



AMENDED AGENDA

**City of Lucas
Planning and Zoning Commission
June 11, 2015
7:00 PM**

City Hall - 665 Country Club Road – Lucas, Texas – 75002

Notice is hereby given that a City of Lucas Planning and Zoning Meeting will be held on Thursday, June 11, 2015 at 7:00 pm at the Lucas City Hall, 665 Country Club Road, Lucas, Texas, 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Public Hearings

1. Consider approving amendments to Chapter 14, titled Zoning, of the City's Code of Ordinances to include definitions, area regulations, building regulations, site plan approval, landscaping plan approval, development regulations, general provisions, general accessory, and buildings and structures regulations.
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take Action

Regular Agenda

2. Consider approval of the minutes of the May 14, 2015 Planning and Zoning Commission meeting.
3. Consider approval of an application by Todd Winters on behalf of Cleve Anderson Custom Homes for preliminary plat approval of a subdivision of land called Tokalaun Equestrian Addition Tract 2. Said tract being 18.507 acres for a proposed 8 lot subdivision situated in the John W. Kerby Survey ABS Number 506 more commonly known as the school site on Blondy Jhune.

4. Consider public feedback and provide guidance to staff regarding updates to the City of Lucas Comprehensive Plan.

Executive Session

The Planning and Zoning Commission may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

An Executive Session is not scheduled for this meeting.

5. Adjournment.

Certification

I hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, TX 75002-7651 and on the City's website at www.lucastexas.us on or before Monday, June 8, 2015.

Stacy Henderson
City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall.

Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972-727-8999 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Planning and Zoning Agenda Request

June 11, 2015

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider approving amendments to Chapter 14, titled Zoning, of the City's Code of Ordinances to include definitions, area regulations, building regulations, site plan approval, landscaping plan approval, development regulations, general provisions, general accessory, and buildings and structures regulations.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Background Information:

This item was brought before and reviewed by the Planning and Zoning Commission on May 14, 2015. Staff has incorporated all the changes requested by the Planning and Zoning Commission.

Attachments/Supporting Documentation:

1. Copy of Chapter 14 with Code changes and corrections shown

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

Motion:

I make a motion to Approve/Deny changes to Chapter 14 related to definitions, area regulations, building regulations, site plan approval, landscaping plan approval, development regulations, general provisions, general accessory, and buildings and structures regulations.

ARTICLE 14.01 GENERAL PROVISIONS*

Division 1. Generally

Sec. 14.01.001 Short title and application of chapter

These regulations shall be known as, and may be cited as, “The City of Lucas, Texas, Zoning Ordinance” and shall apply to the land within the corporate limits of the city. (1995 Code, sec. 9-1)

Sec. 14.01.002 Interpretation and purposes


In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the city, and have been designed, among other things:

- (1) To lessen congestion on streets;
- (2) To secure safety from fire, panic, and other dangers;
- (3) To promote health and the general welfare;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land;
- (6) To avoid undue concentration of population;
- (7) To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
- (8) To conserve the value of the property and encourage the most appropriate use of land throughout the community;
- (9) To minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- (10) To lessen the potential pollution of the environment in the city or its environs.

(1995 Code, sec. 9-2)

Sec. 14.01.003 Scope

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern. (1995 Code, sec. 9-3)

 **Sec. 14.01.004 Definitions**

(a) Tense, plurality, etc. Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word “building” includes the word “structure”; the word “lot” includes the words “plot” and “tract,” etc.; the word “shall” is mandatory and not discretionary.

(b) Definitions.

Accessory building or use. Is:

- (1) Subordinate to and serves a principal building or principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
- (4) Located on the same building lot as the principal use served. “Accessory” when used in the text shall have the same meaning as accessory use.

Alley. A public space or thoroughfare which may afford secondary means of access to property abutting thereon.

Area of the lot. Shall be the net area of the lot and shall not include portions of public streets or alleys.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12)

Automobile repair.

- (1) Collision services. Body, frame, and fender straightening or repair; customizing; painting.

(2) *Major*. Major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of head, crankcases, engines or other major parts; and recapping or regrooving of tires; any use of a welder or cutting torch; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.

(3) *Minor*. Minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air-conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

(Ordinance 2012-10-00737 adopted 10/4/12)

Block. An area enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

Building. Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building height. The number of stories contained in a building and/or the number of feet above the average level of the adjoining ground.

Building line (setback line). A line parallel or approximately parallel to the street line or property line at a specific distance therefrom marking the minimum distance from the street line or property line that a building may be erected.

Building lot. A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots" or a number of "building lots," subject to the provisions of this chapter and the subdivision ordinance.

Building official. The building inspector or administrative official charged with the responsibility for issuing permits and enforcing the zoning ordinance, subdivision ordinance, and building code.

Certificate of occupancy or compliance. An official certificate issued by the city through the building official which indicates conformance with or approval of a conditional waiver from the zoning regulations and authorizes legal use of the premises for which it was issued.

Child care center. A facility licensed, certified or registered by the Texas Department of Family and Protective Services (“TDFPS”) to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church or rectory. A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for the ministers, priests, rabbis, teachers, and directors of the premises.

City. The word “city” shall mean the City of Lucas.

Clinic. A group of offices for one or more physicians, surgeons, dentists or similar members of the medical profession to treat sick or injured outpatients or animals.

College or university. An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commission and/or planning commission. The planning and zoning commission of the city.

Community home. A place meeting the requirements established under section 123.004 of the Texas Human Resources Code and where no more than six (6) persons with disabilities and up to two (2) supervisors reside at the same time to provide services to persons with disabilities including food, shelter, personal guidance, care, habilitation and supervision.

Conditional use. A use which shall be permitted in a particular district only upon fulfillment of the conditions as set forth for that use in the use regulations for the appropriate district.

Council. The word “council” shall mean the city council.

Courtyard. An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a

building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Depth of lot. The mean horizontal distance between the front and rear lot lines.

Design Review Committee (DRC). The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as minor plats in compliance with Texas Local Government Code, section 212.016.

Commented [JH1]: New definition

Development or to develop. A “development” includes the construction of new buildings or structures on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To “develop” is to create a development.

District. A section of the city for which the regulations of this chapter, such as the area, height, use, etc., of the land and buildings, are uniform.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12)

Drive-through, drive-thru, drive-in, or drive-up. A product or service provided by a business that allows customers to purchase a product or service without leaving their cars. For the purposes of this definition, any product or service that is provided to a customer without the need for the customer to leave their vehicle is a drive-through, drive-thru, drive-in or drive-up. (Ordinance 2013-07-00760 adopted 7/18/13)

Dwelling, multiple family. Any building or portion thereof which is designed, rented, leased, or let to be occupied as two or more dwelling units or apartments of [or] which is occupied as a home or residence of two or more families.

Dwelling, single-family. A detached building, but not a mobile home, manufactured housing or RV, having accommodations for and occupied by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on any other separate lot or tract.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.

Equestrian boarding. A business consisting of a minimum of two (2) acres and up to five (5) acres for the boarding of a maximum of two (2) horses per acre regardless of ownership, that receives compensation through the boarding of horses. On lots greater than five (5) acres no such limit shall be imposed.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12)

Equestrian facilities. A facility or place used for horse boarding, including equestrian pasture boarding, horse training, riding lessons, horse breeding, horse rescue or horse shows. The facility may contain a riding arena provided the arena does not exceed 10% of the total lot size or a maximum of 20,000 square feet regardless of the size of the lot. (Ordinance 2012-06-00718, sec. 1, adopted 6/21/12)

Family. One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Farm or ranch. An area which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on said premises, but not including the commercial feeding or the feeding of garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market. The retail sale of farm produce by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey, where such produce, or its portion, is not grown on the premises.

Floor area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding porches, carports, garages or unfinished cellars.

Garage, auto repair. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Halfway house. A residence for former mental patients, convicts, or recovering drug users or alcoholics that serves as a transitional environment between confinement and the return to society.

Home occupation. A business, occupation, or profession conducted wholly within a residential dwelling unit by only the residents thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit.
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include, advertising signs, or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business.

Hospital. A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis 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. The term does not include a recreational vehicle as that term is defined by 24 CFR section 3282.8(g).

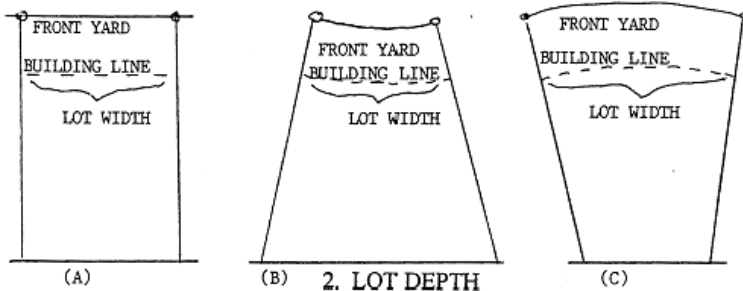
Kennel. Any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, breeds and/or boards and/or trains dogs and/or cats for profit. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the hospital use. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city.

Lot. Land occupied or to be occupied by a building and its accessory building including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

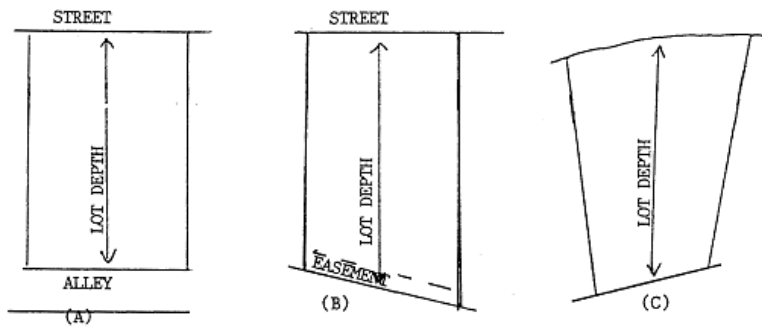
Lot lines. The lines bounding a lot as defined herein.

- (1) Lot line, front. A “front lot line” is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- (2) Lot line, rear. The “rear lot line” is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.
- (3) Lot line, side. A “side lot line” is that boundary of a building lot which is not a front lot line or a rear lot line.

1. LOT WIDTH



2. LOT DEPTH



Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk prior to the adoption of this chapter.

Lot width. The width of a lot at the front building or setback line.

Main building. The building or buildings on a lot which are occupied by the primary user.

Major retail development. A singular retail establishment or shopping center that involves any one, or a combination of the following and as defined herein:

- (1) New construction of a singular retail sales establishment that is greater than 20,000 gross square feet in size;
- (2) New construction of a shopping center on a parcel or combination of parcels comprising ten acres or larger; or
- (3) Expansion to a singular retail sales establishment or shopping center existing as of the effective date of adoption of this chapter and which said expansion will increase the square footage of a singular retail sales establishment to become more than 20,000 gross square feet in area or increase the size of a shopping center to more than ten acres.

Masonry. An exterior building material which includes: brick of a minimum three and one-half inch (3-1/2") nominal thickness, stone with a minimum average thickness of two inches (2") or stucco.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis 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.

Mobile home park. Any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Museum, library or art gallery (public). An institution for the collection, display and distribution of books and objects of art, or science and sponsored by a public or quasipublic agency and open to the general public.

Nonconforming. A building, structure, or use of land lawfully occupied at the time of the effective date of this chapter or amendments thereto, and which does not conform to the use of the regulations of the district in which it is situated.

Noxious matter. A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Occupancy. The use or intended use of the land or building by proprietors or tenants.

Office, general business or professional. An establishment providing administrative, business, executive, management or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use.

Office, medical or dental. An office or group of offices for one or more physicians, surgeons, dentists or other health-care professionals to treat sick or injured patients who do not remain overnight.

Open space or open areas. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

Open storage. The storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

Park, playground, community center. An open recreation facility or park owned and operated by a general public agency and available to the general public.

Parking space. A surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surface driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a plat in this chapter means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of the county.

Premises. Land together with any buildings or structures occupying it.

Public park. Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

Recreation area. A privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

Refueling station. Any building or premises used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, propane, natural gas, or electrical recharging. If the dispensing, sale, or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Registered family home.

(1) A home that is registered with the Texas Department of Family Protective Services (“TDFPS”) and that provides regular care in the caretaker’s own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time.

(2) The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. For purposes of this definition regular care means care that is provided at least:

(A) Four hours a day, three or more days a week, for three or more consecutive weeks; or

(B) Four hours a day for 40 or more days in a period of 12 months.

Residence. Same as a dwelling; also, when used with “district,” an area of residential regulations.

Restaurant or cafeteria. An eating establishment where service is provided to customers at tables and not involving service of food to customers in automobiles.

Retail sales establishment. An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

School, private. A school under the sponsorship of a private agency or corporation other than a public agency.

School, public or parochial. A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private, trade, or commercial schools.

Schools, trade and commercial. Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.

Screening device. A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design at least four (4) feet in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates; or foliage of an acceptable type with a density that will not permit through passage; or an acceptable combination of these materials. Such screening device shall be continuously maintained.

Servant's quarters. An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed fulltime by the occupants of the principal residence.

Shopping center. A grouping of two (2) or more commercial units built primarily for retailing purposes on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site. For purposes of this chapter, a neighborhood shopping center shall be considered to be a shopping center primarily serving adjacent residential area.

Specific use. A means for developing certain designated uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood.

Stadium or playfield, public. An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

Street. An area for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise designated.

Street line. A dividing line between a lot, tract, or parcel of land and contiguous street.

Structural alterations. Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Toxic materials. Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied and maintained, and shall include any manner of such activity with respect to the standards of this chapter.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

Utility facilities, private or franchised. A nonpublic utility requiring specific facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities.

Yard. An open space other than a court, on the lot on which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special features.

Yard, front. An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line and the main building line as specified for the district in which it is located.

Yard, rear. An open, unoccupied space, except for accessory building as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the buildings and the rear lot line as specified in the district in which the lot is located.

Yard, side. An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear. Any lot line not the rear line or a front line shall be deemed a side line.

Zoning district map. The official certified map upon which the boundaries of the various districts are drawn and which is an integral part of the zoning ordinance.

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12)

 **Sec. 14.01.005 Compliance with the regulations**

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

(3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.

(4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.

(5) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.

(6) The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.

(7) Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one main building on one (1) lot.

(8) No construction of any sewer system, sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the city or its extraterritorial jurisdiction and within 2,000 feet (2000') of Lake Lavon shall be permitted.

(1995 Code, sec. 9-5)

ARTICLE 14.02 ADMINISTRATION

Division 1. Generally

Sec. 14.02.001 Enforcement and penalties

Any person, firm, corporation, or political subdivision who violates any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and such violation is hereby declared to be a common nuisance which may be abated by the city in any manner authorized by law, including injunction and an action for damages. (1995 Code, sec. 9-6)

Secs. 14.02.002–14.02.030 Reserved

Division 2. Board of Adjustment*

Sec. 14.02.031 Definition

The word “board” when used in this chapter shall be construed to mean the board of adjustment. (1995 Code, sec. 9-190)

Sec. 14.02.032 Organization and procedure

(a) Membership. The board shall consist of five (5) citizens as full-time members of the board and four (4) citizens as alternate members of the board who shall serve in the absence of one or more regular members when requested to do so by the mayor. Each board member and alternate board member are to be appointed or reappointed by the mayor and confirmed by the city council for staggered terms of two (2) years, respectively. Each member of the board shall be removable for just cause by the city council upon written charges and after public hearing. Vacancies shall be filled by an alternate board member selected by the city council. The selected alternate board member's term then becomes vacant. The board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected. The board shall elect a vice-chairman who shall preside over meetings of the board in the absence of the chairman. (Ordinance 2005-09-00535, sec. 1, adopted 9/6/05)

(b) Meetings. Meetings of the board shall be held at the call of the chairman or, in his absence, the vice-chairman, and at such times as the board may determine.

(c) Hearings. The hearings of the board of adjustment shall be open to the public. however. [sic] The chairman, or, when appropriate, the vice-chairman, may administer oaths and compel the attendance of witnesses.

(d) Rules and regulations. The board shall keep minutes of its proceedings, showing the vote of each member and upon the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

Sec. 14.02.033 Appeals

(a) Procedure. A decision made by an administrative official of the city may be appealed to the board of adjustment by a person aggrieved by the decision or by any officer, department, board or bureau of the city affected by the decision. Such appeal shall be made by filing a notice of appeal with the office of the board and with official from whom the appeal is taken specifying the grounds thereof. The office, official or department from which the appeal is taken shall forthwith transmit to the board of adjustment all of the papers constituting the records upon which the action appealed from was taken. The appeal must be filed within twenty (20) days after the date of the decision of the administrative official from which the appeal is taken.

(b) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In such case, the proceedings may be [stayed] only by a restraining order granted by the board or by a court of record on application, after notice to the official, if due cause is shown.

(c) Notice of hearing on appeal. The board shall set a reasonable time for the hearing on the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within ~~Five~~ hundred feet (500') or less of street frontage of any point of the lot or portion thereof on which a variation is desired. The city shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall hear and decide the appeal within a reasonable time. Notice of such hearings may be sent by the board in writing, properly addressed to the last known addresses of the proper parties, and such notices shall be deemed complete when deposited in the mail.

Commented [JH2]: Changed from 200' to 500'

Sec. 14.02.034 Powers and duties of board

(a) Subpoena witnesses, etc. The board of adjustment shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish. The board may:

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

(2) Hear and decide special exceptions to the requirements when necessary or appropriate to:

(A) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with any master plan and present no conflict or nuisance to adjacent properties.

(B) Permit a public utility or public service structure or building in any district with a ground area or of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(C) Grant a permit for the extension of a height or area regulation into an adjoining district which divides a lot into a single ownership on the effective date of this chapter.

(D) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the

primary purpose of continuing the nonconforming use is not to continue a monopoly.

(E) Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(F) Determine, in cases of uncertainty, the classification of any use not specifically named in this chapter.


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

(b) Procedure. In exercising its authority under this section, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(c) Voting. The concurring vote of four (4) of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official, or grant a variance authorized herein.

(d) Changes. The board shall have no authority or jurisdiction to change or modify the provisions and requirements of this chapter, and its jurisdiction is limited to hardship and borderline cases which may arise from time to time and the authority specifically granted in this division.

(Ordinance 2002-04-00461, sec. 1, adopted 4/1/02)

 **Secs. 14.02.035–14.02.059 Reserved**

 **Division 3. Changes and Amendments**

 **Sec. 14.02.060 Zoning upon annexation**

(a) All territory hereinafter annexed to the city shall be classified as "AO" Agricultural until other zoning is established by the city. The procedure for establishing zoning other than "AO" for annexed territory shall conform to the procedure set forth in this division.

(b) Following annexation, the city shall schedule public hearings to zone the recently annexed land.

(c) In an area classified as “A” Agricultural:

(1) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the “AO” District, unless and until such territory has been classified in a zoning district other than the “AO” District, by the city council in the manner prescribed by this division.

(2) An application for a building permit for any proposed use other than those specified in the “AO” District must be made to the building official of the city within three (3) months after annexation. If the applicant shows that plans and other preparation for developing the property commenced prior to annexation by the city, the city council may authorize the construction of the project by a majority vote. The action of the city council concerning any such permit shall take into consideration the appropriate land use for the area. Upon approval by the city council, the city manager shall notify the building official.

(Ordinance 2008-10-00631 adopted 10/16/08)

 **Sec. 14.02.061 Declaration of policy**

(a) The council declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- (1) To correct a manifest error in the regulations or map;
- (2) To recognize substantial changed or changing conditions or circumstances in a particular locality; or
- (3) To recognize substantial changes in technology, the style of living, or manner of doing business.


(b) Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble of these regulations.

(1995 Code, sec. 9-7)

 **Sec. 14.02.062 Authority to amend**

The council from time to time, after receiving a final report thereon by the commission and after public hearings required by law, may amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement, or change may be ordered for consideration by the council,

be initiated by the commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The commission on its own motion or on request of council may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter. (1995 Code, sec. 9-8)

 **Sec. 14.02.063 Procedure**

(a) Proposal required. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in [section 14.01.002](#) (Interpretation and purposes). (1995 Code, sec. 9-9)

(b) Public hearing and notices.

(1) Prior to making its report to the council, the commission shall hold at least one public hearing thereon.

(2) Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within five hundred feet (500') of any property affected thereby before the 15th day before such hearing is held. Such notice may be served by using the last known address as listed on the city roll and depositing the notice, postage prepaid, in the United States mail.

(3) Posting of property. Not less than 15 or more than 45 days prior to the date set for the public hearing on any proposed changes in district boundaries, the city shall erect at least one notification sign on the affected property. Such sign(s) shall be erected within 25 feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall indicate a proposed land use change, a public hearing will be held, the telephone number to call and the website to visit for further information. If the affected land includes more than one (1) tract as shown on a plat recorded in the land records of the county, then a sign shall be erected on the land in each such tract. Any such sign shall be maintained on the property at all times until a decision on the application has been made by the city council.

(Ordinance 2005-08-00532, sec. 1, adopted 8/1/05)

(c) Commission report. The commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings and evaluation of the request and of the relationship of the request to the city plan at such time as the city plan has been adopted by council. The commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:

- (1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- (2) Whether adequate public school facilities and other public services (water, etc.) exist or can be provided to serve the needs of additional structures likely to be constructed as a result of such change and the consequences of such change;
- (3) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

(d) Council consideration.

- (1) Proposal recommended for approval. Every proposal which is recommended favorably by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- (2) Proposal recommended for denial. When the commission determines that a proposal should be denied, it shall so report and recommend to the council. No hearing shall be set on the proposal until and unless the council has reviewed the recommendations of the commission, has considered any appeal, as provided below, and has adopted a motion setting the matter for hearing.
- (3) Appeal procedure. An appeal from the decision of the commission may be taken whenever any party in interest is aggrieved by the action of the commission on a specific proposal. Such appeal shall show that the commission either (a) has been prejudiced in its deliberation or (b) has not been given the opportunity to consider certain information because it could not have been made available to the commission at the time of its public hearing. The following procedure shall be required:

(A) The aggrieved party shall reduce to writing his appeal stating specifically how, in his opinion, the commission committed an error. He shall file his appeal with the city secretary and the commission within thirty (30) days following the commission action. The city secretary shall forward the appeal to the council with the regular report of commission action on the subject proposal.

(B) Upon receipt of written appeal, the council shall determine whether or not the zoning commission committed error. If the council concludes that certain previously unavailable information should be considered by the commission, it may refer the original proposal and the appeal for a new [new] hearing, new report, and recommendation. If the council concludes that commission prejudice prevents a fair hearing or recommendation, the council may schedule its own hearing on the original proposal and recommendation.

(4) Council hearing and notice. The council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one time in the official paper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

(5) Negative recommendations and written protest. An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths (3/4) of all members of the council, if:

(A) The commission recommends disapproval of the proposed change;
or

(B) Written protest is filed by owners either:

(i) Of the area of the lots or land included in such proposed change; or


(ii) Of the lots or land immediately adjoining the area of such proposed change and extending five hundred feet (500') therefrom.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the commission or the council. Written protests filed with the commission shall be


Commented [JH3]: Change from 200' to 500'

forwarded to the council with the commission's recommendation on the request.

(1995 Code, sec. 9-9)

 **Sec. 14.02.064 Limitation on reapplication**

When the city council has denied a proposal, or when the applicant has withdrawn his proposal at the commission meeting thereon, no new applications of like nature shall be accepted by the city or scheduled for hearing by the commission within a period of twelve (12) months of the date of the council denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the city council may waive the mandatory delay period and authorize the acceptance of a new application. (1995 Code, sec. 9-10)

 **Secs. 14.02.065–14.02.080 Reserved**


 **Division 4. Specific Use Permits**

 **Sec. 14.02.081 Public hearings concerning request for permit**

- (a) Any individual, partnership, corporation, or group of persons having a proprietary interest in any property, upon proof of such, may petition the planning and zoning commission for a specific use permit for the tract of land that the petitioners have the proprietary interest.
- (b) The planning and zoning commission shall have the proper public hearing notices appear in the area newspaper and be sent to the property owners within five hundred feet (500') of the property for which the specific use permit is requested.
- (c) Following the public hearing by the planning and zoning commission, the commission shall make a recommendation for the city council at the properly noticed public hearing, where the council shall consider the granting or denial of the specific use permit.
- (d) If the council grants the specific use permit, an ordinance amending the zoning ordinance shall be prepared for action by the council at its next regular meeting.
- (e) The conditions imposed by the council shall be agreed to in writing by the grantee before any building permit or occupancy permit may be issued.

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(1995 Code, sec. 9-140; Ordinance 2005-12-00544, sec. 2, adopted 12/5/05)

 **Sec. 14.02.082 Specific use permit considered as amendment**


(a) Each specific use permit granted under the provisions of this chapter shall be considered as an amendment to the comprehensive zoning regulations as applicable to such property. In granting any special use permit, the city council may impose conditions as necessary and which shall be complied with by the grantee before any building permit or occupancy permit may be issued.

(b) Specific use permits may be granted for any period of time.

(c) No specific use permit shall be transferred from one individual, corporation, partnership, or group of persons. No specific use permit shall be transferred from one tract, parcel, or lot in the city to another tract, parcel, or lot.

(d) A request for renewal of a specific use permit must be filed with the city secretary at least ninety (90) days prior to its termination or the specific use permit may be determined [terminated] on the final date of time period granted.


(1995 Code, sec. 9-141; Ordinance 2005-12-00544, sec. 2, adopted 12/5/05))

 **Sec. 14.02.083 Recommendations considered as advisory in nature**

All recommendations made by the city planning and zoning commission to the city council shall be considered advisory in nature and shall not be binding upon the governing body; the city council shall have the sole and final authority to grant or deny any request for specific use permits. (1995 Code, sec. 9-142; Ordinance 2005-12-00544, sec. 2, adopted 12/5/05)

 **Sec. 14.02.084 Zoning map to show place of specific use**

When the city council authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the specific use by an “S” designation. (1995 Code, sec. 9-143; Ordinance 2005-12-00544, sec. 2, adopted 12/5/05)

 **Secs. 14.02.085–14.02.110 Reserved**

 **Division 5. Final Plans Approval**

 **Sec. 14.02.111 Submission of final plans**

(a) After approval by the planning and zoning commission of the site plan and landscaping plan (and, in the case of properties in the VC district only, the architectural plan), the developer shall,

within twelve (12) months thereafter, submit to the city nine (9) copies and one (1) mailer copy of the final site plan and the final landscaping plan. At the same time, three (3) copies of the final construction plans for the development shall be submitted to the city and three (3) copies of the final construction plans to the city engineer.

(b) In the event that the developer does not submit final plans within the twelve (12) months, the plans approved by the planning and zoning commission shall be considered as being void and must be resubmitted to planning and zoning commission along with payment of all appropriate fees.

(c) After acceptance of the final plans by the city council, one (1) set each of the final site plan, the final landscaping plan, and the construction plans shall be returned to the developer signed by the city engineer and the mayor for the city council that the plans are approved for construction.

(d) All final plans shall be in strict accordance with those approved by the planning and zoning commission including all conditions of approval. It shall be unlawful to issue a building permit prior to final approval of the site plan and landscaping plan by city council. As to proposed development located in the VC district, it shall further be unlawful to issue a building permit prior to approval of final construction plans by the city council.

(1995 Code, sec. 9-150)

ARTICLE 14.03 DISTRICTS

Division 1. Generally

Sec. 14.03.001 Division of districts

(a) For the purposes of this chapter, the city is hereby divided into twelve (12) districts as follows: (Ordinance 2005-12-00544, sec. 6, adopted 12/5/05)

- (1) AO - Agriculture.
- (2) R2 - Single-family residential, 2-acre lots.
- (3) R1.5 - Single-family residential, 1.5-acre lots.
- (4) R1 - Single-family residential, 1-acre lots.
- (5) VC - Village center.

(1995 Code, sec. 9-20)

- (6) CB - Commercial business district. (Ordinance 2005-12-00544, sec. 5, adopted 12/5/05)

(7) LI - Light industrial.

(8) ED - Estate development.

(9) LD - Lakeside development.

(9) OS - Open space.

(10) MHD - Manufactured home district.

Commented [JH5]: Delete and renumber the following

Commented [JH6]: Changed from 10 to 9

Commented [JH7]: Changed from 11 to 10

(1995 Code, sec. 9-20)

(12) MX - Mixed use district. (Ordinance 2005-12-00544, sec. 5, adopted 12/5/05)

Commented [JH8]: Delete

(b) The location and boundaries of the districts herein established are shown upon the official zoning map, which is hereby incorporated into this chapter. Said zoning map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described herein. Said zoning map, properly attested, is on file in the office of the city secretary. (1995 Code, sec. 9-20)

Sec. 14.03.002 Maintenance of zoning map

(a) The official zoning map shall be kept in the office of the city secretary and one (1) copy shall be maintained in the office of the building official.

(b) It shall be the duty of the city secretary to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the city council may from time to time order by amendments to the zoning regulations of the city or the zoning map.

(c) The city secretary, upon the adoption of this chapter, shall affix a certificate identifying the map in the secretary's office as the official zoning map of the city. The city secretary shall likewise officially identify the copies directed to be kept by the planning and zoning commission and in the office of the building official. All amendments of the map shall be made immediately after their enactment and the date of the change shall be noted on the certificate.

(1995 Code, sec. 9-25)

Sec. 14.03.003 Rules for the interpretation of district boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the centerlines, street lines, or highway right-of-way lines[, such lines] shall be construed to be said boundaries.

(2) Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are indicated as approximately following a parallel to a drainage course or other prominent physical feature, such drainage course, other prominent physical feature, or parallel line shall be construed to be said boundaries.

(4) Where district boundaries are so indicated that they are approximately parallel to the centerline or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions are determined by the use of the scale of said zone.

(5) Where district boundaries are so indicated that they are approximately perpendicular to the centerline or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said streets, highways, or drainage courses.


(6) If unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.

(7) In the case of a district boundary line dividing a lot into two (2) parts, the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.


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

(9) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

(1995 Code, sec. 9-26)

 **Secs. 14.03.004–14.03.050 Reserved**

 **Division 2. AO Agricultural District**

 **Sec. 14.03.051 Use regulations**

This zone is designated to provide for general ranching and farming under a minimum of restrictions. No land shall be used and no building shall be erected, altered,

converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits.

(1) Principal uses not permitted:

(A) No feedlots shall be established for commercial purposes, except as would be required to perform the principal permitted use.

(B) No slaughter pens or rendering works, or associated business shall be permitted.

(C) No facility or use for the treatment and/or storage of noxious matter, toxic materials or any form of liquid or solid waste materials from any source shall be permitted, except under the provisions of [article 14.02, division 4](#), specific use permits.


(D) At no time shall the residential density exceed one single-family residence per twenty (20) acres.

(E) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.


(2) A **special use permit** shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

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(Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.052 Height regulations**

Same as residential, [section 14.03.112](#). (1995 Code, sec. 9-31)


 **Sec. 14.03.053 Area regulations**

(a) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).


(b) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

(c) At any time that there is more than one (1) single-family dwelling per twenty (20) acres, the provisions of [section 14.03.113](#) shall apply.

(Ordinance 2011-03-00677 adopted 3/17/11)

 **Secs. 14.03.054–14.03.110 Reserved**

 **Division 3. R2 Single-Family Residential District**


 **Sec. 14.03.111 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits.


(1) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.

(2) A special exception shall be required when the total combined square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.112 Height regulations**

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-36)

 **Sec. 14.03.113 Area regulations**

(a) Size of yards.

(1) Front yard. There shall be a front yard having a depth of not less than fifty feet (50'). Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

(2) Side yard. There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. A side yard adjacent to a side street shall not be less than twenty-five feet (25'). No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(3) Rear yard. There shall be a rear yard having a depth of not less than fifty feet (50').

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than two (2) acres (87,120 square feet).

(2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front street property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a curve exceeding thirty degrees shall be not less than forty feet (100') at the property line, nor shall its average width be less than two hundred feet (200').

Commented [JH10]: Changed from Building

Commented [JH11]: Changed form average of 240 to average of 200'

Commented [JH12]: Changed from average of 240' to 200'

Commented [JH13]: new

(3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').

Commented [JH14]: Changed from 200' except on corner lots 180' what is the differences either should be deep enough

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(1995 Code, sec. 9-37)

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be two thousand square feet (2,000 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 2, adopted 6/21/12)

(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) Setbacks. Tennis courts, soccer courts, etc., shall be behind the front building line and be a minimum of twenty-five feet (25') from the nearest lot line.

Commented [JH15]: Delete in entirety

(1995 Code, sec. 9-37)

(e) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

Commented [JH16]: reletter

(f) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.


Commented [JH17]: reletter

(g) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.


Commented [JH18]: reletter

Commented [JH19]: Added section to match other districts


(Ordinance 2011-03-00677 adopted 3/17/11)

 **Secs. 14.03.114–14.03.170 Reserved**


 **Division 4. R1.5 Single-Family Residential District**

 **Sec. 14.03.171 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.172 Height regulations**

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-41)

 **Sec. 14.03.173 Area regulations**

(a) Size of yards. See [section 14.03.113](#).

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than one and one-half (1-1/2) acres (65,340 square feet).

(2) Lot width. The width of the lot shall be not less than one hundred sixty feet (160') at the front street property line, nor shall its average width be less than one hundred seventy five feet (175'). The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy five feet (175'). The minimum width of a lot on curve exceeding thirty degrees shall be not less

Commented [JH20]: Changed from Building to property-

Commented [JH21]: Changed from average width of 190' to 175'

Commented [JH22]: Changed from average of 190' to 175'

than thirty-five feet (80') at the property line, nor shall its average width be less than one hundred seventy five feet (175').

Commented [JH23]: new

(3) Lot depth. The average depth of the lot shall not be less one hundred eighty feet (180').

Commented [JH24]: Changed section to say average depth of a lot 180' instead of average width of a lot 200' except on corner lots may be 180'

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(1995 Code, sec. 9-42)

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 3, adopted 6/21/12)

(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) Setbacks. Tennis courts, soccer courts, etc., shall be behind the front building line and be a minimum of twenty-five feet (25') from the nearest lot line.

Commented [JH25]: Delete entire section

(1995 Code, sec. 9-42)

(e) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

Commented [JH26]: relettered

Commented [JH27]: Changed from Special exception to specific use permit

(f) Accessory building and structures shall comply with [article 14.04, division 8](#), of this chapter.

Commented [JH28]: relettered

(Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)


(g) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

Commented [JH29]: relettered


(h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

Commented [JH30]: relettered


(Ordinance 2011-03-00677 adopted 3/17/11)

 **Secs. 14.03.174–14.03.230 Reserved**


 **Division 5. R1 Single-Family Residential District**

 **Sec. 14.03.231 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.232 Height regulations**

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-51)

 **Sec. 14.03.233 Area regulations**

(a) Size of yards. See [section 14.03.113](#).

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than one (1) acre (43,560 square feet).

(2) Lot width. The width of the lot shall be not less than one hundred forty [feet] (140') at the front street property line, nor shall its average width be less than one hundred sixty feet (160'). The minimum width of a lot on a cul-de-sac shall be not less than thirty feet (30') at the property line, nor shall its average width be less than one hundred sixty feet (160'). The minimum width of a lot on a curve exceeding 30 degrees shall be not less than thirty feet (80') at the property line, nor shall its average width be less than one hundred sixty feet (160').

Commented [JH31]: Changed from building to property

Commented [JH32]: Changed from 170' to 160'

Commented [JH33]: Changed from 170' to 160'

(3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').

Commented [JH34]: Changed from minimum depth of two hundred feet except corner lots maybe 180' to just 180' for all

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(1995 Code, sec. 9-52)

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 4, adopted 6/21/12)

(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) Setbacks. Tennis courts, soccer courts, etc., shall be behind the front building line and be a minimum of twenty-five feet (25') from the nearest lot line.

Commented [JH35]: Delete in its entirety

(1995 Code, sec. 9-52)

(e) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

Commented [JH36]: relettered

Commented [JH37]: Changed from Special exception to specific use permit

(f) Accessory building and structures shall comply with [article 14.04, division 8](#), of this chapter.

Commented [JH38]: relettered

(Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)


(g) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

Commented [JH39]: relettered


(h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

Commented [JH40]: relettered


(Ordinance 2011-03-00677 adopted 3/17/11)

 **Secs. 14.03.234–14.03.290 Reserved**

 **Division 6. VC Village Center District**

 **Sec. 14.03.291 Purpose**

The intent of this district is to provide a clustered village setting with a rural country style as a retail and neighborhood services area. (1995 Code, sec. 9-60)

 **Sec. 14.03.292 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits.

(1) Any retail store or personal service not listed in [section 14.03.801](#) but of similar nature and character shall be permitted subject to the following conditions:

(A) The business establishment supplies the everyday shopping needs of the area.

(B) The business is conducted wholly within an enclosed building.

(C) The required front, rear, or side yards are not used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste materials.

(D) Such use not be objectionable because of odor, excessive lights, smoke, dust, noise, vibration, or similar nuisance.

(E) Drive-through business permitted by specific use permit.

Commented [JH41]: Delete section

(2) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.

(3) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

Commented [JH42]: Changed from Special exception to specific use permit

(4) Major retail development by specific use permit.

(Ordinance 2008-11-00634 adopted 11/20/08)

(5) All drive-through, drive-in, and drive-up businesses shall require a specific use permit. (Ordinance 2013-05-00756, sec. 1, adopted 5/2/13)

 **Sec. 14.03.293 Building regulations**

(a) Buildings shall be clustered on site.

(b) No flat roofs.

(1995 Code, sec. 9-62)

(c) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 6, adopted 6/21/12)


(d) All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.

(e) Refuse collection areas shall be screened from public view.

(f) Parking and drive to be weather-impervious surface developed in accordance with city standards.

(g) Development shall comply with performance standards ([article 14.04, division 3](#), of this chapter).

(1995 Code, sec. 9-62)

 **Sec. 14.03.294 Height regulations**

Building height. Buildings shall not exceed a height of more than twenty-five feet (25').

(1) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the highest point of the roof excluding chimneys, weather vanes and similar materials.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

 **Sec. 14.03.295 Area regulations**

(a) Lot area. Minimum three (3) acres net, exclusive of all street rights-of-way and the 100-year floodplain as determined by a registered survey.

(b) Building area. The total building area shall not exceed a floor-area-to-land ratio of 0.30 to 1.

(c) Front yard. Minimum fifty feet (50') from property line.

(d) Side yard. Minimum fifty feet (50') from property line.

(e) Rear yard. Minimum fifty feet (50') from property line.

(1995 Code, sec. 9-64)

(f) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the total lot area. (Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

(g) Development shall comply with performance standards ([article 14.04, division 3](#), of this chapter).

Commented [JH43]: New section to comply with other commercial districts

(h) Replacement of buffering/Screening/Fencing: all buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, the item being replaced

Commented [JH44]: New section

Sec. 14.03.296 Site plan approval

(a) Prior to issuance of any building permit, an application in writing, for the approval of the site plan, together with seven (7) copies, shall be filed with the city secretary. The plans are to be submitted at least fourteen (14) consecutive calendar days before the meeting of the planning and zoning commission, if the site plan is to be considered at such meeting. No site plan will be considered by the city until the prescribed filing fees have been paid. Applicant shall submit proof of written notification set forth in chapter 6, article 4, section 6-11, of the Code of Ordinances. The site plan shall contain those items as designated by approved city procedure, but not be limited to the following information: (Ordinance 1996-11-00343, sec. 10, adopted 11/4/96)

Commented [JH45]: Changed from 20 copies to seven

Commented [JH46]: Changed from ten to fourteen

Editor's note—The reference above to “chapter 6, article 4, section 6-11, of the Code of Ordinances” is no longer applicable. Former chapter 6 has been completely superseded by Ordinance No. 2006-07-00567, which is now codified in [chapter 10, article 10.03](#).

- (1) The boundaries and dimensions of the proposed development, including total area.
- (2) Adjoining property, owners, and zoning.
- (3) Contour lines at five-foot intervals.

(4) Location map.

(1995 Code, sec. 9-65)

(5) Existing or platted streets, public rights-of-way, easements or railroads within or adjacent to the tract. (Ordinance 1996-11-00343, sec. 10, adopted 11/4/96)

(6) Existing and proposed utility lines showing sizes of water and sewer lines.

(7) Existing and proposed fire hydrants and fire lanes.

(8) Location of all easements.

(9) Building setback lines.

(10) Location and dimensions of buildings.

(11) Means of ingress and egress.

(12) Engineering for drainage.

(13) Areas designated for landscaping and location of exterior lighting.

(14) Parking area locations and specifications.

(15) Must be drawn to an acceptable scale.

(16) Must provide signature lines for chairman of planning and zoning commission, city engineer, and mayor to signify approval.

(b) For the purpose of assisting in-process planning, a properly designated “preliminary” site plan may be submitted for consideration. Approval of a “preliminary” site plan will not imply approval of all elements of a site plan.

(c) Final plans shall be approved by city council as provided in [article 14.02, division 5](#), of this chapter.

(1995 Code, sec. 9-65)

 **Sec. 14.03.297 Landscaping plan approval**

(a) Prior to issuance of any building permit, there shall be seven (7) copies of a landscape plan submitted to the city. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The landscape plan shall be approved or disapproved based on its compliance with the following requirements and any other deemed necessary to promote the character and value of the surrounding neighborhoods:

Commented [JH47]: Changed from ten to fourteen

- (1) Plans shall be to same scale as approved site plan.
- (2) A minimum of 15% of the gross area must be landscaped.
- (3) The area between the property line and the street shall be included in the landscape plan and shall be maintained by the abutting property owner.
- (4) Heights of landscaping materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress and egress points.
- (5) The specifications shall state the common names, sizes, and quantity of all materials to be utilized.
- (6) Where the property abuts a different zone, it shall be screened as provided in [article 3.18](#) of this code.

(b) It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.

(c) Final plans shall be approved by city council as provided in this chapter.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

Sec. 14.03.298 Architectural plan approval

(a) Prior to the issuance of a building permit, there shall be seven (7) copies of a proposed architectural elevation of the building or buildings submitted to the city. The plans are to be submitted at least Fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The proposed architectural rendering, including use of site and/or building signage, shall be approved or disapproved based on its ability to create a village setting with a rural country style as a retail and neighborhood services area. This effort shall entail several design fixtures such as the use of clustered buildings as opposed to strip-type development. Sloping roofs are required as are overhanging colonnades.


Commented [JH48]: Changed from ten days to fourteen days

(b) Final plans shall be approved by city council as provided in this chapter.


(1995 Code, sec. 9-67)

Sec. 14.03.299 Off-street loading and parking


See [article 14.04, division 2](#). (1995 Code, sec. 9-68)

 **Secs. 14.03.300–14.03.350 Reserved**

 **Division 7. CB Commercial Business District**

 **Sec. 14.03.351 Purpose**

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner. (Ordinance 2005-12-00544, sec. 1, adopted 12/5/05)

 **Sec. 14.03.352 Use regulations**

In the commercial business district, land uses shall be those associated with retail, commercial, office, service, institutional or professional activities. Major retail development shall be permitted by specific use permit. No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.353 Development regulations**

In the commercial business district, the following development regulations shall be applicable to all buildings:

- (1) **Building height.** Buildings shall not exceed a height of more than thirty-five feet (35').
 - (A) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the top of the roof.
- (2) **Setbacks.** The following setbacks are required in the commercial business district:
 - (A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.
 - (B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each

portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.

(C) Rear yards shall be a minimum of twenty-five feet (25') except where the lot abuts property zoned as single-family residential where there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.

(D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.

(3) Minimum lot area. The minimum area for lots in the commercial business district shall be thirty thousand (30,000) square feet on lots with access to city sewer, lots without access to city sewer shall be a minimum of 43,560 square feet exclusive of all street rights-of-way and the designated 100-year floodplain as determined by a registered survey.

Commented [JH49]: New sentence

(4) Maximum lot coverage. The maximum lot coverage for buildings on individual lots is forty percent (40%) of the lot area, including accessory buildings.

(5) Floor area. Each store, shop or business shall have a minimum of five hundred (500) square feet of floor area. There is no maximum floor space.

(6) Business operations. The following special conditions apply to business operations within the CB district:

(A) All commercial uses within this district shall be sales and/or service type uses.

(B) All business shall be conducted entirely within a building. Restaurants offering outside dining or businesses with outside storage and/or display of any type shall be allowed only upon the approval of a specific use permit.

(C) No drive-in services of any type shall be located nearer than one hundred feet (100') of an abutting single-family zoned district. Where drive-in services are allowed, a solid fence of wood or masonry with a height of six feet (6') shall be required to buffer the drive-in service from the abutting single-family residential district.

(7) Off-street parking and loading. Required off-street parking may be located within the required setback, provided there is a 50' landscape buffer adjacent to the property line. Such off-street parking spaces shall be on a hard-surfaced drive or parking area. Specific off-street parking and loading requirements are contained in [article 14.04, division 2](#), of this chapter.

Commented [JH50]: Changed from except for a 50' green space

(8) Buffering and screening. The following standards for buffering and screening shall apply for all buildings in the commercial business district:

(A) Parking lot layout, landscaping, buffering and screening shall minimize direct views of parked vehicles from streets.

(B) Off-street loading areas shall be located at the rear of all buildings and shall be adequately screened from view of any adjacent single-family residential use.

(C) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally circled or screened by fence, planting or other suitable visual barrier and be secured from public access.

(D) Transformers, HVAC equipment (if located at ground level), lift stations, utility meters and other machinery, as well as garbage collection points, shall be located at the rear property line, drive, or alley. If such uses are visible from an adjacent right-of-way or property, they shall be totally screened by a fence or suitable plant or other visual barrier of an appropriate height or as proposed or approved in the development site plan. Trash receptacles shall have a door which shall remain closed at all times.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05)

(9) Impervious coverage. The maximum impervious coverage shall not exceed sixty-five percent (65%) of the total lot area. (Ordinance 2013-07-00761 adopted 7/18/13)

(10) Accessory buildings and structures customarily associated with any of the above establishments to which they refer shall be constructed to meet all of the requirements of the main building.

(11) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

Commented [JH51]: Changed from special exception to specific use permit

(Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)

(12) All drive-through, drive-in, and drive-up businesses shall require a specific use permit. (Ordinance 2013-05-00756, sec. 2, adopted 5/2/13)

(13) Replacement of buffering/Screening/Fencing: all buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, of the item being replaced

Commented [JH52]: New section

Sec. 14.03.354 Special district requirements

(a) Site plan approval. The following site plan elements shall be required for development of property:

(1) Prior to issuance of a building permit, seven (7) copies of a site plan, drawn to a scale of not less than one inch equals fifty feet, shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said site plan on their regular agenda. The site plan must contain at a minimum the following:

Commented [JH53]: Changed to 7 copies

Commented [JH54]: Changed from ten to fourteen

- (A) The boundaries and dimensions of the proposed development, including total area.
- (B) The owners, zoning classification and description of adjacent properties.
- (C) Contour lines with five-foot intervals.
- (D) Location map showing site within the city.
- (E) Existing and platted streets, public rights-of-way, easements and railroads within and adjacent to the site.
- (F) Existing and proposed utility lines showing sizes of water and sewer lines.
- (G) Existing and proposed fire hydrants and fire lanes.
- (H) Location and dimension of all buildings and building setback lines.
- (I) Engineering for drainage.
- (J) Areas designated for landscaping together with proposed irrigation and a tree management plan.
- (K) Parking area locations and specifications.
- (L) Signage and lighting.

(M) Location of all exterior mechanical, electrical and communication equipment.

(N) Location of all refuse containers, loading docks and screening.

(O) Signature lines for chairman of the planning and zoning committee, city engineer and mayor shall be provided to signify approval.

(2) For the purposes of assisting in-process planning, a properly designated “preliminary” site plan shall be submitted for consideration. Approval of a “preliminary” site plan will not imply approval of all elements of a “final” site plan.

(3) The site plan may only be approved by the planning and zoning commission and the city council.

(4) Any changes to an approved “final” site plan will require approval of the planning and zoning commission and the city council.

(Ordinance 2013-10-00772 adopted 10/3/13)

(b) Landscape plan approval. The following landscape plan elements shall be required for development of property:

(1) Prior to issuance of a building permit, seven (7) copies of a landscape plan, drawn to a scale of not less than one inch equals fifty feet, shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said landscape plan on their regular agenda. The site plan must contain at a minimum the following:

Commented [JH55]: Changed to 7 copies

Commented [JH56]: Changed from ten to fourteen

Commented [JH57]: Changed entire section to match the requirements for a site plan for consistency.

(A) A minimum of fifteen percent (15%) of the gross area shall be landscaped.

(B) The area between the property line and the paved street shall be included in the landscape plan and shall be maintained by the abutting property owner.

(C) Heights of landscape materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress/egress points.

(D) The landscape specifications shall indicate the common names and scientific names, sizes and quantities of all material to be utilized.

(E) Property abutting different districts shall be screened by a living screen. Plantings which serve as living screens shall be evergreen with a minimum initial height of six feet (6) and shall provide a solid visual barrier within two (2) years of planting.

(c) It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.

(d) Landscaping shall mean plant materials (other than turf grasses) and other approved landscape materials arranged in an approved manner. All plant materials shall be selected from any plant list or landscape ordinance adopted by the city.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05)

(e) Architectural plan approval. The following architectural plan elements shall be required for development of property.

(1) Prior to issuance of a building permit, seven (7) copies of an architectural plan, drawn to a scale of not less than one inch equals fifty feet, shall be submitted to the city secretary a minimum of fourteen (14) days prior to the date at which the planning and zoning committee is scheduled to consider said architectural plan on their regular agenda. The site plan must contain at a minimum the following:

Commented [JH58]: Changed to 7 copies

Commented [JH59]: Changed from ten to fourteen

Commented [JH60]: Changed entire section to match site plan and landscape plan requirements.


(A) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.

(Ordinance 2012-06-00718, sec. 7, adopted 6/21/12)

(B) All buildings shall be designed and constructed in an architecturally compatible manner which conveys a village setting as a retail and neighborhood services area with a clustered setting for buildings, as opposed to "strip-type" commercial development.

(C) Storefronts or faces of commercial buildings in excess of sixty feet (60') shall have a minimum five-foot setback at no greater intervals than sixty feet (60'). Multiple adjacent building fronts shall conform to this same rule.

(Ordinance 2005-12-00544, sec. 1, adopted 12/5/05)

 **Sec. 14.03.355 Major Development Standards.**

The following development standards apply to all major retail development. The goal of these development standards is to affirm the city's objective that major retail development[s] create or impart a sense of place and/or streetscape at a scale appropriate to the character of Lucas with its small town atmosphere, as well as preserving the diversity and vitality of Lucas' commercial districts and the quality of

life of Lucas residents. It is generally noted that the typical or classic 'big box' type of commercial building and development pattern does not meet these community development objectives. In addition to the development standards prescribed elsewhere in this chapter, including, but not limited to the applicability of site plan review or discretionary review process prescribed in this chapter, all major retail development shall comply with the following development standards:

- (1) A typical or classic 'big box' design shall not be allowed (e.g., large four-sided structure with little or no ornamentation, decoration, unique architectural features, interesting fenestration, etc.).
- (2) When the project site is within three-hundred (300) feet of a residential zoning district, measured from the property line and excluding streets and alleys, the maximum height of any wall excluding architectural accent features shall be the maximum height permitted in that residential zoning district.
- (3) The design of service areas, including outdoor storage, trash collection, loading, outdoor display, shall be incorporated into the primary building design and shall be of materials of comparable quality and appearance as that of the primary building.
- (4) When the service areas (loading docks, refuse storage and enclosures, etc.) are adjacent to or across the street from residential neighborhoods, all delivery trucks, garbage trucks, and other large vehicles servicing the commercial development shall access the service areas via internal driveways and not from the residential street.
- (5) Rooftop equipment shall not be visible from a point of view that is five-feet above grade at a distance of two-hundred (200) feet from the walls of the structure.
- (6) The off-street parking serving the commercial development shall be divided into multiple 'lots', as necessary, so that no single 'lot' has more than one-hundred, twenty (120) parking spaces. The 'lots' shall be separated from each other by a visually aesthetic buffer, such as a landscape area including a landscaped street or landscaped pedestrian way, or other appropriate landscape or hardscape features.
- (7) The maximum number of off-street parking spaces serving the development shall not exceed by more than ten (10) percent the minimum number of required off-street parking as prescribed in the Lucas Municipal Code.
- (8) A covered passenger loading area shall be provided, [.]
- (9) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in elevation and materials.
- (10) Parking and security lights shall not be taller than the buildings within the development, or a maximum of twenty-four (24) feet above grade, whichever is less.

(11) All freestanding signs shall be located in a landscaped area that is equal in size or larger than the total sign area for that freestanding sign.

(12) No reader boards having changeable copy, electronic or otherwise, are allowed.

(13) If the development is located on an existing public transit route, or a reasonably foreseeable future transit route, a bus pullout and shelter shall be developed on-site or at a location approved by the transit service provider.

 **Sec. 14.03.356 Major retail development—Economic and traffic studies**


Commented [JH61]: Delete

(a) Economic study. As may be required by the city, all development applications for major retail development as defined herein, shall prepare an economic study in accord with the provisions of this subchapter, and all other applicable laws, regulations, code, etc. The economic study shall be accompanied by supporting data, including, but not limited to, a market analysis determining the trade area of the proposed development, the present and future population within the trade area, and other economic indexes, including, but not limited to, data on effective buying power within the trade area; the projected number of jobs created by the development; the estimated wages; the estimated tax revenue including estimates of shifts from existing similar retailers; and the projected sales figures for the development.

Commented [JH62]: Delete entire section

(a) Traffic impact study. All development applications for major retail development as defined herein, shall prepare a traffic impact analysis which provides for assessment of current road conditions, estimates of traffic generation matters involving current traffic counts, proposed optimum ingress and egress patterns along with internal traffic flow.


Commented [JH63]: Re lettered from b to a

 **Sec. 14.03.357 Property development—Abandoned building surety bond**

As may be required by the city, all major retail development as defined herein, shall obtain, provide evidence to the city, and carry in full force and effect throughout the duration of the life of the project, or time period as may be stipulated by a development agreement, a performance/surety bond providing for demolition of the primary building or buildings as identified by the city. Said performance/surety bond shall provide funds to cover the cost of complete building demolition and maintenance of the vacant building site if the primary building is ever vacated or abandoned, and remains vacant or abandoned for a period of more than twelve consecutive months following primary business closure.

(Ordinance 2007-06-00591, sec. 2, adopted 6/7/07)

Commented [JH64]: Delete entire section


 **Secs. 14.03.358–14.03.410 Reserved**

 **Division 8. PD Planned Development District**


 **Sec. 14.03.411 General purpose and description**

(a) The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a planned development district.

(b) The planned development district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, retail centers, residential developments or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

 **Sec. 14.03.412 Permitted uses**

An application for a planned development district shall specify the base district(s), [and] the use or the combination of uses proposed. Uses which may be permitted in a planned development district must be specified if not permitted in the base district(s). Specific use permits allowed in a base zoning district are allowed in a planned development district only if specifically identified at the time of approval by the city council.

 **Sec. 14.03.413 Planned development requirements**

(a) Development requirements for each separate planned development district shall be set forth in the ordinance granting the planned development district and shall include, but may not be limited to: uses, density, lot area, lot width, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.

(b) All applications for a planned development district shall list all requested deviations from the standard requirements set forth throughout this chapter. The planned development district shall conform to other sections of this chapter unless specifically excluded in the granting ordinances granting the planned development district.

(c) Detailed site plan. A detailed site plan submitted as a part of the planned development district application shall set forth the final plans for development of the planned development district and shall be considered part of the planned development district. Changes of detail on the detailed site plan, which differ from the approved detailed site plan, but do not alter the basic relationship of the proposed development to the adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at


the boundary of the site, or do not significantly alter the landscape plans as indicated on the approved site plan, may be authorized by the city council without an amendment to the planned development district ordinance.

 **Sec. 14.03.414 Mandatory homeowners' association**

In a planned development district for residential uses, property owner or homeowner associations are to be established for the purpose of ownership, maintenance and management of open spaces. The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city.


 **Sec. 14.03.415 City/developer facilities agreement**


Planned development districts may require a city/developer facilities agreement prior to or contemporaneous with the final plat approval. This agreement shall reflect the cost-sharing agreement between the city and the developer for the installation or over-sizing of utility systems, perimeter streets, mandatory construction or dedication of park or open space area, landscaping or greenbelt development or other comparable items, phasing of the development, maximum density or intensity of use during the construction process, and the maintenance of open space.


 **Sec. 14.03.416 Zoning ordinance compliance and zoning map**

All planned development districts approved in accordance with the provisions of the zoning ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained as a part of this code.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

 **Secs. 14.03.417–14.03.470 Reserved**

 **Division 9. LI Light Industrial District**

 **Sec. 14.03.471 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits.

(1) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.

(2) A special exception shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(Ordinance 2008-11-00634 adopted 11/20/08)

(3) All drive-through, drive-in and drive-up businesses shall require a specific use permit. (Ordinance 2013-05-00756, sec. 3, adopted 5/2/13)



Sec. 14.03.472 Building regulations

(a) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 8, adopted 6/21/12)

(b) All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.

(c) Refuse collection areas shall be screened from public view.

(d) Parking and drives to be weather-impervious surface developed in accordance with city standards.

(e) Outside storage by specific use permit.

(f) Loading docks to be at rear or side of building and shall be screened from public view.

(g) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(h) (13) Replacement of buffering/Screening/Fencing: all buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, of the item being replaced

Commented [JH65]: For consistency with other districts new section

Commented [JH66]: New section

(1995 Code, sec. 9-81)

 **Sec. 14.03.473 Height regulations**

The maximum height for the main building, including roof-mounted mechanical equipment, shall be two and one-half (2-1/2) standard stories, but shall not exceed thirty-five feet (35') in height provided that any building or portion thereof may be erected above the said limit if setbacks from all streets and required yard lines are an additional one foot (1') for each one foot (1') of its height above said limit. (1995 Code, sec. 9-82)

 **Sec. 14.03.474 Area regulations**

(a) Lot area. Minimum two (2) acres net, exclusive of all street rights-of-way and the 100-year floodplain as determined by a registered survey.

(b) Building area. The total building area, including accessory buildings, shall not exceed a floor-area-to-land ratio of 0.40 to 1.


(c) Front yard. Minimum of one hundred feet (100') from property line.

(1995 Code, sec. 9-83)

(d) Side yard. Minimum twenty-five feet (25') from property line. Minimum fifty feet (50') from a residential district.

(e) Rear yard. Minimum twenty-five feet (25') from property line. Minimum fifty feet (50') from a residential district.

(Ordinance 1996-11-00343, sec. 14, adopted 11/4/96)

 **Sec. 14.03.475 Site plan approval**


Same as [section 14.03.296](#), save and except that side must be screened where it abuts different zoning districts. (Ordinance 1996-11-00343, sec. 15, adopted 11/4/96)

 **Sec. 14.03.476 Landscaping plan approval**


Same as [section 14.03.297](#). (1995 Code, sec. 9-85)

 **Sec. 14.03.477 Off-street loading and parking**


See [article 14.04, division 2](#). (1995 Code, sec. 9-86)

 **Secs. 14.03.478–14.03.530 Reserved**

 **Division 10. ED Estate Development District**

 **Sec. 14.03.531 Purpose**

It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this chapter or the comprehensive plan for the city. (1995 Code, sec. 9-90)

 **Sec. 14.03.532 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.533 Height, lot, and yard requirements**

(a) Height, lot, and yard requirements shall conform to the requirements of the appropriate sections of this chapter, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.

(b) The following requirements shall be used for areas developed as half-acre lots:

(1) Height regulations. No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.

(2) Area regulations.

(A) Size of yards.

(i) Front yard. There shall be a front yard having a depth of not less than fifty feet (50').

(ii) Side yard. There shall be a side yard on each side of the lot having a minimum width of twenty-five feet (25'). A side yard adjacent to a side street shall not be less than fifty feet (50').

(iii) Rear yard. There shall be a rear yard having a depth of not less than twenty-five feet (25').


(B) Size of lot.

(i) Lot area. No building shall be constructed on any lot of less than twenty-one thousand seven hundred eighty (21,780) square feet.

(ii) It is intended to preserve the rural atmosphere with deep setbacks and wide lot widths.

(1995 Code, sec. 9-92)


(3) Building regulations. The minimum floor area of any dwelling, exclusive of garages, breezeways, and porches, shall be sixteen hundred square feet (1,600 sq. ft.) with a minimum of seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2012-06-00718, sec. 9, adopted 6/21/12)

 **Sec. 14.03.534 Area requirements**

For the purposes of this chapter, the entire tract to be zoned “ED” may be considered as one building lot, or separate areas intended for separate land uses may be considered as separate building lots. Required open space is established at a minimum of 15% of the total developed acreage. Open space must have public access and may include public street rights-of-way exclusive of impervious surface. (1995 Code, sec. 9-93)

 **Sec. 14.03.535 Parking regulations**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [article 14.04, division 2](#). (1995 Code, sec. 9-94)

 **Sec. 14.03.536 Special conditions**

The following special conditions shall apply to uses located in this zoning district:

- (1) A minimum land area of ten (10) acres shall be required before application for an estate development will be approved.
- (2) All requirements of any subdivision regulations of the city pertaining to procedure, plan, and design criteria among others shall be complied with and include height, lot, yard, and area requirements as designated in the appropriate sections of this chapter.

(3) No front-entry garages will be allowed.

(4) All proposed estate developments shall require a mandatory site and landscape plan submittal as per [sections 14.03.296](#) and [14.03.297](#) of this chapter. The site and landscape plans will be reviewed and approved by the planning and zoning commission, city engineer, and the city council in public hearings prior to receiving plat approval or building permit. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the effect of the proposed development on population densities, streets, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the “ED” district and shall form the basis for issuance of a building permit on conformity therewith.

(5) Property to be developed for nonresidential purposes, other than public and semipublic uses, shall be located upon a thoroughfare, except if it abuts property which is zoned for commercial or industrial purposes and which has major street frontage. A plan for development of the property, showing adequate access to and from the major streets, shall be submitted to the planning and zoning commission.

(6) Prior to the issuance of a certificate of occupancy, a screening device, as defined in this chapter, shall be built along that boundary of the area proposed for “VC” use which abuts property developed, zoned, or designated for any type of residential use.

(7) Lighting devices in conjunction with “VC” uses or parking lots shall not be operated so as to produce direct or reflected light or glare across abutting property lines.

(8) Loudspeakers and similar devices in conjunction with commercial uses or parking lots shall not be used.

(1995 Code, sec. 9-95)

(9) Accessory building and structures shall comply with [article 14.04, division 8](#), of this chapter. (Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)

(10) Open space will be interconnected from interior of the site to the exteriors when feasible.

(11) A landscape plan shall include irrigation system size, quantity, and type of landscaping materials drawn to same scale as the site plan. A minimum of twenty percent (20%) shall be materials other than grasses. The landscape plan shall be submitted to the planning and zoning commission for approval.

(12) Cluster development is preferred.

(13) Residential uses are limited to single-family detached housing and their related accessory buildings.

(14) Cul-de-sac streets shall have open space access for the public to the required open space system.


(15) A homeowners' association must be created to maintain the open spaces. Association guidelines and rules will be submitted at time of site plan approval.

(16) Underground utilities will be required.


(1995 Code, sec. 9-95)

(17) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet. (Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)


Commented [JH67]: Changed from special exception to SUP

 Secs. 14.03.537–14.03.590 Reserved

 Division 11. Reserved*

 Secs. 14.03.591–14.03.650 Reserved

 Division 12. Manufactured Home District

 Sec. 14.03.651 Purpose


It is the intended purpose of this zoning district to provide for a district in which manufactured homes are permitted for single-family residential use. The term

“manufactured home” as used herein is defined in [V.T.C.A., Occupations Code, section 1201.003](#).

 **Sec. 14.03.652 Manufactured home district (MHD)**

Any area or tract of land that is zoned as a manufactured home district (MHD) is restricted to one (1) HUD-code manufactured home or a site-built home per lot for use as a single-family residence.

(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

 **Sec. 14.03.653 Use regulations**

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses. Additionally, a lot in this zoning district may be used for any use allowed in R2 district as defined in this chapter in addition to the use of a HUD-code manufactured home for residential purposes. All regulations or ordinances of the town that relate to health, safety and welfare shall apply to a manufactured home district. (Ordinance 2008-11-00634 adopted 11/20/08)

 **Sec. 14.03.654 Height, lot, and yard requirements**

Height, lot and yard requirements shall conform to the following requirements, except that modifications in these regulations may be granted if it shall be found by clear and convincing evidence that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not compromise or endanger the public health, or any property within two hundred feet (200') of the lot on which a modification is requested. **Modifications must be approved by the Board of Adjustments during a public hearing.**

Commented [JH68]: NEW

- (1) The following requirements shall apply to each developed lot:
 - (A) Height regulations. No site-built building or structure shall exceed twenty-six feet (26') in height or two (2) stories.
 - (B) Area regulations. Same as [section 14.03.113](#).
 - (i) No lot without public sanitary sewer shall be less than two (2) acres.


 **Sec. 14.03.655 Parking regulations**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [article 14.04, division 2](#).


 **Sec. 14.03.656 Supports, tie-downs and skirting**

Every manufactured home situated in this district must be supported by cinderblocks or concrete piers at a minimum of eight (8) points under the frame of the manufactured home, together with eight (8) tie-downs. Each manufactured home must be completely skirted within sixty (60) days from the date of installation.


(Ordinance 1995-09-00310, sec. 2, adopted 9/11/95)

 **Secs. 14.03.657–14.03.710 Reserved**

 **Division 13. OS Open Space District**

 **Sec. 14.03.711 Purpose**

To provide land use regulations to control development in areas designated OS; to provide environmental aesthetic control of the open spaces; to provide recreational facilities; and to coordinate with the county open space plan. (1995 Code, sec. 9-120)

 **Sec. 14.03.712 Use regulations**

In an OS district, no land shall be used and no building shall be used, erected, or converted to any use other than:

- (1) Golf courses.
- (2) Equestrian uses.
- (3) Nonmotorized trails.
- (4) Public parks.
- (5) Agricultural uses.
- (6) Single-family residences on a minimum of ten (10) acres and in accordance with all other regulations listed under R2 district.
- (7) Any use or public building to be erected or used by the city government.

(8) Other uses not prohibited by this code may be permitted under the provisions of [article 14.02, division 4](#), specific use permits.

(1995 Code, sec. 9-121)

(9) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted. (Ordinance 1995-09-00310, sec. 1(G), adopted 9/11/95)

(10) A special use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

Commented [JH69]: Changed from special exception


(10) Accessory buildings and structures customarily associated with any of the above nonresidential establishments to which they refer shall be constructed to meet all of the requirements of the main building. Accessory buildings associated with residential structures shall comply with [article 14.04, division 8](#), of this chapter.

Commented [JH70]: renumbered

(Ordinance 2006-10-00577, sec. 2, adopted 10/16/06)

 **Sec. 14.03.713 Building regulations**


Same as village center (VC). (1995 Code, sec. 9-122)

 **Sec. 14.03.714 Height regulations**

Same as residential-2 (R2). (1995 Code, sec. 9-123)

 **Sec. 14.03.715 Area regulations**

Same as residential-2 (R2). (1995 Code, sec. 9-124)

 **Sec. 14.03.716 Site plan approval**

Same as village center (VC). (1995 Code, sec. 9-125)

 **Sec. 14.03.717 Landscape plan approval**


Same as village center (VC). (1995 Code, sec. 9-126)


 **Sec. 14.03.718 Architectural plan approval**


Same as village center (VC). (1995 Code, sec. 9-127)


 **Sec. 14.03.719 Off-street loading and parking**


Same as village center (VC). (1995 Code, sec. 9-128)

 **Secs. 14.03.720–14.03.770 Reserved**

 **Division 14. Reserved***

 **Secs. 14.03.771–14.03.800 Reserved**

 **Division 15. Schedule of Uses**

 **Sec. 14.03.801 Use designations**

(a) The use of land and/or buildings shall be in accordance with those listed in the following schedule of uses chart. No land or building shall hereinafter be used and no building or structure shall be erected, altered, converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in this schedule of uses is:

X Designates use permitted in the zoning district indicated

Designates use prohibited in district indicated

S Designates use may be approved by specific use permit. (See also [section 14.02.081](#))

(b) If a use is not listed, it is not allowed in any district.

(c) Use chart organization.

- (1) Residential uses.
- (2) Educational, institutional, public and special uses.
- (3) Office and professional.
- (4) Retail and related uses.
- (5) Automobile, transportation, utility, communication and related uses.

(6) Other uses.

(d) Classification of new/unlisted uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the schedule of uses chart shall be made as follows:

(1) Initiation.

(A) A person, city department, the planning and zoning commission, or city council may propose zoning amendments to regulate new and previously unlisted uses.

(B) A person requesting the addition of a new or unlisted use shall submit to the director of planning all information necessary for the classification of the use, including but not limited to:

- (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
- (ii) The type of product sold or produced under the use;
- (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
- (iv) Anticipated employment typically anticipated with the use;
- (v) Transportation requirements;
- (vi) The nature and time of occupancy and operation of the premises;
- (vii) The off-street parking and loading requirements;
- (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
- (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.

(Ordinance 2008-11-00634 adopted 11/20/08)

(2) The development services director shall refer the question concerning a new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statements of facts in

subsection (B) above. An amendment to this chapter shall be required as prescribed by ordinance. (Ordinance 2012-05-00715, sec. 4, adopted 5/17/12)

(3) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the most similar and should be permitted.

(4) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve [or] disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to ordinance.

(5) Standards for new and unlisted uses may be interpreted by the director of planning as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (B) above shall be followed for determination of the appropriate district. The decision of the director of planning may be appealed according to the process outlined in subsections (2) through (4) above.

(Ordinance 2008-11-00634 adopted 11/20/08)

(e) Schedule of uses chart.

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Residential uses										
Accessory buildings	X	X	X	X	S		X	X		X
Caretaker/guard residence	X					X			X	
Community home	X	X	X	X						
Home occupation	X	X	X	X				X		X
Mobil home on individual lot								X		
Mobile home park								X		
Multifamily residence								X		
Registered family home	S	S	S	S						
Servants or guest quarters	X	X	X	X						
Single-family dwelling (detached)	X	X	X	X			X	X		X
Temporary field construction office	X	X	X	X	X	X			X	X

School, trade or commercial	S				S	S			X	
Trade days/periodic or seasonal open market	S					S			X	
Office and Professional										
General professional office					X	X			X	
Bank or credit union					X	X			X	
Medical/dental clinic					X	X			X	
Medical laboratory					S	S			X	
Medical minor emergency clinic					S	S			X	
Radio broadcasting without tower					S	X			X	
Real estate sales office (permanent)					X	X			X	
Retail and Related Uses										
Antique shop					X	X			X	
Art and craft supply store					X	X			X	
Bakery (retail)					X	X			X	
Barber shop or beauty salon					X	X			X	
Bicycle, lawnmower sales, repair enclosed					S	X			X	
Bookstore					X	X			X	
Building materials and hardware (inside)					X	X			X	
Camera store					X	X			X	
Ceramics store					X	X			X	
Clothing, apparel or shoe store (new)					X	X			X	
Coffee house					S	X			X	
Computer sales and repair (new and used)					X	X			X	
Convenience store with refueling station					S	S			X	
Convenience store without refueling station					X	X			X	
Dance studio or gymnastics					S	X			X	
Department store (retail)					S	S			S	

Donut shop					X	X			X	
Driving school					X	X			X	
Dry cleaning/laundry (no plant on site)					X	X			X	
Dry cleaning plant									X	
Fabric store					X	X			X	
Farmer's market	X				S	S			X	
Feed store					X	X			X	
Fish and tackle store					S	X			X	
Florist					X	X			X	
Funeral home					S	X			X	
Furniture store, home furnishings					X	X			X	
Gift shop (new merchandise)					X	X			X	
Grocery store					X	X			X	
Gunsmith					S	S			S	
Hobby or toy store					X	X			X	
Ice cream or frozen yogurt sales					X	X			X	
Kennels	S								S	
Key shop or locksmith					X	X			X	
Laundromat (self-service)								S		
Meat market (retail)					X	X			X	
Medical aids and equipment					X	X			X	
Musical instrument sales and repair					X	X			X	
Nursery (retail)	X				S	X			X	
Outside display of merchandise	S				S	S			S	
Optical store					X	X			X	
Paint store					S	S			X	
Pet shop					S	S			S	
Pharmacist or drug store (without drive thru)					X	X			X	
Pharmacist or drug store (with a drive thru)					S	S			S	

Truck sales (new)									X	
Truck sales (used)									X	
Truck rental, leasing									X	
Trailer rental/sales									X	
Tractor sales (new or used)									X	
Vehicle leasing or rental						S			X	
Vehicle wash						S			X	
Water utilities	X	X	X	X	X	X	X	X	X	
Other uses										
Forestry	X									
Mining	X									
RV, boat, motorized or non-motorized vehicles, (inside or outside storage)									S	
Temporary real estate sales office		X	X	X	X					

(Ordinance 2012-05-00715, sec. 4, adopted 5/17/12; Ordinance 2012-10-00737 adopted 10/4/12)

 **ARTICLE 14.04 SUPPLEMENTARY REGULATIONS**

 **Division 1. Generally**

 **Sec. 14.04.001 Community homes**

Community homes shall be subject to the following limitations:

- (1) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a community home at the same time.
- (2) A community home shall provide the following services to the disabled residents: food and shelter, personal guidance, care, habilitation services, and supervision.
- (3) The residents of a community home may not keep, on the premises of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the community home.
- (4) A community home must meet all applicable licensing requirements under state law.

Commented [JH71]: changed from minor

(5) A community home may not be established within one-half (1/2) mile of a previously existing community home.


 **Sec. 14.04.002 Equestrian boarding**

Equestrian boarding shall be subject to the following limitations:

- (1) Lots shall be a minimum of two (2) acres.
- (2) A maximum of two (2) horses per acre shall be permitted, regardless of ownership, for all lots five (5) acres or less.
- (3) For lots in excess of five (5) acres, there shall be no limitation on the maximum number of horses per acre.
- (4) All equestrian boarding activities shall comply with the requirements of a home occupation as defined in [section 14.01.004](#) of this chapter.

Commented [JH72]: delete

(Ordinance 2012-05-00715, sec. 5, adopted 5/17/12)

 **Secs. 14.04.003–14.04.030 Reserved**

 **Division 2. Off-Street Parking and Loading**

 **Sec. 14.04.031 Vehicle parking regulations**

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot of such buildings or structures, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts and no existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required.

 **Sec. 14.04.032 Off-street residential parking**

The following shall be the minimum off-street parking spaces for residential uses:

- (1) R-1, one-family residence. Two (2) spaces for each dwelling unit.
- (2) R-2, one-family residence. Two (2) spaces for each dwelling unit.
- (3) R-1.5, one-family residence. Two (2) spaces for each dwelling unit.

(4) All other dwelling units. Two (2) spaces for each dwelling unit.


(5) PD, planned development. Two (2) spaces for each dwelling unit plus such additional requirements as may be specified by the amending ordinance.

 **Sec. 14.04.033 Off-street nonresidential parking**

The following shall be the minimum off-street parking spaces for nonresidential uses:

(1)	Bank, savings and loan or similar financial establishment	One (1) space for each three hundred square feet (300') of floor area.
(2)	Bowling alley	Six (6) spaces for each lane.
(3)	Churches	One (1) space for each three (3) seats in the main sanctuary.
(4)	Clinics or doctors' offices	One (1) space for each three hundred square feet (300') of floor area – minimum of five (5) spaces.
(5)	Commercial outdoor amusement	One (1) space for each three (3) seats provided or persons accommodated.
(6)	Convalescent home or home for aged	One (1) space for each six (6) rooms or beds.
(7)	Gasoline service station	Minimum six (6) spaces.
(8)	Golf course	Minimum thirty (30) spaces.
(9)	High school, college or university	One (1) space for each classroom, laboratory or instruction area plus one (1) space for each (2) students accommodated in the institution.
(10)	Hospitals	One (1) space for every two (2) beds.
(11)	Hotel or motel	One (1) space for each room, unit or guest accommodation plus requirements for clubs, restaurants and other uses.
(12)	Institutions of philanthropic nature	Ten (10) spaces plus one (1) space for each employee.
(13)	Library or museum	Ten (10) spaces plus one (1) for each three hundred square feet (300') of floor area.
(14)	Manufacturing, processing or repairing	One (1) space for each two (2) employees or one (1) space for each one thousand

		square feet (1000') of floor area, whichever is greater.
(15)	Offices, general	One (1) space for each three hundred square feet (300') of floor area – minimum five (5) spaces.
(16)	Places of public assembly (not listed)	One (1) space for each three (3) seats provided.
(17)	Recreational, private or commercial area or building (other than listed)	One (1) space for every three (3) persons to be normally accommodated in the establishment.
(18)	Restaurant or cafeteria	One (1) space for every three (3) seats under maximum seating arrangement – minimum of five (5) spaces.
(19)	Retail or personal service	One (1) space for each two hundred square feet (200') of floor area – minimum of five (5) spaces.
(20)	Schools, elementary or junior high	One (1) space for each classroom plus one (1) space for each four (4) seats in the main auditorium, gymnasium or other place of assembly.
(21)	Storage or warehousing	One (1) space for each two (2) employees or one (1) space for each one thousand square feet (1000'), whichever is greater.
(22)	Theatres, meeting rooms and places of public assembly	One (1) space for every three (3) seats.
(23)	Adult day care center	One (1) space for each five hundred square feet (500') of gross floor area.
(24)	Furniture store	One (1) space for each eight hundred square feet (800') of gross floor area.

 **Sec. 14.04.034 Special off-street parking regulations**


(a) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building development.

(b) In the VC, or MU districts, no parking space or other automobile storage space which is visible from the street shall be used for the storage of any commercial type vehicle including but not limited to commercial type truck, panel truck, box truck, commercial type van, box van, and trucks, vans or other vehicle that exceeds a two (2) ton capacity.

(c) Floor area of structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.


(d) All required parking spaces in all nonresidential zoning districts shall be located in such a manner so as to permit maneuvering from each space to the nearest adjacent public street or alley without encroachment on the other parking spaces or requiring other vehicles to be moved.

(e) Where nonresidential or multifamily parking is constructed adjacent to residentially zoned property, a masonry screening wall of at least six (6) feet in height but not greater than 8 feet in height shall be erected.

 **Sec. 14.04.035 Parking requirements for new and unlisted uses**

(a) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar listed use.

(b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to subsection (a) above or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in [section 14.03.801](#) for classifying new and unlisted uses.

 **Sec. 14.04.036 Minimum distance for off-street parking**

(a) Ninety-degree (90°) angle parking. Each parking space shall be not less than nine feet (9') wide nor less than eighteen feet (18') in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four feet (24') perpendicular to the building or parking line.

(b) Sixty-degree (60°) angle parking. Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen [feet] (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty feet (20') perpendicular to the building or parking line.

(c) Forty-five-degree (45°) angle parking. Each parking space shall be not less than nine feet (9') wide perpendicular to the parking angle nor less than eighteen [feet] (18') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen feet (18') perpendicular to the building or parking line.

 **Sec. 14.04.037 Off-street loading space**

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and

maintain on the same premises loading space in accordance with the following requirements:

(1) For retail, commercial, sales, service, or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<u>Square Feet of Gross Floor Area</u>	<u>Minimum Required Spaces or Berths</u>
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000	1 additional


(2) For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<u>Square Feet of Gross Floor Area</u>	<u>Minimum Required Spaces or Berths</u>
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 additional

(3) Each required loading space shall have a minimum size of twelve feet by sixty feet (12' x 60') for LI and twelve feet by thirty-five feet (12' x 35') for CB uses with a vertical clearance of at least fourteen feet (14'), together with access and maneuvering areas.

(4) No loading facilities may be located facing any street.

(5) Loading facilities located on the side of a building but not facing a street shall be set back from the front property line a minimum distance of sixty feet (60').

 **Sec. 14.04.038 Driveways**

(a) The driveway entry radius must not overlap the common property lines as projected to the street.

(b) Driveway culverts must be sized for each specific application. For new development, culvert size and material will be specified on the final plat drawings for each lot. For all other applications, the culvert size will be specified by the city at the time of the building permit or at the time a drive entry is required by the property owner. Culvert material must be either of reinforced concrete or galvanized corrugated metal.

<u>Culvert Material</u>	<u>Minimum Inside Diameter</u>	<u>Minimum Extension*</u>	<u>Concrete Header Required</u>
Reinforced concrete	18"	36"	No
Galvanized/corrugated metal	18"	N/A	Yes

* Minimum extension beyond the edge of the driveway. If a header is used, no extension is required.

Corrugated metal culverts may be used only in conjunction with concrete headers.

(Ordinance 2011-09-00685, sec. 2, adopted 9/1/11)

 **Sec. 14.04.039 Off-site parking requirements**

Required parking for a development may be located off site when approved by the planning and zoning commission and the city council. The planning and zoning commission and/or city council may authorize such alternative location of required parking space, along with any conditions determined necessary to promote safety and will adequately serve the public interest, subject to the following conditions:


- (1) Except for the location, all other requirements relating to off-street parking shall be met.
- (2) Such space shall be conveniently usable without causing unreasonable:
 - (A) Hazard to pedestrians;
 - (B) Hazard to vehicular traffic;
 - (C) Traffic congestion; or
 - (D) Detriment to the appropriate use of other properties in the vicinity.

(3) A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned, assuring the continued availability of the off-street parking facility for the development it is intended to serve, subject to a minimum of the following conditions:


(A) Shuttling service provided to and from the off-site parking location starting a minimum of one hour prior to the start of the event and for a minimum of one hour following the event; and

(B) Advertisement posted three (3) business days prior to the event disclosing the site of off-site parking and shuttle service.

(Ordinance 2014-08-00786 adopted 8/7/14)

 **Secs. 14.04.040–14.04.070 Reserved**

 **Division 3. Performance Standards**

 **Sec. 14.04.071 Applicability**

All uses in all districts shall conform in operation, location, and construction to the performance standards hereinafter specified. (1995 Code, ch. 9, art. 19, intro)

 **Sec. 14.04.072 Noise**

At no point at the bounding property line of any use in the “VC,” “C” [CB] or “LI” districts shall the sound pressure level of any daytime operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

(1) Octave band frequencies.

<u>Octave Band</u>	<u>Maximum Permitted Sound</u>
<u>Cycles per Second</u>	<u>Pressure Level, Decibels</u>
20–75	97
75–150	76
150–300	70
300–600	65
600–1,200	63
1,200–2,400	58

2,400–4,800	55
4,800–10,000	53

(2) Corrections. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:

<u>Type of Operation or Character of Noise</u>	<u>Correction in Decibels</u>
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5
Noise present at night	Minus 7

* Apply one correction only

(3) “Daytime” shall refer to the hours between 7:00 a.m. and 7:00 p.m. on any given day.

(4) “Bounding property line” shall be interpreted as being at the far side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

(5) “Measurement of noise” shall be made with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.

(6) Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified:

(A) Noises not directly under control of the property uses [user].

(B) Noises emanating from construction and maintenance activities during daytime hours.

(C) Noises of safety signals, warning devices, and emergency pressure relief valves.

(D) Transient noise of moving sources such as automobiles, trucks, airplanes, and railroads.

(1995 Code, sec. 9-160)

 **Sec. 14.04.073 Smoke and particulate matter**

No operation or use in any district shall cause, create, or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants, which at the emission point or within the bounds of the property are:

(1) As dark or darker in shade as that designated as no. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118, or in violation of the standards specified by the Texas Air Control Board Regulations for the Control of Air Pollution as published by the department of state health services or as such regulations may be amended.

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in (1) above except that: when the presence of uncombined water is the only reason for failure to comply with [such standard] or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in 8-501(1) and (2) [subsections (1) and (2) of this section] shall not apply.

(3) The 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 such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated is located in concentrations [not] exceeding fifty-four (54) grains per one thousand (1,000) cubic feet of air.

(1995 Code, sec. 9-161)

 **Sec. 14.04.074 Odorous matter**

(a) No use shall be located or operated in any district which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

(b) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials (ASTMD) 1391-56 [1391-57] entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of ASTMD 1391-57 is hereby incorporated by reference.

(1995 Code, sec. 9-162)

 **Sec. 14.04.075 Fire and explosive hazard material**

(a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in an "LI" district except that chlorates, nitrates, perchlorates, phosphors, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists, or wholesalers may be permitted when approved by the fire department.

(b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the city.

(1995 Code, sec. 9-163)

 **Sec. 14.04.076 Toxic and noxious matter**

No operation or use permitted in an "LI" district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the department of state health services in "Threshold Limit Values Occupational Health Regulations No. 3," a copy of which is hereby incorporated by reference and is on file in the office of the building official of the city. (1995 Code, sec. 9-164)

 **Sec. 14.04.077 Vibration**

No operation or use in an "LI" district shall at any time create earthborne vibration which, when measured at the bounding property line of the source of operation, exceeds the limits of displacement set forth in the following table in the frequency ranges specified:


<u>Frequency Cycles per</u> <u>Second</u>	<u>Displacement in Inches</u>
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0 to 10	.0010
10 to 20	.0008
20 to 30	.0005
30 to 40	.0004
40 and over	.0003


(1995 Code, sec. 9-165)

 **Sec. 14.04.078 Glare**


No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for 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 adjacent property. (1995 Code, sec. 9-166)

 **Sec. 14.04.079 Waste materials**

No use or operation shall discharge into the open, onto the ground, or into any drainageway, open pit, or pond any waste materials, liquids, residue, or byproducts for storage, decomposition, disposal, or fill unless approved by the building official. (1995 Code, sec. 9-167)

 **Secs. 14.04.080–14.04.120 Reserved**


 **Division 4. Height and Area Exceptions and Modifications**

 **Sec. 14.04.121 Height**

(a) The height regulations prescribed herein shall not apply to church spires, belfries, monuments, tanks, water and fire towers and spires, chimneys, elevator penthouses, smokestacks, conveyers, flagpoles, electric display signs, and necessary mechanical appurtenances.

(b) Public or semipublic service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and other places of worship may be erected to a height not exceeding seventy-five feet (75') when each of the required yards are increased by one foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.

(1995 Code, sec. 9-170)

 **Sec. 14.04.122 Front yards**


(a) Where twenty-five percent (25%) or more of the frontage upon the same side of the street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this chapter, or where the configuration of ground is such that conformity with the front yard provisions of this chapter would work a hardship, the board of adjustment may permit modifications of the front yard requirements. (1995 Code, sec. 9-171)

(b) Visibility triangles will be maintained at all street intersections. The minimum triangle shall be thirty-five feet (35') along each right-of-way line. No fence, structure, or planting higher than three and one-half feet (3-1/2') above the established street grades, nor any tree with foliage extending below ten feet (10') above the established street grades, shall be maintained within this area. (Ordinance 1996-11-00343, sec. 18, adopted 11/4/96)

(c) Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4'), provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve feet (12'). The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.

(d) Where an official line has been established for future widening or opening of street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the future street.

(1995 Code, sec. 9-171)

 **Sec. 14.04.123 Side yards**


(a) On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty feet (30').

(b) No accessory building shall project beyond a required yard line along any street.

(c) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of the window sills, belt courses, cornices, or other ornamental features.


(d) A roof overhang, an open fire escape, or an outside stairway may project not more than three feet (3') into a required side yard.

(1995 Code, sec. 9-172)

 **Sec. 14.04.124 Rear yards**

An accessory building not exceeding twenty feet (20') in height may occupy not to exceed twenty-five percent (25%) of the area of a required rear yard but no accessory building shall be closer than twenty feet (20') to the main building nor closer than twenty-five feet (25') to any rear or side lot line. (1995 Code, sec. 9-173)

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 **Sec. 14.04.125 Mailbox location**

A mailbox located along public streets must meet following criteria. Setback measurements are from the front of the mailbox with the door closed. Height is from the surface of the ground to the bottom of the mailbox.


<u>Street Style</u>	<u>Setback</u>	<u>Height</u>
Residential, no curb	18–24 inches	42–48 inches
Residential, curb	Flush with back of curb	36–42 inches
Collector/thoroughfare	2–5 feet*	42–48 inches

* Check with postmaster. Traffic obstructions, safety of carrier, and width of shoulder are factors in determination of desirable location.


(Ordinance 1996-11-00343, sec. 19, adopted 11/4/96)

 **Secs. 14.04.126–14.04.170 Reserved**

 **Division 5. Nonconforming Uses**

 **Sec. 14.04.171 Existing land**

The lawful use of land existing upon the effective date of this chapter although such use does not conform to the provisions hereof may be continued, subject to the provisions hereof. (1995 Code, sec. 9-180)


 **Sec. 14.04.172 Existing building**

The lawful use of a building existing upon the effective date of this chapter may be continued, only in conformance with these regulations, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations or extensions, except those required by law or ordinance, are made therein. If such nonconforming building is voluntarily removed, the future use of such


premises shall be in conformity with the provisions of this chapter. (1995 Code, sec. 9-181)

 **Sec. 14.04.173 Voluntary discontinued use of a building for one year**


In the event an existing nonconforming use of any building or premises is voluntarily discontinued for a period of one (1) year, the use shall thereafter conform to the provisions of the district in which it is located. (1995 Code, sec. 9-182)

 **Sec. 14.04.174 Existing residence**


A residential dwelling unit having a lesser floor area at the time of the passage of this chapter than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming. (1995 Code, sec. 9-183)

 **Sec. 14.04.175 Repairs**


Repairs and alterations may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance unless the building is changed to a conforming use. (1995 Code, sec. 9-184)

 **Sec. 14.04.176 Nonconforming use not to be extended or rebuilt**

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter. (1995 Code, sec. 9-185)

 **Secs. 14.04.177–14.04.210 Reserved**

 **Division 6. Exploration for and Production of Oil, Gas and Other Minerals***

 **Sec. 14.04.211 Prohibition against exploration and production in residential, commercial, and village center districts**

(a) The exploration for or the production of oil, gas and other minerals (including sand, gravel and select fills) is prohibited in the following districts:

- (1) "R2" single-family residential districts;
- (2) "R1.5" single-family residential districts;
- (3) "R1" single-family residential districts;
- (4) "ED" estate development districts;
- (5) "LD" lakeside development districts;

Commented [JH74]: Delete

(Ordinance 1997-06-00348, sec. 1, adopted 6/9/97)

- (5) "CB" commercial business districts; (Ordinance 2005-12-00544, sec. 3, adopted 12/5/05)
- (6) "VC" village center districts;
- (7) "MHD" manufactured housing districts.[;]

Commented [JH75]: Renumbered

Commented [JH76]: renumbered

Commented [JH77]: renumbered

(Ordinance 1997-06-00348, sec. 1, adopted 6/9/97)

- (8) "AO" agriculture districts[;]
- (9) "OS" open space districts[.]

Commented [JH78]: renumbered

Commented [JH79]: renumbered

(b) Exploration for or the production of oil, gas and other minerals (including sand, gravel and select fills) is allowed by specific use permit only in the following districts:

- (1) "LI" light industrial districts[;]

(Ordinance 1997-06-00348, sec. 1, adopted 6/9/97; Ordinance 2007-07-00592 adopted 7/5/07)


(c) Permit application. Every application for a permit to drill for or the production of oil, gas and other minerals (including sand, gravel and select fills) shall be in writing, signed by the applicant or by some person duly authorized to sign the same on his behalf. The application shall state the drilling block and the proposed depth and the particular lot and location in the block where the proposed well or excavation site is to be located and shall have attached to it certified or photostatic copies of the deed, oil and gas lease, or drilling or excavation contract with the owners of the land covering the lots, blocks of tracts in such drilling block over which the applicant has control for oil and gas purposes, together with abstracts of title or certificates of title, satisfactory to the city council, to the end that the application will show what proportion and what part of the drilling or excavation block the applicant owns in fee or holds under lease or drilling or excavation contract from the owners; or satisfactory information may be provided on the plat by showing lessors, lessees, and volume and page where the lease or contract is recorded in the deed records. The applicant may withdraw the abstracts or certificate of title after they have been examined and

released by the city council. The application shall also be accompanied by a map or maps of the drilling/excavation block showing the designation of the lots, blocks, or tracts owned or controlled by the applicant, as well as the ownership of all tracts and interests within the drilling block, and showing the exact location of the proposed well or excavation site, which location shall be as nearly as is practicable in the center of the drilling block.

(d) No permit shall be issued for any oil or gas well to be drilled at any location within an oil well drilling block or a gas well drilling unit, which location is nearer than five hundred (500) feet to any residence, building [or] structure, unless the applicant for the permit for such well first secures the written permission of the owner of such residence, building or structure.

(e) In addition to the requirements for specific use permits as stated in [article 14.02, division 4](#), of this chapter, the applicant is required to provide the city with proof of adequate insurance providing personal injury and property damage protection and demonstrate that adjacent residential, commercial, and village center districts will not suffer an adverse impact.


(Ordinance 1997-06-00348, sec. 1, adopted 6/9/97)

 **Secs. 14.04.212–14.04.250 Reserved**

 **Division 7. Lighting**

 **Sec. 14.04.251 Purpose and intent**

It is the intent of this division to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

 **Sec. 14.04.252 Definitions**

Cut-off angle (of a luminaire). The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.

Footcandle. A unit of illuminance amounting to one lumen per square foot.

Full cut-off type fixture. A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated.

Fully shielded. A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part as determined by photometry test or certified by the manufacturer. Fixtures will be installed in a horizontal position as designed, or disability glare will result.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or footcandles.

Light trespass. Light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Luminance. The physical quantity corresponding to the brightness of a surface (e.g., a lamp, luminaire, sky, or reflecting material) in a specified direction. It is the luminous intensity of a area of the surface divided by that area. The unit is candela per square meter.

Lux (lx). The SI unit of illuminance. One lux is one lumen per square meter.

Obtrusive light. Spill light which, because of quantitative, directional or spectral context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information.

Spill light. Light emitted by lighting installation that falls outside the boundaries of the property on which the installation is sited.

Up-lighting. Any light source that distributes illumination above a 90-degree horizontal plane.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

 **Sec. 14.04.253 General provisions**

(a) Curfew. All nonessential lighting in any district will be required to be turned off after business hours in the commercial zones and after midnight in residential areas, leaving only the necessary lighting for site security. The nonessential lighting shall remain off until dawn or one-half hour before a business opens, whichever is earlier. (“Nonessential” can apply, but is not limited to: display, aesthetic, parking, sign lighting, playground, or yard lights) excluding seasonal lighting in residential.

(b) Light trespass limits. No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for 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 adjacent property. The pre-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than 3 lux. The post-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than 1 lux.

(c) Streetlights. All street or other common or public area pole-mounted lights shall be fully shielded.

General requirements applicable to all outdoor lighting.

(1) When the outdoor lighting installation or replacement is part of a development proposal for which a site plan or plat is required under these regulations, the planning and zoning commission shall review and recommend approval or disapproval to the city council for the lighting installation as part of its site plan or platting process. All other lighting installations or replacements shall be reviewed for compliance with this chapter, and approved or denied by the city manager or his or her designee.

Commented [JH80]: change from administrator

(2) Exterior lighting fixtures, whether attached to a building and/or freestanding, shall be of harmonious design.

(3) The applicant shall submit to the city sufficient information, in the form of an overall exterior lighting plan, to enable the city to determine that the applicable provisions will be satisfied. The lighting plan shall include subsections (A) through (E) below and also conform to subsections (F) through (N) below:

(A) A site plan, drawn to a scale of one-inch equaling 20 feet, showing buildings, landscaping, parking area, and all proposed exterior fixtures including lamps, supports, reflectors and other devices.

(B) Specifications for all proposed lighting fixtures including photometric data, designation as IESNA full cut-off fixtures where required, and other descriptive information on the fixtures.

(C) Proposed mounting height of all exterior mounting fixtures.

(D) Luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this chapter.

(E) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

(F) All exterior floodlights, pole lights, and carriage lights should be designed or retrofitted with shielding in a manner such that all of the luminous flux falls upon either the surface of the structure to be illuminated or on the ground wholly within the property on which it is installed.

(G) All new lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption, and eliminate unneeded lighting when required by the planning and zoning commission and city council.

(H) When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section, and shall be reviewed by the city manager or his or her designee.

Commented [JH81]: change from administrator

(I) Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

(J) Electrical service to outdoor lighting fixtures shall be underground.

(K) Proposed lighting installations that are not covered by the special provisions in this chapter may be approved only if the planning and [zoning] commission and city council find they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.

(L) In the case of flags, statues, or other top-of-pole mounted objects which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the object of interest.

(M) Shielding requirements. Full cut-off shielding is required on undirected light sources of 150 watts or greater, and for directed or focused light sources with spot output of 100 watts or greater, not to exceed 1800 lux.

(N) Light trespass. No use or operation in any district shall be located or concentrated so as to produce intense glare or direct illumination across the bounding property line for 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 adjacent property. The pre-curfew illuminance level measured on the property

line at eye height on a plane perpendicular to the line of sight shall be no greater than 3 lux. The post-curfew illuminance level measured on the property line at eye height on a plane perpendicular to the line of sight shall be no greater than 1 lux.

(4) Lighting plans, written according to the requirements listed in subsections (3)(A), (B), (C) and (D) of this section, shall contain descriptive data sufficiently complete to enable the plans examiners to readily determine whether compliance with this chapter has been met. If such plans do not enable this ready determination by reason of the nature or configuration of the proposed devices, fixtures or lamps, the applicant may be required to submit analyses and data performed and certified by a recognized testing laboratory as evidence of compliance.

(5) Should any outdoor light fixtures or the type of light source therein be changed after the plan has been filed and approved, a change request must be submitted to the city for approval. The lighting plan change request must be received by the city prior to the change and it must contain adequate information to assure compliance with this chapter.

(d) Security lighting.

(1) For the purposes of this section, security lighting is defined as lighting primarily designed to illuminate a fence line, barn or outdoor building which is intended to reduce the risk (real or perceived) of personal attack, to discourage intruders, vandals, or burglars, and to protect property.

(2) All lighting districts.

(A) All security lighting fixtures shall be shielded and aimed so that illumination is directed only within the owner's property boundaries and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited unless it meets the shielding requirements of this chapter.

(B) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater.

(C) Security lighting fixtures may be mounted on poles located no less than ten feet from the perimeter of the property boundary.

(D) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an

intruder located within five feet of the perimeter. The zone of activation sensors must be within the property boundaries of the property wishing to be illuminated.

(E) Security lights shall combine timers with dusk-to-dawn photocells to ensure lights are on only when it is dark.

(F) Security lighting standards in the various lighting districts are as shown in appendix A, the Illuminating Engineering Society of North America (IESNA).

(G) In addition to the application materials set forth in the general provisions of this chapter, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

Sec. 14.04.254 Special provisions

Lighting installed and maintained by a public utility company or a public cooperative installed prior to the effective date of the ordinance amending this section [chapter] 14 shall be exempt.

(Ordinance 2007-08-00595 adopted 8/2/07)

Sec. 14.04.255 Nonresidential provisions

The following provisions shall apply to all nonresidential land uses including, but not limited to, commercial, light industrial, industrial, open space and public/municipal.

(1) All parking area lighting shall be full cut-off type fixtures. Pole-mounted lights shall be a maximum height of 25 feet, measured from ground level to the base of the light fixture.

(2) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light, and shall not exceed a height of 25 feet, measured from ground level. Floodlighting is discouraged, and if used, must be shielded to prevent:

(A) Disability glare for drivers or pedestrians.

(B) Light trespass beyond the property line.

(C) Light above a 90-degree horizontal plane.

- (3) Unshielded wall-pack type fixtures are unacceptable.
- (4) Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.
- (5) Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable. (See [article 3.16 of chapter 3](#) for further restrictions on lighted signs.)
- (6) The “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IES) shall be observed.

(Ordinance 1999-12-00426.1 adopted 12/6/99)

 **Sec. 14.04.256 Site plan standards**

- (a) A photo-metric light plan shall be included in all site plans and shall include, but not [be] limited to, locations, size, height, orientation, wattage, design and plans of all outdoor lighting and lighted signs. For site plans showing a high level of illumination, the commission may require an isolux plan indicating levels of illumination in footcandles, at ground level. The plan shall adhere to the “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IESNA). (See appendix A.)
- (b) Should any outdoor light fixture or the type of light source be changed after the site plan has been approved, a change request must be submitted in writing to the building inspector for his approval, together with adequate information to assure compliance with this division, which must be received prior to substitution.

(Ordinance 2007-08-00595 adopted 8/2/07)

 **Sec. 14.04.257 Temporary lighting exemption**

- (a) Any person may submit a written request, on a form prepared by the city, to the building inspector for a temporary lighting exemption request. A temporary exemption shall contain the following information:
 - (1) Specific exemption or exemptions requested.
 - (2) Duration of time requested for exemption.
 - (3) Type of lamp(s), fixture(s) and shielding provided.

- (4) Total wattage of lamp or lamps.
- (5) Proposed location on premises of the outdoor light fixture(s), including height.
- (6) Such other data and information as may be required by the building official.

(b) The building inspector shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty days.

Sec. 14.04.258 Nonconforming lighting

- (a) Existing lighting in conflict with this division shall be classified as nonconforming.
- (b) Nonconforming lighting shall not be altered, rebuilt, enlarged, extended, or relocated, unless doing so brings it into conformance.
- (c) Nonconforming lighting shall not be permitted to remain after cessation or change of the business or activity to which the lighting pertains.

Sec. 14.04.259 Administration

The duties and responsibilities of administering this division shall be vested in the building inspector of the city, the planning and zoning commission, or such other person as may be designated from time to time by the mayor.

Sec. 14.04.260 Penalty

Any person, firm or corporation violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of one thousand dollars (\$1,000) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.


Sec. 14.04.261 Variances

The board of adjustment shall have authority to grant variances from the provisions of this division in accordance with [article 14.02, division 2](#), of this chapter.


Appendix A. IES Maintained Horizontal Illuminance Recommendations

<u>Parking Lot Levels of Activity (examples)</u>	<u>General Parking and Pedestrian (footcandles)</u>			<u>Vehicle Use Area Only (footcandles)</u>		
	<u>Ave.</u>	<u>Min.</u>	<u>U. Ratio</u>	<u>Ave.</u>	<u>Min.</u>	<u>U. Ratio</u>
HIGH	3.6	0.9	4:1	2.0	0.67	3:1
Major league athletic events						
Major cultural or civic events						
Regional shopping centers						
Fast food facilities						
MEDIUM	2.4	0.6	4:1	1.0	0.33	3:1
Community shopping centers						
Cultural, civic or recreational events						
Office parks						
Hospital parking						
Transportation parking						
Residential complex parking						
LOW	0.8	0.2	4:1	0.5	0.13	4:1
Neighborhood shopping						
Industrial employee parking						
Educational facility parking						
Church parking						

(Ordinance 1999-12-00426.1 adopted 12/6/99)

 **Secs. 14.04.262–14.04.300 Reserved**

 **Division 8. Accessory Buildings, Structures and Uses***

 **Sec. 14.04.301 Purpose**


The purpose and intent of the accessory building, accessory structures and accessory use regulations is to:

- (1) Maintain neighborhood and community integrity and preserve the existing character of neighborhoods by encouraging compatible land uses.
- (2) Provide the residents of the city the opportunity to use their property to enhance the quality of life and/or fulfill personal objectives as long as the use of the property is not incompatible with the land uses or character of the neighborhood.
- (3) Assure that public and private services such as streets, water and electrical systems are not burdened by accessory uses to the extent that the accessory usage exceeds that which is normally associated with the primary use of the property.

 **Sec. 14.04.302 Accessory structures, buildings and uses permitted**

- (a) Accessory structures or buildings may be erected, maintained, and used for purposes which are clearly accessory to the principal or main structure, building or use permitted on the premises.
- (b) Accessory structures, buildings and uses shall be so constructed, maintained and utilized so that the use of the building or equipment located does not produce excessive noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, heat, traffic, glare from artificial illumination or from reflection of natural light and shall be on the premises of the principal or main use, structure, or building except as may be specifically provided herein.
- (c) For any accessory structure a special exception may be required when the total square footage of the main building and any accessory buildings exceeds 50,000 square feet. Special exceptions may be granted by the city council when such property owner can show the following:
 - (1) Does not contain or support a use inconsistent with the zoning district regulation applicable to the property;
 - (2) Use of structure does not cause traffic congestion;
 - (3) Does not support use by any person other than owner or occupant of the main structure; and
 - (4) That size and mass of the structure is consistent with the surrounding uses.

(Ordinance 2006-10-00577, sec. 1, adopted 10/16/06)

 **Sec. 14.04.303 Exemptions**

The following accessory structures are exempt from this division:

- (1) Retaining walls;
- (2) Air conditioning mechanical equipment;

- (3) Uncovered flatwork (such as but not limited to patios, sidewalks, concrete pool decking and driveways);
- (4) Play houses less than 125 square feet without running water or electricity, playground equipment, tree forts, and similar structures located behind the front of the main building; and
- (5) Temporary (less than 7 days) membrane structures (such as but not limited to tents and bounce houses).

 **Sec. 14.04.304 General accessory buildings and structures regulations**

In all residential districts, accessory structures shall comply with the following standards except as may be otherwise specifically provided for in this code:

- (1) Types of accessory buildings and structures.
 - (A) Attached accessory building and structures. Accessory buildings and structures that are physically attached to a main building or located less than ten feet (10') from the main building shall be considered attached accessory buildings and shall meet the requirements set forth for attached accessory buildings. These may include but are not limited to garages, carports, guest/servants quarters, patio covers, outdoor kitchens or living areas, decks that exceed 30" in height, deck covers, shops, tool houses, pool houses, and other incidental accessory structures.
 - (B) Detached accessory buildings and structures. Accessory buildings and structures which are physically located ten feet (10') or more from a main building and a minimum of ten feet (10') behind the required front setback line may be considered detached accessory buildings and shall be required to meet the requirements set forth for detached accessory buildings. These may include but are not limited to garages, carports, guest/servants quarters, patio covers, outdoor kitchens or living areas, decks that exceed 30" in height, deck covers, shops, tool houses, pool houses, and other incidental accessory structures.

(Ordinance 2008-06-00617 adopted 7/19/08)

- (2) Design.
 - (A) Attached accessory buildings and structures shall be designed to be architecturally compatible with the main building and constructed of similar materials as the main building.
 - (B) Detached accessory buildings shall be constructed of materials designed for construction and have a minimum life expectancy of at least twenty (20) years.

(Ordinance 2006-10-00577, sec. 1, adopted 10/16/06)

(3) Setbacks.

(A) Accessory buildings

1. Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty foot front yard setback is required.

2. Rear yard setback, a minimum of twenty feet.

3. Side yard setbacks, a minimum of twenty feet.

Commented [JH82]: Changes from required to meet the main building set back requirements.

(B) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of 25 feet, a minimum side yard setback of 20 feet and if the in-ground pool is in front of the main building it shall maintain a front setback of 300 feet. In-ground swimming pool setbacks shall be measured from the inside wall of said pool.

(C) The inside wall of an aboveground swimming pool and any elevated decking associated with an aboveground swimming pool shall be located behind the main building and shall maintain a minimum rear yard setback of 50 feet and a minimum side yard setback of 25 feet.

(4) Accessory buildings used as guest/servants quarters shall be permitted in compliance with the following:

(A) One accessory guest/servants quarters not exceeding 1,000 square feet in area may be permitted as an accessory use to a single-family residence in R-1 zoning district.

(B) One accessory guest/servants quarters not exceeding 1,250 square feet in area may be permitted as an accessory use to a single-family residence in R-1.5 zoning district.

(C) One accessory guest/servants quarters not exceeding 1,500 square feet in area may be permitted as an accessory use to a single-family residence in R-2 or AO zoning district.

(D) Detached accessory guest/servants quarters shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.

(E) Accessory guest/servants quarters shall only be occupied by an immediate member of the family that resides in the main building or, if occupied by domestic staff, all adults occupying the quarters shall be full-time domestic servants


providing support to the property, health care providers for the residents of the main building or care takers of the property.

(F) Any accessory guest/servants quarters where a kitchen or food preparation area is provided shall only be permitted on property that is located within a R-2 or AO zoning districts and only with a Special Use Permit. The Special Use Permit may only be granted provided the owners of the property enact a deed restriction with the City of Lucas as party to the deed restriction that prohibits the use of the guest/servants quarters to be used for lease/barter agreement other than that of the full-time domestic servants providing support to the property, health care provides [providers] for the residents of the main building or care takers of the property.

(H) Guest servant quarters shall be designed to be architecturally compatible with the main building and constructed of similar materials as the main building.

Commented [JH83]: New section

(Ordinance 2008-06-00617 adopted 7/19/08)

 Secs. 14.04.305–14.04.340 Reserved



City of Lucas Planning and Zoning Agenda Request June 11, 2015

Requester: City Secretary Stacy Henderson

Agenda Item:

Consider approval of the minutes of the May 14, 2015 Planning and Zoning Commission meeting.

Background Information:

N/A

Attachments/Supporting Documentation:

1. Minutes of the May 14, 2015 Planning and Zoning Commission meeting.

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

Motion:

I make a motion to Approve/Deny the minutes of May 14, 2015.



Planning & Zoning Commission
Regular Meeting
May 14, 2015 - 7:00 PM
City Hall – 665 Country Club Road
Minutes

Call to Order

Chairman Rusterholtz called the meeting to order at 7:00p.m.

Present:

Chairman, Peggy Rusterholtz
Vice Chairman, David Keer
Commissioner, Andre Guillemaud
Commissioner, Joe Williams
Commissioner, Brian Blythe
Alternate Commissioner, Kevin Wier
Alternate Commissioner, Scott Sperling

Council Liaison Present:

Mayor Rebecca Mark

Staff:

City Manager, Joni Clarke
Development Services Director, Joe Hilbourn
City Secretary, Stacy Henderson

Chairman Rusterholtz called the meeting to order at 7:00 p.m.

It was determined that a quorum was present. Everyone was reminded to turn off or silence cell phones and the Commissioner Wier led the Pledge of Allegiance.

Commissioner Wier announced that he was recusing herself from the meeting at 7:01 p.m. due to a conflict of interest related to Agenda Item No. 2.

Consent Agenda

The following items were placed on the consent agenda for consideration.

- 1. Consider approval of the minutes of the April 9, 2015 Planning and Zoning Commission meeting.**
- 2. Consider an application for a minor plat for the Sullivan Addition, Lots 1 and 2 being a parcel of land situated in Calvin Boles Survey, Abstract Number 28, City of Lucas, Collin County, Texas, being 8 acres of land.**

3. **Consider approval of a final plat for Enchanted Creek Phase 1B situated partially in the I. & G. N. RY. CO. Survey Abstract Number 1060 and partially in the John McKinney Survey Abstract Number 596, City of Lucas, Collin County, Texas being 54.875 acres more commonly known as the Hunt Property.**
4. **Consider approval of a final plat for Rimrock Estates situated in the James Grayum Survey ABS NO 354 being a 20.56 acre tract of land.**

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Blythe to approve the Consent Agenda as presented. The motion passed unanimously by a 5-0 vote.

Commissioner Wier returned to the Council Chambers at 7:03 p.m.

<h2>Public Hearing</h2>

5. **Consider approval a zoning change request from R-1 to C for a parcel of land being a 31,156 square foot tract of land situated in the Leroy Farmer Survey, Abstract Number A0334, and M.L. Morris survey, Abstract number A0561, City of Lucas, Collin County Texas, being a part of Lot 36 of the Meadows Addition, an addition in the City of Lucas recorded in Volume 9, Page 30, being all of a tract of land conveyed to Santiago Santibanez, as recorded in Volume 5368, Page 5889.**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take Action

Development Services Director Joe Hilbourn gave a presentation stating the lot was part of the Meadowbrook platted subdivision. Mr. Hilbourn stated that as part of the platting requirements, dedicated right-of-way for FM 1378 will be required and once that occurs, the lot will no longer meet lot size requirements.

Mr. Mike Jusko, representing the property owner, Mr. Santibanez, stated that the property owner would like to construct his personal home on the front portion of the lot and construct a workshop and a small office building on the back portion of the lot for their concrete business. Mr. Jusko stated no outside storage will be on site and there will be approximately 30 employees associated with the business that will work off-site at job locations and not traveling through the neighborhood.

Chairman Rusterholtz opened the public hearing at 7:08p.m. and stated that the Commission received an email from Dan Walls, 7 Broadmoor Way, Wylie, expressing his opposition to the request and the Commission also received a petition signed by eighteen (18) residents that reside on Greenfield and surrounding areas that were also opposed to the request.

Mr. Dan Walls, owner of lots 24, 25 and 26 in the Meadows Addition spoke in opposition to the request.

Mr. Terry Congdon, 4 Greenfield Way, Wylie, spoke in opposition to the business portion of the request.

Ms. Linda Etheridge, 820 Meadowbrook, Lucas, spoke in opposition to the request.

Ms. John Lant, 720 Meadowbrook, Wylie, spoke in opposition to the request.

Mr. Santiago Santibanez stated that this was a family business and he would also build his family home on this property.

Chairman Rusterholtz closed the public hearing at 7:19p.m.

Commissioners Blythe and Guillemaud stated they had concerns that the request did not meet the requirements of the Comprehensive Plan.

Chairman Rusterholtz stated that the request did not meet the Comprehensive plan requirements and would adversely affect the residents in the neighborhood.

MOTION: A motion was made by Vice Chairman Keer, seconded by Commissioner Blythe, to recommend denial of the zoning change request from R-1 to C for a parcel of land being a 31,156 square foot tract of land situated in the Leroy Farmer Survey, Abstract Number A0334, and M.L. Morris survey, Abstract number A0561, City of Lucas, Collin County Texas, being a part of Lot 36 of the Meadows Addition, an addition in the City of Lucas recorded in Volume 9, Page 30, being all of a tract of land conveyed to Santiago Santibanez, as recorded in Volume 5368, Page 5889. The motion passed unanimously by a 5 – 0 vote.

Chairman Rusterholtz announced that she would be moving forward in the agenda to Agenda Item No. 7, the Comprehensive Plan Update.

Regular Agenda

7. Consider updates as it relates to the Comprehensive Plan.

Chairman Rusterholtz called the following individuals forward to speak:

Mr. John Dunaway, 120 McMillan, Lucas, requested that schools be considered as part of the Comprehensive Plan update in order to keep up with the growing population in Lucas and continue with the exemplary school status that exist currently.

Mr. Craig Boardman, 610 Connell Lane, Lucas, stated that the Comprehensive Plan should continue as is currently in order to maintain the large lot sizes, existing zoning, and maintain the rural lifestyle.

Louis Frisbie, Consultant with Metropolitan Infrastructure, working with the City to update the Comprehensive Plan, explained the process involved in updating the Comprehensive Plan and stated community involvement is needed to update the plan.

Mayor Rebecca Mark encouraged the residents to remain involved in the community, take part in the Comprehensive Plan update, attend meetings whenever possible and spread the word to get more residents involved.

The Commission discussed getting the word out to the residents regarding updates to the Comprehensive Plan through the City newsletter and website and also suggested the City hold a Town Hall meeting on June 7 at 2:00p.m. to encourage community involvement.

City Manager Joni stated she would have the Town Hall suggestion on the next City Council agenda for on May 21, 2015.

Public Hearing - Continued

Chairman Rusterholtz returned to Agenda Item No. 6.

6. Consider updates to the City's Code of Ordinance for the following sections:

- **Sec. 14.01.004 Definitions**
 - **Sec. 14.03.113 Area regulations**
 - **Sec. 14.03.173 Area regulations**
 - **Sec. 14.03.233 Area regulations**
 - **Sec. 14.03.293 Building regulations**
 - **Sec. 14.03.296 Site plan approval**
 - **Sec. 14.03.297 Landscaping plan approval**
 - **Sec. 14.03.353 Development regulations**
 - **Sec. 14.03.472 Building regulations**
 - **Sec. 14.04.253 General provisions**
 - **Sec. 14.04.304 General accessory buildings and structures regulations**
 - **Any changes the commission may wish to entertain.**
- A. Presentation by Development Services Director Joe Hilbourn**
B. Conduct Public Hearing
C. Take Action

Development Services Director Joe Hilbourn and the Commission reviewed the Code of Ordinance, Section 14 relating to definitions; area regulations; building regulations; site plan approval; landscaping plan approval; development regulations; building regulations; general provisions; and general accessory buildings and structure regulations, discussing items that needed to be changed, updated or removed.

Chairman Rusterholtz announced that there was no one in the audience wanting to speak regarding this request.

Development Services Director Hilbourn stated he would bring the updates to the Code of Ordinances back to the Commission at their June meeting for ordinance approval.

7. Adjournment.

MOTION: A motion was made by Commissioner Guillemaud, seconded by Commissioner Williams to adjourn the meeting at 9:28pm. The motion passed unanimously with a 5 - 0 vote.

Peggy Rusterholtz
Chairman

ATTEST:

Stacy Henderson
City Secretary



City of Lucas

Planning and Zoning Agenda Request

June 11, 2015

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider approval of an application by Todd Winters on behalf of Cleve Anderson Custom Homes for preliminary plat approval of a subdivision of land called Tokalaun Equestrian Addition Tract 2. Said tract being 18.507 acres for a proposed 8 lot subdivision situated in the John W. Kerby Survey ABS Number 506 more commonly known as the school site on Blondy Jhune.

Background Information:

This plat is the second half of Tokalaun Park and Estuary. The property is currently zoned R-2 with an average lot size of over two acres. The minimum lot size is 2 acres and the largest lot is 2.749 acres with the average lot size being over two acres. The cul-de-sac is less than 600' long, and has less than ten lots. Eight lots are proposed for this subdivision.

Attachments/Supporting Documentation:

1. Preliminary Plat

Budget/Financial Impact:

N/A

Recommendation:

Approve as presented.

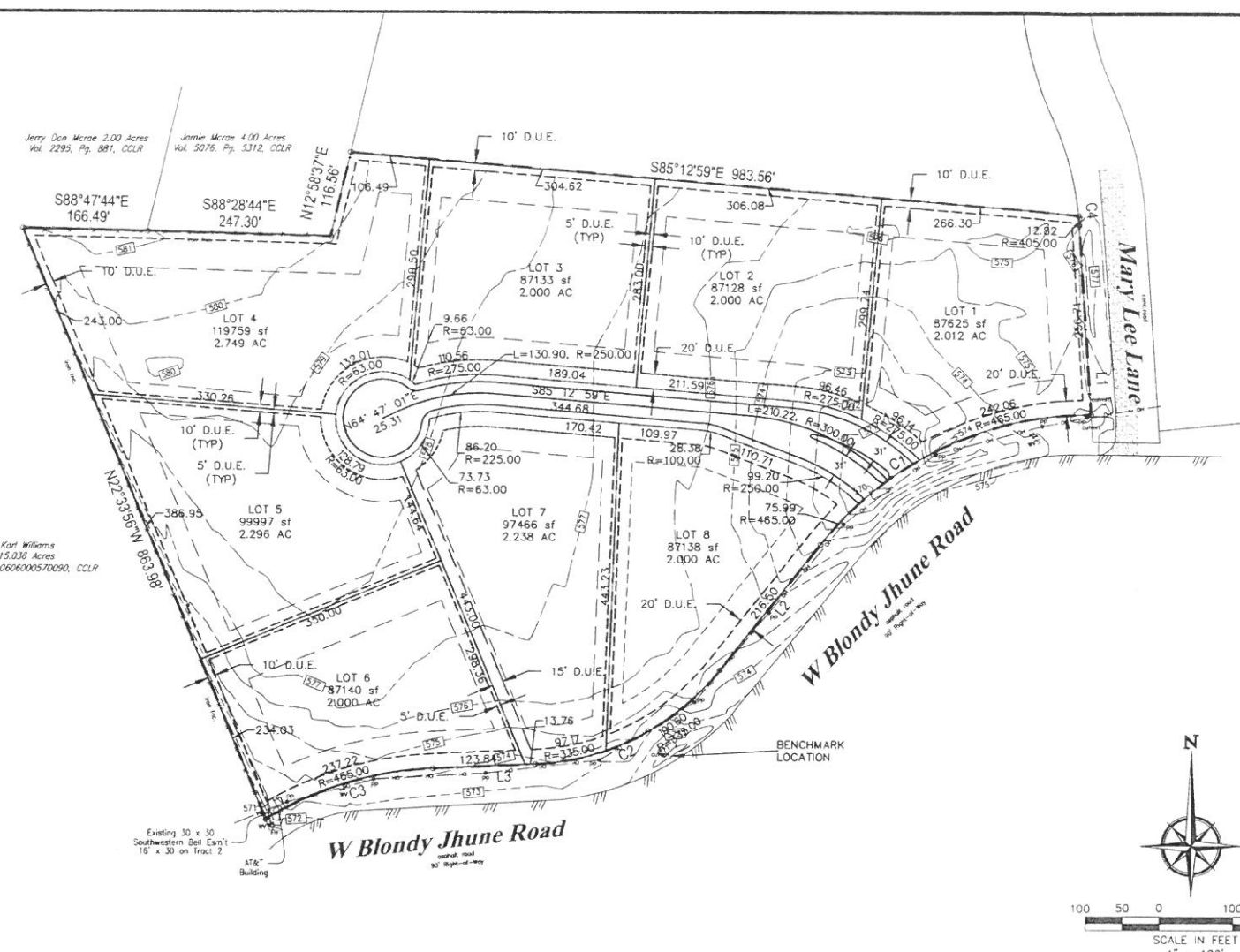
Motion:

I make a motion to approve/deny an application for a preliminary plat submitted by Todd Winters on behalf of Cleve Anderson Custom Homes for a subdivision of land called Tokalaun Equestrian Addition Tract 2 being 18.507 acres for a proposed 8 lot sub-division on a tract of land situated in the John W. Kerby Survey ABS Number 506.

Jerry Don Mcrae 2.00 Acres
Vol. 2295, Pg. 881, CCLR

Jamie Mcrae 4.00 Acres
Vol. 5076, Pg. 5312, CCLR

Karl Williams
15.036 Acres
CC# 20140606000570090, CCLR



OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, ADAMSON CUSTOM HOMES, INC., BEING the owner of a 18.507 acre tract of land situated in the State of Texas, County of Collin and City of Lucas, being part of the John W. Kerby Survey, Abstract No. 506, being Tract 2 of Tokalaun Equestrian Addition, an addition to the City of Lucas as recorded in Volume N, Page 898 of the Collin County Map Records with said premises being more particularly described as follows:

COMMENCING at a point in the west right-of-way line of Mary Lee Lane (90' R.O.W.) marking the southeast corner of Lot 4, Block 3 of Forest Creek Estates, an addition to the City of Lucas as recorded in Volume K, Page 44 of the Collin County Land Records;

THENCE South 091°7'53" East, 485.72 feet to a Roame capped iron rod set in the west right-of-way line of Mary Lee Lane marking the POINT OF BEGINNING, the northeast corner of said Tract 2, the northeast corner of the herein described premises, and the southeast corner of Tract 1 of said Tokalaun Equestrian Addition;

THENCE with the west right-of-way line of Mary Lee Lane, the east line of said Tract 2, the east line of said Tokalaun Equestrian Addition, and the east line of said premises as follows: southeasterly along a curve to the right having a central angle of 01°50'40", with a radius of 405.00 feet, for an arc distance of 13.04 feet (chord=South 04°57'10" East, 13.04 feet) to a Roame capped iron rod set marking the end of said curve, South 04°01'50" East, 256.50 feet to a Roame capped iron rod set marking the southeast corner of Tract 2, the southeast corner of said Tokalaun Equestrian Addition, the southeast corner of premises, and the intersection of the west right-of-way line of Mary Lee Lane with the north right-of-way line of Blondy Jhune Road (90' R.O.W.);

THENCE with the north right-of-way line of Blondy Jhune Road, the south line of said Tract 2, the south line of said Tokalaun Equestrian Addition, and the south line of said premises as follows: southwesterly with a curve to the left having a central angle of 51°36'07", with a radius of 465.00 feet, for an arc distance of 418.79 feet (chord=South 64°00'34" West, 404.78 feet) to a Roame capped iron rod set marking the end of said curve; South 38°12'31" West, 216.50 feet to a Roame capped iron rod set marking the beginning of a curve to the right; southwesterly along a curve to the right having a central angle 49°13'09", with a radius of 335.00', for an arc distance of 287.78 feet (chord=South 62°49'05" West, 279.01 feet) to a 1/2" iron rod found marking the end of said curve; South 87°25'38" West, 137.60 feet to a Roame capped iron rod set marking the beginning of a curve to the left; southwesterly along said curve having a central angle of 29°13'45", with a radius of 465.00 feet, for an arc distance of 237.22 feet (chord=South 72°48'45" West, 234.55 feet) to a Roame capped iron rod set marking the southwest corner of Tract 2, the southwest corner of said Tokalaun Equestrian Addition, the southwest corner of premises, and the southeast corner of Williams 15.036 acre tract as recorded under County Clerk No. 20140606000570090 of the Collin County Land Records;

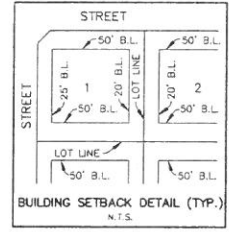
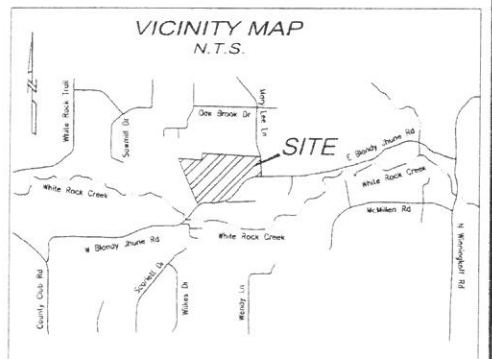
THENCE with a west line of Tract 2, a west line of said Tokalaun Equestrian Addition, a west line of said premises, and the east line of said Williams 15.036 acre tract, North 22°33'56" West, 863.98 feet to a point marking the most westerly northwest corner of Tract 2, said Tokalaun Equestrian Addition, said premises, the northeast corner of said Williams 15.036 acre tract, and being in the south line of Mcrae's 2.00 acre tract as recorded in Volume 2295, Page 881 of the Collin County Land Records;

THENCE with a north line of said Tract 2, said Tokalaun Equestrian Addition, said premises, and the south line of Mcrae's 2.00 acre tract, South 88°47'44" East, 166.49 feet to a Roame capped iron rod set marking the southeast corner of Mcrae's 2.00 acre tract and the southwest corner of Mcrae's 4.00 acre tract as recorded in Volume 5076, Page 5312 of the Collin County Land Records;

THENCE with a north line of said Tract 2, said Tokalaun Equestrian Addition, said premises, and the south line of Mcrae's 4.00 acre tract, South 88°28'44" East, 247.30 feet to a Roame capped iron rod set marking the southeast corner of Mcrae's 4.00 acre tract and an interior corner of said Tract 2, said premises, and said Tokalaun Equestrian Addition;

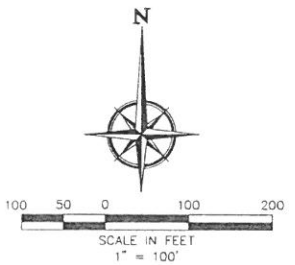
THENCE with a west line of Tract 2, said Tokalaun Equestrian Addition, said premises, and the east line of Mcrae's 4.00 acre tract, North 12°58'37" East, 116.56 feet to a Roame capped iron rod set marking a northwest corner of said Tract 2, said premises, and the southwest corner of the aforementioned Tract 1 of said Tokalaun Equestrian Addition;

THENCE with the north line of said Tract 2, said premises, and the south line of said Tract 1, South 85°12'59" East, 983.56 feet to the place of beginning and containing 18.507 acres of land.



LOT	AREA (SF)	AREA (AC)
A 1	87,625	2.012
A 2	87,128	2.001
A 3	87,133	2.001
A 4	119,759	2.750
A 5	99,997	2.296
A 6	87,140	2.001
A 7	97,466	2.238
A 8	87,138	2.001
AVERAGE	94,797	2.177
MAX	119,759	2.750
MIN	87,128	2.001

LEGEND	
D.U.E.	DRAINAGE & UTILITY EASEMENT
U.E.	UTILITY EASEMENT
B.L.	BUILDING SETBACK LINE
A.E.	ACCESS EASEMENT
D.E.	DRAINAGE EASEMENT
L.S.E.	LANDSCAPE EASEMENT
I.P.F.	IRON PIPE FOUND
I.R.F.	IRON ROD FOUND
(CM)	CONTROL MONUMENT
CCLR	COLLIN COUNTY LAND RECORDS
CCMR	COLLIN COUNTY MAP RECORDS



SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, F.E. Bemenderfer, Jr., hereby certify, that I prepared this plat was made from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission

FOR PRELIMINARY PLAT REVIEW PURPOSES ONLY

F.E. BEMENDERFER, JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4501

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared F.E. Bemenderfer, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 20__

Notary Public in and for the State of Texas
My Commission Expires: _____

ON-SITE SEWAGE FACILITIES (OSSF) NOTES:

- All lots must utilize alternative type On-Site Sewage Facilities.
- All lots must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/streams/ponds, etc. (Per State regulations).
- Tree removal and/or grading for OSSF may be required on individual lots.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.

HEALTH DEPARTMENT CERTIFICATION:

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Registered Sanitarian or Designated Representative
Collin County Development Services

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas.

Chairman, Planning and Zoning Commission _____ Date _____

ATTEST:
Signature _____ Date _____

Name _____ Date _____

The The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works _____ Date _____

The Director of Planning and Community Development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development _____ Date _____

NOTES:

- By graphical plotting, the parcel described hereon does not lie within a Special Flood Hazard Area, as delineated on the Collin County, Texas and Incorporated Areas, Flood Insurance Rate Map, Map Number 48085C0405 J, dated June 02, 2009, as published by the Federal Emergency Management Agency. The above flood statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes. The above flood statement shall not create liability on the part of the surveyor.
- Benchmark: Square cut found on culvert located just north of the existing Blondy Jhune Road at the approximate center of the 380' radius curve, Roame Point Number 249, Elevation: 572.01 feet.
- Source bearing is based on the centerline control and iron rods found in Forest Creek Estates as recorded in Volume K, Page 44.
- Property owners to maintain property including drainage and utility easements to the edge of pavement.
- Only wrought iron fences permitted within drainage easements.
- A 1/2-inch iron rod with yellow cap stamped "ROOME" will be set at all boundary corners, lot corners, points of curvature, points of tangency and angle points in public rights-of-way unless otherwise shown or noted in this drawing after development is completed.
- Selling a portion of any lot within this addition by metes and bounds is a violation of state law and city ordinance and is subject to fines and withholding of utilities and building permits.
- The Drainage & Detention facilities and easement area will be maintained by the Homeowners Association.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	465.00'	418.79'	S1°36'07" W	564.90' 34" W
C2	335.00'	287.78'	S8°12'31" W	582.49' 05" W
C3	465.00'	237.22'	S29°13'45" W	577.48' 45" W
C4	405.00'	13.04'	S04°01'50" E	256.50'

LINE	BEARING	DISTANCE
L1	S04°01'50" E	256.50'
L2	S38°12'31" W	216.50'
L3	S87°25'38" W	137.60'

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, ADAMSON CUSTOM HOMES, INC., does hereby adopt this plat designating the herein described property as TOKALAUN EQUESTRIAN ADDITION, TRACT TWO, an addition to the City of Lucas, Texas, and does hereby dedicate to the City of Lucas, the roads, rights-of-way and easements shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, to the City of Lucas forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Lucas's use thereof. The City of Lucas and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the systems in said Easements. The City of Lucas and public utility entities shall at all times have the full right of ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of their respective systems without the necessity at any time procuring the permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolution of the City of Lucas, Texas.

FOR: ADAMSON CUSTOM HOMES

BY: _____

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2015.

Notary Public in and for the State of Texas
My Commission Expires: _____

LAND SURVEYOR
ROOME LAND SURVEYING, INC.
2000 G AVENUE, SUITE 810
PLANO, TX 75074
OFFICE (972) 423-4372
FAX (972) 423-7523

OWNER / DEVELOPER
ADAMSON CUSTOM HOMES
300 MURDOCK LANE
LUCAS, TX 75002
(214) 212-5377
FAX (214) 556-3548

EXISTING ZONING: R2.0
PROPOSED ZONING: R2.0
8 RESIDENTIAL LOTS
DENSITY: 1 LOT PER 2.313 ACRES GROSS
AVG. LOT SIZE: 2.177 ACRE
MIN. LOT SIZE: 2.000 ACRE
MAX. LOT SIZE: 2.749 ACRE

PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY
PRELIMINARY PLAT TOKALAUN EQUESTRIAN ADDITION, TRACT 2

LOTS 1-8, BLOCK 4
8 RESIDENTIAL LOTS
BEING 18.507 ACRES
SITUATED IN THE
JOHN W. KERBY SURVEY, ABSTRACT NO. 506
CITY OF LUCAS, COLLIN COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS REG. NO. 001145
201 WINDO CIRCUIT, SUITE 200, WYLE TEXAS 75098
(972) 941-8400 FAX (972) 941-8401

DATE: MAY 7, 2015

SHEET 1 OF 2



City of Lucas

Planning and Zoning Agenda Request

June 11, 2015

Requester: Development Services Director Joe Hilbourn

Agenda Item:

Consider public feedback and provide guidance to staff regarding updates to the City of Lucas Comprehensive Plan.

Background Information:

The Comprehensive Plan should be updated periodically to reflect changes in the community. The last update occurred in 2006. The City had its Comprehensive Plan kick off meeting that included the Planning and Zoning Commission, City Council and the Parks and Open Space Board and also held a Town Hall meeting on June 7, 2015.

Attachments/Supporting Documentation:

NA

Budget/Financial Impact:

NA

Recommendation:

N/A.

Motion:

Give the future needs of the City as it relates to planning, zoning, growth, subdivisions, population, socio-economic conditions and the overall needs and character of the city.