

City of Johnson City
~~Code of Ordinances~~

ARTICLE 14.02
ZONING ORDINANCE

Adopted February 2016

Amended May 2019

Revised _____, 2023

_____, 2023

TABLE OF CONTENTS

ARTICLE I. GENERAL.....5

Section 1-1 Adoption; Purpose5

Section 1-2 Interpretation7

Section 1-3 Official Zoning Map.....8

Section 1-4 Schedule of Uses8

Section 1-5 Violation; Enforcement.....9

ARTICLE II. ZONING AUTHORITY11

Division 1. Planning and Zoning Commission.....11

Section 2-1 Authorized.....11

Section 2-2 Powers and Duties11

Section 2-3 Composition; Governance11

Division 2. Board of Adjustment.....12

Section 2-4 Creation; Authority.....12

Section 2-5 Powers and Duties12

Section 2-6 Composition; Governance13

ARTICLE III. ZONING PROCEDURE.....14

Section 3-1 General14

Section 3-2 Application Process.....14

Section 3-3 Zoning Upon Annexation18

Section 3-4 Successive Applications18

ARTICLE IV. ZONING DISTRICTS.....49

Division 1. General.....49

Section 4-1 Zoning District Classifications49

Section 4-2 Application of Zoning District Regulations49

Division 2. Zoning Districts.....49

Section 4-3 Single-Family Residential - Restricted - SFR.....49

Section 4-4 Single-Family Residential - SF.....52

Section 4-5 Mixed Residential District - MR.....54

Section 4-6 Manufactured Home District - M.....56

Section 4-7 Garden Housing District - GHD.....57

Section 4-8 Micro Housing District - MHD.....58

Section 4-9 Commercial District - CD.....59

Section 4-10 Highway Commercial Corridor District - HC.....61

Section 4-11 Industrial Park District - IP.....64

Section 4-12 Downtown District Overlay - DD.....69

Section 4-13 Public Facilities District - PFD.....73

Division 3. Specific Uses.....75

Section 4-14 Conditional Use Permit, also Special Exception - CUP.....77

Section 4-15 Planned Unit Development District - PUD.....80

Section 4-16 Similar Land Use.....85

Section 4-17 Nonconforming Use.....89

Section 4-18 Variance.....92

Division 4. Historic Preservation.....95

Section 4-19 Definitions.....95

Section 4-20 Authorities.....95

Section 4-21 Designations.....95

Section 4-22 Violation; Penalty	96
ARTICLE V. GENERAL REGULATIONS	97
Division 1. General	97
Section 5-1 Purpose	97
Section 5-2 Ordinance Regulations	97
Section 5-3 Certificate of Use and Occupancy	97
Division 2. Site Requirements	98
Section 5-4 Accessory Structures	98
Section 5-5 Accessory Dwelling	98
Section 5-6 Walls; Fences	99
Section 5-7 Outside Storage and Display	100
Section 5-8 Home Occupation	100
Section 5-9 Group Home	102
Section 5-10 Manufactured Home	102
Section 5-11 Telecommunication Tower	103
ARTICLE VI. DEFINITIONS	120
Section 6-1 Construction of Language	120
Section 6-2 General Definitions	121
EXHIBIT A OFFICIAL ZONING MAP	129
EXHIBIT B SCHEDULE OF USES	130

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

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.~~

Commented [L1]: 2022 ???

~~(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.~~

Commented [L2]: 2022 ???

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

~~ARTICLE~~

14.02

~~ZONING ORDINANCE ARTICLE I. -GENERAL~~

Commented [L3]: 2022???

~~Section § 1-14.02.001 Adoption; Purpose:~~

~~(a) Purpose. 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. purpose of this Zoning Ordinance is to establish zoning districts in the City of Johnson City and regulations applicable to each district.

(b) Adoption and Approval. The City Council hereby approves and adopts this Zoning Ordinance and amendments as authorized by and pursuant to Texas Local Government Code Chapter 211, as amended. (Editorially supplied)

§ 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.

ARTICLE _____

GENERAL

§ 1-1 Purpose and intent.

- (a) The City Council finds that the adoption and approval of this Zoning Ordinance is in the public's interest, as it This ordinance provides for and is intended to promote the health, safety, and general welfare of the public by promoting 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 and encouraging quality development both within the eCity for and orderly, harmonious, and systematic growth in accordance with the City's Comprehensive Plan.
- (c) Zoning Required. No land or structure can be used or arranged for any purpose or manner other than that permitted as a use in a particular that-zZoning dDistrict. A new building or structure shall not be erected, nor shall an existing building or structure be moved, altered, added to, or enlarged, except as permitted under this Ordinance.
- (d) Uses Allowed. A use not permitted in the Schedule of Uses for a particular Zoning dDistrict, or not permitted as a specific use, as provided in this Ordinance, is prohibited.
- (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.~~ Section 1-2 Interpretation

(a) Interpretation. — This Ordinance shall be the minimum requirements for the zoning of land tracts in the eCity. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(b) Conflict with Other Laws. — These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this eOrdinance. To the extent that this Ordinance promulgates standards or imposes restrictions or duties that differ from those imposed by other eCity ordinances, rules, or regulations, the regulations contained within this Ordinance shall supersede such other provisions to the extent of any conflict or inconsistency.

(c) Severability. — If any part or provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application that is judged to be invalid.

(d) Prior Approvals and Present Use. — Zoning dDistricts approved under regulations in effect prior to the effective date and subsequent amendments of and revisions to this Ordinance are governed by those previous regulations. This Ordinance does not require any change to the plans, plats, lots, or buildings previously approved prior to the effective date of this Ordinance. By the passage of this Ordinance and/or amendments, a presently nonconforming use shall not be deemed legalized, but remain as a nonconforming use.

(e) 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 provisions of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirements 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

Commented [RS4]: Question: The P&Z may want to recommend removing a zoning district designation or amending regulations within that zoning district. How does this section affect those amendments?

govern.

Section 1-3 Official Zoning Map

(a) Official Map. The map, attached to Ordinance 22-0104 adopted 11/1/21 by reference hereto and fully incorporated herein as Exhibit A and marked and labeled "City of Johnson City Zoning Map", is hereby adopted as the official zoning map of the eCity. ~~The map is attached by reference, as Exhibit A to this Ordinance, and is incorporated fully herein. The zZoning dDistricts and boundaries indicated upon said mMap are hereby declared to be the official zZoning dDistricts and boundaries for the eCity. All properties shown on the mMap as within a particular zoning category are hereby declared to be within the zZoning dDistrict and zoned accordingly to comply with the requirements of this Ordinance. All zoning maps adopted prior to the adoption date of this Ordinance are hereby repealed. The mMap may be amended and corrected from time-to-time by the eCity eCouncil. The eCity sSecretary shall keep the official zZoning mMap among the permanent records of the eCity, and the Zoning Map shall be available for inspection and review during regular business hours.~~

Commented [L5]: 2022 ???

(b) Interpretation of District Boundaries. ~~Where uncertainty exists as to the boundaries of zZoning and eOverlay, if any, dDistricts, as shown on the Official Zoning Map, the following shall apply:~~

- (1) ~~Where zZoning dDistrict boundaries of the eCity 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 zZoning dDistrict boundaries appear to follow lines of lots or parcels of record, such lot or areparcel lines shall be construed to be such boundary.~~
- (3) ~~Where a zZoning dDistrict divides a parcel of land, the location of such boundary shall be determined using the zZoning mMap scale, as measured to the nearest foot, unless such line can be more accurately determined by geometric or land surveying computations.~~
- (4) ~~Where indicated dZoning District boundaries are indicated as approximately following eCity boundaries, such boundaries shall be construed to be the dDistrict boundaries.~~
- (5) ~~Where Zoning dDistrict 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 dDistrict boundary.~~
- (6) ~~All areas of the eCity which are under water are within a zZoning dDistrict and controlled by applicable dDistrict regulations.~~

(c) Zoning Map Changes. All zoning changes after the effective date of this Ordinance shall be reflected on the eOfficial zZoning mMap upon amendment. Annotations 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, ordinance, or resolution records in which the ordinance or resolution is recorded in full.

Section 1-4 Schedule of Uses

(a) Schedule of Uses. The City Council hereby approves and adopts the Schedule of Uses chart attached to this Ordinance as Exhibit B and incorporated fully herein.

(b) Purpose. The purpose of this Schedule of Uses chart is to list the types of land uses permitted and allowed within each of the Zoning dDistricts outlined in this Ordinance. A building or land shall not be used, and a building shall not be erected, except for the use specified in the Schedule of Uses chart.

Commented [RS6]: Should we make reference to nonconforming uses here?

(c) Legend. Land and/or a building in a Zoning dDistrict may be used for the purpose denoted by the following abbreviations:

- (1) X: A permitted use by right; land and/or buildings in this dDistrict may be used by right.;
- (2) CUP: A use may be authorized through a conditional use permit; land and/or buildings in this District are subject to review and permitting in accordance with this eOrdinance.
- (3) Blank: Use Not permitted; a blank cell indicates that a use is not permitted within that particular e-zZoning dDistrict.

(d) Similar Land Use. Since every potential and conceivable land use cannot be addressed and anticipated, the list in the Schedule of Uses chart is not exhaustive nor exclusive. Other uses not listed may be permitted through a conditional use permit, provided the proposed use is similar and related to the standards and regulations of the zZoning dDistrict in which the use is to be located, and which use is compatible with adjacent land uses. Application for a similar land use may be made in accordance with the application procedures of this ordinance.

Section 1-5 Violation; Enforcement

(a) Violation Declared. —It shall be unlawful for any person to violate any term or provision of this Ordinance. Violation of any provision of this Ordinance, which provision is intended for the protection of the public health, safety, or general welfare, constitutes a public nuisance. A person violating any provision of this eOrdinance is subject to suit for injunctive relief and civil penalties, as well as prosecution for a criminal violation.

(b) Misrepresentation of Facts. —It shall be a violation of this Ordinance for any person to knowingly or willfully misrepresent or fail to include any information required by this Ordinance in any zoning application or during any public hearing or meeting of the Planning and Zoning Commission (P&Z), City Council, or with the Chief Administrative Officer (CAO), Zoning Administrator, or designee. Such a violation shall constitute grounds for denial of the zoning request.

(c) Authority. The CAO/Zoning Administrator or designee shall have the authority to administer and enforce the provisions of this eOrdinance.

(d) Right of Entry. The CAO/Zoning Administrator or designee shall have the authority to enter upon a property for the purpose of enforcing the provisions of this Ordinance. Entry for this purpose shall not be considered trespass.

Commented [RS7]: Does right of entry include inside buildings too?

(e) Administrative Enforcement.

- (1) The City shall not issue a building or repair permit for any structure on a lot not properly zoned.
- (2) A permit issued may be revoked for violation of this Ordinance. A new permit may issue upon cure of the violation.
- (3) The CAO/Zoning Administrator or designee may issue a Stop Work Order on a person(s) engaged in conducting work or an activity on a site in violation of this Ordinance. The Order shall be posted adjacent to the work or activity in question. A person shall cease the work or activity until authorized by the eCity to proceed.
- (4) A person may appeal an administrative order to the Board of Adjustment in accordance with the appeal provisions of this Ordinance.

(f) Penalties and Remedies.

(1) Criminal Offense.

- (i) A violation under this Ordinance is a misdemeanor.
- (ii) A fine for a violation may not exceed \$2,000.00.
- (iii) Each day of the violation shall constitute a separate offense.

(2) Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the eCity'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:

- (i) Injunction. The City may file suit to enjoin the violation or to prevent a threatened violation of this Ordinance by a person; and

(ii) Damages and Penalties.

- (A) The City may seek to recover damages from the violator in an amount adequate for the City to undertake activity necessary to bring compliance with this Ordinance.
- (B) A violator is subject to a civil penalty up to \$1,000.00 and not less than \$100.00 a day, with each day constituting a separate offense and separate violation, when it is shown that the defendant was notified of the violation, and, after receiving notice, failed to comply.

(g) Legal Fees and Costs. The City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement in a civil and/or criminal action.

(h) Cumulative. The penalties and remedies in this sSection shall be cumulative, and are not exclusive of any other rights or remedies the City may have or pursue.

ARTICLE II. – ZONING AUTHORITY

Division 1. – Planning and Zoning Commission

Section 2-1 Authorized

A Planning and Zoning Commission, "P&Z", is established in accordance with Chapter 211 of the Texas Local Government Code, as amended.

Section 2-2 Powers and Duties

(a) Advisory Body. The P&Z shall serve as an advisory body to the City Council for zoning amendments and applications. The P&Z shall have all the rights, powers, privileges, and authority authorized and granted by the City Council, this Ordinance, and Chapters 211 and 212 of the Texas Local Government Code, as amended.

(b) Authority. The P&Z is authorized to:

- (1) issue recommendations regarding amendments to the eComprehensive pPlan, zoning changes, zoning ordinance amendments, and zoning for newly annexed areas;
- (2) issue recommendations regarding subdivision plat regulation and approval submitted to it for review; ~~and other related planning matters delegated to the P&Z by the City Council;~~ and
- (3) serve as the Historic Review Board, and perform the duties and functions contained in the Historic Preservation sSection of this Ordinance; ~~and~~
- (4) other related planning matters delegated to the P&Z by the City Council.

Section 2-3 Composition; Governance

(a) Number. The P&Z shall consist of ~~five~~ **seven (7)** members. Each shall be appointed by a simple majority vote of the City Council for a term of two years. Each may be removed from office by the City Council at any time for cause by a simple majority vote of the ~~full~~ City Council. P&Z members shall serve on a voluntary basis.

(b) Terms; Absences. Expiration of terms shall be staggered. Members may be reappointed. Term limits do not apply to the P&Z. A P&Z position is automatically considered vacant if the member is absent for three consecutive, regular meetings, or four regular meetings (cumulative) during the preceding 12-month period. Absences may be excused by the P&Z eChairperson.

(c) Governance; Officers. The P&Z shall have the power to make rules, regulations, and bylaws for its own governance, subject to approval by the City Council. The P&Z shall appoint a eChairperson, a ~~v~~Vice-chairperson, and a ~~s~~Secretary from among the eCommission for a one-year term. Appointments shall be made annually at the first P&Z meeting in ~~April~~June.

(d) Meetings; Conduct.

- (1) Meetings shall be held in accordance with the Texas Open Meetings Act, Government Code Chapter 551.

Commented [L8]:

Commented [L9]: Separate article for BOA

Commented [RS10]: Is "for cause" required?

(2) Meetings shall be conducted pursuant to the parliamentary procedures of the City Council.

(3) The City Council and the P&Z are authorized to conduct a joint public meeting and/or hearing in a matter pertaining to planning, zoning, or subdividing property, where required or authorized by State law. A quorum shall consist of a majority of members of the P&Z.

(4) A motion shall carry with a simple majority vote. Each P&Z member, including the eChairperson, is entitled to one vote upon any question.

Commented [RS11]: This conflict of interest provision confuses P&Z. Can this be simplified and made more understandable?

(e) Conflict of Interest. A P&Z member shall not vote or participate in any deliberations of a matter if the member has any substantial interest in any tract within 200 feet of the property in question. A "substantial interest" exists if the member is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person whose matter is under consideration before the commission. The eChairperson shall determine a question of substantial interest. A substantial interest exists where:

Commented [RS12]: Is this State Law? Also, is this an either / or - blood / marriage or substantial interest?

(1) A member has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more;

(2) A member acts as a developer of the tract;

(3) A member receives in a calendar year funds exceeding ten percent of the member's gross annual income for the previous year from a business whose matter is under consideration before the eCommission; or

Commented [RS13]: Is this State Law?

(4) A member has an ownership interest in a business entity which has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00, or acts as a developer of the tract. Ownership is deemed where a member:

(i) Owns ten percent or more of the voting stock or shares in the business entity; or

(ii) Owns ten percent or more, or \$5,000.00 or more, of the fair market value of the business entity.

Division 2. - Board of Adjustment

Section 2-4 Creation; Authority

There is hereby created a Board of Adjustment, "BOA". The City Council is granted the authority to act as the BOA.

Section 2-5 Powers and Duties

(a) Authority. The BOA shall have the authority to:

(1) ~~Administrative Appeals.~~ Hear and decide an appeal that alleges an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this eOrdinance;

(2) ~~Conditional Use Permits Special Exceptions.~~ Hear and decide a conditional use permit, i.e., special exceptions, to the terms of this zoning ordinance where authorized;

Commented [RS14]: Is this intended for all conditional use permits? Currently P&Z reviews and CC approves.

(3) ~~Variations.~~ Authorize, in specific cases, a variance from the terms of this eOrdinance if the variance is not contrary to the public interest, and, due to special conditions, a literal enforcement of the eOrdinance would result in unnecessary hardship, and so that the spirit of this eOrdinance is observed and substantial justice is done; and

~~(43) Nonconforming Uses. Hear and decide a request for a change to a nonconforming use.~~
~~and~~

~~(5) Planned Unit Development District—Hear and decide on an application for a planned unit development district.~~

Commented [RS15]: This is new. Currently, PUDs go through P&Z and City Council.

(b) Appeals.

(1) An appeal of an administrative decision must be filed within 10 business days after the decision has been rendered and shall be processed in accordance with Local Government Code Section 211.010, as amended. An appeal shall be heard within 60 calendar days of receipt of the notice of appeal. A request shall be automatically approved if no formal action is taken. 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.

(2) The decision of the BOA on any matter other than an administrative decision may be appealed to a court of record within 10 calendar days after the date the decision is filed in the board's City Secretary's Office and processed under the procedures outlined in Section 211.011 of the Local Government Code, as amended. Judicial review shall be conducted in accordance with that statutory section.

Section 2-6 Composition; Governance

(a) Officers. The BOA shall appoint a chairperson, vice-chairperson, and secretary for one-year terms starting each January/June.

(b) Meetings; Conduct.

(1) Meetings shall be held in accordance with the Texas Open Meetings Act, Government Code Chapter 551.

(2) BOA and City Council meetings shall not be held concurrently. While BOA meetings or hearings may be held on the same day as City Council meetings, BOA meetings or hearings shall be clearly identified separately.

(3) Meetings shall be conducted pursuant to the parliamentary procedures of the City Council.

(c) Conflict of Interest. A BOA member shall not vote nor participate in any deliberations of a matter before the BOA if a conflict of interest exists, as described and defined for the P&Z. Such conflicts shall be determined and resolved in the same manner as for the P&Z.

ARTICLE III. ZONING PROCEDURE

Section 3-1 General

1. ~~(a) City Council Amendments. The City Council or BOA may amend the text of this Ordinance, the zoning district boundaries of the Official Zoning Map, or the zoning district classification of a property. An amendment is implemented by ordinance only.~~
2. ~~BOA Amendments. The BOA may grant a variance to this Ordinance or decide a nonconforming use change.~~

Commented [RS16]: ? How can a BOA amend the Ordinance text?

~~(c) Types. An amendment may be initiated by:~~

- ~~(1) City Council on its own motion;~~
- ~~(2) Planning and Zoning Commission on recommendation to the City Council; or~~
- ~~(3) The owner of the property proposed for a zoning classification change via-through the submittal of a Zoning Amendment Application.~~

~~(d) Types of Applications. An owner or person may apply to amend or request a:~~

- ~~(1) Change in a zoning classification (-i.e.- rezoning), for determination by the City Council;~~
- ~~(2) Similar land use designation, for determination by the City Council; or~~
- ~~(3) Conditional use permit, (i.e., special exception), for determination by the BOA City Council;~~
- ~~(4) Planned unit development designation, for determination by the BOA City Council;~~
- ~~(5) Variance for determination by the BOA; and~~
- ~~(6) Nonconforming use change for determination by the BOA;~~
- ~~(5) Variance, for determination by the BOA; and~~
- ~~(6) Nonconforming use change, for determination by the BOA.~~

~~(e) Zoning Administrator. The Chief Administrative Officer CAO of the City or designee is designated as the Zoning Administrator for the purposes of handling administrative matters and enforcement of this Ordinance.~~

~~(f) Fee Authorized. The City Council shall adopt and impose a nonrefundable application fee to defray the costs of processing a zoning application any of the zoning applications under Sec. 3-1 (d). The fee schedule shall be included in the City's Master Fee Schedule. At the time of submittal, a zoning application shall include the required fees.~~

Section 3-2 Application Process

~~(a) Application Requirements. A Zoning Amendment Application shall be submitted in accordance with the following requirements:~~

(1) Authority. An application to zone or rezone property shall be submitted to the #Zoning aAdministrator by the owner or person with legal authority o#ver a property.

(2) Fee. A nonrefundable fee is required and shall accompany an application.

(3) Information Required. A #Zoning Amendment aApplication shall contain sufficient information, documents, or other material relative to the zoning requested, including, but not limited to, the following:

(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 compatibility of proposed uses with the following:

(i) The City's eComprehensive #Plan;

(ii) The applicable #Zoning dDistrict;

(iii) The surrounding properties;

(iv) Current and future neighborhood conditions;

(v) Pedestrian and vehicular traffic patterns, both on-site and off-site;

(vi) Adequate public facilities;

(vii) Upon request by the City:

(a) A site plan, if applicable;

(b) The architectural elevations and floor plans of proposed building(s);

(c) Parking and site circulation analysis;

(d) Photographs of the property and surrounding area; and

(C) Additional information necessary to evaluate and analyze the aApplication.

(4) Completeness. An aApplication must be complete prior to processing by the #Zoning aAdministrator. An aApplication shall be deemed complete upon receipt by the #Zoning aAdministrator of all required and requested information. A determination of completeness does not constitute a determination of compliance with the requirements of this Ordinance.

(5) Vested Rights. Vested rights accrue on receipt of a completed aApplication.

(6) Withdrawal of Application. An applicant may withdraw an aApplication at any time prior to the public hearing(s) on an aApplication. An applicant may resubmit a withdrawn aApplication, which shall be treated as a new aApplication.

(7) Concurrent Rezoning. An aApplication for rezoning may be considered concurrently with the review of a plat application.

(b) Zoning Amendment Application Public Hearing and Notice (P&Z and City Council).

(1) Public Hearing. A #Zoning Amendment aApplication shall be set for public hearings before the

P&Z and the City Council, or BOA as applicable.

- (2) P&Z Notice of Hearing. 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 P&Z 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. Written notice of the application and public hearing dates shall be sent by U.S. mail to each property owner of real property within 200 feet of the property proposed for amendment, as indicated by the most recently approved municipal tax roll.
- (3) Issuance. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. Notice shall be mailed to each property owner at least ten days before the date of the public hearing before the P&Z. Notice shall be published in the City's official newspaper before the 15th day of the hearing.
- (3) City Council Notice of Hearing. 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.
- (4) School Notice. Notice of an application affecting a residential or multifamily zoning district shall also be sent to the Johnson City Independent School District.
- (5) Joint hearing. If warranted, a joint hearing by the P&Z and the City Council on an application may be held.
- (6) Notice for Ordinance Text Amendment. Regarding an amendment relating solely to a change in a zoning regulation or to the general text of this Ordinance, notice of a public hearing of the P&Z shall be given by publication in the City's official newspaper before the 15th day before the date of the hearing without the necessity of notifying an individual property owner in the eCity by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered. The review and approval process shall be that as outlined in the application process.

3. Variance / Nonconforming Use Change Public Hearing and Notice (BOA).

- (1) Public Hearing. An application for a variance to this Ordinance or a nonconforming use change shall be set for a public hearing before the BOA.
- (2) BOA Notice of Hearing. 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 mailed to all property owners, as indicated by the most recently approved municipal tax roll, within 200 feet of the affected property no more than 30 nor less than 15 days prior to the public hearing.
- (3) School Notice. Notice of an application affecting a residential zoning district shall also be sent to the Johnson City Independent School District.

(c) Signs. Weather resistant signs shall be erected on the property to advertise the zoning request.

(1) The signs shall be provided by the eCity.

(2) Signs must be placed on the property within ten feet of any property line paralleling any established or proposed street, and must be visible from that street.

(3) A required sign shall remain on the property until final disposition of the zoning request.

(d) P&Z Hearing and Review.

(1) Hearing. A ~~zoning~~ ~~Amendment~~ ~~a~~Application shall be submitted to the P&Z for review and a public hearing.

(2) Recommendation. The P&Z may establish conditions and restrictions on a zoning request. After the hearing, the P&Z may recommend approval, approval with amendments and conditions, or denial with reasons for the denial.

(3) Forwarding. The recommendation shall be issued and forwarded to the City Council, ~~or BOA as applicable,~~ for final action.

(e) City Council Hearing and Action.

(1) Applications Considered. A P&Z recommendation on an application for a change in zoning classification: ~~(i.e. rezoning), or similar land use designation, conditional use permit, or planned unit development designation,~~ shall be forwarded to and heard by the City Council.

(2) Hearing. The City Council shall conduct a public hearing on an application.

(3) Vote and Action.

(i) After the hearing, the City Council shall approve, approve with conditions, or deny an application.

(ii) If the P&Z recommended denial, or if an application is protested, an affirmative vote of three-fourths (4 out of 5) of all members of the City Council is required for a requested change to take effect.

(A) A protest must be in writing and signed by the owners of at least 20% of either:

(a) the area of the lots or land covered by the proposed change; or

(b) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(B) In computing the 20% land area, streets and alleys shall be included.

(4) Finality. Approval of an application shall be issued in an ordinance by the City Council. A decision is final.

(f) BOA Hearing and Action.

- (1) Applications Considered. ~~A variance to this Ordinance or a nonconforming use change P&Z recommendation on an application for a conditional use permit—special exception, planned unit development, variance, or a nonconforming use shall be submitted to the BOA for review and a public hearing, forwarded to and heard by the BOA.~~
- (2) Hearing. ~~The BOA shall conduct a public hearing on an application, but not before final disposition of the application by the P&Z.~~
- (3) Vote and Action. ~~After the hearing, the BOA shall approve, approve with conditions, or deny an application. The concurring vote of 75% (4 out of 5) of the full BOA is necessary to:~~
 - (i) ~~Reverse an order, requirement, decision, or determination of an administrative official;~~
 - (ii) ~~Decide in favor of an applicant on a matter on which the BOA is required to pass under this zoning ordinance; or~~
 - (iii) ~~Authorize a variance from the terms of this Ordinance.~~
- (4) Finality. ~~A decision of the BOA is final and binding. Approval of an application shall be issued in an ordinance by the BOA.~~
- (5) Appeal. ~~The decision of the BOA may be appealed in accordance with the appeal procedures outlined in this ordinance.~~

Commented [RS17]: Can a BOA adopt an ordinance?

Section 3-3 Zoning Upon Annexation

- (a) Annexed Property. ~~Property annexed into the City shall be classified automatically by default as Single-Family Residential upon annexation.~~
- (b) ~~A property owner of land to be annexed may apply to rezone the property from the default Single-Family Residential classification. The Zoning Amendment Application can be submitted concurrently with the petition for annexation. Approval of annexation by the City Council must occur prior to approval of rezoning. An annexation may not be made contingent upon the approval of any particular zoning classification.~~
- (c) ~~An Zoning Amendment Application shall be considered and reviewed in accordance with the general application process within this Ordinance, for City Council review of this article.~~

Section 3-4 Successive Applications

- (a) Limitations on Successive Applications. ~~No application on the same zoning request for a property shall be permitted within one (1) year of an application denial, unless extenuating circumstances exist.~~
- (b) Reapplication. ~~No application for a different zoning request for the same property rezoning shall be considered within 90 calendar days of denial of a previous request for the same classification on the same property.~~

Commented [RS18]: Is this new? What does State Law require? Also, (a) and (b) seem to conflict.

~~(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~~

Commented [RS19]: Was this provision completely removed from the proposed Ordinance? If so, why

Commented [L20]: Some definitions have been deleted as these are never mentioned anywhere else in this Ordinance.

~~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.~~

~~Distriet~~

~~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)~~

Commented [L21]: Article II Regulations is new Article
(after Article _____ Zoning Districts)

~~§ 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.~~

Commented [L22]: Section 2-3 moved to

Commented [L23]: Section 2-5 moved to Article ____
Zoning Districts

~~(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.~~

Commented [L24]: Section 2-6 moved to Article ____
Zoning Districts

Commented [L25]: Section 2-7 moved to Article ____
Zoning Districts

~~(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 IV. III

ZONING DISTRICTS

Division 1. -General

Section Division 1

Generally- 4-1 Zoning District Classifications

The eCity shall be divided into classes of residential, office, commercial, industrial, and special zZoning dDistricts, as specified herein. The location and boundaries of the zZoning dDistricts are indicated on the City's Official Zoning Map.

Section 4-2 Application of Zoning District Regulations

(a) Applicability. The regulations established for each zZoning dDistrict shall be minimum regulations and shall apply uniformly to each zoning class, structure, or land within that dDistrict.

(b) Vacated Areas. When a street, alley, or other public way is vacated by governmental action, and when the land within the boundaries of such a facility are attached to and become a part of the land adjoining the vacated street, alley, or public way, the land formerly within the boundaries of the facility shall be subject to the same zoning regulations as apply to the adjoining land.

Division 2. -Zoning Districts

~~§ Section 4-33-1 Single-Family Residential District (SF) -Restricted (SFR).~~

(a) The purpose of the purpose of the SFR district is to Single-Family Residential-Restricted District is to stabilize and protect the owner-occupied housing characteristics of the dDistrict and to promote and

- encourage a suitable environment for living. ~~Manufactured housing is not permitted in the SFR district.~~
- (b) See ~~S~~ schedule of ~~u~~ Uses in Article VIII of this ordinance for permitted, ~~nonpermitted,~~ and conditional uses.
- (c) General regulations of ~~the SFR the Single-Family Residential District zone are contained in the table below as follows:~~

<u>Maximum dwelling units</u>	Five dwelling units per acre <u>One (1) dwelling unit per parcel.</u>
<u>Minimum lot width (street frontage)</u>	<u>50 feet</u>
<u>Minimum lot depth</u>	<u>50 feet</u>
<u>Minimum lot size (area)</u>	<u>7,500 square feet</u>
<u>Minimum front yard</u>	<u>15 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.</u>
<u>Minimum side yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum side yard, adjacent to street</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum rear yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum dwelling unit size</u>	<u>1,000 square feet</u>
<u>Maximum lot coverage (all structures)</u>	<u>50 percent (50%)</u>
<u>Maximum structure height (stories)</u>	<u>2 stories</u>
<u>Maximum structure height (feet)</u>	<u>35 feet</u>

Commented [RS26]: What does this mean? Do the properties have to be replatted into individual lots?

- ~~4. Accessory buildings, associated living quarters and storage buildings. An accessory building, associated living quarters, or storage building shall not extend beyond the front line of the main building, and shall be a minimum of five feet from the side property line and five feet from the rear property line.~~
- ~~5. Parking regulations. Off-street parking spaces behind the front setback line of property shall be provided on the lot to accommodate a minimum of two automobiles for each dwelling unit.~~

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

SFR DISTRICT

Minimum side 10-foot yard

Minimum side 10-foot yard, adjacent to street

Minimum rear 10-foot yard

Minimum 1,000 square foot dwelling unit size

Maximum lot 50 percent coverage (all) (50%)

Maximum 2 stories structure height (stories)

Maximum 35-foot structure height (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)

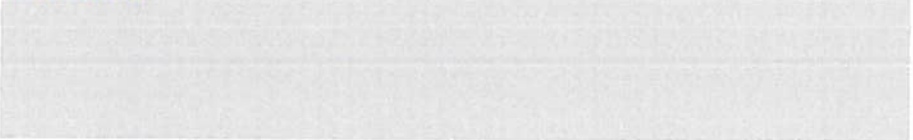
§ 3-2 Mixed Residential District (MR).

(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
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

MR DISTRICT

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).

Section 4-4 Single-Family Residential—SF

(a) The purpose of the Single-Family Residential District is to 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. Only double-wide manufactured homes are permitted in SF District.

(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 as follows:

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

Manufactured Houses in SF District

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

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

For Manufactured Houses in SF District*

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	4-story

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

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

Section 4-45 Mixed Residential District —(MR)

(a) The purpose of the Mixed Residential District is to provide for owner-occupied single-family housing, duplex, triplex, quadplex, or small multifamily apartment buildings, a variety of housing options and ancillary uses and for development at with higher densities and with smaller minimum lot sizes.

(b) See Schedule of Uses for permitted, nonpermitted, and conditional uses.

(c) General regulations of the Mixed Residential District MR are as follows:

<u>Maximum dwelling units</u>	<u>None</u>
<u>Minimum lot width (street frontage)</u>	<u>50 feet</u>
<u>Minimum lot depth</u>	<u>50 feet</u>
<u>Minimum lot size (area)</u>	<u>7,5008.000 square feet</u>
<u>Minimum front yard</u>	<u>15 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.</u>
<u>Minimum side yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>

<u>Minimum side yard, adjacent to street</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum rear yard</u>	<u>105 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum dwelling unit size</u>	<u>500 square feet for single-bedroom unit; 750 square feet for two+-bedroom unit</u>
<u>Maximum lot coverage (all structures)</u>	<u>Eighty percent (80%)</u>
<u>Maximum structure height (stories)</u>	<u>32 stories</u>
<u>Maximum structure height (feet)</u>	<u>4235 feet</u>

~~(d) Accessory buildings, associated living quarters and storage buildings. An accessory building, associated living quarters, or storage building shall not extend beyond the front line of the main building, and shall be a minimum of five feet from the side property line and five feet from the rear property line.~~

~~(e) Parking regulations. Off-street parking spaces behind the front setback line of property shall be provided on the lot to accommodate a minimum of one automobile for each bedroom within the residential structure(s).~~

~~(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), Section 4-65 Manufactured Home District (-MH)

- (a) The ~~purpose of the purpose of the M-d~~ Manufactured Home District ~~is to is to provide for eneourage~~ the most appropriate use of land for manufactured housing development ~~purposesprojects, to and to~~ encourage design standards ~~which will to~~ create pleasing appearances, and ~~to provide to provide~~ sufficient open space for light, ~~airair~~, and recreation. ~~Both double wide and single wide manufactured homes are permitted in the M District.~~
- (b) See ~~s~~ Schedule of ~~u~~ Uses ~~in Article VIII of this ordinance~~ for permitted, ~~nonpermitted~~, and conditional uses.
- (c) General regulations of ~~the Manufactured Home District zone~~ ~~are contained in the table below as follows:~~

Maximum lot areadwelling units	Six dwelling units per acreOne (1) dwelling unit per parcel.
Minimum lot width (street frontage)	4050 feet
Minimum lot depth	40 feet
Minimum lot size (area)	4,400 square feet
Minimum front yard	1020 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
Minimum side yard	1040 Feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum side yard, adjacent to street	1040 Feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum rear yard	2010 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum dwelling unit size	750 square feet
Maximum lot coverage (all structures)	60Sixty percent (60%)
Maximum structure height (stories)	1 story
Maximum structure height (feet)	15 feet

- (d) ~~Accessory buildings, associated living quarters and storage buildings. An accessory building, associated living quarters, or storage building shall not extend beyond the front line of the main building, and shall be a minimum of five feet from the side property line and five feet from the rear property line.~~

(c) Parking regulations. Off-street parking spaces behind the front setback line of property shall be provided on the lot to accommodate a minimum of two automobiles for each dwelling unit.

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.~~

~~(1) A manufactured housing development shall occupy a site of not less than two acres in size.~~

~~(2) Single and double wide manufactured homes are permitted in the Manufactured Home District.~~

~~(f32) Manufactured homes 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.~~

~~(g43) All mManufactured homes housing units shall provide proper skirting around the base of the home within 30 calendar days of placement on the property. ~~(no plywood or lattice skirting are not permitted).~~~~

~~(h54) A manufactured home development shall comply with all All-subdivision standards, must be met as specified in the eCity's subdivision regulations.~~

~~(i5) All mManufactured homes housing units shall be installed per ordinance [eChapter] 1201 *Manufactured Housing* of the Texas Occupations Code; and Title 10, ordinance [eChapter] 80 *Manufactured Housing* of the Texas Administrative Code, as amended.~~

~~(i6) A manufactured home within the eCity 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)~~

Section 4-76 Cottage Garden Housing District –(GCHD)

(a) The purpose of the ~~Garden~~Cottage Housing District is to allow for ~~zero lot line smaller, single-family, detached and attached dwellings.~~

(b) See Schedule of Uses for permitted, nonpermitted, and conditional uses.

(c) General regulations of the Cottage Housing District ~~GHD~~ are as follows:

Maximum dwelling units	One (1) dwelling unit per parcel.
Minimum lot width (street frontage)	40-50 30 feet
Minimum lot depth	30 feet
Minimum lot size (area)	None
Lot width	40-50 feet
Minimum lot depth	None
Minimum front yard	5 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. None
Minimum side yard (zero lot line)	5-foot 0 feet
Minimum side yard (opposite zero lot line)	5 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum side yard, adjacent to street	5 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum rear yard	15 feet from rear lot line to nearest building line 5 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum dwelling unit size	500 square feet
Maximum lot coverage (all structures)	60/70 percent (67.0%)
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

(d) Accessory buildings, associated living quarters and storage buildings. An accessory building, associated living quarters, or storage building shall not extend beyond the front line of the main building, and shall be a minimum of zero feet (zero lot line) or five feet (opposite zero lot line / adjacent to street) from the side property line and five feet from the rear property line.

(e) Parking regulations. Off-street parking spaces behind the front setback line of property shall be provided on the lot to accommodate a minimum of two automobiles for each dwelling unit.

~~(d) — Additional regulations of the M zone:~~

Section 4-8 — Micro Housing District – MHD

- ~~(a) The purpose of the Micro Housing District is to allow for a mix of affordable, smaller scale housing units. 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 minimum size of a micro housing dwelling unit shall be 300 square feet. The maximum size will be 750 square feet.~~
 - ~~(c) The permitted use is a micro single family dwelling, and an accessory structure that is incidental to the primary structure on the lot.~~
 - ~~(d) MHD 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.~~
 - ~~(e) The zoning of a MHD district shall be that shown on the approved development site plan, and any special conditions:~~
 - ~~(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).~~

Section 4-9 Commercial District - CD

- (a) The purpose of the Commercial District is to focus on the heart of the neighborhood and to provide forencourage a mix of retail, service, and office uses that support the surrounding residential neighborhoods and tourism centers.
- (b) See Schedule of uUses in Article VIII of this ordinance for permitted, nonpermitted, and conditional uses.
- (c) General regulations of the CD Commercial District zone are contained in the table below as follows:

<u>Minimum lot size (area)</u>	<u>None</u>
<u>Minimum lot width (street frontage)</u>	<u>6050 feet</u>
<u>Minimum lot depth</u>	<u>80100 feet</u>
<u>Minimum lot size (area)</u>	<u>6,000 square feet</u>
<u>Minimum front yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Drive-in gasoline service islands may not be located</u>

nearer than 25 feet to the front property line.

<u>Minimum side yard</u>	<u>10 feet</u> None.
<u>Minimum side yard, adjacent to street</u>	<u>10 feet</u> , except in areas platted where setback minimums are established prior to the effective date of this Chapter.
<u>Minimum rear yard</u>	<u>10 feet</u> , except in areas platted where setback minimums are established prior to the effective date of this Chapter.
<u>Maximum lot coverage (all structures)</u>	<u>60</u> 80 percent (<u>60</u> 80 %)
<u>Maximum structure height (stories)</u>	<u>32</u> stories
<u>Maximum structure height (feet)</u>	<u>35'</u>
<u>Buffer zone, CD to SF, MR, MH, or CHD</u>	<u>A buffer zone of 30 feet plus an approved eight-foot privacy fence shall be maintained.</u>
<u>Fire lane</u>	<u>A minimum fire lane of 16 feet shall be maintained adjacent to one side of the building having entry doors.</u>

CD DISTRICT

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

(d) Accessory buildings. No commercial accessory building, as permitted herein, shall be more than fifteen (15) feet in height or 750 square feet in size. Accessory buildings shall be compatible with the aesthetics of the primary structure. No accessory building may be closer than five feet to the main building in the rear yard. Accessory buildings, as permitted herein, are allowed in side yards, provided, however, that no accessory building be closer than five feet to any main building, nor closer than five feet to a common PUD, DD, CD, HC, IP, PFD, or RVP District property line, unless the property line is common to a street, in which case the minimum setback shall be 30 feet. If common property line to SF, MR, MH, or CHD Districts, the minimum setback shall be 15 feet if a 30-foot plus eight-foot privacy fence buffer exists. No accessory building shall be allowed in the front yard or allowed to extend beyond the front line of the main building.

(e) Parking regulations. See Article of this Chapter.

(f) Tree and landscape regulations. See Chapter 15 of the Municipal Code of Ordinances.

(g) Lighting regulations. See Chapter 3 of the Municipal Code of Ordinances.

(hd) Additional requirements for the Commercial District G include, but are not limited to, the following:

- (1) ~~All u~~Uses within this district shall be of a retail, serviceservice, or office character.
- (12) ~~All b~~Unless otherwise authorized within the Schedule of Uses, all Bbusiness activity shall be conducted entirely within a building(s). ~~Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this O~~Ordinance.
- (32) Outdoor ~~storage of~~ trash receptacles shall be placed in the side or rear yards, at the side or rear of the site, and shall be screened on at least three sides by a fence, plantings, or ~~otheranother~~ suitable visual barrier.
- (4) ~~All e~~Exterior lighting designed for security, illumination, parking lot illumination, or advertising and which is placed within this zoning district shall be placed in accordance with the City's Lighting Ordinance, and designed for lighting not to illuminate in such a manner as to ensure that is [it] does not extend into adjacent residentially zoned properties, and.
- (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):

Section 4-10 Highway Commercial Corridor District - HC

(a) The purpose of the Highway Commercial Corridor District is to provide for purpose of the HC district is to create centers of activity, ~~e.g., including~~ shopping, services, recreation, employment, public uses, and institutional facilities, ~~supported by and serving an entire region.~~ The HC It is intended for use on tracts directly adjacent to Highway 281 and Highway 290. It is specifically envisioned to handles a mixture of commercial and office uses along highway corridors, primarily U.S. Highways 281 and 290. The unique characteristics of this ~~development District~~ are its high concentration of activity requiring extensive planning and engineering, ~~for~~ ingress and egress to the development site, and ~~coupled with the need for~~ extensive on-site or off-street parking, loading, and maneuvering areas. ~~Development in the HC district will serve the needs of locals and visitors.~~

(b) See sSchedule of uUses in Article VIII of this ordinance for permitted, ~~nonpermitted~~, and conditional uses.

(c) General regulations of the HC district ~~Highway Commercial Corridor District~~ are contained in the table belows follows:

Minimum lot area	None
Minimum lot width (street frontage)	None 60 feet
Minimum lot depth	100 200 feet
Minimum lot size (area)	6,000 square feet

Minimum front yard

5 feet 10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Drive-in gasoline service islands may not be located nearer than 25 feet to the front property line.

Minimum side yard

None 15 feet

Minimum side yard, adjacent to SF, MR, MH districts 15 feet plus one additional foot for each additional street

one-foot in height above 15 feet 10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.

Minimum rear yard

10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.

Minimum rear yard, adjacent to SF, MR, MH districts 25 feet

Maximum lot coverage (all structures)

75-80 percent (75-80%)

Maximum structure height (stories)

32 stories

Maximum structure height (feet)

42'

Maximum density/residential units per acre

18

Buffer zone, HC to SF, MR, MH, or CHD

A buffer zone of 30 feet plus an approved eight-foot privacy fence shall be maintained.

Fire lane

A minimum fire lane of 16 feet shall be maintained adjacent to one side of the building having entry doors.

HC DISTRICT

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

(d) Accessory buildings. No commercial accessory building, as permitted herein, shall be more than fifteen (15) feet in height or 750 square feet in size. Accessory buildings shall be compatible with the aesthetics of the primary structure. No accessory building may be closer than five feet to the main building in the rear yard. Accessory buildings, as permitted herein, are allowed in side yards, provided, however, that

no accessory building be closer than five feet to any main building, nor closer than five feet to a common PUD, DD, CD, HC, IP, PFD, or RVP District property line, unless the property line is common to a street, in which case the minimum setback shall be 30 feet. If common property line to SF, MR, MH, or CHD Districts, the minimum setback shall be 15 feet if a 30-foot plus eight-foot privacy fence buffer exists. No accessory building shall be allowed in the front yard or allowed to extend beyond the front line of the main building.

(e) Parking regulations. See Article _____ of this Chapter.

(f) Tree and landscape regulations. See Chapter 15 of the Municipal Code of Ordinances.

(g) Lighting regulations. See Chapter 3 of the Municipal Code of Ordinances.

(h) Additional requirements for the Highway Commercial Corridor District include, but are not limited to, the following:

(1) Unless otherwise authorized within the Schedule of Uses, all business activity shall be conducted entirely within a building(s).

(2) Outdoor trash receptacles shall be placed in the side or rear yards, and shall be screened on at least three sides by a fence, plantings, or another suitable visual barrier;

(d) Additional requirements for HC include, but are not limited to, the following:

(1) All ~~u~~ses within this district shall be of a retail, service, or office character. A mixture of uses may be permitted undertaken provided they occur within a planned unified development project.

(2) ~~Business~~All businesses activity shall be conducted entirely within a building, with the exception of ~~except for 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 ~~e~~xterior 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 it ~~[it] does not extend into adjacent residentially zoned properties.~~ shall be placed in accordance with the City's Lighting Ordinance and designed for lighting not to illuminate into adjacent residential 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~~another suitable visual barrier, and.

(5) If development within this district is configured as a pedestrian mall, either indoor or outdoor, sales from small stand alone booths, kiosks, sidewalk type cafes, stands, carts, or other display devices shall be permitted within the pedestrian walking areas of the mall. This zoning district is intended to ~~encourage~~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.

Section 4-11 Industrial Park District - IP

- (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 Industrial Part District is to~~ purpose of the IP district is to provide for a range of light industrial uses, ~~e.g., including assembling,~~ research and development, ~~warehousing~~ warehousing, and distribution. ~~The Industrial Park District district also accommodates support services for industrial development, such as office, commercial, and professional services. Requirements gulations herein are designed to ensure compatibility among the various uses allowed in the IP-dDistrict, and to protect adjacent nonindustrial development from potentially-incompatible uses and conditions.~~
- (b) See ~~sSchedule of aUses in Article VIII of this ordinance~~ for permitted, ~~nonpermitted,~~ and conditional uses.
- (c) General regulations of ~~the Industrial Park dDistrict are contained in the table below as follows:~~

Minimum lot area	None
Minimum lot width (street frontage)	None 100 feet
Minimum lot depth	None 100 feet
Minimum lot size (area)	10,000 square feet
Minimum front yard	3050 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Drive-in gasoline service islands may not be located nearer than 25 feet to the front property line.
Minimum side yard	2025 feet adjacent to IP; 50 feet adjacent to PUD, DD, CD, HC, PFD, or RVP, all except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum side yard, adjacent to street	50 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum rear yard	Ten25 feet adjacent to IP; 50 feet adjacent to PUD, DD, CD, HC, PFD, or RVP, all except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum side yard, adjacent to SF, MR, MH districts	50 feet
Maximum lot coverage (all structures)	8060 percent (680%)

<u>Maximum structure height (stories)</u>	<u>653 stories/feet</u>
<u>Maximum structure height (feet)</u>	<u>42'</u>
<u>Buffer zone, IP to SF, MR, MH, or CHD</u>	<u>A buffer zone of 300 feet, a street plus 200 feet, or 100 feet plus an approved eight-foot privacy fence shall be maintained.</u>
<u>Fire lane</u>	<u>A minimum fire lane of 16 feet shall be maintained on two nonadjacent sides of the building having doors.</u>
<u>Safety</u>	<u>All IP property lines abutting any other district shall have a privacy fence with a minimum barrier height of eight feet or approved equal. Privacy fence may be deleted across the front of the property, provided the fence abuts each side of the building at not more than 20 feet behind the front line of said building.</u>

IP-DISTRICT

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

(d) Accessory buildings. No commercial accessory building, as permitted herein, shall be more than fifteen (15) feet in height or 750 square feet in size. Accessory buildings shall be compatible with the aesthetics of the primary structure. No accessory building may be closer than five feet to the main building in the rear yard. Accessory buildings, as permitted herein, are allowed in side yards; provided, however, that no accessory building be closer than five feet to any main building, nor closer than five feet to a common PUD, DD, CD, HC, IP, PFD, or RVP District property line, unless the property line is common to a street, in which case the minimum setback shall be 30 feet. If common property line to SF, MR, MH, or CHD Districts, the minimum setback shall be 50 feet if a 300-foot buffer exists, 80 feet if a 200-foot plus street buffer exists, or 30 feet if a 100-foot plus eight-foot privacy fence buffer exists. No accessory building shall be allowed in the front yard or allowed to extend beyond the front line of the main building.

(c) Parking regulations. See Article _____ of this Chapter.

(f) Tree and landscape regulations. See Chapter 15 of the Municipal Code of Ordinances.

(g) Lighting regulations. See Chapter 3 of the Municipal Code of Ordinances.

(h) Additional requirements for the Industrial Park District include, but are not limited to, the following:

(1) Unless otherwise authorized within the Schedule of Uses, all business activity shall be conducted entirely within a building(s).

(2) Outdoor trash receptacles shall be placed in the side or rear yards, and shall be screened on at least three sides by a fence, plantings, or another 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 (h)(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 City Council 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 Administrator and the volunteer 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 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

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

(d) Additional requirements for IP include, but are not limited to, the following:

- (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 it does not extend into adjacent residentially zoned properties, placed in accordance with the City's Lighting Ordinance, and designed for lighting not to illuminate into adjacent residential 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 another suitable visual barrier, and;
- (3) Every use shall be conducted and operated in a way that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the parcel on which the use is located.
- (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.
- (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
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004

Table 1. Displacement Limits for Vibration

Frequency Cycles Per Second	Displacement in Inches
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).

Section 4-12 Downtown District Overlay-- DD

(a) ~~The purpose of the purpose of the DO Downtown dDistrict oOverlay is to is to recognize the historical, cultural, and aesthetic importance of certain buildings, structures, or areas districts within the eCity, and The City Council desires t to protect and preserve such landmarks of both historical and cultural significance, and improve preservation as well as and importance to the eCity's economic well-being. These dDistrict does not replace the requirements set forth in Johnson-City's the Historic Overlay District outlined herein 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. Pedestrian-friendly design through the incorporation of architectural elements, such as awnings, porches, and sidewalk displays, are encouraged.~~

(e) ~~(c) Any sStructural renovations, maintenance, enhancement, tear-down, and/or new construction performed in the Downtown District should shall be in harmony with the characteristics of the rest of the District. All exterior renovations, maintenance, enhancement, tear-down, or new construction shall be reviewed and approved in accordance with the Historic Overlay District outlined herein 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.~~

(ed) ~~General regulations of the Downtown District the Downtown District Overlay are detailed in the table below DD are as follows:-~~

Minimum lot size (area)	None
Minimum lot width (street frontage)	None
Minimum lot depth	None
Minimum lot size (area)	None
Minimum front yard	None
Minimum side yard	None
Minimum side yard, adjacent to street	10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.
Minimum rear yard	10 feet abutting SF, MR, MH, or CHD or 0 feet abutting CD, HC, IP, DD, PFD, or RVP, except in areas platted where setback minimums are

	established prior to the effective date of this Chapter.—
<u>Minimum side yard, adjacent to SF, MR, M districts</u>	=
<u>Maximum lot coverage (all structures)</u>	80100 percent (8100%)
<u>Maximum structure height (stories)</u>	2 stories35 feet
<u>Maximum structure height (feet)</u>	35'
<u>Buffer zone, DD to SF, MR, MH, or CHD</u>	An approved eight-foot privacy fence shall be maintained.
<u>Fire lane</u>	A street or a minimum fire lane of 16 feet shall be maintained adjacent to one side of the building having entry doors.

DO DISTRICT

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

(e) Architectural standards for the Downtown District include, but are not limited to, the following: are as follows:

- (1) Use of brick/masonry, solid wood planking, and fiber cement siding are permitted. Materials used shall should be in keeping withbe compatible towith those materials in the rest of the rest of the dDistrict to maintain the historic character of the downtown area;:-
- (2) Permitted building elements include a gallery, awning, porch, stoop, or a balcony; and-
- (3) A minimum 30% transparency is required for the building ng faefacadeade.

(f) Accessory buildings. No commercial accessory building, as permitted herein, shall be more than fifteen (15) feet in height or 750 square feet in size. Accessory buildings shall be compatible with the aesthetics of the primary structure. No accessory building may be closer than five feet to the main building in the rear yard. Accessory buildings, as permitted herein, are allowed in side yards; provided, however, that no accessory building be closer than five feet to any main building, nor closer than five feet to a common property line, unless the property line is common to a street, in which case the minimum setback shall be 30 feet. No accessory building shall be allowed in the front yard or allowed to extend beyond the front line of the main building.

(g) Parking regulations. No minimum parking regulations within the Downtown District.

(h) Tree and landscape regulations. See Chapter 15 of the Municipal Code of Ordinances.

(i) Lighting regulations. See Chapter 3 of the Municipal Code of Ordinances.

(j) Additional requirements for the Downtown District include, but are not limited to, the following:

(1) Unless otherwise authorized within the Schedule of Uses, all business activity shall be conducted entirely within a building(s).

(2) Outdoor trash receptacles shall be placed in the side or rear yards, and shall be screened on at least three sides by a fence, plantings, or another suitable visual barrier.

(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 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. ——— 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.
- (c) ~~The minimum size of a micro housing dwelling unit shall be 300 square feet; the maximum size will be 750 square feet.~~
- (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.
- (e) 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).

Section 4-13 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, non-profit, and cooperative buildings of the City, County, State, ~~or~~ Federal governments or other entities. 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~~ schools, and churches. With City Council approval, this zoning classification may be applied to a properties within a situated in any other district in 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 pPark area shall be described as a public facility district for City map classification purposes only.~~
- (eb) See Schedule of Uses for permitted, nonpermitted, and conditional uses.
- (c) General regulations of the Public Facilities District are as follows:

<u>Minimum lot width (street frontage)</u>	<u>60 feet</u>
<u>Minimum lot depth</u>	<u>100 feet</u>
<u>Minimum lot size (area)</u>	<u>6,000 square feet</u>
<u>Minimum front yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Drive-in gasoline service islands may not be located nearer than 25 feet to the front property line.</u>
<u>Minimum side yard</u>	<u>None.</u>

<u>Minimum side yard, adjacent to street</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Minimum rear yard</u>	<u>10 feet, except in areas platted where setback minimums are established prior to the effective date of this Chapter.</u>
<u>Maximum lot coverage (all structures)</u>	<u>80 percent (80%)</u>
<u>Maximum structure height (stories)</u>	<u>2 stories</u>
<u>Maximum structure height (feet)</u>	<u>35'</u>
<u>Buffer zone, PFD to SF, MR, MH, or CHD</u>	<u>A buffer zone of 30 feet plus an approved eight-foot privacy fence shall be maintained.</u>
<u>Fire lane</u>	<u>A minimum fire lane of 16 feet shall be maintained adjacent to one side of the building having entry doors.</u>

(d) Accessory buildings. No commercial accessory building, as permitted herein, shall be more than fifteen (15) feet in height or 750 square feet in size. Accessory buildings shall be compatible with the aesthetics of the primary structure. No accessory building may be closer than five feet to the main building in the rear yard. Accessory buildings, as permitted herein, are allowed in side yards; provided, however, that no accessory building be closer than five feet to any main building, nor closer than five feet to a common PUD, DD, CD, HC, IP, or RVP District property line, unless the property line is common to a street, in which case the minimum setback shall be 30 feet. If common property line to SF, MR, MH, or CHD Districts, the minimum setback shall be 15 feet if a 30-foot plus eight-foot privacy fence buffer exists. No accessory building shall be allowed in the front yard or allowed to extend beyond the front line of the main building.

(e) Parking regulations. See Article _____ of this Chapter.

(f) Tree and landscape regulations. See Chapter 15 of the Municipal Code of Ordinances.

(g) Lighting regulations. See Chapter 3 of the Municipal Code of Ordinances.

(h) Additional requirements for the Public Facilities District include, but are not limited to, the following:

- (1) Unless otherwise authorized within the Schedule of Uses, all business activity shall be conducted entirely within a building(s).
- (2) Outdoor trash receptacles shall be placed in the side or rear yards, and shall be screened on at least three sides by a fence, plantings, or another suitable visual barrier.

Section 4-14 Recreational Vehicle Park District – RVP

Section 4-15 Historic Overlay District

Division 4. Historic Preservation

Section 4-19 (a) Definitions

The following words and terms used in this Division shall have the following meanings, unless the context clearly indicates otherwise:

Historic overlay district - H An area which has outstanding historical and cultural significance in the United States, 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 United States, State, region, or City;
- (2) Historic structures, sites, or areas that are identified with the lives of historic personages or with important events in United States, State, regional, or local history; and
- (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 United States, State, 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.

(b) Section 4-20 Authorities

- (a) Historic Review Board. The Planning and Zoning Commission (P&Z) shall serve as the Historic Review Board, the "Board". The Board shall act in an advisory capacity only, and shall have no power to bind the eCity by contract or otherwise. It shall be the function of the Board to advise the eCity eCouncil on a proposed designation of a historic landmark or property or, and on an application for a eCertificate of rReview, as provided herein.
- (2b) City Council. The City Council shall be the exclusive authority to approve the designation of a property as a local historic landmark and the inclusion of a property in a local historic district. In addition, the City Council shall have final authority on an application for a eCertificate of rReview.

(c) Section 4-21 Designations

~~(a1) Current Designation. The eCity eCouncil designates the area notated on the Official Zoning Map as the "Historic Overlay District."~~

~~(b2) Identification. The A zOfficial Zoning mMap shall reflect the Historic Overlay District by the letter "H"; and a historic landmark by the designation "HL", in addition to any other zoning district designation established in this eOrdinance.~~

~~(e3) New Designation. Designation of a property as a local historic landmark, or of a property for inclusion within the boundaries of the a-hHistoric eOverlay dDistrict shall be conducted in accordance with the requirements contained in Section 211.01625 of the Texas Local Government Code, as amended, including owner's consent, and the provision of an impact statement to the owner.~~

~~(4d) Application and Review. An application for a historic designation or landmark shall be reviewed and processed in accordance with the zoning amendment procedures contained within Article III of this Ordinance. application process for City Council Hearing and Action outlined in this Ordinance.~~

~~(e5) Designation Criteria. In designating an area as a historic district or a place as a historic landmark, the following criteria shall be considered:~~

~~(+a) Character, interest, or value a as part of the development, heritage, or cultural characteristics of the eCity;~~

~~(b2) Location as the site of a historical event;~~

~~(c3) Embodiment of distinguishing characteristics of an architectural type or specimen;~~

~~(d4) Relationship to other distinctive buildings, sites, districts, or structures which are historically significant and preserved, or which are eligible for preservation;~~

~~(e5) Unique location of singular physical characteristics represents an established and familiar visual feature of a neighborhood, community, or the eCity;~~

~~(f6) Value as an aspect of community sentiment of public pride; and~~

~~(g7) Identification with a person or persons who significantly contributed to the development or culture of the eCity.~~

(d) Section 4-22 Violation; Penalty

~~(a1) Misdemeanor declared. 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~~Section. Violation of any provision of this Section ~~division~~ is a misdemeanor.

~~(b2)~~ Enforcement and Penalty. A violation of this Section ~~division~~ shall be processed in accordance with the ~~Violation and Enforcement~~ provisions of this Ordinance. Each day such violation continues shall constitute a separate violation.

Division 3. Specific Uses

Section 4-146 Conditional Use Permit, ~~also Special Exception~~ - CUP

(a) Definition. A conditional use permit – “CUP” – provides for a use that may be deemed compatible with the land use in a zoning district and with conditions governing the use. A CUP is also described as a special exception at Section 211.009(a)(2) of the Texas Local Government Code, as amended.

(b) Purpose. The purpose of a CUP is to allow a use to be located or expanded within a designated zoning district under specific standards, controls, limitations, performance criteria, restrictions, and other regulations. A CUP also allows a use which, if not specially regulated, could have an undue impact on, or be incompatible with, other uses of land within the zoning district or adjacent to a zoning district.

(c) Applicability. A use that requires a CUP is prohibited in the eCity unless a CUP is permitted under the Schedule of Uses, and a permit is issued by the City Council BOA for such a use in accordance with this Ordinance. See Schedule of Uses for permitted CUPs in specific zoning districts.

~~(d) Preapplication Meeting. An applicant for a CUP shall meet with the zoning administrator in a preapplication conference to discuss the process, requirements, and potential conditions for a CUP. Action taken and statements made at a preapplication meeting shall not be considered binding commitments or an approval of an application.~~

~~(e) Application and Review. An application for a CUP shall be submitted for review by the P&Z and approval by the City Council the BOA in accordance with the zoning amendment procedures contained within Article III of this Ordinance, application procedures, including notice and public hearing, of this Ordinance.~~

~~(f) Considerations for Review. In reviewing a CUP application, the P&Z and City Council BOA shall consider the CUP's:~~

~~(1) Conformance with applicable regulations and standards of the zoning district in which it is to be located;~~

~~(2) Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk,~~

scale, setbacks, open spaces, landscaping, ~~and~~ site development, and access and circulation capacity;

(3) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from the use of the site by a permitted use, including without limitation:

(i) Location, lighting, ~~and~~ type of signs, and the relation of signs to adjacent properties;

(ii) Noise producing elements;

(iii) Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;

(iv) Safety from fire hazard ~~and~~ measures for fire control; and

(v) Protection of adjacent property from drainage, floods, erosion, or other water damage.

(4) Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, including, but not limited to, ~~and~~ the effect of traffic reasonably expected to be generated by the proposed use ~~and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area~~ and the ability of the State and eCity's existing transportation network to handle the traffic; and

(5) Compliance with the Comprehensive Plan and whether the proposed use is compatible with existing and planned development of surrounding properties, including those that ~~and will~~ promote economic growth.

(~~g~~f) Conditions for CUP. In granting a CUP, the P&Z and City Council ~~BOA~~ may impose any conditions necessary to assure that the proposed use will, as reasonably practical, conform to the zoning requirements of the zoning district in which it is located. Conditions include, but are not limited to:

(1) More restrictive sign standards;

(2) Additional open space, landscaping, or screening requirements;

(3) Additional yard requirements;

(4) Special lighting requirements;

(5) Time limitations on hours of operation;

(6) Additional off-street parking and loading requirements;

(7) Additional utility, drainage, and public facility requirements;

(8) Additional right-of-way and public access requirements;

(9) Additional requirements to ensure compatibility with the eComprehensive pPlan;

(10) Time limits or expiration dates;

(11) Provisions for periodic review and renewal or extension; and

(12) Conditions for expiration and/or revocation of the CUP.

(hg) Action by the BOA City Council. Final determination on a CUP application shall be issued by the City Council BOA in accordance with Article III of this Ordinance. ~~the BOA hearing and action procedures of this Ordinance.~~

(ih) Resubmission on denial. A CUP application which has been denied shall not be resubmitted in substantially the same form within one (1) year of the date of denial.

(ii) Validity and Extension.

(1) Validity. Unless a time limit is specified, a CUP shall be valid for an indefinite period.

(2) Lapse. If the conditional use, or related construction has not commenced or been diligently pursued within one (1) year from the CUP approval date, the CUP shall lapse.

(3) Extension. A CUP permit holder may request, prior to the one-year expiration term, an extension of time for the implementation and/or completion of improvements required as a condition.

(i) An extension request shall be in writing and include payment of required fees, along with a written description of the reasons for the applicant's inability to comply with the specified deadlines.

(ii) Upon review and satisfactory findings for compliance with the approved CUP, the zoning administrator may extend a CUP for up to one (1) year.

(iii) An extension may be denied for noncompliance or failure by the permit holder to correct the noncompliance within a specified time.

(iv) On denial of an extension request, a CUP shall terminate and the applicant may resubmit a new CUP application in accordance with the application requirements of this Ordinance.

(ik) Expiration. A CUP shall automatically expire without notice, and shall be null and void in the following cases:

(1) Lapse of approval time, as described above;

(2) There is a change in ~~the use of~~ the property;

(3) The use is relocated; or

(4) The use ceases for a period of six (6) consecutive months ~~from the date of approval.~~

(k) Revocation. After notice and hearing, a CUP is revocable by written order of the ~~BOA~~ City Council upon a determination of noncompliance with the requirements and conditions of the CUP. A revoked CUP shall be null and void.

(m) Renewal.

(1) A CUP with an established time period that is not renewed prior to its expiration shall expire without notice, and ~~shall be null and void.~~

(2) A renewal may issue for a new time period provided that the use is allowed in the zoning district in which the CUP is located.

(3) An application for renewal shall be processed as a new application, and shall be reviewed for compliance with original conditions, and to determine if the use still satisfies the provisions of this ~~e~~ Ordinance.

(4) The ~~City Council BOA~~ shall issue, by ordinance, a final determination on a renewal application.

(n) Reinstatement. A new application and subsequent approval are required to reinstate a CUP which has expired, terminated, or been revoked.

(o) Amendments. A request to modify, expand, or otherwise change an approved CUP not in substantial conformance with the approved permit shall be processed as a new application.

~~See Article VIII. Schedule of Uses for permitted and conditional uses.~~

Section 4-175 Planned Unit Development District - PUD

(a) Definition. A ~~p~~Planned ~~u~~Unit ~~d~~Development ~~d~~District: "PUD" is a zoning designation ~~pertaining to for a large or complex single or multi-use development developed as a single contiguous project and under unified control.~~ A PUD ~~provides allows flexibility in development standards, and it and accommodates multiple uses as one integrated land use which could not have been attained through conventional zoning.~~ ~~A variety and number of residential and commercial uses on one multi-acre tract of land is an example of a PUD.~~

(b) Purpose. The purpose of ~~the a~~ PUD is to preserve the natural environment, encourage high-quality

development and innovative design, and ensure adequate public facilities and services for development within a ~~land tract of land~~. Generally, Aa PUD development:

- (1) Provides 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) Provides for ~~the a more~~ efficient layout of land uses, buildings, circulation systems, and infrastructure;
- (3) Encourages infill projects and the development of sites difficult for conventional development ~~due to because of tract shape and/or~~, size, abutting development, poor accessibility, or topography;
- (4) Provides an environment that contributes to a sense of community and a coherent living style;
- (5) Encourages the preservation and enhancement of natural amenities and cultural resources;
- (6) Protects the natural features of a site ~~, topography, shape, and size~~ and provides for open space; and
- (7) Is compatible with adjacent land uses.

(c) Applicability. A PUD is prohibited in the eCity unless it is approved by the City Council BOA for such use in accordance with this eOrdinance. A PUD shall not be sought to avoid the standards and requirements of other ~~zoning d~~Districts, but rather, a PUD shall be sought to accomplish the purposes of this Section.

(d) Qualifying PUD Standards.

- (1) Minimum Acreage. ~~No minimum. A PUD shall contain a minimum of ten-10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.~~
- (2) Unified Control. A PUD ~~development~~ shall be under the control of one owner or a ~~one~~ group of owners; and shall be planned and developed as one integral unit.
- (3) Comprehensive Plan. A PUD shall be consistent with the City's Comprehensive Plan.

(e) Permitted Use Requirements.

- (1) Uses. Any permitted use, special exception, or conditional use allowed within a tract's base ~~zoning d~~District of this Ordinance may be permitted in a PUD, provided that the standards and requirements, as outlined in this Ordinance, ~~for that use are met also within the PUD.~~
- (2) Mixed-Use. A mixture of Rresidential and non-residential uses are allowed in combination in a PUD in order to create an integrated, mixed-use development. ~~Each portion of the PUD with that~~

~~particular use shall meet the requirements of the zoning district that corresponds to each element of the proposed development.~~

~~(3) Variations from a tract's the-base zZoning District requirements shall be identified, in writing, by the applicant. Adjustments Variations shall be reviewed and approved by the Planning and Zoning Commission and City Council. &Z and BOA.~~

~~(f) Preapplication Meeting. An applicant for a PUD shall meet with the zoning administrator in a preapplication conference to discuss the process, requirements, and potential conditions for a PUD. Action taken and statements made at a preapplication meeting shall not be considered binding commitments or an approval of an application. PREAPPLICATION CONFERENCE WITH COUNCIL 2020~~

~~(g) Application and Review. An application for a PUD application zoning shall include a general land use map and a proposed master site development plan. A PUD application shall be submitted for review by the Planning and Zoning Commission P&Z and the City Council, BOA in accordance with Article III the application procedures, including notice and public hearing, of this Ordinance.~~

~~(g) Site Design Criteria. A PUD general land use map and master site development plan shall contain one (1) or more of the at least six of the following site design elements, as applicable:~~

~~(1) Mixed-use development with residential and non-residential uses;~~

~~(2) Residential development with ~~or~~ a variety of housing types;~~

~~(23) Pedestrian / transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;~~

~~(34) High quality architectural design beyond the master site development plan requirements of this sSection;~~

~~(45) Extensive landscaping beyond the master site development plan requirements of this s Section;~~

~~(56) Preservation, enhancement, or restoration of natural resources, such as ~~e.g.~~ trees, slopes, wetland areas, views, et ceterae;~~

~~(67) Preservation, enhancement, ~~or~~ restoration of significant or historic resources;~~

~~(78) Provision of a significant amount of minimum of twenty (20) per cent of gross platted area for open space / parkland, ~~or~~ public plazas, or related features. Open space shall not include areas designated or used as parking lots, garages, streets, or driveways;~~

~~(89) Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions, such as topography, shape, et ceterae;~~

~~(910) Effective transition between higher and lower density uses, and/or between nonresidential and residential uses;~~

~~(10) Use of incompatible adjacent land uses developed in a manner that is not possible using a conventional approach;~~

(11) Shared vehicular and pedestrian access between properties or uses;

(12) Mitigation to offset impacts on public facilities, such as ~~e.g.~~ street improvements, utility lines, et cetera; or

(13) Significant use of sustainable building and/or site design features, such as water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management design, optimized energy performance, on-site renewable energy, passive solar heating, reuse / recycled / renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

(h) Site Plan Criteria. A PUD general land use map and master site development plan shall contain the following:

(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, the 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 do not detract from the design of the proposed structures and neighboring properties;

(4) Private streets and gates may be approved as a part of the application, however, they ~~but~~ are not required;

(5) The maximum height of structures, ~~shall be as prescribed for each land use category;~~

(6) Building S setbacks, ~~shall be governed by the PUD site plan;~~

(7) A minimum of twenty (20) percent of gross platted area significant amount of shall be open green space / parkland shall be included in the master site development plan. Open space / parkland may ~~This shall include~~ community recreational areas that are continuously maintained. Open space / parkland shall not include areas specifically designated or used as parking lots, garages, streets, or driveways;

(8) Outdoor lighting shall be fully-shielded and night sky friendly in order to limit impacts on abutting residential units and reduce light pollution; and

(9) Utilities and infrastructure shall meet the standards of the City's sSubdivision rRegulations. Design

~~Standards, and the City most recently adopted International Codes.~~

~~(ii) Criteria for PUD Review. The following factors shall be considered for the approval of issuance of a PUD, including, but not limited to:~~

- ~~(1) Compliance with The relation of the proposed use to the City's eComprehensive pPlan;~~
- ~~(2) The zZoning dDistrict in which the PUD use is to be located;~~
- ~~(3) The character of adjacent properties, surrounding neighborhoods, and existing and proposed development;~~
- ~~(4) Whether the usePUD is to be adequately served by essential public services, such as streets, drainage facilities, fire protection, and public water and sewer facilities;~~
- ~~(5) Whether the usePUD results in the destruction, loss, or damage of any feature determined to be of significant ecological, scenic, or historical importance; and~~
- ~~(6) That the usePUD shall be designated, sited, and landscaped so that the usePUD will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.~~

~~(jk) Action by the BOA City Council. Final determination on a PUD application shall be issued by the City Council, BOA in accordance with Article III the BOA hearing and action procedures of this eOrdinance.~~

~~(hk) Approval. An ordinance approving a PUD zoning shall include the general land use map, master site development site plan, specific uses permitted, and conditions for the PUD, and as well as a statement as to the purpose and intent of the PUD. Only those uses approved shall be permitted and shall operate in accordance with the stipulated approved conditions.~~

~~(m) Final Site Plan Submittal and Approval. Following zoning approval, the final site plan for the PUD shall be submitted for review and approval in accordance with the site plan review process outlined in the Subdivision Ordinance.~~

~~(nl) Lapse of PUD Approval. In accordance with Texas Local Government Code Section 245.005(b), a PUD permit shall expire at two years following the approval date, and projects shall expire at five years following the approval date unless progress is made toward the completion of the project PUD permit shall expire two (2) years from the date of permit issuance and a PUD project shall shall expire five (5) years from the date the first permit application was filed for the project, unless progress is made toward the completion of the project, including any of the following:~~

- (1) An application for a final plan is submitted to the eCity;
- (2) A good-faith attempt is made to file with the eCity an application for a permit necessary to begin or continue toward the completion of the project;
- (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
- (4) Fiscal security is posted with the eCity to ensure performance of an obligation required by the eCity; or
- (5) Utility connection fees or impact fees for the project have been paid to the eCity.

Section 4-168 Similar Land Use

(a) Purpose. The purpose of this sSection is to provide for consideration and accommodation of a proposed land use which had not been anticipated at the time of adoption of this eOrdinance, and, consequently, is not addressed in the Schedule of Uses of this eOrdinance.

~~(b) Preapplication Meeting. — An applicant for a similar land use zoning shall meet with the zoning administrator in a preapplication conference to discuss the process, requirements, and potential conditions for the zoning.~~

(eb) Determination. Before proceeding forward with an application, the zZoning aAdministrator shall determine whether the proposed use:

- (1) Is not listed as a permitted, special exception, or conditional land use in the tract's any-other zZoning dDistrict;
- (2) Is consistent with the dDistrict's purpose;
- (3) Is similar to other allowed uses relative to its character, scale, and overall compatibility;
- (4) Is not expected to create objectionable impacts to public health, safety, and welfare if it were established in the applicable zZoning dDistrict; and
- (5) Would not be more appropriate within a different zZoning dDistrict.

(dc) Compliance. -If a proposed use is determined to be similar to other uses listed within the dDistrict the proposed use is to be located, the use shall comply with all the standards or requirements of that dDistrict. The determination shall be considered an interpretation of the use regulations, and it is not

to be considered as a variance. Once a use has been determined to be similar, it shall be deemed included in the Schedule of Uses, as regulated.

(ed) Application and Review. An application for a similar land use ~~determination zoning~~ shall be submitted for review by the Planning and Zoning Commission, P&Z in accordance with Article III the application procedures, including notice and public hearing, of this eOrdinance.

(ef) Action by the City Council. Final determination on a similar land use application shall be issued by the City Council, in accordance with Article III the hearing and action procedures of this eOrdinance.

(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. Each day such violation continues shall constitute a separate violation.~~

Section 4-197 Nonconforming Use

~~(a) Definition. A nonconforming use is that land use, structure, or lot which does not conform to the requirements of this ordinance because such use had been established, and has been in existence prior to and after the effective date of adoption of this ordinance. Nonconforming use also includes a land use, structure, or lot which does not conform to the requirements of this ordinance as a result of the adoption or amendment of this ordinance or of any subsequent reclassification of a zoning district.~~

~~(b) Purpose. The purpose of this section is to regulate and limit nonconforming uses. The intent of this section is not to eliminate a nonconforming use outright, but to eventually improve its status to conformance to preserve the integrity of this ordinance and the desired character of the city.~~

~~(c) Reversion. Where a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter revert to a nonconforming use. If no structural alterations are made to a nonconforming use, a nonconforming use may be changed to another nonconforming use of the same classification.~~

~~(d) Expansion. A nonconforming use shall not be expanded or extended beyond its established floor or lot area without approval by the BOA as provided in this section.~~

~~(e) Applicability. An application for a change to a nonconforming use may be made:~~

~~(1) to reconstruct a nonconforming structure that has been destroyed;~~

~~(2) to expand or expand a nonconforming use of a structure beyond its established floor or lot area because of exigent circumstances; or~~

~~(3) to resume a nonconforming use previously abandoned upon a showing that abandonment deprives the property owner of substantially all use or economic value of the land.~~

~~(f) Application and Review. An application for a nonconforming use change shall be submitted for review~~

by the P&Z in accordance with the application procedures, including notice and public hearing, of this ordinance.

(e) Criteria for Review. Reconstruction, extension, or enlargement of a nonconforming structure on a conforming lot or tract may be permitted provided such:

- (1) Does not prevent the reversion of such property to a conforming use;
- (2) Does not exceed 25% of the ground area of the existing building;
- (3) Complies with side yard requirements and existing setback;
- (4) For a nonconforming residential use, the expansion does not increase the number of dwelling units to more than the number existing when the use became nonconforming; and
- (5) Does not allow such building to be used for a use which would be restricted to a more restrictive classification.

(f) Conditions. A time limit may be imposed specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the zoning ordinance for the district in which the nonconforming use is located. The P&Z/BOA may prescribe additional conditions for a nonconforming use such as those listed in this ordinance for a CUP.

(g) Action by the BOA. Final determination on a nonconforming use application shall be issued by the BOA in accordance with the BOA hearing and action procedures of this Ordinance.

(j) Discontinuation; Abandonment. A nonconforming use shall be deemed abandoned if the use has been discontinued for a period of more than two years, which calculation includes that time period prior to the effective date of this ordinance. Upon abandonment, such nonconforming use shall not be renewed or reestablished. Subsequent use of the land, lot, or structure shall conform to and be in accordance with the regulations of this ordinance for that district in which the nonconforming use was located.

(k) Special Exceptions. The section does not apply to modifications or conditions granted in a conditional use permit or in a variance as provided in this Ordinance.

1. Continuation of use. Any nonconforming use of land may be continued in present use indefinitely and is transferable. If, however, a continuous operation is not carried on in such nonconforming use during a continuous period of one year, the building, the structure, or tract of land where the nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operation shall not affect the foregoing.
2. Change of use. A nonconforming use may be changed to any conforming use. A nonconforming

use shall not be changed to any other type of nonconforming use.

3. Damage and destruction. A nonconforming use occurring within a building or structure shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In the case of partial destruction, not exceeding 50 percent (50%) of the building or structure's value, the Development Services Department shall issue a permit for reconstruction. If greater than 50 percent (50%) of the building or structure's value, the building or structure shall be brought into compliance or a zoning variance requested through the Board of Adjustment.
4. Enlargement. A nonconforming use shall not be enlarged or extended with respect to the operation of the use in a building or structure, except in compliance with zoning requirements for that district.
5. Normal maintenance. Normal maintenance of a building or structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations not extending the operation of the nonconforming use.
6. Structural changes. No structural alteration shall be made in a building or other structure containing a nonconforming use, except that required by law.

Section 4-20 Nonconforming Structure

1. Limitation on regulations. No structure, otherwise in accordance with the provisions of these regulations or an amendment hereto, shall be rendered or be deemed a nonconforming structure solely for a failure to comply with provisions relating to signs.
2. Continuance of nonconforming structures. Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions herein established for structures in the district in which the nonconforming structure is located.
3. Accidental damage to building. If a nonconforming structure is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform to the provisions contained herein. In the case of partial destruction by fire or other causes, not exceeding 50 percent (50%) of the structures value, the Development Services Department may issue a permit for reconstruction. If greater than 50 percent (50%) of the structures value, the Board of Adjustment may grant a permit for repair but not for the enlargement of the structure.
4. Obsolescence of structure. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or substandard under any applicable Code of the City and the cost of placing such structure in lawful compliance with the applicable regulation exceeds 50 percent (50%) of the replacement cost of such structure on the date that the Building Official, Code Enforcement Officer, and/or Chief Administrative Officer determines that such structure is obsolete or substandard.
5. Determination of replacement costs. In determining the replacement cost of any nonconforming structure, there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.
6. Alterations. The Board of Adjustment may grant, as a special exception, an application to extend

~~or enlarge a nonconforming structure, provided such grant does not serve to prevent the return of such structure to a conforming structure in the future.~~

Section 4-2148 Variance

(a) Definition. A variance is a change from the application of a specific requirement of this Ordinance to a land use or structure. ~~Reducing a minimum setback requirement is an example of a variance.~~

(b) Purpose. The purpose of this ~~s~~Section is to allow for a variance ~~n adjustment of to~~ a specific regulation of this Ordinance ~~to for~~ a parcel of land or a structure due to ~~because of an~~ extraordinary condition or a circumstance of hardship peculiar to the parcel or structure, and which is necessary to prevent the property from being deprived of rights and privileges enjoyed by ~~in~~ other parcels in the same vicinity and ~~z~~Zoning ~~d~~District. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on a property owner. ~~in general~~—Rather, it is intended to provide relief where the zoning requirements render the land or structure difficult or impossible to use because of some unique physical attribute of the property or structure itself or some other factor unique to the property or structure for which the variance is requested. State and/or ~~f~~Federal laws or requirements may not be varied by the ~~e~~City.

(c) Applicability.

(1) Presumption. There shall be a presumption against variances. ~~The~~ ~~G~~granting of a variance is not automatic.

(2) No Special Issuance. A variance shall not be granted if it would provide the applicant with special privileges not enjoyed by owners of other similarly situated properties or structures. ~~with similar timed development~~

(3) Findings Required for Variance Approval. No variance shall be granted by the Board of Adjustment ~~BOA~~ unless the ~~Board~~ ~~BOA~~ finds that all of the following conditions are met:

(i) There are special circumstances or conditions affecting the land or structure such that the literal enforcement of the provisions of this ~~e~~Ordinance would result in unnecessary hardship, and deprive the applicant of the reasonable use of the land or structure;

(ii) 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 or structures in the vicinity of the property;

(iii) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(iv) The variance is not contrary to the public interest, ~~and~~ is not detrimental to the public health, safety, or welfare, and is not ~~e~~injurious to other property within the area;

(v) The variance constitutes a minimal departure from this eOrdinance; and

(vi) The variance is in conformity with the spirit, general purpose, and intent of this eOrdinance so that:

(A) The public health, safety, and welfare may be secured; and

(B) That substantial justice may be done.

(d) Criteria Required for Hardship Showing. Undue hardship results where:

(1) A special individual reason makes the strict application of a provision of this eOrdinance impractical;

(2) There are special circumstances or conditions affecting the land or structure involved such that the strict application of the provisions of this eOrdinance would deprive the applicant of the reasonable use of his /her land or structure; and

(3) The applicant will incur specific hardships should the variance not be granted.

(4) Pecuniary hardship to the applicant, standing alone, shall not be deemed sufficient to constitute undue hardship.

(e) Hardship Considerations for a Structure. In determining a variance request for a structure, the Board of Adjustment P&Z/BOA may consider the following, outlined in Section 211.009 B-1 of the Texas Local Government Code, as grounds to determine whether compliance with this eOrdinance, as applied to a structure, would result in unnecessary hardship:

(1) the financial cost of compliance is greater than ~~fifty~~50 percent (50%) of the appraised value of the structure, as shown on the most recent property appraisal roll for the City;

(2) compliance would result in a loss to the lot on which the structure is located of at least ~~twenty-five~~ 25 percent (25%) of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of another ~~m~~Municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment of the structure on an adjacent property or easement; or

(5) the City considers the structure to be a nonconforming structure.

(f) Application and Review. An application for a variance shall be submitted for review by the Board of Adjustment, P&Z in accordance with Article III the application procedures, including notice and public

~~hearing~~ of this Ordinance. If an application is submitted at the same time as a plat submittal, it shall be considered concurrently with the plat application.

(g) Burden on Applicant. The applicant bears the burden of proof in establishing the facts that may justify a variance.

(h) Conditions. The Board of Adjustment ~~P&Z/BOA~~ may prescribe conditions, such as those listed in this ~~Ordinance for a Conditional Use Permit. CUP.~~

(i) Action by the BOA. Final determination on a variance application shall be issued by the BOA, in accordance with ~~Article III the BOA hearing and action procedures~~ of this Ordinance.

(j) Findings Required on Approval.

(1) On approval of a variance, the BOA shall issue findings stating that:

(i) Granting the variance will not be detrimental to the public safety, health, or general welfare, will not be injurious to other property or to the owners of other property, and will not prevent the orderly subdivision of other property in the vicinity;

(ii) The condition(s) upon which the request for a variance is based is unique to the property for which the variance is sought and is not applicable generally to other property;

(iii) Because of the particular physical surroundings, shape, and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(iv) The variance will not in any manner vary the provisions of this Ordinance, the City's Comprehensive Land Use Plan, or any other adopted land plan(s) or ordinance(s) of the City;

(v) The alternate design will generally achieve the same result or intent of the standards and regulations prescribed herein; and

(vi) If applicable, the variance will enable the applicant to preserve more native trees, provide more open space, or ensure more wildlife preservation than would be possible complying with the strict mandates of the Ordinance.

(2) Such findings, and the specific facts in support, shall be included in the BOA minutes of the meeting at which the variance is granted, and in the ordinance of approval.

Division 4. Historic Preservation

Section 4-19 Definitions

The following words and terms used in this Division shall have the following meanings, unless the context clearly indicates otherwise:

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; and
- (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.

Section 4-20 Authorities

- (a) Historic Review Board. The P&Z shall serve as the Historic Review Board, the "Board". 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 on a proposed designation of a historic landmark or property, and on an application for a certificate of review as provided herein.
- (b) City Council. The City Council shall be the exclusive authority to approve the designation of a property as a local historic landmark and the inclusion of a property in a local historic district. In addition, the City Council shall have final authority on an application for a certificate of review.

Section 4-21 Designations

- (a) Current Designation. The city council designates the area notated on the Official Zoning Map as the "Historic Overlay District."
- (b) Identification. A zoning map shall reflect the Historic Overlay District by the letter "H", and a historic landmark by the designation "HL", in addition to any other zoning district designation established in this ordinance.
- (c) New Designation. Designation of a property as a local historic landmark, or of a property for inclusion within the boundaries of a historic overlay district shall be conducted in accordance with the requirements contained in Section 211.0162 of the Texas Local Government Code, as amended, including owner's consent, and the provision of an impact statement to the owner.

~~(d) Application and Review. An application for a historic designation or landmark shall be reviewed and processed in accordance with the application process for City Council Hearing and Action outlined in this Ordinance.~~

~~(e) Designation Criteria. In designating an area as a historic district or a place as a historic landmark, the following criteria shall be considered:~~

~~(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.~~

~~**Section 4.22 — Violation; Penalty**~~

~~(a) Misdemeanor declared. 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. Violation of any provision of this division is a misdemeanor.~~

~~(b) Enforcement and Penalty. A violation of this division shall be processed in accordance with the Violation and Enforcement provisions of this Ordinance. Each day such violation continues shall constitute a separate violation.~~

~~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 V. GENERAL REGULATIONS**

Division 1. General

Section 5-1 Purpose

~~This purpose of this aArticle is to provide regulations, in addition to those regulations for and requirements of each zZoning dDistrict, applicable to a building, structure, or tract of land and land use within the City limits, regardless of the zZoning dDistrict designation.~~

Section 5-2 Ordinance Regulations

~~In addition to regulations listed in this Ordinance for each district, regulations contained in the following city ordinances of the City's Code of Ordinances shall also apply to each zoning district:~~

~~(1) Article 3.06 — Signs~~

~~(2) Article 3.09 — Outdoor Lighting~~

~~(3) Article 3.11 — Tree Preservation~~

~~(4) Article 15.01 — Tree Preservation and Landscaping~~

Section 5-32 Certificate of Use and Occupancy

~~(a) Certificate Required. No commercial building, tenant space, or similar structure erected or structurally altered shall be used, occupied, or changed in use until a eCertificate of Use and eOccupancy has been issued by the City stating that the commercial building, tenant space, or similar structure or proposed use of a building complies with the International bBuilding eCodes, maximum occupant loads, and the provisions of this eOrdinance. A change in use shall mean any change in the occupancy of a commercial building, tenant space, or similar structure. business.~~

(b) Violation. A ~~e~~Certificate of ~~u~~Use and ~~o~~Occupancy shall become null and void upon violation of this ~~e~~Ordinance. On remediation, a new ~~e~~Certificate shall be required.

Division 2. Site Requirements

Section 5-43. ~~Accessory Structures~~Buildings, Associated Living Quarters, and Storage Buildings

(a) ~~Accessory and Storage Buildings.~~ Accessory and storage buildings are permitted in Zoning Districts in accordance with the Schedule of Uses.

~~(1) Accessory and storage buildings are permitted. An accessory use is 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 dDistrict.~~

~~(b) Except as necessary for ongoing construction activity, the storage or overnight parking of a commercial vehicle rated over one ton is prohibited in any residential zoning district.~~

~~(c) In residential districts, no motor homes, recreational vehicles, trailers, or boats shall be parked on the street right-of-way. Such a vehicle 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.~~

~~(2) (d) — Accessory and storage buildings shall not be placed No accessory structure shall be placed in a front yard, except fences and walls.~~

~~(3) (e) — No accessory or storage building shall may be placed within the limits of an recorded easement, alley, or required fire lane.~~

~~(f) No permanent accessory building can be placed within the boundaries of a recorded easement.~~

~~(4) (g) — Unless otherwise regulated within Article IV of this Ordinance, No accessory or storage building structure, other than garages, barns, and agricultural structures, shall exceed sixteen (16) feet in height. A garage may be as tall as 30 feet in height, provided that the garage meets the primary structure side yard setback requirement on all lot lines, and that the height of the garage does not exceed the height of the primary residential structure. A barn and other agricultural structures cannot exceed the district height requirements.~~

~~(5) Unless otherwise regulated within Article IV of this Ordinance, (h) — An an accessory or storage building which is not a part of the principal structure (including a structure that is connected to the principal building by an open breezeway) may be constructed in a-side and rear yards, provided such structure accessory building does not occupy more than 20 percent of the area of the required side or rear yards, and provided it is not located closer than five feet (5') to any lot line.~~

~~(6) (i) — Swimming pools may be located within a-required side or rear or side yards, provided that such pools are not located closer than ten feet (10') to a side or rear lot line, or ten feet to a side lot line. Swimming pools are not permitted in the-front yards. A pedestrian space of at least three (3)-feet (3') in width shall be provided between pool walls and the protective fence or barrier wall of the-a pool. A swimming pool shall be fenced.~~

Section 5-5 — A

(b) ~~Associated Living Quarter~~Accessory Dwelling.

~~One (1) associated living quarters is permitted per tract in a residential 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 accessory dwelling may be maintained within a single family detached dwelling in a Single-Family Zoning District with a temporary conditional use permit for a limited time period, and subject to the~~

Commented [L27]: Section 2-5 moved to Article ____
Zoning Districts

Commented [L28]: Section 2-6 moved to Article ____
Zoning Districts

Commented [L29]: Section 2-7 moved to Article ____
Zoning Districts

following:

- ~~(1) The principal dwelling shall be occupied by the permit holder;~~
- ~~(21) The floor area of an associated living quarters accessory dwelling shall not exceed twenty-five percent (25%) of the existing floor area of the main building;~~
- ~~(22) The associated living quarters accessory dwelling shall include have a restroom facility bathroom; and~~
- ~~(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; and~~
- ~~(36) The associated living quarters accessory dwelling shall be compatible with the aesthetics of the primary residence and surrounding neighborhood.~~

Section 5-46 Walls; Fences

~~Unless otherwise regulated within Article IV of this Ordinance, a wall, fence, berm, and similar items restricting passage or vision or simply enhancing private property may be located within a required yard, as defined by building setbacks, except as follows:~~

- ~~(1) A wall or fence located within the front yard shall not exceed a height of forty-eight (48) inches (48") as measured from the grade at the point of placement. A wall, fence or similar item, other than landscaping, shall not exceed a maximum height of eight (8) feet within a rear yard. A rear yard fence that is higher than 48 inches may be extended to the front corner of the primary structure. A fence 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, a wall or fence which is clearly used for safety or security purposes must comply with the administrative rules and statutory regulations of the Texas Department of Transportation;~~
 - ~~(3) A wall, fence, hedgerow, or other dense landscaping on a corner lot shall not exceed 24 inches in height. Items over 24 inches shall be located at least 20 feet from the intersection of a street right-of-way line;~~
 - ~~(4) A wall or fence that adjoins property lines in a residential district shall not be electrified, barbed, or otherwise secured in a manner inappropriate or dangerous to the neighborhood. Such restrictions are waived for agricultural uses;~~
 - ~~(5) A fence, shrub, or wall may be installed in an easement, subject to the City's or a utility company's ability to remove the structure at the Owner's expense if access is deemed necessary; and~~
 - ~~(6) 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.~~
- ~~(b) Except as necessary for ongoing construction activity, the storage or overnight parking of a commercial vehicle rated over one ton is prohibited in any residential zoning district.~~

(c) In residential districts, no motor homes, recreational vehicles, trailers, or boats shall be parked on the street right-of-way. Such a vehicle 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.

Section 5-7 Outside Storage and Display

(a) Outside storage, display or sale of goods, products, merchandise, or equipment is permitted in a nonresidential zoning district, including the Industrial and Highway Commercial Corridor Districts, provided such goods, products or merchandise do not encroach into the right-of-way and are not more than five (5) feet in height.

(b) Storage and display of rental trailers and trucks are not allowed except in districts where such uses are indicated as permitted in the Schedule of Uses.

(c) Outside storage limitations shall not apply to:

(1) Merchandise dispensing units (not more than three) placed adjacent to a building for any one business establishment when such merchandise dispensing units are being used 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) Outside display of greenhouse merchandise; or

(4) Temporary outdoor services such as mobile blood banks, health screening, and veterinary care.

(d) Temporary outdoor sale of merchandise is permitted, provided it is conducted:

(1) For a period not exceeding five consecutive days once a month;

(2) By a building tenant holding the current certificate of occupancy;

(3) For merchandise ordinarily sold on the premises by the building tenant;

(4) Does not encroach the right-of-way from all property lines;

(5) Is displayed no more than eight feet in height; and

(6) With a permit issued by the City not more than 90 days prior to each event.

(e) A display of garage sale items in a residential district is permitted for a maximum of four days within a 30-day period. No garage sale sign can be placed on a city or state right-of-way, and must be removed within 24 hours after the conclusion of the sale.

Section 5-8 Home Occupation

EXHIBIT A OFFICIAL ZONING MAP

Large-Scale Map is on file and available for review at City Records.



EXHIBIT B SCHEDULE OF USES

The City Council hereby approves and adopts the following chart as the City's permitted Schedule of Uses. The chart lists the types of land uses allowed within each of the zoning districts outlined in this Ordinance. The list is not exhaustive nor exclusive. Other uses not listed may be permitted provided the proposed use is related to the standards and regulations of the zoning district in which the use is to be located, and which is compatible with adjacent land uses.

Districts Legend

CD: Commercial District

DD: Downtown Overlay District

GHD: Garden Housing District

HC: Highway Commercial Corridor District

H: Historic Overlay District

IP: Industrial Park District

M: Manufactured Home District

MHD: Micro Housing District

MR: Mixed Residential District

PFD: Public Facilities District

SF: Single-Family Residential District

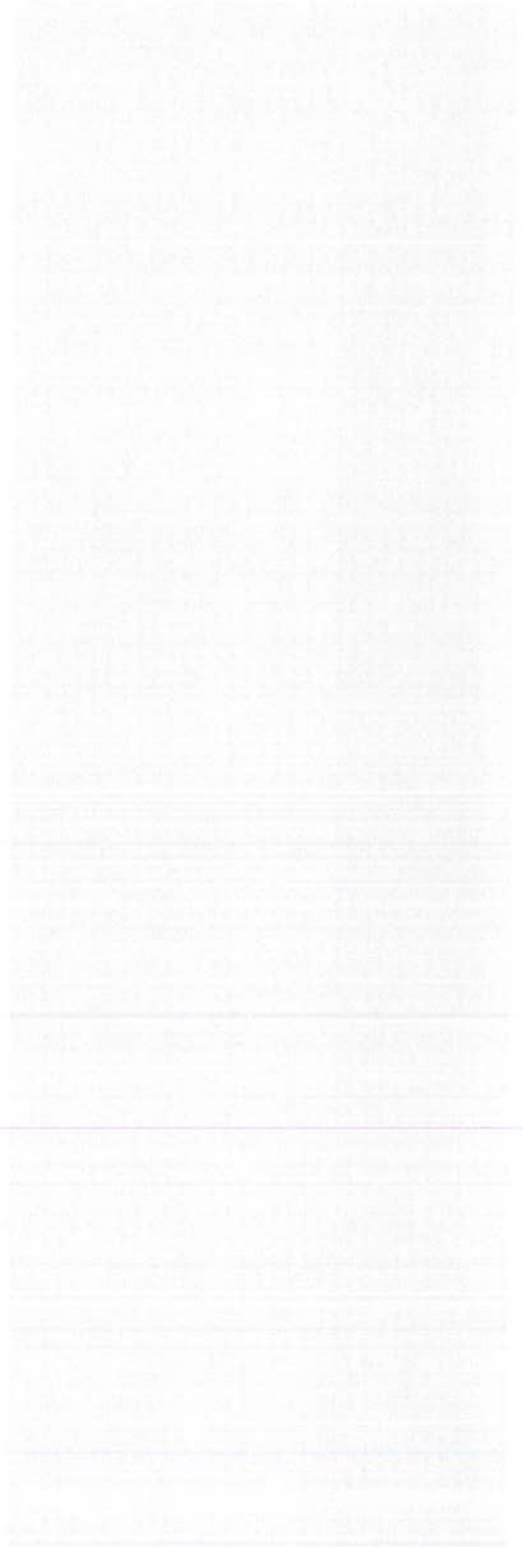
SFR: Single-Family Residential District - Restricted

Uses Legend

CUP: Conditional Use Permit

X: Permitted use by right

Blank: Use not permitted in that district



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	Recreational Vehicle Park District
Zoning Classification	PUD	DD	CD	HC	IP	PFD	RVP
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 (With Food and On-premises Consumption) (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		

ARTICLE VIII. SCHEDULE OF USES

Apparel/Accessories/ Alteration & Repair (Retail)		X	X	X	X		
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 (Rental Car Parking Area Completely Fenced with 6 ft. Opaque Fencing in CD Districts)			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		

ARTICLE VIII. SCHEDULE OF USES

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		
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		
Builders Showroom			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	

ARTICLE VIII. SCHEDULE OF USES

Club or Lodge (Non-Governmental) <u>(On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food</u>			X	X	X	CUP	
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 and Occupied by Business Owner or Operator)</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	

ARTICLE VIII. SCHEDULE OF USES

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	
Elevator Maintenance and Service (Completely Enclosed in CD District)			X	X	X		
Entertainment (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food		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 (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food			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 (On-Premises Consumption) with/without Outdoor Area for		X	X	X	X		

ARTICLE VIII. SCHEDULE OF USES

<u>Patrons/Entertainment Purposes</u>							
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		
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) - Transitional Center							
Gymnasium			X	X	X	CUP	
Nail Salon	X	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			
<u>Hospice (1+ Units / Beds)</u>		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) <u>(On-Premises Consumption with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food</u>		CUP	X	X	X		
<u>Hotel, including, but not limited to, short-term rental unit, located within a multi-family dwelling unit.</u>							
Ice Cream Parlor/Store	X	X	X	X			

ARTICLE VIII, SCHEDULE OF USES

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	
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		

ARTICLE VIII. SCHEDULE OF USES

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		
Office (General, Medical, Real Estate, and Professional Business) (First Floor Restricted to 50% Office to Rear of Building Only)		X					
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		

ARTICLE VIII. SCHEDULE OF USES

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		X
Recreational Vehicle Sales and Service (New and Used, When Used Incidental to New Sales) (Service Completely Enclosed in CD District)			CUP	X	X		
Rehabilitation Center (1+ Units / Beds)			X	X	X		
Restaurant (Alcoholic Beverages Incidental to Food Sales)		X	X	X	X		
Restaurant with Drive Thru (Alcoholic Beverages Incidental to Food Sales)		CUP	CUP	X	X		
Retail (Generally) (By Appointment Only)			X	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		
Short-term Rental Unit (Not Allowed in Commercially-Zoned Districts or Multi-family Dwelling Units)		X	X	X	X		
Sign Sales, Manufacturer, and Repair (Completely Enclosed in CD District)			X	X	X		
Skating Rink (Completely Enclosed)		X	X	X	X		
Sporting Goods Sales and Service (Completely Enclosed in DD and CD Districts)		X	X	X	X		
Stamp/Coin Sales (Retail)		X	X	X	X		
Stone Cutting and Monument Sales/Service (Completely Enclosed in CD District)			X	X	X		

ARTICLE VIII, SCHEDULE OF USES

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		
Tavern (Completely Enclosed in DD and CD Districts) (On-Premises Consumption) with/without Food		X	X	X	X		
Tavern With Outdoor Area For Patrons/Entertainment Purposes (On-Premises Consumption) 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			CUP	X	X		

ARTICLE VIII. SCHEDULE OF USES

Completely Fenced with 6 ft. Opaque Fencing in CD District)							
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		
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		
<u>Winery (On-Premises Consumption) with/without Outdoor Area for Patrons/Entertainment Purposes and with/without Food</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		

Blank – Not Permitted

X—Permitted by Right

CUP—City Council Approval Required

ARTICLE VIII. SCHEDULE OF USES

Schedule of Uses	Single-family Residential District	Single-family Residential District - Restricted	Mixed Residential District	Manufactured Home District	Micro-Housing District	Garden-Cottage Housing District
Zoning Classification	SF	SFR	MR	MH	MHD	CGHD
Accessory Building	X	X	X	X	X	X
Agriculture/Open Space	X	X	X	X	X	X
Artisan, Artist, and Fine Artist Studio					CUP	
Associated Living Quarters		X	X	X		X
Church	X	X	X	X	X	X
Civic / Community Center		CUP	CUP	CUP	CUP	CUP
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
Dwelling (Mobile / Manufactured Home) (Single or Doublewide) (1 unit)				X		
Dwelling (Multifamily) (3+ units)			X		CUP	CUP
Dwelling (Single-family) (1 unit)	X	X	X	X	X	X
Dwelling (Townhome/Duplex) (2 units)	CUP		X	X	CUP	X
Dwelling (Two-family) (2-units)	CUP		X	X	CUP	X
Dwelling (Garden Home) (2-units)	CUP		X	X	CUP	X
Dwelling (Townhome) (2-units)	CUP		X	X	CUP	X
Dwelling (Multifamily) (3+ units)			X		CUP	CUP
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
Farmer's 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) Store (Neighborhood)					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

Commented [RS1]: Can the City regulate churches in residentially-zoned districts?

Commented [RS2]: Would a hair salon fall under Home Occupation?

ARTICLE VIII. SCHEDULE OF USES

Hotel, including, but not limited to, short-term rental unit, located within a multi-family dwelling unit.						
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						
Club or Lodge (Non-governmental)	CUP	CUP	CUP	CUP	CUP	CUP
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) Short-term Rental Unit (Not Allowed in Multi-family Dwelling Unit)	X	X	X	X	X	X
Storage Building		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

Blank – Not Permitted

X—Permitted by Right

CUP—City Council Approval Required

	Single-Family Residential District	Manufactured Home District	Cottage Housing District	Mixed Residential District
Max. Dwelling Units (per parcel)	1	1	1	1
Min. Lot Width (street frontage)	50'	40'	30'	50'
Min. Lot Depth	50'	40'	30'	50'
Min. Lot Size (area)	7500 sq. ft.	4,400 sq. ft.	None	7500 sq. ft.
Min. Front Yard	15'	10'	5'	15'
Min. Side Yard	10'	10'	0' / 5'	10'
Min. Side Yard (adjacent to street)	10'	10'	5'	10'
Min. Rear Yard	10'	10'	5'	10'
Min. Dwelling Unit Size	1000 sq. ft.	750 sq. ft.	500 sq. ft.	500 sq. ft. / 750 sq. ft.
Max. Lot Coverage (all structures)	50%	60%	70%	80%
Max. Structure Height (stories)	2	1	2	3
Max. Structure Height (feet)	35'	15'	35'	42'

	Downtown District	Public Facilities District	Commercial District	Highway Commercial Corridor District	Industrial Park District	Recreational Vehicle Park District
Min. Lot Width (street frontage)	None.	60'	60'	60'	100'	100'
Min. Lot Depth	None.	100'	100'	100'	100'	100'
Min. Lot Size (area)	None.	6000 sq. ft.	6000 sq. ft.	6000 sq. ft.	10000 sq. ft.	
Min. Front Yard	None.	10'	10'	10'	50'	
Min. Side Yard	None.	None.	None.	None.	25' / 50'	
Min. Side Yard (adjacent to street)	10'	10'	10'	10'	50'	
Min. Rear Yard	10'	10'	10'	10'	50'	
Max. Lot Coverage (all structures)	100%	80%	80%	80%	80%	
Max. Structure Height (stories)	2	2	2	3	3	
Max. Structure Height (feet)	35'	35'	35'	42'	42'	
Buffer zone, CD to SF, MR, MH, or CHD	An approved eight-foot privacy fence shall be maintained.	A buffer zone of 100 feet, or a street plus 40 feet, or 30 feet plus an approved eight-foot privacy fence shall be maintained.	A buffer zone of 100 feet, a street plus 40 feet, or 30 feet plus an approved eight-foot privacy fence shall be maintained.	A buffer zone of 100 feet, a street plus 40 feet, or 30 feet plus an approved eight-foot privacy fence shall be maintained.	A buffer zone of 300 feet, or a street plus 200 feet, or 100 feet plus an approved eight-foot privacy fence shall be maintained.	
Fire Lane	Street / 16'	16'	16'	16'	16'	
Safety					All IP property lines abutting any other district shall have a safety fence of nine-gauge chain link fence with a minimum barrier height of six feet or approved equal. Safety fence may be deleted across the front of the property, provided the fence abuts each side of the building at not more than 20 feet behind the front line of said building.	