling units	None
Minimum lot width (street frontage)	50 feet
Minimum lot size (area).	8,000 square feet
Minimum front yard	5 feet
Minimum side yard	10 feet

MR DISTRICT

Minimum side yard, adjacent to street	10 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	500 square feet for single-bedroom; 750 for two-bedroom unit
Maximum lot coverage (all structures)	80%
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

(d) Landscaping requirements are contained in the City's landscaping ordinance.

(e) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. C, adopted 5/3/19; Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

§ 3-3 Single-Family Residential (SF).

(a) The purpose of the SF district is to stabilize and protect the owner-occupied housing characteristics of the district and to promote and encourage a suitable environment for living. The SF district includes manufactured housing with design standards for such to create pleasing appearances, and to provide sufficient open space for light, air and recreation.

(b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.

(c) General regulations of the SF zone are contained in the table below:

SF DISTRICT

Maximum dwelling units	Five dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	7,500 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage (all)	50 percent (50%)

SF DISTRICT

Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

For Manufactured Houses in SF District*

Maximum lot area	Six dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	4,400 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	750 square feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	1 story

*Only double-wide manufactured homes are permitted in SF District.

(d) Additional regulations for manufactured housing in the SF zone:

- (1) A manufactured housing development shall occupy a site of not less than two acres in size.
 - (2) Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development and shall meet the standards set by the City of Johnson City's Building Code.
 - (3) All manufactured housing units shall provide proper skirting around the base of the home within 30 days of placement on property (no plywood or lattice permitted).
 - (4) All subdivision standards must be met as specified in the city's subdivision regulations.
 - (5) All manufactured housing units shall be installed per ordinance [chapter] 1201 of the Texas Occupations Code; and Title 10, ordinance [chapter] 80 of the Texas Administrative Code, as amended.
 - (6) A manufactured home within the city limits may be replaced with a manufactured home no older than five (5) years from the date of installation.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

§ 3-4 **Manufactured Home District (M).**

- (a) The purpose of the M district is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, and to provide sufficient open space for light, air and recreation.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the M zone are contained in the table below:

M DISTRICT*	
Maximum lot area	Six dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	4,400 square feet
Minimum front yard	20 feet
Minimum side yard	10 Feet
Minimum side yard, adjacent to street	10 Feet
Minimum rear yard	20 feet
Minimum dwelling unit size	750 square feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	1 story

*Both double-wide and single-wide manufactured homes are permitted in the M District.

- (d) Additional regulations of the M zone:
 - (1) A manufactured housing development shall occupy a site of not less than two acres in size.
 - (2) Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development and shall meet requirement[s] set by the City of Johnson City Building Code.
 - (3) All manufactured housing units shall provide proper skirting around the base of the home within 30 days of placement on property (no plywood or lattice permitted).
 - (4) All subdivision standards must be met as specified in the city's subdivision regulations.
 - (5) All manufactured housing units shall be installed per chapter 1201 of the Texas Occupations Code; [and] Title 10, chapter 80 of the Texas Administrative Code.
 - (6) A manufactured home within the city limits may be replaced with a manufactured home no older than five (5) years.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. E, adopted 5/3/19)

§ 3-5 Commercial District (CD).

- (a) The purpose of the CD district is to focus on the heart of the neighborhood and to encourage a mix of uses that support the surrounding residential neighborhood.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the CD zone are contained in the table below:

CD DISTRICT	
Minimum lot size (area)	None
Minimum lot width (street frontage)	50 feet
Minimum lot depth	80 feet
Minimum front yard	10 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	3 stories

- (d) Additional requirements:
 - (1) All uses within this district shall be of a retail, service or office character.
 - (2) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this ordinance.
 - (3) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be screened on at least three sides by fence, planting or other suitable visual barrier.
 - (4) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties.
 - (5) A privacy fence shall be erected between residential and commercial lots.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-6 Highway Commercial Corridor District (HC).

- (a) The purpose of the HC district is to create centers of activity including shopping, services, recreation, employment, public uses, and institutional facilities supported by and serving an entire region. It is intended for use on tracts directly adjacent to Highway 281 and Highway 290. It is specifically

envisioned to handle a mixture of commercial and office uses along highway corridors. The unique characteristics of this development are its high concentration of activity requiring extensive planning and engineering for ingress and egress to the development site coupled with the need for extensive off-street parking, loading and maneuvering areas. Development in the HC district will serve the needs of locals and visitors.

(b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.

(c) General regulations of the HC district are contained in the table below:

HC DISTRICT	
Minimum lot area	None
Minimum lot width	None
Minimum lot depth	200 feet
Minimum front yard	5 feet
Minimum side yard	15 feet
Minimum side yard, adjacent to SF, MR, MH districts	15 feet plus one additional foot for each additional one foot in height above 15 feet
Minimum rear yard	10 feet
Minimum rear yard, adjacent to SF, MR, MH districts	25 feet
Maximum lot coverage	75 percent (75%)
Maximum structure height	2 stories
Maximum density/residential units per acre	18

(d) Additional requirements:

- (1) All uses within this district shall be of a retail, service, or office character. A mixture of uses may be undertaken provided they occur within a unified development project.
- (2) All businesses shall be conducted entirely within a building, with the exception of outdoor seating for a restaurant. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this ordinance.
- (3) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties.
- (4) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be screened on three sides by fence, planting, or other suitable visual barrier.
- (5) If development within this district is configured as a pedestrian mall, either indoor or outdoor, sales from small stand-alone booths, kiosks, stands, carts or other display devices shall be permitted within

the pedestrian walking areas of the mall. This zoning district is intended to permit the aggregation of a wide array of retail marketing activities to include arts and crafts. Sidewalk or interior mall displays and sales of these types of products and activities is permitted and encouraged.

- (6) If development within this district is configured as a pedestrian mall, the location of sidewalk-type cafes shall be permitted within this district in pedestrian walkways.
- (7) A site plan shall be required for any construction in the HC district.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-7 Industrial Park District (IP).

- (a) The purpose of the IP district is to provide for a range of light industrial uses including assembling, research and development, warehousing and distribution. The IP district also accommodates support services for industrial development such as office, commercial and professional services. Regulations are designed to ensure compatibility among the various uses allowed in the IP district and to protect adjacent nonindustrial development from potentially incompatible uses and conditions.
- (b) See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations of the IP district are contained in the table below:

IP DISTRICT	
Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Minimum front yard	30 feet
Minimum side yard	20 feet
Minimum rear yard	Ten feet
Minimum side yard, adjacent to SF, MR, MH districts	50 feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	65 feet

- (d) Additional requirements:
 - (1) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties.
 - (2) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.

- (3) No industrial operation or use shall cause, create or allow the emission of air contaminants which at the emission point or within the bounds of the property are:
 - a. In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) including but not limited to those in the Texas Administrative Code Title 30 or standards specified by the Texas Department of Health, including but not limited to those contained in the Texas Administrative Code Title 25; or
 - b. Of such capacity [opacity] as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in subsection (d)(3)a above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this section.
- (4) The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including but not limited to those in the Texas Administrative Code Title 30 or the regulations specified by the Texas Department of Health including but not limited to those in Texas Administrative Code Title 25.
- (5) Open storage and open processing operations, including on-site transportation movements which are the source of wind- or air-borne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.
- (6) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the property line boundary or any point beyond the tract on which such use or operation is located. The odor threshold shall be determined by observation. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, a majority of the Planning and Zoning Commission shall determine whether the odor threshold has been crossed.
- (7) No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the city, except that chlorates, perchlorates, phosphorous, and similar substances and compounds in quantities of one gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the zoning official and the fire department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical products for industrial purposes shall be allowed only after a conditional use permit for such use has been granted in conformance with the terms of Article IV of this ordinance.
- (8) No commercial or industrial operation or use permitted under the terms of this ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.
- (9) No use permitted under the terms of this ordinance shall at any time create earth-borne vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Table 1. Displacement Limits for Vibration

Frequency Cycles Per Second	Displacement in Inches
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0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

- (10) No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property.
- (e) Landscaping requirements are contained in the City's landscaping ordinance.
- (f) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-8 Downtown District Overlay (DO).

- (a) The purpose of the DO district overlay is to recognize the historical, cultural and aesthetic importance of certain buildings, structures or districts within the city. The City Council desires to protect and preserve such landmarks of both historical and cultural preservation and the city's economic well-being. This district does not replace the requirements set forth in Johnson City's Historic District Ordinance. It serves to reinforce those regulations, and to also continue the rustic and pedestrian-oriented characteristics of the Historic District beyond the Historic District's boundaries to create a downtown core area.
- (b) The DO overlay district encourages pedestrian-friendly design through the incorporation of architectural elements such as awnings, porches, and sidewalk displays. A mix of land uses, such as retail, professional services, public, and institutional uses are encouraged and permitted.
- (c) Structural renovations, maintenance, enhancement, tear-down, and new construction should be in harmony with the characteristics of the rest of the district.
- (d) See the City of Johnson City's Historic District, on file at City Hall, for regulations within areas of the Downtown District Overlay that overlap the Historic District.
- (e) General regulations of the Downtown District Overlay are detailed in the table below.

DO DISTRICT

Minimum lot size (area)

None

DO DISTRICT

Minimum lot width	None
Minimum lot depth	None
Minimum front yard	None
Minimum side yard	—
Minimum rear yard	—
Minimum side yard, adjacent to SF, MR, M districts	—
Maximum lot coverage	80 percent (80%)
Maximum structure height	35 feet

(f) Architectural standards are as follows:

- (1) Use of brick/masonry, solid wood planking, and fiber cement siding are permitted. Materials used should be in keeping with the rest of the district to maintain historic character of the downtown area.
 - (2) Permitted building elements include gallery, awning, porch, stoop, balcony.
 - (3) A minimum 30% transparency is required for the building facade.
- (g) Landscaping requirements are contained in the City's landscaping ordinance.
- (h) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-9 Planned Unit Development District (PUD).

- (a) The PUD district is a zoning district that allows flexibility in development standards and accommodates multiple uses as integrated land use units either by a single owner or a combination of owners. A PUD district may be used to permit new or innovative concepts in land use not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the Adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
- (1) To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties;
 - (2) To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;
 - (3) To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for open space;
 - (4) To provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure;
 - (5) To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

- (b) The following evaluation and design criteria will be applied to master site plans in the PUD district:
- (1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
 - (2) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
 - (3) In regards to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of the proposed structures and neighboring properties.
 - (4) Private streets and gates may be approved as part of the application but are not required.
 - (5) The maximum height of structures shall be as prescribed for each land-use category or category of uses.
 - (6) Setbacks shall be governed by the PUD district plan.
 - (7) A minimum of twenty (20) percent of gross platted area shall be open green space/parkland. This shall include community recreational areas that are continuously maintained. Open space shall not include areas specifically designated or used as parking lots, garages, streets, or driveways.
 - (8) Lighting. All outdoor lighting shall be shielded to limit impacts on residential units and reduce light pollution.
 - (9) Utilities and infrastructure shall meet the standards of Johnson City's subdivision regulations and most recently adopted International Codes.
- (c) The zoning of a PUD district shall be that shown on the development site plan approved and made a part of the adoptive ordinance and any written special conditions within or attached to the adoptive ordinance or development plan. The ordinance granting a PUD district shall include a statement as to the purpose and intent of the PUD district granted therein, as well as a general statement citing the reason for the PUD request.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-10 Micro Housing District (MHD).

- (a) The purpose of the MH district is to allow for a mix of smaller-scale housing units that are affordable. The MHD district fosters a sense of community by allowing small lot sizes and incorporating community amenities, and recreational facilities and open space.
- (b) The primary permitted use is a micro single-family dwelling, and an accessory structure that is incidental to the primary structure on the lot.
- (c) MH design and evaluation criteria shall be the same, as applicable, as the design and evaluation criteria set forth in PUD district regulations. An approved site development plan is required.
- (d) The zoning of a MHD district shall be that shown on the approved development site plan and made a part of the adoptive ordinance and any written special conditions within or attached to the adoptive ordinance or development plan.
- (e) The minimum size of a micro housing dwelling unit shall be 300 square feet; the maximum size will be 750 square feet.

- (f) Landscaping requirements are contained in the City's landscaping ordinance.
- (g) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-11 Garden Housing District (GHD).

- (a) The Garden Housing District (GHD) allows for zero-lot line single-family, detached dwellings.
- (b) Permitted uses include single-family dwellings and accessory structures that correspond with single-family use. See schedule of uses in Article VIII of this ordinance for permitted and conditional uses.
- (c) General regulations are detailed below:

GHD DISTRICT	
Minimum lot size (area)	None
Lot width	40-50 feet
Minimum lot depth	None
Minimum front yard	None
Minimum side yard	5 feet
Minimum rear yard	15 feet from rear lot line to nearest building line
Maximum lot coverage	60 percent (60%)
Maximum structure height	35 feet

- (d) Landscaping requirements are contained in the City's landscaping ordinance.
- (e) Parking requirements are contained in the City's parking ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 3-12 Public Facilities District (PFD).

- (a) The purpose of the Public Facilities District is to provide for the siting of public parks and recreational facilities so as to preserve open space and unique cultural and historic features, and to provide for the siting of governmental buildings of the City, County, State, or Federal governments. This district provides also for other public and institutional uses, regardless of public or private ownership, such as EMS and fire stations, health care facilities, schools and churches. With City Council approval, this zoning classification may be applied to properties situated in any other district within the city limits.
- (b) As it is a federal operation, the Lyndon B. Johnson National Historic Park, located in the City's corporate limits and in its extraterritorial jurisdiction, is exempt from, and accordingly not subject to, the city's zoning regulations, including rezoning. The Park area shall be described as a public facility district for City map classification purposes only.
- (c) See Article VIII. Schedule of Uses for permitted and conditional uses.

(d) Landscaping requirements are contained in the City's landscaping ordinance.

(e) Parking requirements are contained in the City's parking ordinance.

(Ordinance 19-0401, att. A, sec. A, adopted 5/3/19)

§ 3-13 through § 3-15. (Reserved)

Division 2 Historic Preservation

§ 3-16 Definitions.

Historic overlay district; "H."

An area which has outstanding historical and cultural significance in the State, region, or City, within which the buildings, structures, accessory buildings, fences, or other appurtenances are of basic and vital importance for the development of culture and tourism because of their association with history, including:

- (1) Historic structures, sites, or areas within which the buildings, structures, appurtenances, and places exemplify the cultural, political, economic, or social history of the State, region, or City.
- (2) Historic structures, sites, or areas that are identified with the lives of historic personages or with important events in State, regional, or local history.
- (3) Structures or areas that embody the distinguishing characteristics of an architectural type specimen as to color, proportion, form, and architectural details.

Historic landmark; "HL."

A place which has outstanding historical and cultural significance in the nation, region, or City. The designation "historic landmark" recognizes that the historic place or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the place, are of basic and vital importance for the preservation of culture and the development of tourism.

(Ordinance 21-1201 adopted 12/7/21)

§ 3-17 Designation of historic districts and historic landmarks.

- (a) Designation of historic districts. The city council designates the area notated on the city's official Zoning Map as the "Historic Overlay District." The Historic Overlay District shall bear the word "Historic" in its zoning designation, and such designation shall be in addition to any other Zoning District designation established in the Zoning Ordinance. All Zoning Maps shall reflect the Historic Overlay District by the letter "H."
- (b) Criteria for designation of Historic Overlay District. In making the designation of an area as a historic district, the city council shall consider one or more of the following criteria:
 - (1) Character, interest, or value as part of the development, heritage, or cultural characteristics of the city;
 - (2) Location as the site of a historical event;
 - (3) Embodiment of distinguishing characteristics of an architectural type or specimen;
 - (4) Relationship to other distinctive buildings, sites, districts, or structures which are historically significant and preserved, or which are eligible for preservation;

- (5) Unique location of singular physical characteristics represents an established and familiar visual feature of a neighborhood, community, or the city;
 - (6) Value as an aspect of community sentiment of public pride; and
 - (7) Identification with a person or persons who significantly contributed to the development or culture of the city.
- (c) Designation of historic landmarks. After public notice and hearing, the city council may from time-to-time designate certain places in the city as historic landmarks. Such places shall bear the word “Historic” in their zoning designation, and such designations shall be in addition to any other Zoning District designation established in the Zoning Ordinance. All Zoning Maps shall reflect the historic landmark by the designation “HL.”
- (d) Criteria for designation of historic landmark. In making the designation of a place as a historic landmark, the city council shall consider the criteria set forth in Subsection (b) of this section.

(Ordinance 21-1201 adopted 12/7/21)

§ 3-18 Historic review board.

- (a) Creation; composition. The Planning and Zoning Commission of the city shall serve as the Historic Review Board, hereinafter the “Board.” In addition to its planning and zoning duties, the Commission shall assume all duties and perform all functions of the Board as contained and described in this division. All references to the “review board,” or “historic review board” or the “board” in this division are to the Planning and Zoning Commission.
- (b) Functions. The Board shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise. It shall be the function of the Board to advise the city council concerning all applications for certificates of review in Historic Overlay Districts or Historic Landmarks.

(Ordinance 21-1201 adopted 12/7/21)

§ 3-19 Certificate of review required; procedures.

- (a) No person or entity shall install, construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of any historic landmark or of any building or structure located within a Historic Overlay District unless application is made for a certificate of review and such a certificate is granted by the city council.
- (b) The applicant shall submit to the Board an application in writing for a certificate of review that includes data and information required by the city council, including, but not limited to, the following:
 - (1) Name of the applicant and the property owner;
 - (2) Mailing address of the applicant and permanent address of the property owner;
 - (3) Location of the property to be altered or repaired;
 - (4) A detailed description of the nature of the proposed external alteration or repair to be completed;
 - (5) The intended and desired starting date and completion date of the alterations or repairs to be made; and
 - (6) A drawing or sketch of the proposed external alteration, if applicable.
- (c) Applications that are incomplete or not in compliance with the city Building Code, restrictions, and

other City Ordinances shall be returned to the applicant for completion and compliance.

- (d) All applications shall be subject to review by the Board and action by the city council. The Board shall review the applications for all certificates of review and determine whether the applications are in conformance with this division. With the exception of Subsection (e) hereof, the city council shall approve, approve with conditions, or deny all applications within sixty (60) days of application submittal.
- (e) For a permit to demolish or move a historic landmark or building within a Historic Overlay District or any other Zoning District, the city council shall render a decision within one hundred twenty (120) days after receipt of a completed application.

(Ordinance 21-1201 adopted 12/7/21)

§ 3-20 Criteria for action on certificate of review.

In determining the recommendation and action on an application for a certificate of review, the Board and City Council shall consider the following matters:

- (1) The effect of the proposed change upon the general historic, cultural, and architectural nature of the District or landmark;
- (2) The appropriateness of exterior architectural features that can be seen from a public street, alley, or walkway;
- (3) The general design, scale, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings or structures in the District. The criteria shall not be the aesthetic appeal of the structure or the proposed remodeling, but rather, its conformity to the general character of the particular historic area involved;
- (4) The character of the Historic Overlay District or Landmark for all signs;
- (5) Preservation of the value of the Historic Overlay District or Landmark, as the area of unique interest and character;
- (6) The general and specific Standards for Rehabilitation and Guidelines for Applying the Standards for Rehabilitation, as issued by the Secretary of the Interior; and
- (7) The importance of balancing the current needs of the property owner with the importance of approving plans that will be economically reasonable for the property owner.

(Ordinance 21-1201 adopted 12/7/21)

§ 3-21 Violations; penalty.

- (a) It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, relocate, restore, demolish, raze, or maintain any building, structure, accessory building, fence or other appurtenance in a Historic Overlay District or Historic Landmark in violation of the provisions of this division. The city may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, demolition, razing, or maintenance; to restrain, correct, or abate such violation; and to prevent any illegal act, conduct, business, or maintenance in and about such premises. Each day such violation continues shall constitute a separate violation.
- (b) Criminal Offense. Violation of any provision of this division is a misdemeanor. Each day of a violation shall constitute a separate offense. A fine for a violation may not exceed two hundred dollars (\$200.00).

- (c) Civil Action. A person who violates a provision of this article is subject to a civil suit for injunctive relief and to a civil penalty. The city may seek also to recover damages from the violator in an amount adequate for the city to undertake activity necessary to bring compliance with the ordinance.

(Ordinance 21-1201 adopted 12/7/21)

ARTICLE IV ZONING APPLICATIONS AND AMENDMENTS

§ 4-1 Initiation of zoning amendments and changes.

The City Council may, from time to time, amend, supplement, or change by ordinance, the text of the zoning ordinance, the zoning district boundaries of the official zoning map or the zoning district classification of property whenever the public necessity, convenience, general welfare or good zoning practice requires. Any such amendment may be initiated by:

- (1) City Council on its own motion;
- (2) Recommendation by the Planning and Zoning Commission to the City Council;
- (3) Petition of the owner, contract purchaser with the owner's written consent or the owner's agent with owner's written consent, of the property which is the subject of the proposed amendment via a zoning amendment application;
- (4) Any person who may petition the City Council for a change or amendment to the provisions of this ordinance via a zoning amendment application.

(Ordinance 16-0303 adopted 2/1/16)

§ 4-2 Requirements for zoning amendment application.

- (a) Each application for zoning or for an amendment or change to the existing provisions of this ordinance shall be made in writing on a form suitable to the zoning administrator and shall be filed with the zoning administrator of the city and shall be accompanied by payment of the appropriate fee to be charged by the city, for administering the zoning application. The zoning application shall contain sufficient information relative to the amendment requested. To ensure the submission of adequate information, the zoning administrator is empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the zoning administrator shall have the authority to update such requirements for zoning application details.
- (b) Upon receipt of a complete written application for zoning or for a change or an amendment to an existing provision of this ordinance, the zoning administrator will set a date for a public hearing before the Planning and Zoning Commission.
- (c) In accordance with Chapter 211 of the Texas Local Government Code, as amended, before the 10th day before the public hearing, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. When any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the city before the 15th day before the date of the hearing, without the necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered.

- (d) The Planning and Zoning Commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the City Council. The Planning and Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as it may deem necessary.
- (e) Following the public hearing, the Planning and Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. When an application is denied by the Planning and Zoning Commission, the commission should offer reasons to the applicant for such denial.
- (f) After a public hearing before the Planning and Zoning Commission, the City Council shall be notified of any action taken by the Planning and Zoning Commission on the application, and if the application is approved, including denials in part, by the Planning and Zoning Commission, it shall automatically be scheduled for a public hearing to be held before the City Council.
- (g) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. The Planning and Zoning Commission and City Council may hold a joint meeting.
- (h) After a public hearing is held before the City Council regarding the zoning application, the City Council may approve a change in zoning as appropriate within the context of the public notice provided. If the proposed amendment, supplement or change fails to receive a favorable report and recommendation by the Planning and Zoning Commission or if there is a protest filed with the city against such proposed amendment, supplement or change, duly signed by the owners of 20 percent (20%) or more of either:
 - (1) the area of the lots or land covered by the proposed change; or
 - (2) the area of the lots on land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Such proposed amendment, supplement or change shall not become effective except by a three-fourths (3/4) vote of all the members of the City Council.

- (i) If the City Council fails to pass an ordinance approving such proposed amendment, supplement or change, then in that event a new application for such proposed amendment, supplement or change to the zoning ordinance shall not again be considered until after the expiration of six months from the date such proposed amendment, supplement or change was rejected; provided, however, that such application may be reconsidered within the above-mentioned six-month period, if it is shown to the city that a substantial change in conditions has taken place in the vicinity of the property sought to be rezoned.
- (j) Any owner of property that has been changed by this ordinance to a more restricted zone may, within (90) days from the final passage of the ordinance from which this ordinance is derived, apply for and receive a building permit for the construction of any use that was permitted in said zone prior to the adoption of the ordinance from which this ordinance is derived. A permit shall issue if the plans and construction have been approved prior to the zoning change.

(Ordinance 16-0303 adopted 2/1/16)

§ 4-3 Conditional use permits.

Conditional use permits are authorized under the terms of this article to provide for certain uses which cannot be well adjusted to their environment in particular locations, with full protection offered to surrounding

properties by the application of the underlying zoning district regulations. Further, conditional permit uses are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a conditional use permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this ordinance.

- (a) All applications for conditional use permits shall be reviewed using the following criteria:
 - (1) The proposed use shall be:
 - (A) In harmony with the adopted comprehensive plan;
 - (B) In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and
 - (C) In harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.
 - (2) The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.
 - (3) The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.
 - (4) The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.
- (b) In granting any conditional use permit, the City Council may impose any conditions necessary to assure that the proposed use will conform to the requirements of this section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.
 - (1) The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:
 - (A) More restrictive sign standards.
 - (B) Additional open space, landscaping or screening requirements.
 - (C) Additional yard requirements.
 - (D) Special lighting requirements.
 - (E) Time limitations on hours of operation.
 - (F) Additional off-street parking and loading requirements.
 - (G) Additional utility, drainage and public facility requirements.
 - (H) Additional right-of-way and public access requirements.
 - (I) Additional requirements to ensure compatibility with the comprehensive plan.
 - (J) Conditions for renewal, extension, expiration and/or revocation of the conditional use permit.

- (2) The City Council may specify time limits or expiration dates for a conditional use permit, including provisions for periodic review and renewal.
- (c) Application requirements for a conditional use permit are as follows:
 - (1) An application for a conditional use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the zoning administrator, and shall be accompanied by the filing fee.
 - (2) If the request for a conditional use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one year of the date of denial.
 - (3) The application shall include the following information:
 - (A) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - (B) A written statement of the proposed use's compatibility with the following:
 - (i) The comprehensive plan.
 - (ii) The applicable zoning district.
 - (iii) The surrounding properties.
 - (iv) Current and future neighborhood conditions.
 - (v) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (vi) Adequate public facilities.
 - (vii) When requested by the zoning administrator, the Planning and Zoning Commission or the City Council, the following information shall be provided by the applicant:
 - (a) The architectural elevations and floor plans of proposed building(s).
 - (b) Parking and site circulation analysis.
 - (c) Photographs of the property and surrounding area.
 - (d) Action by the Planning and Zoning Commission and City Council is as follows:
 - (1) No conditional use permit shall be approved unless the proposal has been reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct at least one public hearing in accordance with this article. Following the public hearing, the Planning and Zoning Commission shall prepare, and by motion adopt, its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and shall report such recommendations, together with any explanatory material, to the City Council.
 - (2) Before approving a conditional use permit, the City Council shall hold at least one public hearing in accordance with this article after which the City Council may make appropriate changes to or impose appropriate conditions upon the proposed conditional use. Nothing herein shall preclude the City Council from holding a joint public hearing with the Planning and Zoning Commission.

- (3) A concurring vote of a majority of the members of City Council shall be required to approve a conditional use permit.
- (e) Extension, renewal, expiration, revocation:
 - (1) Extension.
 - (A) An extension shall be for the purpose of administratively extending timeframes established by the City Council for the implementation and/or completion of certain improvements which were stipulated as a condition of original conditional use permit approval. A request for extension may be initiated by the property owner.
 - (B) Upon initiation of property owner's request for extension, or upon any other initiative, the zoning administrator shall inspect the conditional use permit, review the record of compliance with those conditions and restrictions previously imposed by the City Council, and make a determination on whether the conditional use permit satisfies other conditions of approval and the provisions of this ordinance.
 - (C) Upon a favorable finding, the zoning administrator shall approve an extension of the original conditional use permit for a period of time not to exceed one year or for such timeframe as may have been otherwise specified for future extension by the City Council at the time of approval of the original conditional use permit.
 - (D) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the City Council, the zoning administrator shall, depending on the nature of the noncompliance, either deny the extension or require the remedy of any violation within a specified time. If the extension is denied or the property owner fails to correct the violation within the time specified, the conditional use permit shall expire. The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.
 - (2) Renewal.
 - (A) A renewal shall be for the purpose of allowing a new period of time for the operation of a currently valid conditional use permit; provided, however, that the City Council shall not approve a renewal application for a use which is no longer allowed as a conditional use permit in the zoning district in which the conditional use permit is located.
 - (B) The procedure for the renewal of a conditional use permit shall be the same as specified herein for the approval of the original permit, except that the zoning administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.
 - (C) The City Council shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this ordinance.
 - (D) Any conditional use permit that is not renewed prior to the established time shall expire without notice and become null and void.
 - (3) Expiration.
 - (A) Whenever a conditional use permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified, or, if no such time has been specified, then within two years from the approval date of such permit.
 - (B) If the conditional use or construction has not commenced in accordance with the above provisions, then

the conditional use permit shall automatically expire without notice and become null and void.

- (4) Revocation.
 - (A) Unless a time limit is specified for a conditional use permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two years or more, the conditional use permit shall automatically terminate without notice and become null and void.
 - (B) The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.
 - (C) A conditional use permit shall be revocable upon written order of the City Council at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void.

(Ordinance 16-0303 adopted 2/1/16)

§ 4-4 Nonconforming uses.

The purpose of this section is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of the ordinance from which this ordinance is derived, which do not conform to the requirements of this ordinance. Certain nonconformities may continue, but the provisions of this article are intended to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this ordinance and the desired character of the city.

- (a) Conditions for continuation. Any nonconforming use, structure or lot which lawfully existed as of the effective date of the ordinance from which this ordinance is derived and which remains nonconforming, and any use, structure or lot which has become nonconforming as a result of the adoption of the ordinance from which this ordinance is derived or any subsequent reclassification of zoning districts or other amendment to this ordinance, may be continued or maintained only in accordance with the terms of this article.
- (b) Special exceptions. The limitations of this article shall not apply to structures or lots whose nonconforming features are the subject of a special exception that has been granted by the Board of Adjustment or a modification or condition that was approved by the City Council.
- (c) Changes, discontinuation and expansion of nonconforming uses.
 - (1) If no structural alterations are made to a nonconforming use of land or building, a nonconforming use of land or of a building may be changed to another nonconforming use of the same classification. Whenever a nonconforming use of land or buildings has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
 - (2) Except as provided herein, a nonconforming use shall not be expanded or extended beyond the floor area or lot area it occupied on the effective date of the ordinance from which this ordinance is derived.
 - (3) If a nonconforming use is discontinued or abandoned for a continuous period of more than two years, including any period of discontinuation before the effective date of the ordinance from which this ordinance is derived, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall conform to the regulations of this ordinance.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 19-0401, att. A, sec. B, adopted 5/3/19)

ARTICLE V

PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

§ 5-1 Planning and Zoning Commission composition.

- (a) A Planning and Zoning Commission shall be established in accordance with Chapter 211 of the Texas Local Government Code.
- (b) The Planning and Zoning Commission shall consist of seven members, each appointed by a simple majority vote of the City Council for a term of two years and may be removed from office by the City Council at any time by a simple majority vote of the full City Council. Planning and Zoning Commission members shall adequately fulfill all requirements as listed within the City of Johnson City Boards and Commissions Application. Planning and Zoning Commission members shall serve on a voluntary basis with no compensation.
- (c) Members of the Planning and Zoning Commission may serve simultaneously on any other city board or commission, except for the City Council or the Board of Adjustment.
- (d) Expiration of terms shall be staggered with the first Planning and Zoning Commission so that an overlapping occurs (in the first one-year period, the terms of two members shall expire during that year, and the term of three members shall expire in the second year). Members may be reappointed with no limitation on the number of terms one member may serve.
- (e) A Planning and Zoning Commission member's position is automatically considered vacant if the member is absent for:
 - (1) Three consecutive, regular meetings; or
 - (2) Four regular meetings (cumulative) during the preceding 12-month period.Exceptions shall be granted if the member first requests and obtains a written leave of absence from the chairperson of the Planning and Zoning Commission, and absences are due to unusual circumstances beyond the member's control (such as sickness of the member or someone in the member's immediate family).
- (f) The Planning and Zoning Commission shall appoint a chairman from among the membership of the Planning and Zoning Commission. The Planning and Zoning Commission shall elect from among its membership, a vice-chairperson. The Planning and Zoning Commission may elect from among its membership a secretary. Each officer shall hold office for one year or until replaced. The Planning and Zoning Commission, at its first meeting on or after April, shall select all the positions.
- (g) The Planning and Zoning Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council. Such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:
 - (1) Regular and special meetings (other than executive sessions);
 - (2) A record of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the City Council regularly;
 - (4) Reviewing the comprehensive plan regularly; and

- (5) Submitting meeting minutes to the City Council in a timely manner.

(Ordinance 16-0303 adopted 2/1/16; Ordinance 16-0401, sec. II.B, adopted 4/5/16)

§ 5-2 Planning and Zoning Commission voting procedures.

- (a) The Planning and Zoning Commission will follow the parliamentary procedure adopted by the City Council, such as Robert's Rules of Order, Newly Revised, and procedures shall not be in conflict with the laws applicable to the Planning and Zoning Commission (Refer to Chapters 171 and 211 of the Texas Local Government Code, and any applicable city ethics policies.)
- (b) The Planning and Zoning Commission shall have the power to make the rules, regulations and bylaws for its own governance, consistent with state law and rules promulgated by the City Council.
- (c) A quorum shall consist of a majority of members of the Planning and Zoning Commission. Motions shall carry with a simple majority vote.
- (d) All Planning and Zoning Commission members, including the chairperson, shall be entitled to one vote each upon any question. Voting procedures shall be in accordance with the parliamentary procedures adopted by the Planning and Zoning Commission, with reference to Robert's Rules of Order. Refer to ordinance [chapter] 171 of the Texas Local Government Code and any applicable city ethics policies or regulations.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-3 Planning and Zoning Commission conflict of interest.

- (a) A Planning and Zoning Commission member shall not vote or participate in any deliberations regarding a matter before the Planning and Zoning Commission if the member has any substantial interest in any tract within 200 feet of the property in question.
- (b) The Planning and Zoning Commission member is considered to have a substantial interest if the Planning and Zoning Commission member is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person who has a substantial interest.
- (c) In any case where the question of a member's interest is raised, the Planning and Zoning Commission chairperson shall rule on whether the member shall be disqualified.
- (d) Under this section, a substantial interest exists in the following situations:
- (1) The Planning and Zoning Commission member has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more;
- (2) The Planning and Zoning Commission member acts as a developer of the tract; or
- (3) The Planning and Zoning Commission member receives in a calendar year funds exceeds [exceeding] ten percent (10%) of the Planning and Zoning Commission member's gross annual income for the previous year from a business that:
- (A) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
- (B) Acts as a developer of the tract; or
- (4) The Planning and Zoning Commission member has an ownership interest in a business entity and:
- (A) The business entity:

- (i) Has an equitable or legal ownership interest in the tract with a fair market value of two thousand five hundred dollars (\$2,500.00); or
- (ii) Acts as a developer of the tract; and
- (B) The Planning and Zoning Commission member:
 - (i) Owns ten percent (10%) or more of the voting stock or shares;
 - (ii) Owns ten percent (10%) more of the fair market value; or
 - (iii) \$5,000.00 or more of the fair market value.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-4 Planning and Zoning Commission meetings.

- (a) The Planning and Zoning Commission shall meet at City Hall or in some other specified location as may be designated by the chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the Planning and Zoning Commission.
- (b) The members of the Planning and Zoning Commission shall regularly attend meetings and public hearings of the Planning and Zoning Commission.
- (c) Planning and Zoning Commission members shall serve without compensation, and shall not hold any other office within the city, or serve as an employee of the city while serving on the Planning and Zoning Commission.
- (d) Meetings of the Planning and Zoning Commission shall be held at least once a month at the call of the chairperson or secretary, and at such other times as the Planning and Zoning Commission may determine. If there have been no applications filed for review by the Planning and Zoning Commission, the city administrator or city secretary shall notify the chairperson and no meeting shall be required for that month.
- (e) Meetings shall be conducted in accordance with the Texas Open Meetings Act. Refer to Chapter 551 of the Texas Government Code.
- (f) Whenever the City Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the city to do so, the City Council and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-5 Planning and Zoning Commission powers and duties.

- (a) The Planning and Zoning Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as may be amended.
- (b) The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the comprehensive plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review

and other planning related matters delegated to the Planning and Zoning Commission by the City Council and shall also perform the duties and functions contained in the City's Historic Preservation Ordinance.

- (c) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Planning and Zoning Commission may, in specific cases, after written notice and public hearing, and subject to appropriate conditions and safeguards, authorize or order the following:
 - (1) Make recommendations to City Council for the reconstruction, extension or enlargement of a building occupied by nonconforming uses, on a lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
 - (2) Make recommendations to City Council for the extension of or enlargement of a building occupied by nonconforming uses, under such conditions as the Planning and Zoning Commission may deem necessary in order to protect other property in the neighborhood, provided such extension or enlargements:
 - (A) Does not prevent the return of such property to a conforming use;
 - (B) Does not exceed 25 percent (25%) of the ground area of the existing building;
 - (C) Will not prevent compliance with applicable side yard requirements; and
 - (D) Does not allow such building to be used for any use which would normally be restricted to a more restrictive classification.
 - (3) Make recommendations to City Council for the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. All action to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The board shall, from time to time, on its own motion, or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the city.
- (d) Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the city's corporate limits and establishing ETJ are hereby adopted. The Planning and Zoning Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and any lawfully executed agreements by the city pertaining to regulation of subdivisions in the city limits and ETJ.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-6 Board of Adjustment creation.

There is hereby created a Board of Adjustment, sometimes referred to herein as the "BOA," for the purpose of making special exceptions to the terms of this ordinance that are consistent with the general purpose and intent of this ordinance. The BOA may grant special exceptions, in appropriate cases, that are subject to certain conditions and safeguards. The BOA may be composed of the members of the City Council of the City of Johnson City as authorized by Section 211.008(g) of the Texas Local Government Code, until such time as separate membership is appointed by the City Council.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-7 Board of Adjustment membership.

- (a) The City Council shall act as the BOA.
- (b) The City Council shall appoint a chairperson for the BOA, who shall serve a one-year term of office.
- (c) The BOA shall elect a vice-chairperson from among its membership who shall serve a one-year term of office.
- (d) The BOA shall designate a secretary to the BOA who shall keep minutes of all meetings held by the BOA and serve a one-year term of office.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-8 Board of Adjustment meetings.

- (a) Meetings of the BOA shall be held at the call of the chairperson or secretary and at such other times as the BOA may determine. All meetings of the BOA shall be open to the public, except as allowed by law. All cases to be heard by the BOA shall always be heard by at least four of the members.
- (b) When meeting as the Board of Adjustment, the BOA cannot function as the City Council. While BOA hearings may be held on the same day as City Council meetings, BOA hearings must be clearly identified as separate from City Council hearings.
- (c) BOA meetings shall be conducted in accordance with Chapter 551 of the Texas Government Code.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-9 Board of Adjustment authority.

- (a) The BOA shall have the authority, granted under the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 - (1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance;
 - (2) Authorize, in specific cases, a special exception-variance from the terms of this ordinance if the special exception-variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice is done; and
- (b) The concurring vote of at least 75 percent (75%, or 4 of 5) of the full BOA is necessary to:
 - (1) Reverse an order, requirement, decision or determination of an administrative official;
 - (2) Decide in favor of an applicant on a matter on which the board is required to review under this zoning ordinance; or
 - (3) Authorize a special exception-variance from the terms of this ordinance.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-10 Board of Adjustment conflict of interest.

- (a) A member shall not vote or participate in any deliberations regarding a matter before the BOA if the member has any personal interest in the property in question, whether such interest is direct, indirect,

financial or otherwise. In any case where the question of a member's interest is raised, the chairman shall rule on whether the member shall be disqualified.

- (b) A BOA member shall not vote or participate in any deliberations regarding a matter before the BOA if the member has any substantial interest in any tract within 200 feet of the property in question.
- (c) The BOA member is considered to have a substantial interest if the BOA member is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person who has a substantial interest.
- (d) In any case where the question of a member's interest is raised, the BOA chairperson shall rule on whether the member shall be disqualified.
- (e) Under this section, a substantial interest exists in the following situations:
 - (1) The BOA member has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more;
 - (2) The BOA member acts as a developer of the tract; or
 - (3) The BOA member receives in a calendar year funds exceeds [exceeding] ten percent (10%) of the BOA member's gross annual income for the previous year from a business that:
 - (A) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
 - (B) Acts as a developer of the tract; or
 - (4) The BOA member has an ownership interest in a business entity and:
 - (A) The business entity:
 - (i) Has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or
 - (ii) Acts as a developer of the tract; and
 - (B) The BOA member:
 - (i) Owns ten percent (10%) or more of the voting stock or shares;
 - (ii) Owns ten percent (10%) more of the fair market value; or
 - (iii) \$5,000.00 or more of the fair market value.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-11 Board of Adjustment authority limitations.

- (a) The BOA may not grant a special exception authorizing a use other than those permitted in the district for which the special exception is sought, except as provided below.
- (b) In the event that a written request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the BOA shall neither hear nor grant any special exceptions with respect to the subject property until final disposition of the zoning amendment.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-12 Special exceptions, also Variances.

- (a) There shall be a presumption against special exceptions-variances.
- (b) The BOA may authorize a special exception from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
- (c) In granting a special exception, the BOA may prescribe conditions that it deems necessary to preserve the public interest. Violation of any such condition, limitation or safeguard shall constitute a violation of this ordinance.
- (d) In making the findings hereinbelow required, the BOA shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such special exception will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-13 Conditions for special exception.

- (a) No special exception shall be granted without first having given public notice and having held a public hearing on the written special exception request in accordance with this ordinance.
- (b) No special exception shall be granted unless the BOA finds that:
 - (1) There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this ordinance would deprive the applicant of the reasonable use of the land; and
 - (2) The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (3) The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (4) The granting of the special exception constitutes a minimal departure from this ordinance; and
 - (5) The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and
 - (6) Granting the special exception is in harmony with the spirit, general purpose, and intent of this ordinance so that:
 - (A) The public health, safety and welfare may be secured; and
 - (B) That substantial justice may be done.
- (c) Such findings of the BOA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the BOA meeting at which such special exception is granted.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-14 Burden on applicant.

The applicant bears the burden of proof in establishing the facts that may justify a special exception.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-15 Special exceptions for nonconforming uses.

- (a) Upon written request of the property owner, the BOA may grant special exceptions to the provisions of Section 4-4 (Nonconforming uses), limited to the following, and in accordance with the following standards:
- (1) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming; or
 - (2) Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback; or
 - (3) Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (b) In granting special exceptions to nonconforming uses, the BOA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare. Examples of possible conditions include, but not limited to, conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the zoning ordinance.
- (c) The conditions for receiving a special exception listed in Section 5-13 apply to nonconforming uses.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-16 Special exception hearing procedures.

- (a) Application and fee. An application for a special exception shall be made in writing using forms prescribed by the city, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
- (b) Administrative report by the city. The city administrator or designated city representative shall visit the site where the proposed special exception will apply and the surrounding area, and shall report findings to the BOA.
- (c) Public hearings. The BOA shall hold a public hearing for consideration of the written special exception request no later than 45 days after the date the application for action, or an appeal, is filed.
- (d) Notice. Notice of the hearing must be published in the city's official newspaper no more than 30 nor less than 15 days prior to the date of the hearing. Notice of the hearing shall also be provided to all property owners within 200 feet of the affected property no more than 30 nor less than 15 days prior to the public hearing. Weather resistant signs shall be erected on the property under application for the purposes of advertising the special exception request.
- (1) The signs shall be provided by the city.
 - (2) Signs placed on the property involved must be within ten feet of any property line paralleling any established or proposed street, and must be visible from that street.

- (3) All required signs shall remain on the property until final disposition of the special exception request is determined.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-17 Appeals to the Board of Adjustment.

- (a) The appellant must file with the BOA and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal.
- (b) The appeal must be filed within 60 days after the decision has been rendered.
- (c) Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the BOA all papers constituting the record of action that is appealed.
- (d) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the BOA facts supporting the official's opinion that a stay would cause imminent peril to life or property.
- (e) The appellant party may appear at the appeal hearing in person, by agent or attorney, or in absentia.
- (f) The BOA shall decide the appeal within four weeks after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken.
- (g) The BOA may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.
- (h) A member or members of the BOA may not bring an appeal on behalf of a property owner, other than himself/herself, to the BOA. An appeal must be requested by the owner of the property being considered.

(Ordinance 16-0303 adopted 2/1/16)

§ 5-18 Judicial review.

All decisions of the BOA are final and binding. Any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the city may present, within ten days of the date the BOA decision is filed in the board's office, a petition to a court of competent jurisdiction for review in accordance with Chapter 211 of the Texas Local Government Code, as amended.

(Ordinance 16-0303 adopted 2/1/16)

ARTICLE VI PARKING REQUIREMENTS

§ 6-1

All parking requirements shall be done in accordance with the City of Johnson City's parking ordinance and/or regulations contained within the building code.

(Ordinance 16-0303 adopted 2/1/16)

ARTICLE VII

LANDSCAPING REQUIREMENTS

§ 7-1

All landscaping improvements, tree removal, and tree preservation shall be done in accordance with the City of Johnson City's landscaping and tree preservation ordinance.

(Ordinance 19-0401, att. A, secs. F, G, adopted 5/3/19)