

ORDINANCE NO. 2018-02

AN ORDINANCE ADOPTING ZONING DISTRICT REGULATIONS AND ZONING DISTRICT BOUNDARIES FOR THE TOWN OF ANNETTA NORTH (TOWN), ESTABLISHING REQUIREMENTS FOR NOTICES, PUBLIC HEARINGS, COMPLETENESS; ESTABLISHING PROCEDURES FOR AMENDMENTS TO BOUNDARIES AND REGULATIONS; DEFINITIONS AND PROVIDING FOR VARIANCES, PROVIDING FOR SEVERABILITY; ESTABLISHING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Town Council has, pursuant to the provisions of Section 211.006(a), Texas Local Government Code, held a public hearing on the adoption of these regulations and zoning map referred to herein after publishing notice of such public hearing more than fifteen (15) days prior thereto in an official newspaper or a newspaper of general circulation in the Town of Annetta North; and,

WHEREAS, the Town Council desires to exercise authority relating to zoning regulations and zoning district boundaries and has established procedures herein for adopting and enforcing the regulations and boundaries; and,

WHEREAS, the Town Council has by the map adopted herein divided the Town into districts of a number, shape and size the Town Council considers best for carrying out the purposes and intent of Subchapter A of Chapter 211, Texas Local Government Code, with uniform regulations for each district; and,

WHEREAS, the regulations herein are adopted with reasonable consideration for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the Town; and,

WHEREAS, the Town Council finds that these regulations and zoning map are for the purpose of promoting public health, safety, morals and general welfare;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA NORTH, TEXAS, THAT:

Section 1. Short Title

This Ordinance shall be known, cited and referred to as the "Zoning Ordinance of the Town of Annetta North."

Section 2. Purpose

The zoning regulations and districts provided herein have been established in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the Town. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town consistent with a comprehensive plan.

Section 3. Interpretation and Application

When interpreting and applying the provisions of this Zoning Ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

- (a) Conflict with other laws. Nothing in this Zoning Ordinance shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law.
- (b) District boundaries. When definite distances in feet are not shown on the zoning district map, the district boundaries on the map are intended to be along existing streets, alleys or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise specified, it shall be determined by scaling on the official zoning map and measuring from a given line.
- (c) Discrepancies in map. Where the street layout on the ground varies from the street layout as shown on the zoning district map, Town Council acting as the Board of Adjustments and Appeals may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.
- (d) Pre-existing legal status. No building, structure or use which was not lawfully existing at the time of adoption of the ordinance from which this Zoning Ordinance is derived shall be, become or be made legal solely by the adoption of the ordinance from which this Zoning Ordinance is derived.

Section 4. Interpretation of Terms; Rules of Construction

- (a) General interpretation. For the purpose of this Zoning Ordinance, certain terms and words are defined and shall have the meanings ascribed in this Zoning Ordinance unless it is apparent from the context that different meanings are intended.
- (b) Tense and number. Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number;
- (c) Interpretation of certain words. The term "shall" is mandatory not directory; the term "may" is permissive; the term "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the term "used" means designed and intended or arranged to be used; the term "building" includes the word "structure;" the term "lot" includes "building lot" or "parcel." The term "occupied" means "occupied or intended to be occupied, or arranged or designed for occupancy." The term "including" means "including but not limited to." Wherever this Zoning Ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this Zoning Ordinance shall govern.

Section 5. Fees

The Town Council shall establish a schedule of fees, charges, and expenses and a collection procedure for the administration, permits, zoning change requests, Zoning Board of Adjustment Appeals, and other matters pertaining to this Zoning Ordinance. The schedule of fees shall be maintained by the City Secretary and available for public view upon request. Such fees may be altered or amended only by action of the Town Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 6. Application and Completeness Determination

- (a) Every application for zoning, rezoning, Special Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance shall be subject to a determination of completeness by the Town Secretary, Mayor or designee.
- (b) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Zoning Ordinance. For a determination of completeness to be issued, an application must include the following:
 - 1. Payment of the appropriate fee;

2. An accurate metes and bounds description of the subject property (or other suitable legal description);
 3. A survey exhibit and other appropriate exhibits as deemed necessary by the Mayor or his designee. Said exhibits shall include, but not be limited to, site plans, maps, architectural elevations, and information about proposed uses; and
 4. A site plan as prescribed in this Zoning Ordinance with any zoning request involving a SUP request or a Planned Development (PD) district.
 5. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request.
- (c) The Mayor or his designee may from time to time identify additional requirements for a complete application that are not contained within, but are consistent with, the application contents and standards set forth in the Zoning Ordinance.
 - (d) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
 - (e) Not later than the 10th business day after the date an application is submitted, the Mayor or his designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this Zoning Ordinance for the type of application being submitted or other requirements have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information are not submitted within 45 days after the date the application was submitted.
 - (f) An application filed on or after the effective date of this Zoning Ordinance shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this Section, the applicant shall be deemed to have been notified if the Town has mailed a copy of the determination as provided in subsection (e).
 - (g) The processing of an application by a Town official or employee prior to the time the application is determined to be complete shall not be binding on the Town, as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.

- (h) An application for a zoning, rezoning, SUP, or for a text amendment change approval shall be deemed to expire on the 45th day after the application is submitted to the Mayor or his designee for processing, if the applicant fails to provide documents or other information necessary to meet the requirements of the Zoning Ordinance or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application must be submitted.
- (i) No vested rights accrue solely from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.

Section 7. Zone Change, Public Hearing and Notices

- (a) Consideration for a change in any zoning district boundary line or zoning regulation may be initiated by the property owner or his authorized agent submitting a zoning application to the Town Secretary or by the Town Council on its own motion. In the event the ownership stated on an application and that shown in Town records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.
- (b) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Town of Annetta North, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, impact fees, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the Town has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes have been paid.
- (c) Upon filing of an application for an amendment, the Town Council shall conduct a public hearing on said application.
- (d) Before the 30th day before the public hearing date, written notice of each public hearing before the Town Council on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the United States mail, properly addressed with postage paid,. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, notice to such owners shall be given by one publication in an official newspaper or

a newspaper of general circulation in the municipality at least 15 days before the time of the hearing. Also, a notice of such public hearing shall be published before the 15th day before the date of the hearing in an official newspaper or a newspaper of general circulation in the Town.

- (e) Any proposal or application may be withdrawn by the applicant at any time prior to Town Council action, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the Town Council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

Section 8. Action of the Town Council

- (a) After the required public hearing, and at least 30 days after the date of the mailed notice required by Section 7(d) hereof, the Town Council may approve or disapprove the application for amendment by a simple majority vote of the Town Council members present and voting. In the event of a tie vote of the Town Council members present and voting, the Mayor may cast the deciding vote.
- (b) If a proposed change to a regulation or boundary is protested in accordance with Chapter 211.006(d) of the Texas Local Government Code, the proposed change, in order to take effect, shall have the affirmative vote of at least 3/4 of all members of the governing body. The protest must be written and signed by the owners of at least 20% of either:
 - 1. the area of the lots or land covered by the proposed change; or
 - 2. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Section 9. Effect of Denial of Application for Rezoning

If the application for an amendment to the Zoning Ordinance is denied by the Town Council, said application shall not be eligible for reconsideration for 6 months subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Mayor, to be eligible for consideration within 6 months of the denial of the original application. In the event a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

Section 10. Changes in Zoning Regulations

All changes in zoning regulations require a public hearing. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the Town.

Section 11. Zoning Board of Adjustments

- (a) Creation, composition. The Town Council of the Town of Annetta North is granted authority to act as a Board of Adjustment as authorized by Section 211.008(g), Texas Local Government Code.
- (b) Duties and powers: The Board of Adjustment shall have the powers and exercise the duties of a Board in accordance with Texas Local Government Code § 211.009. Board members are representatives of the Town and shall have the right to inspect premises where required in the discharge of their responsibilities under the laws of the state and the ordinances of this Town. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications and to that end shall have the necessary authority to ensure continuing compliance with its decision:
 - 1. Interpretation: To render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement or determination made by the enforcing officer in the administration of such provisions. In reaching its decision, the Board shall establish firm guidelines for future administrative actions on like manners;
 - 2. Special Exception: To decide upon those applications for a special exception to use or develop property when the same is authorized under these regulations subject to Board approval;
 - 3. Variance: To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest. Such variances shall not be authorized unless the Board makes an affirmative finding to all the following requirements:
 - a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
 - b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
 - c. That the relief sought will not injure the permitted use of adjacent conforming property;

- d. That the granting of the variance will be in harmony with the spirit and purposes of these regulations.
- (c) Interpretation request; variance appeal: A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the enforcing officer. Such appeal shall be taken within 15 days after the decision has been rendered by filing with the enforcing officer a notice of appeal specifying the grounds thereof. The enforcing officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- (d) Stay of proceedings: An appeal shall stay all proceedings of the action appealed from, unless the enforcing officer, after the notice of appeal has been filed with him, certifies to the Board that by reason of facts stated in his certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record on application of notice to the enforcing officer and on due cause shown.
- (e) Form of appeal or application: The appeal or application shall be in such form and shall contain such information as the Board may require under its rules of procedure. It shall be accompanied by the required fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board and shall not be reviewed or scheduled for hearings until brought to completion.
- (f) Notice of hearing: Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, of the person rendering the same for taxes, affected by such application, located within 200 feet of any property affected thereby, excluding any intervening public street, at least 10 days before such hearing is held. Such notice shall be served by using the last known address as listed on the Town tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings shall also be given by causing publication of the time and place of such hearing in the official newspaper at least 10 days prior thereto, together with a brief description of the subject matter of the hearing.
- (g) Hearing:
 - 1. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the grant or denial of an appeal shall be submitted only to the Board in public meeting.
 - 2. Any appeal or application may be withdrawn upon written notice to the enforcing officer, but no appeal shall be withdrawn after posting

of hearing notice and prior to Board action thereon without formal consent of the Board.

3. The Board shall make its decision on any application on any application within 45 days from the time the initial hearing is held or the application will be deemed to have been denied.

(h) Decision and voting:

1. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under these regulations shall be construed as limitations on the power of the Board to act.
2. Nothing contained in this Section shall be construed to empower the Board to change the terms of these regulations, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.
3. In exercising its powers, the Board of Adjustment, in conformity with the provisions of Texas Local Government Code §211.008–211.010, may modify in whole or in part any order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The concurring vote of 75% of the members of the Board shall be necessary to reverse, on appeal, any order, requirement, decision or determination of the enforcing officer, or to approve any application upon which it is required to pass under these regulations or to effect any variance in such regulations.
 - a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board.
 - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

(i) Approval of request:

1. In approving any request, the Board may designate such conditions including time limits, if appropriate, in connection therewith in order to secure substantially, the objectives of the regulation or provision to which variance is granted and provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.

2. When necessary, the Board may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.
 3. Upon approval of a variance, the applicant shall apply for occupancy or construction permits within 60 days after the Board's decision, unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted 1 emergency extension of 60 days on written request filed with the Board before expiration of the original approval. Failure of the applicant to apply for occupancy or construction permits within the authorized time period shall void the right to secure such permits except upon the filing of a new application or appeal.
- (j) Denial of request. No application for variance or special exception shall be considered within 1 year of denial of a request for a variance on the same property.
- (k) Appeal of Board action. Any person or persons, jointly or separately, or any taxpayer, or any officer, department, board or bureau of the Town aggrieved by any decision of the Board of Adjustment may present to the appropriate court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within 10 days after the filing of the decision complained of in the offices of the Board and not thereafter.

Section 12. Definitions

The following words, terms and phrases, when used in this Zoning Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) General definitions.

Administrative Official means the Mayor or other designated authority charged with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.

Alley means a public minor way that is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Appraised value means the current appraised building value as established by Parker County Appraisal District (PCAD).

Basement means a building story which is partly underground, but may have at most one-half of its height above the average level of the adjoining ground.

Block means property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Board of Adjustment or Board means the Town Council acting as the Board of Adjustment.

Building means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind.

Building ends means those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

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

Building Registration Permit includes an amended Building Registration Permit and means a permit certifying that a structure and associated land use are in conformity with this Zoning Ordinance.

Carport means a structure built and used for the shelter and protection of motor vehicles against the elements and consisting of a roof and supports, open on two or more sides from roof to adjacent ground level in residential districts.

Court means an open, unoccupied space bounded on more than 2 sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of 2 feet from the walls of a building shall be excluded from coverage computations.

Customarily incidental use means a use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Development site means the tract of land on which a developer constructs physical improvements, as for example, a residential subdivision, a townhouse community, or a shopping village. In most cases, this involves subdividing one larger tract into a number of smaller parcels and constructing at least the infrastructure associated with the entire project.

District means a zoning district; a section of the Town for which the regulations governing the area, height, and use of buildings and land are uniform.

DU means the abbreviation for dwelling unit.

DU/A means the abbreviation for dwelling unit per acre.

Dwelling unit means a room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than 2 persons, other than members of the family, are lodged or boarded for compensation at any one time.

Essential services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streetlights, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare of the community. For the purpose of this definition, the term "building" does not include structures for essential services.

Family means any number of persons living together as a single, nonprofit housekeeping unit in which not more than 4 individuals are unrelated by blood, marriage, or adoption, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

Fence means a structure that functions as a partial or complete barrier or boundary, usually constructed of posts, boards, wires, rails, or masonry.

Flood means a temporary rise in stream flow or stage that results in water overtopping its bank and inundating areas adjacent to the channel or other aggregated or accumulated runoff flowing from higher elevations and subsequently collecting in lower elevations.

Floodway means the channel of a stream and adjacent land areas which are required to carry and discharge the floodwater of flood flows of any stream associated with the regulatory flood with an allowable maximum increase in water surface elevation above the regulatory flood of one foot.

Floodplain means the area outside the floodway that is still subject to inundation by the regulatory flood.

Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, and garages. Floor area is also called living area.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

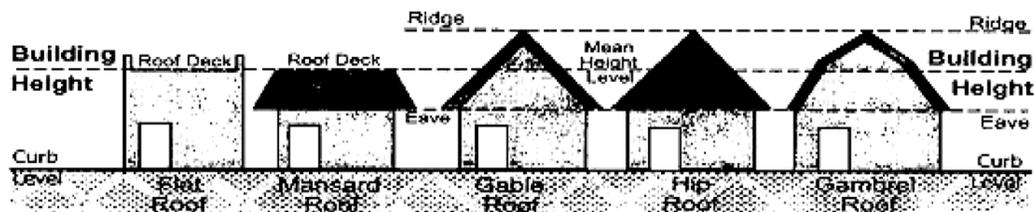
Glass pane shall include any glass product that is approved for exterior use.

Grade, when used as a reference point in measuring height of building, means the average elevation of the finished ground at the exterior walls of the main building.

Ground floor area means the living area of a building including the walls thereof, but excluding all porches, open breezeways, and garages.

Hard, all-weather surface means cement, asphalt, brick, and other commonly accepted pavement, which may be approved by the Administrative Official.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof deck or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip, and gambrel roofs.



Impervious coverage means any material that substantially reduces or prevents the infiltration and effective drainage of storm water into previously undeveloped land.

Improved surface means surfaces constructed of concrete, asphalt, pavement, or similar permanent hard surface in accordance with the Town's standards as set forth in this Zoning Ordinance.

Infrastructure means structures built below, on, or approximately on the surface of the ground which provide the foundations for superstructures, or which provide services for building structures or for other utility purposes; for example, streets, water and sewer lines and their appurtenances, and storm drain systems.

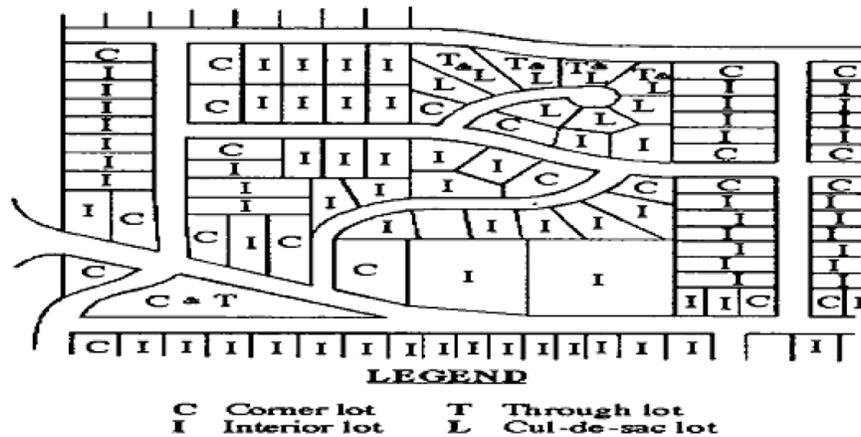
Institution means a building occupied by a nonprofit corporation, or a nonprofit establishment for public use.

Living area means the floor area of the enclosed parts of a dwelling unit, exclusive of garages, measured by the exterior dimensions.

Local utility line means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, electric power, telephone or television service.

Lot area means the entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this Zoning Ordinance and other applicable law.

Lot, corner, means a lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed 135 degrees.



Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of all buildings located on the lot.

Lot depth means the average depth from the front line of the lot to the rear line of the lot.

Lot, double frontage, means a lot, other than a corner lot, which is contiguous to 2 streets, and which, therefore, has 2 front yards (same as a through lot).

Lot, interior, means a lot other than a corner lot.

Lot line means a boundary of a building lot.

Lot line, front, means the boundary between a lot and the street on which it fronts.

Lot of record means a lot which has been recorded in the office of the County Clerk.

Lot, reverse corner, means a corner lot, the rear lot line of which abuts the side lot line of the lot adjacent to it.

Lot, through, means a lot having its front and rear lines on different streets (same as a double frontage lot).

Lot width means the horizontal distance between the side lot lines of a lot, measured at right angles to the depth at the front building line.

Main building means a building in which the principal use of the lot on which the building is located is conducted.

Masonry includes brick, stone, concrete block, concrete tilt wall, lath and stucco, or other such masonry products. In order to qualify as a masonry product in meeting any exterior wall surface construction requirement, the finished wall shall have a minimum thickness of seven-eighths inch of masonry; this does not include "Hardiplank," "Hardipanel," or other similar sheet masonry products.

Mobile home lot means that part of a parcel of land (mobile home site) in a mobile home park which has been reserved for the placement of one unit of manufactured housing to be used as a single dwelling unit, whether the housing arrived in one or more sections.

Moved building means a previously constructed building that has been fitted for transportation or relocation. This shall include all finished buildings or sections thereof to be transported either to a storage site or a temporary location.

Nonconforming use means a pre-existing building, structure, or use of land lawfully occupied at the time of the effective date of the ordinance from which this Zoning Ordinance is derived or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Open space means that land area that is relatively free of manmade structures, where water bodies, land forms, and vegetation predominate.

Open space, common, means that open space which is owned, used, or operated and maintained for the common benefit of the inhabitants of a development.

Open space, permanent, means that open space land which is legally restricted to park, floodplain, or other open space usage; or which is publicly owned and utilized as open space.

Parking lot space means a hard, all-weather surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with the surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile. A parking lot space shall not occupy any public land or right-of-way.

Parkway area means that portion of the public right-of-way lying primarily between the edge of the pavement or curb and the private property line, often corresponding with an easement.

Particulate matter means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

Planned Development (PD) means a district which accommodates planned associations of uses developed as integral land use units such as industrial, offices, commercial or service centers, shopping 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.

Recreational area means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. Self-propelled or permanently towable by a light-duty truck;
3. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreation, camping, travel, or seasonal use.

Repackaging means a commercial establishment engaged in the receipt, short-term storage, repackaging, and distribution of goods, products, cargo, produce, or materials.

Screening device means a structure such as a fence or wall not less than 6 feet high nor greater than 8 feet high which serves as a visual screen.

Special use Permit or "SUP" means the authorization of the use of any building, structure, or land not specifically allowed by district regulations, but permitted subject to the discretionary approval of the Town Council.

Story means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than 5 feet.

Story, half, means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

Street means a public or private thoroughfare that affords the principal means of access to abutting property.

Structural alteration means any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, piers, foundations, girders, floor joists, roof joists, rafters, or trusses.

Structure means anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

Town Council means the governing body of the Town. Use means the purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained, or for which it is or may be used or occupied.

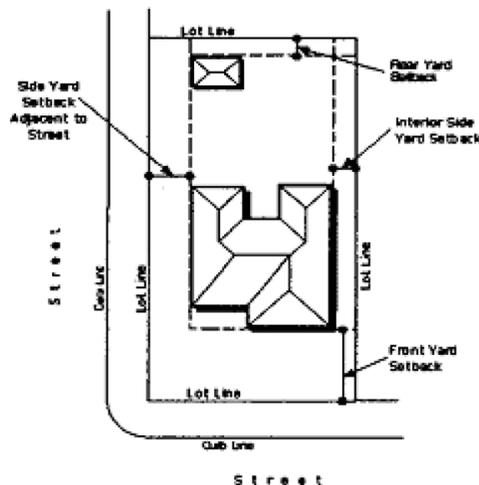
Use, accessory, means a subordinate use on the same lot with the principal use, and incidental and accessory thereto.

Variance means an adjustment in the application of the specific regulations of this Zoning Ordinance to a particular piece of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owners from being deprived of rights and privileges enjoyed by other property owners in the same vicinity and zoning district.

Yard means the portion of a building lot that lies essentially between the exterior wall surfaces of the principal building and the lot boundary lines.

Yard, front, means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, rear, means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.



Yard, side, means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

Zoning administrator means the person duly designated to administer the provisions of this Zoning Ordinance.

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

(b) Definitions for uses.

Accessory building means a subordinate building attached or detached and used for a purpose customarily incidental to the main structure, located on

the same lot, such as a private garage for automobile storage, tool house, greenhouse, hobby shop (no business), home workshop, children's playhouse, storage house, or garden shelter, but not involving the conduct of a business or used as living quarters.

Aircraft, aircraft hardware or parts manufacture means a facility used for manufacturing or assembling of aircraft hardware or parts including the storage and assembling of integral components or the completed final product.

Airfield means an area prepared for the accommodation (including any buildings, installations, and equipment), landing, and takeoff of aircraft.

Ambulance stations means an office housing emergency and administration personnel involved in the dispatching and operations of an ambulance service. Such facilities can include sleeping, bathing, and food preparation areas for on-call personnel.

Amusement center, teen club, means a nightclub which caters primarily to patrons who are minors and in which no alcoholic beverages are sold or permitted and all activities occur indoors.

Amusement, commercial (indoors), means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding line of the property, including, but not limited to, a bowling alley or billiard parlor.

Amusement, commercial (outdoors), means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including, but not limited to, a golf driving range, archery range, and miniature golf course.

Amusement park means an amusement enterprise offering rides such as roller coasters and games to the general public for a fee or charge wherein the majority of the activity takes place in the open.

Animal grooming means an establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

Antique shop means an establishment offering for sale, within a building, articles such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design, and treatment.

Apartment (multi-family) means a room or suite of rooms arranged, designed, or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment hotel means any building larger than a boardinghouse designed or built to be occupied as a series of separate apartments or rooms by persons living independently of each other. It is distinguished from an apartment house by the relative short-term obligation for occupancy by a tenant, usually week-to-week or month-to-month, as opposed to longer-term leases.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

Apartment, barn, means an apartment, as herein defined, which is located within or above a private barn.

Apartment, garage, means an apartment, as herein defined, which is located above a residential garage.

Appliance sales and repair, household, means a shop specializing in the retail sales and repair of household appliances.

Art gallery or museum means an establishment offering works of art to the general public for viewing and/or sale.

Art supply store means an establishment offering for sale those materials used by conventional artists for the preparation of their art form.

Assembly hall, gymnasium, auditorium means a large building and associated facilities for gathering an audience for speeches and performances.

Assembly plant means a facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

Assisted living facility means a facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the state as "supervised living."

Athletic field, play field means an athletic field or stadium for general use including a baseball field, golf course, or football field which may be lighted for night-time play.

Auction house means a place where animals, items, or services are offered for sale to persons who bid on the animals, items, or services in competition with each other. Animals, items, or services may include but is not limited to livestock, poultry, objects of art, furniture, and other goods, and services of a professional or an unskilled laborer.

Auto auction means an enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

Auto car wash means an area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Auto impound lot/wrecker business means an establishment offering the service of towing, impounding, and temporary storage of vehicles either which have been in an accident or were illegally parked.

Auto paint and body shop means an automotive shop with the primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans.

Auto parts and accessory sales means a fully enclosed automotive shop with the primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

Auto parts sales with outdoor storage means an automotive shop with the primary purpose of selling parts and accessories for automobiles, trucks, and vans.

Auto rental (car and truck) means an establishment primarily engaged in the short-term rental or extended-term leasing of automobiles and trucks, not including truck tractors or semitrailers. No rental trucks establishment shall be located in any multiuse shopping center.

Auto repair garage means repair or replacement of major engine, drive train, and other components requiring the use of hoists, jacks, jack stands, or specialized tools or equipment. Tire repairs, changes, and minor wheel repairs utilizing jacks or jack stands shall be exempt from this provision.

Auto sales, new and used, means an open area or lot used for the storage and display for sale of operable automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises occurs. The term "new and used auto sales" may include a building or showroom and parking for customer vehicles.

Auto service specialty shop means an establishment for the retail sale of automobile accessories, automobile tune up services, brake and muffler installation or repairs, tire installation or repairs, oil or other lubricant services and associated products or services where single or limited-use repairs are made, and including vehicle inspection service and licensing establishments, where all services provided and all storage, supplies, parts, equipment, and accessories are indoors.

Auto service station/light maintenance means an establishment for the retail sale of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repairs, oil change or other lubricate services in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

Auto service station/restaurant or convenience store means any premises where gasoline and other petroleum products are sold as a principal use, and in connection with the primary use a secondary use of a restaurant or convenience store is provided.

Bakery and confectionery, preparation sales means a shop offering for sale on-premises those baked goods or candies made on-premises or off-premises. No production for off-premises sales is allowed.

Bakery and confectionery, wholesale, means a manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

Bank, savings and loan association, financial institution means a building or premises offering banking, savings and loan, and other financial services, not including pawn shops.

Bar or tavern means an establishment licensed by the State for the sale of alcoholic beverages that derives 75 percent of the daily gross sales from the sale of alcoholic beverages and is excluded from any other category or definition of this Section. For purposes of this definition, daily gross sales shall be calculated using the normal selling price of all items of food and alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the daily gross sales figure is calculated whether such item is actually sold at normal selling price, below normal selling price, or in exchange for a cover charge, entrance fee, or other consideration paid. Reduced prices charged during promotion, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered normal selling price for calculation of daily gross sales.

Barn means any permanent structure designed to store farm or ranch equipment, tools, implements or machinery or house livestock or poultry and any related supplies or goods.

Beauty/barber or other personal service shop means an establishment which provides personal services including haircuts, perms, color treatments, manicures, pedicures, tanning salons, and other personal beauty services.

Bed and breakfast means a tourist lodging service within the rooms of a single-family residence occupied by the owner or resident manager and located on a property served by a single utility meter and single water and wastewater service within a residential district of the Town.

Bingo facility means a facility eligible to conduct bingo operations and licensed to do so as provided in the Bingo Enabling Act (V.T.C.A., Government Code § 2001.001 et seq.).

Boat and accessory sales, rental and service means rental, sales, and service for boats and other marine supplies.

Bottling works means a facility for the bottling of products for off-site retail sales.

Bowling alley means an establishment offering facilities for bowling to the public.

Brick kiln or tile plant means a manufacturing facility for making brick or tile products, with associated product and raw material storage.

Building materials sales means a distribution and sales center with outdoor sales and storage areas for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

Bus, train, and taxi station or terminal means a facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

Cabinet and upholstery shop means a shop for the assembly of cabinetry for domestic use, furniture repairing, and upholstery.

Carpet and rug cleaning means a commercial cleaning plant primarily for carpets and rugs doing cleaning for off-premises service outlets and retail establishments.

Catering establishment means a facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

Cemetery or mausoleum or crematorium means an area or structure designed to contain the remains of humans or animals for permanent interment.

Ceramic products means a shop offering for retail sale to the public ceramic products and accessories.

Ceramic products with kiln means a shop offering for retail sale to the public ceramic products, accessories, and individual or small batch kiln services.

Cigar lounge means an establishment licensed by the State for the sale of alcoholic beverages that derives 75 percent of the daily gross sales from the sale of alcoholic beverages, the on-site sale of cigars, and the rental of humidors, not including vending machines, and is excluded from any other category or definition of this Section. For purposes of this definition, daily gross sales shall be calculated using the normal selling price of all items of food, alcoholic beverages, cigars (on-site), and humidor rental, not including vending machines, served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the daily gross sales figure is calculated whether such item is actually sold at normal selling price, below normal selling price, or in exchange for a cover charge, entrance fee or other consideration paid. Reduced prices charged during promotion, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered normal selling price for calculation of daily gross sales.

Clinic, medical, means a building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. A clinic may include a dental or medical laboratory or a dispensing apothecary.

Collectibles shop means a retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

Community center means a place or facility dedicated to social or recreational activities, serving the Town or a neighborhood thereof and owned

and operated by the Town, or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the Town.

Compost, commercial, means a space used for the storage and decomposition of organic matter, degradable materials, and/or soil in quantities greater than 2 tons.

Contractor, business (no outside storage), means a business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage is permitted.

Contractor, business (with outside storage), means a business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage is permitted.

Contractors storage or equipment yard means an area, located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

Convenience store means a small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, beverages, tobacco, periodicals, and other household goods.

Convent or monastery means the building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

Copy shop means a business engaging in the reproduction or photographic impressions through processes such as mimeograph, electrostatic, thermal, laser, or other copy process, whether wet or dry.

Correctional facility (including pre-parole centers) means a facility housing those who have been involved in the criminal justice system or related program and serving an adjudicated sentence, but not housing individuals convicted of violent or sexual crimes.

Creamery, milk and ice cream processing, means a commercial plant for the storage and processing of milk and milk products.

Customary home occupation means any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining property. Customary home occupations shall not include barbershops, beauty shops, carpenters, electricians, or plumbers' shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of merchandising activity.

Day care center, adult, means an agency at which 4 or more disabled or elderly adults not related to the proprietor, are left for care for a part of the 24 hours of the day.

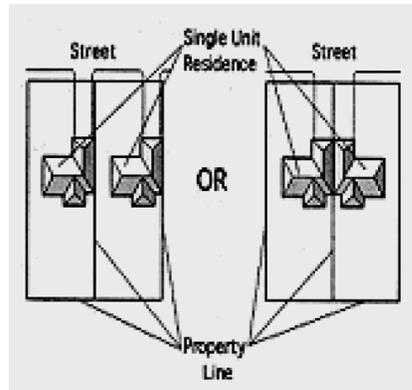
Day care center, child, means an agency at which 6 or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

Day care, in the home means a private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than 5 children, including children of the adult provider.

Department store means a store offering a variety of comparison and consumptive goods at a retail price to the general public.

Domestic goods rental yard means an establishment that provides domestic equipment and goods for rent to the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure or be displayed and stored on an improved surface outside the primary structure, not to include backhoes, front-end loaders, and tractors.

Dwelling, accessory, means a residence located on a premises with a main, nonresidential or residential use and occupied, rent-free, only by a relative or an employee of the principal use. Such accessory dwelling shall be serviced through the same utility meters or connections as the principal use to which it is an accessory. Manufactured homes are not permitted for this use.



Dwelling, cluster, means a group or row of dwellings, each containing one or more dwelling units and all occupying one lot or site, as defined herein, and having common open space.

Dwelling, duplex (two-family), means a building containing 2 dwelling units.

Dwelling, manufactured housing or mobile home, shall be defined and differentiated by the following:

1. A mobile home is a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in

length; or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

2. HUD-code manufactured housing is a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length; or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, single-family attached, means an residential building with an attached garage, not including a mobile home or a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, single-family detached, means a residential structure with a detached garage, not including a mobile home or a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, single-family, zero lot line, means a development approach in which at least one edge of the main structure on the lot is located on at least one lot line and having no yard requirement on that lot line.

Electrical equipment assembly means a facility for the assembly of electrical equipment and motors from parts.

Electrical generating station means a facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

Electrical substation means a facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

Electrical transmission line means a high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

Equipment rental yard, commercial and heavy, means an establishment that provides heavy equipment for rent to contractors or the general public to be used off-site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure on an improved surface. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

Extermination services means a business providing extermination services for household pests, including insects and rodents.

Factory outlet or wholesale store means an establishment that offers goods and products to the public that are obtained directly from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

Farming, commercial, means the cultivation of land for commercial production of produce, grains, grasses or similar. This does not include subsistence farming.

Farmers market, outdoor, means the offering for sale of fresh agricultural products directly to the consumer at an open air market.

Fireworks stand or building means any structure designed or used for the sale or distribution of any pyrotechnic devices that produce fire, light, smoke, noise, materials, or other effects for aesthetic, theatric, or entertainment purposes.

Floor covering shop means a shop offering carpet, rugs, tile, vinyl, and associated products for sale.

Florist shop/gift shop means a shop offering flowers, flower arrangement services, and associated products for sale.

Foundry or metal fabrication means a facility used for the manufacture or fabrication of metal using raw material to forge, cast, mix, or otherwise create material used to build or assemble final products; may include the assembly and storage of integral components or the completed final product.

Fowl means any bird, including, but not limited to: poultry, such as chickens and turkey; gamefowl, such as quail and pheasant; wildfowl, such as guineafowl and peafowl; and waterfowl, such as ducks and geese. Large exotic birds, such as ostriches and emu, fall under exotic livestock.

Fraternal, philanthropic, club, lodge, and charitable uses means an association of persons for the promotion of a nonprofit common objective such as literature, science, politics, good fellowship, and similar objectives, which meets periodically and which is limited to members.

Fuel tank, above ground, means any storage vessel used to store petroleum products or derivatives that is permanently fixed above ground.

Fuel tank, buried, means any storage vessel used to store petroleum products or derivatives that is permanently buried below ground.

Funeral home/mortuary or crematorium means a building or part thereof used for human funeral services or cremation of human remains. Such building may contain space and facilities for:

1. embalming services used in preparation of the dead for burial;
2. the performance of autopsies and other surgical procedures;

3. the storage of caskets, funeral urns, and other related funeral supplies;
4. the storage of funeral vehicles; or
5. properly installed, certified apparatus intended for the incineration of human remains.

Where a funeral home is permitted, a funeral chapel shall also be permitted.

Furniture or appliance store means a retail establishment offering home furnishings and appliances for sale to the general public.

Furniture refinishing means a building used to repair, strip, stain, paint, sand, or upholster furniture.

Furrier shop means a retail establishment that offers fur products.

Gas regulator station means a station used to regulate the flow or pressure of gas in a pipeline.

General retail includes, among others, buildings and structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purpose, and accessible to the public.

Golf club (private) means an area of 20 acres or more, containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable State statutes), dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Golf course, driving range, means an establishment offering areas for driving of golf balls including "pitch and putt" facilities.

Golf course, miniature, means an establishment offering facilities for miniature golf.

Golf course, public, means grounds and facilities used in the playing of the game golf, for a fee, and operated as a commercial venture.

Greenhouse or plant nursery means an establishment operated for commercial purposes, offering plants grown on-site and off-site, and associated products for sale for use in connection with home gardening activities.

Grocery store means retail stores, commonly known as supermarkets, food stores, and grocery stores, primarily engaged in the retail sale of all sorts of canned foods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

Hardware store means an establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

Health club/recreation facility means a facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments. A health club/recreation facility may include outdoor game courts as an accessory use.

Health service facility (outpatient) means clinics, offices, dentist, doctors, and/or other practitioners of the healing arts licensed or similarly recognized under the laws of the State. The term "health service facility (outpatient)" also includes offices for specialists in supportive health services such as physical, audio, and speech therapy, podiatry, and psychological testing and counseling, dental, medical, and optical labs, and blood banks.

Heliport means a landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

Helistop means a landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

Hospital may be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its inpatient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and outpatient services, pharmacies, and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed 1/3 of the total floor area. Whether or not a questionable use is "similar" or an "integral" part of the total purpose shall be subject to determination by the Board of Adjustments and Appeals. Hospital related X-ray and laboratory facilities shall not be considered accessory uses in computation of area occupancy.

Hotel means a building or portion thereof in which 10 or more guestrooms are provided for occupancy for compensation by transient guests.

Industrialized housing as defined under state law.

Interior decorating shop means an establishment that provides services that assist in the aesthetic placement, arrangement, and design of the interiors of residences and workplaces. Products and goods to accomplish the designs may be sold on-site. Work efforts may include upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use.

Kennel means any lot or premises on which 5 or more dogs, cats, or other domestic animals at least 4 months of age are housed or accepted for boarding, trimming, grooming, and/or bathing for which remuneration is received.

Laboratory, medical and/or dental, means a facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

Laundry cleaning plant, commercial, means a commercial laundry or cleaning plant doing cleaning or laundry for off-premises service outlets and retail establishments.

Laundry, dry cleaning and dyeing plant means a facility for the off-site laundering, bleaching, and dyeing of bulk commercial clothing.

Laundry, dry cleaning full service, means a retail establishment providing full service laundry and dry cleaning services to the general public.

Laundry, dry cleaning pickup and receiving station, means a retail establishment providing a drop-off and pickup point for customers to leave wearing apparel or other material in need of laundry and dry cleaning and pickup of items when laundered and/or dry cleaned.

Laundry, dry cleaning, self-service, means a retail establishment providing facilities for customers to launder or dry clean wearing apparel or other materials.

Leather and luggage store means a retail store that provides leather goods and luggage for sale to the public.

Library means buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

Livestock, exotic, means any animal that does not fit within any other category of livestock, which may include, but is not limited to, imported nonindigenous animals, normally indigenous wild game, and animals not commonly domesticated or typically considered dangerous.

Livestock, large, means any large animal commonly found on farms or ranches, including, but not limited to, cattle, horses, mules, donkeys, hogs, llamas, and alpacas.

Livestock, small, means any small animal commonly found on farms or ranches, including, but not limited to, goats, sheep, and miniature horses.

Locksmith shop means a shop that specializes in making, selling, and repairing keys, locks, and associated materials.

Machine shop means shops that manufacture metal products through the use of presses, stamps, dies, and other equipment.

Machinery repair, sales, storage, and service means an enclosed area designed for sales and repair of machinery.

Manufactured home or pre-fab home manufacturing means a factory that manufactures housing (to the HUD-code standards) that is to be transported to another site for installation.

Manufactured housing park or subdivision means a parcel of land not less than 5 acres in size developed for rental or sale of lots for the installation for residential uses of HUD-code manufactured housing.

Manufactured, industrialized or pre-fab home sales or rental means an area devoted to outside sales or rental of HUD-code manufactured homes or industrialized housing used for off-site residential use only.

Manufacturing or assembly facility (heavy), means a facility used for manufacturing or assembly using raw material to forge, cast, mix, or otherwise create material used to build or assemble final products and may include the assembly and storage of integral components or the completed final product.

Manufacturing or assembly facility (light), means the manufacture, primarily from previously manufactured materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products.

Market, meat, means a retail facility that offers meat products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

Meat product processing means a facility for processing cuts of meat from off-site into finished products.

Medical care facility, nursing and care home means any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

Medical, dental, and optical sales means an establishment offering prescription and over-the-counter products for sale.

Medical equipment sales, rental, and leasing service means an establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

Mini-warehouse facility means a building or group of buildings in a controlled access and fenced compound consisting of varying sizes of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Motel means a building or group of buildings designed, arranged, or used for temporary occupancy having accommodations for housing, parking of automobiles in close proximity to the quarters occupied by the owner of such automobile, and providing for five or more such quarters. The term "motel" shall include all establishments coming under the general classification of drive-in hotel, tourist court, and any other such establishment that houses visiting transient clientele.

Motor freight terminal means a facility with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

Museum, fine arts center, or art gallery means an institution for the collection, display, and distribution of objects of art or science and which is sponsored by or owned and operated by the Town or a public or quasi-public agency and which facility is open to the general public.

Music store means an establishment offering music, musical instruments, and other related items for sale to the general public.

Nightclub or dance hall means an establishment that is open to the public, primarily at night, which serves food and beverages, provides entertainment, and may provide a dance floor. The term "nightclub" or "dance hall" does not include sexually oriented businesses.

Office machine sales and service means a shop specializing in the sale and repair of office machinery.

Office, professional, means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations, including, but not limited to, insurance brokers, public stenographers, real estate brokers, stock brokers, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

Office, real estate development tract or field office, means a temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

Office supply store means a store that specializes in office supplies.

Optical sales and service means a shop that sells and manufactures optical devices, especially eyeglasses.

Package liquor store means a building or premises where the primary use is the retail sale of vinous (wine) or spirituous alcoholic beverages for off-premises consumption. Malt beverage sales are exempt from this definition.

Paint and wallpaper store means a shop for the storage, mixing, and sale of a full line of retail paint and wallpaper supplies.

Parish house or parsonage means a single-family dwelling that is occupied by a member of the clergy and his family as a place of residence.

Park means any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking garage means a building or portion thereof, other than a private garage, used exclusively for the parking or storage of self-propelled vehicles.

Parking lot means an off-street, open-surfaced area used exclusively for the temporary parking of motor vehicles, whether for compensation, free, or as an accommodation to clients or customers.

Parking lot, truck, means a facility for temporary parking of currently commercial licensed trucks in excess of one ton.

Pawnshop means a shop specializing in making small loans against personal property and/or buying used personal goods from individuals.

Personal service shop means an establishment, other than that which is specifically listed in the use table, that provides a selective service relative to the personal care its customers, such as a barbershop, shoe shine shop, therapeutic massage, hearing aid shop, etc.

Pet shop means a shop offering small animals for sale, with associated goods and services.

Pharmaceutical plant means a facility for the production of drugs for medicine.

Pharmacy or drugstore means an establishment offering prescription and over-the-counter pharmaceuticals and other associated products for sale to the public.

Photographic equipment sales and service means a shop that specializes in the sale and repair of photographic equipment.

Picture framing shop means a shop that specializes in the sale and production of picture frames.

Pool or billiard hall means a business establishment containing 2 or more pool tables for the use of patrons.

Pool table means as any table surrounded by a ledge or cushion, with or without pockets, upon which balls are propelled by a stick or cue, and shall include billiard tables, pool tables, and bumper pool tables, whether coin-operated or not. Such facility shall include commercial amusements (indoors), as defined herein.

Print shop, copy shop, lithography means a small, commercial printing shop which sells on-site most of the items printed along with associated items.

Private club means an establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of the Texas Alcoholic Beverage Code Title 3, Ch. 32, as hereafter amended and as it pertains to the operation of private clubs.

Processing of chemicals means a facility that subjects chemicals to some special process or treatment to change the physical state or chemical composition of matter, including petroleum refining or smelting and creation of plastics.

Public administrative buildings means a building in which the people are primarily engaged in overall management and general supervisory functions of a government agency.

Public safety facility, fire and police means a facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

Public utility facilities means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare which may include metering stations, transfer stations, water and sewage pump stations, and water wells.

Radio, television studio means a facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or prerecorded materials for any part of the radio spectrum, for commercial consumption.

Recreation facility means a dance hall, pool hall, domino parlor, carnival, amusement club, arcade, establishments for amusement purposes, and establishments serving food or beverages and also providing more than an aggregate total of 3 mechanical, video, electronic, or electromechanical games of skill or chance (including pin-ball machines, marble machines, table shuffle board or table-type nine- and ten-pin alley machines, and shooting gallery machines). Any establishments providing one or more pool tables, whether also serving food or not, is defined as a place of recreation. Such facility shall include commercial amusements (indoors), as defined herein.

Recreation facility, gaming, means a place of recreation whose primary function or purpose is to provide machines or contrivances that, for a consideration, affords a player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, whether or not the prize or award is automatically paid by the machine or contrivance. The term "primary function or purpose" means that 60 percent or more of the gross revenues received by the establishment at that location arise from the playing of machines or contrivances.

Recreational vehicle park means any premises on which 2 or more pickup coaches or recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for 2 or more such coaches or recreational vehicles that are owner-occupied.

Recreational vehicle sales and rental, new and used, and storage means an open area or lot for the storage and display for sale or rental of operable recreational vehicles, where repair work may be done on the recreational vehicles to be displayed and sold on the premises, but no dismantling of recreational vehicles or keeping used recreational vehicle parts or junk is done on the premises. It may include a building or showroom and parking lot for customer vehicles. It shall also include an area or lot, whether covered or

not, used for the storage and keeping of recreational vehicles owned by third parties.

Recycling collection center means a building in which used materials such as newspapers, glassware, and metal cans are collected and/or separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling container means an outdoor container permitted under special use permit, open to the public for the collection of domestic recyclable material, but not to include toxic or hazardous materials. Such containers can be either manned, automated, or simply serve as a collector with or without compensation to the donor.

Recycling plant means a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Rehabilitation care facility (criminal-psychiatric, mental disorders, substance abuse) means a facility the primary purpose of which is to provide residence and/or outpatient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Religious institution means facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

Rental store means an establishment that provides equipment and goods for rent by the general public to be used off-site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

Rental yard, commercial and heavy equipment, means an establishment that provides heavy equipment for rent to contractors or the general public to be used off-site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure on an improved surface. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

Restaurant means a business establishment whose principal business is the selling of unpackaged or nonpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafes, lunchrooms, and tearooms.

Restaurant with alcohol means a business establishment whose principal business is the selling of unpackaged or nonpackaged food and

alcoholic beverages for on-premises consumption, to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in/drive-through, means any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Restaurant, refreshment stand (temporary or seasonal), means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

Rodeo grounds/fairgrounds means an outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens and facilities for the caring and presentation of livestock, and open areas for exhibits and carnival activities.

Salvage yard means an area for the salvage of metals and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled, and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

Sanitarium means a hospital used for treating chronic and usually long-term illnesses.

School, business college, means a facility that provides a curriculum limited to the teaching of office and business practices and skills.

School, college or university, means an academic institution of higher learning, accredited or recognized by the state, and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. The term "school," "college" or "university" includes junior and senior colleges, universities, conservatories and seminaries.

School, commercial instruction, means a facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

School, commercial trade, means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

School, home, means educational activities consisting of a defined curriculum with the purpose of satisfying the State educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

School, home day, means educational activities consisting of a defined curriculum with the purpose of satisfying the State educational requirements and said educational activities being conducted in a home, but not necessarily the home of the student living therein. There shall be no more than 6 unrelated students not living in the home in which the educational activities are being conducted.

School, institution, rehabilitation, and training center (private), means a facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

School, nursery, means an establishment providing for the care, supervision, and protection of children.

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

School, vocational, means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State requirements of a vocational facility.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio.

Silo means any structure designed for storing bulk materials, such as grains, food products, or sands.

Shed means any structure or facility that is constructed for the purpose of storing personal items, equipment, machinery, or other moveable chattels, that does not fall within the definition of any other structure.

Shoe repair means an establishment offering shoe repair service to the general public.

Shooting range, skeet, or target range, outdoor or indoor, means the use of land or a building for archery and/or the discharging of firearms for the purpose of target practice and skeet and trap shooting.

Skating rink means an organized commercial enterprise featuring either roller or ice skating with locations either indoors or outdoors.

Spray painting and paint mixing means commercial spray painting of automobiles or other manufactured products for final coating of said products and/or the mixing of paints and other chemicals for this type of manufacturing painting process.

Stable, commercial, means a building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, commonly including a riding track.

Stable, private, means a building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

Stadium, arena amphitheater, means a large open or closed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

Stockyard means an area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

Stone monument works means the manufacture of stone monuments for sale off-site.

Stone monuments retail sales means a retail establishment offering the sale of stone monuments.

Storage yard means facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

Studio means a facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, and dance, but does not include commercial gymnasiums or dance halls.

Swimming pool, commercial, means a swimming pool and accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Tailor/seamstress or alteration shop means an establishment offering individual alteration, repair, or creation of clothing apparel to the public.

Tattoo establishment, cosmetic, means an establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. The term "cosmetic tattoo establishment" does not include a tattoo parlor.

Tattoo parlor means an establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin, not including establishments that provide permanent cosmetic makeup application.

Taxidermist shop means a retail establishment offering products for sale or the services of a taxidermist.

Telephone exchange means a facility for the exchange, switching, relaying, or transmission of telephone services, but not including public office facilities, storage, or repair facilities.

Television, radio, microwave, or telecommunication towers or facilities means structures supporting antenna and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio

spectrum, but excluding noncommercial antenna installations for home use of radio or television.

Terminal, passenger, means a facility or location where the principal use is the handling, receiving, and transfer of passenger traffic. Accessory uses may include loading and unloading of freight and equipment and facilities to accomplish these activities.

Terminal, railroad or motor freight, means a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by rail or truck.

Theater, indoor motion picture, means an establishment offering motion pictures for viewing by the public.

Ticket agency means an establishment offering for sale or distribution tickets for sporting or performance events.

Tire processing facility, scrap, means a registered scrap tire facility where used or scrap tires or tire pieces are collected and shredded or baled for delivery to a scrap tire storage site, landfill site, or to a facility that recycles, reuses, or recovers the energy from the tire pieces. This shall include facilities with not more than 500 used or scrap tires (or weight equivalent tire pieces or any combination thereof) on the ground or more than 2,000 used or scrap tires (or weight equivalent tire pieces or any combination thereof), in enclosed or lockable containers at any time. Such facility must be licensed by the Texas Commission on Environmental Quality (TCEQ).

Tire recycling center or storage means a facility in which recycling material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

Tobacco shop means a retail establishment offering for sale to the public tobacco products and accessories, but excluding "cigar lounges" as defined in this Zoning Ordinance.

Trailer rental or sales means an establishment primarily concerned with the sales and short-term rental or leasing of trailers.

Travel bureau or consultant means an office that serves as a broker for airlines, trains, or other transportation and lodging organizations and provides these services to the patron.

Vehicle storage, recreational (commercial), means a facility or location on which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

Veterinarian hospital (with outside pens), means the office and clinic of a doctor of veterinary medicine, including outside treatment pens.

Veterinarian hospital (without outside pens), means the office and clinic of a doctor of veterinary medicine, not including outside treatment pens.

Video and video game rental store means a commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

Warehousing and freight office and storage means a use engaged in the storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing and storage establishment means a facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semitrailer vehicles.

Watch and/or jewelry repair means an establishment offering repair services for jewelry, watches, and other similar items.

Welding or machine shop means a facility for the machining, working, or welding of metals, not including forging.

Wholesale establishments means the display, storage, and sale of goods to other firms for resale, as well as activities involving the movement and storage of products or equipment, including truck terminal facilities, moving and storage facilities, and warehousing facilities.

Window covering store means a retail establishment offering for sale to the public window decorating and/or covering products.

Section 13. Building Registration Permits

- (a) General Requirements: No permanent structure may be constructed or otherwise located within the Town limits prior to issuance of a Building Registration Permit by the Administrative Official. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this Zoning Ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Building Registration Permit by the Administrative Official.
- (b) Procedure for New or Altered Buildings: Plans for any permanent structure to be constructed or otherwise located within the Town limits must be approved by the Administrative Official who, upon approval, shall issue a Building Registration Permit. A complete application for a Building Registration Permit shall contain at a minimum, a description of the proposed structure showing all area, yard and height dimensions and the land use intended for the property. Upon submission of a complete application together with an application fee of two hundred (\$200.00) dollars, the Administrative Official shall issue a Building Registration

Permit. The application shall be a form prepared by the Administrative Official.

- (c) Procedure for Vacant Land or a Change in Use: Written application for a Building Registration Permit for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Administrative Official. If the proposed use is in conformity with the provisions of this Zoning Ordinance, the Building Registration Permit therefore shall be issued within 10 days after the application for same has been made.

Section 14. Permitted Use Table

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being permitted (P), permitted by Special Use Permit (S), and prohibited (as signified by blank cells). Conditions are provided in Section 15. Any use not listed below shall be considered prohibited and the Town Council shall classify any such unlisted use pursuant to an amendment of this Zoning Ordinance.

P	-	Permitted Use
S	-	Special Use Permit
	-	Prohibited Use

Use Table

"P" Permitted Use, "S" Special Use Permit Required, "1, 2...5" Conditions							
DISTRICTS	AG	RESIDENTIAL				COMMERCIAL	CONDITIONS
USES	AG	R-6	R-4	R-2	R-1	C-N	
RESIDENTIAL USES							
Apartment, garage	P	P	P	P			2

Apartment, barn	P	P	P	P			2
Apartment, house						S	
Apartment (multi-family)						S	
Dwelling, accessory	P	P	P	S			2, 5
Duplex (two-family)						S	
Dwelling, cluster						S	
Dwellings, single-family, attached	P	P	P	P	P		
Dwellings, single-family, detached	P	P	P	P	P		25, 26
Dwellings, single-family, zero lot line					S		2
Dwelling, manufactured housing or mobile home					S		
Industrialized housing	P	P	P	P	P		25, 26
Manufactured housing park or subdivision						S	
Parish house or parsonage		S	S	S	S		2

AGRICULTURAL & FARM USES

Farming, Commercial	P	S	S				
Fowl	P	P	P	P	P		29

Horse breeding and training*	P	P	S				27
Livestock, Exotic	S						
Livestock, Large*	P/S	P/S	S	S	S		27
Livestock, Small*	P/S	P/S	P/S	S			27
Stables, Commercial	P						
Stable, private*	P/S	P/S	P/S	S			1, 5, 6, 7, 27

* The keeping of Large Livestock and Small Livestock, maintaining a Private Stable and maintaining a Horse Breeding and Training operation shall be permitted subject to the limitations regarding the number of livestock set forth in Note #27. "P/S" shall mean that the Town Council may approve by SUP the keeping of Large or Small Livestock in excess of the limitations set forth in Note #27.

NONRESIDENTIAL USES

Accessory building	P	P	P	P	P	S	
Aircraft, aircraft hardware or parts manufacture						S	3, 5
Airfield						S	
Ambulance stations						S	2, 5
Amusement center, teen club						S	2, 5
Amusement, commercial (indoors)						S	2, 5
Amusement, commercial (outdoors)						S	1, 5

Amusement park						S	1, 5
Animal grooming shop						S	5
Antique shop						S	5
Appliance sales and repair, household						S	5
Art gallery or museum						S	5
Art supply store						S	5
Assembly hall, auditorium, gymnasium						S	2, 5
Assembly plant						S	2, 5
Assisted living facility						S	2, 5
Athletic field and play field						S	2, 5
Auction house						S	2, 5
Auto auction						S	5
Auto car wash						S	3, 5
Auto impound lot with wrecker business						S	3, 5
Auto paint and body shop						S	5, 9, 10
Auto parts and accessory sales						S	3, 5
Auto parts sales (with outside storage)						S	3, 5

Auto rental (car & truck)						S	3, 5, 9
Auto repair garage						S	2, 5, 9, 10
Auto sales, new and used						S	3, 5, 9, 10, 11, 16, 17, 18
Auto service specialty shop						S	3, 5, 9, 10
Auto service station/light maintenance						S	3, 5, 9, 10
Auto service station/restaurant or convenience store						S	5, 9
Bakery and confectionery, wholesale						S	5
Bakery and confectionery, preparation and retail sales						S	5
Bank, savings and loan, financial institutions.						S	5
Bar or tavern						S	4, 5
Barn	P	P	P	P	S	S	2, 5, 6
Beauty, barber, or other personal service shop						S	2, 5
Bed and breakfast	S	S	S	S	S	S	2, 5
Bingo facility						S	5
Boat and accessory sales, rental and service						S	3, 5, 11, 19, 20, 21, 22, 23

Bottling works						S	5
Bowling alley						S	5
Brick kiln or tile plant						S	3, 5
Building materials sales						S	5
Bus, train and taxi station or terminal						S	5
Cabinet and upholstery shop						S	5
Carpet and rug cleaning						S	5
Catering establishment						S	5
Cemetery, mausoleum or crematorium	S					S	2, 5
Ceramic products						S	5
Ceramic products with kiln						S	2, 5
Cigar lounge						S	
Clinic, medical						S	5
Collectibles shop						S	5
Community center						S	2, 5
Compost, Commercial	S					S	2
Contractor's business (no outside storage)						S	3, 5

Contractor's business (with outside storage)						S	2, 3, 5
Contractor's storage and equipment yard						S	2, 3, 5
Convenience store						S	5
Convent or monastery						S	2
Copy shop						S	2, 5
Correctional facility (including pre-parole centers)						S	
Creamery, milk and ice cream processing						S	5
Custom personal service shops						S	5
Customary home occupation	P	P	P	P	P	S	
Day care center, adult						S	5
Day care center, child						S	5
Day care in a church						S	24
Day care in the home		P	P	P	P	S	8
Department store						S	3, 5
Domestic goods, rental yard						S	5
Electric generating station						S	2, 5

Electrical equipment assembly						S	5
Electrical substation	S	S	S	S	S	P	2, 5
Equipment rental yard, commercial and heavy						S	3, 5
Extermination services						S	2, 5
Factory outlet retail or wholesale store						S	5
Farmers market, outdoor	P					S	2, 5
Firework Stand or Structure						S	
Floor covering shop						S	5
Florist shop/gift shop						S	5
Foundry, metal fabrication						S	2, 3, 5
Fraternal, philanthropic club, lodge, and charitable uses						P	5
Fuel Tank, above ground	P	S	S	S			2
Fuel Tank, propane, buried	P	P	P	P	P	P	
Fuel Tank, non-propane, buried							
Funeral home/mortuary or crematorium						S	2, 5
Furniture or appliance store						S	5

Furniture refinishing						S	5
Furrier shop						S	
Gas regulator station	S					S	2, 5
General Retail						S	5
Golf club, private	S					S	2, 5
Golf course, driving range	S					S	2, 5
Golf course, miniature						S	2, 5
Golf course, public	S					S	2, 5
Greenhouse or plant nursery	S					S	2, 5
Grocery store						S	5
Hardware store						S	2, 5
Health club or recreation facility						S	5
Health service facility (outpatient)						S	5
Heliport	S					S	2, 5
Helistop	S					S	2, 5
Hospital						S	2, 5
Hotel						S	2, 5
Interior decorating shop						S	5

Kennel						S	2, 5, 7
Laboratory, medical or dental						S	2, 5
Laundry cleaning plant, commercial						S	5
Laundry, dry cleaning and dyeing plant						S	2, 5
Laundry, dry cleaning, full service						S	5
Laundry, dry cleaning pickup and receiving station						S	2, 5
Laundry, dry cleaning, self service						S	5
Leather and luggage store						S	5
Library						P	5
Locksmith shop						S	5
Machine shop						S	5
Machinery repair, sales, storage and service						S	3, 5
Manufactured home or pre-fab home manufacturing						S	3, 5
Manufactured, industrial or pre-fab home sales or rental						S	2, 5
Manufacturing or assembly						S	3, 5

facility (light)							
Manufacturing or assembly facility (heavy)						S	3, 5
Market, meat						S	5
Meat product processing						S	5
Medical care facility, nursing and care home						S	2, 5
Medical equipment sales, rental, and leasing						S	5
Medical, dental and optical sales						S	5
Mini-warehouse						S	4, 5
Motel						S	2, 5
Motor freight terminal						S	5, 9
Museum, fine arts center, or art gallery						P	5
Music store						S	5
Nightclub or dance hall						S	2, 4, 5
Office machine sales and service						S	5
Office supply store						S	5
Office, real estate development tract or field office	S	S	S	S	S	S	2, 5

Offices, professional						S	5
Optical sales and service						S	5
Paint and wallpaper store						S	5
Park	S	S	S	S	S	S	2, 5
Parking, garage						S	2, 5, 9
Parking lot (commercial)						S	2, 5, 9
Parking lot (truck)						S	5, 9
Pawn shop						S	4, 5
Pet shop						S	5
Petroleum or natural gas well	S	S	S	S	S	S	2, 28
Pharmaceutical plant						S	5
Pharmacy or drugstores						S	5
Photographic equipment sales and service						S	5
Picture framing shop						S	5
Pool or billiard hall						S	4, 5
Print shop, copy shop, lithography						S	5
Private club						S	4, 5
Processing of chemicals or mineral extractions, not						S	5

elsewhere classified							
Public admin. buildings	P	P	P	P	P	P	5
Public safety, fire and police	P	P	P	P	P	P	2, 5
Public utility facilities	P	P	P	P	P	P	5
Radio or television studio						S	2, 5
Recreation vehicle park						S	
Recreational facility						S	5
Recreational facility, gaming						S	5, 13
Recreational vehicle sales, rental and/or storage						S	3, 5, 9, 10, 11
Recycling collection center						S	3, 5
Recycling containers						S	2, 3, 5
Recycling plant						S	2, 3, 5
Rehabilitation care facility (criminal-psychiatric, mental disorders, substance abuse)						S	2, 5
Religious institutions						S	5
Rental store						S	2, 5
Rental yard, commercial and heavy equipment						S	2, 5

Repackaging						S	2, 5, 14, 15
Restaurant						S	2, 5
Restaurant, drive-in/drive-through						S	2, 5
Restaurant, refreshment stand (temporary or seasonal)						S	2, 5
Rodeo grounds/fair grounds						S	2, 5
Salvage yard						S	5
Sanitarium							5
School, business college						S	5
School, college or university						S	5
School, commercial instruction						S	5
School, commercial trade						S	5
School, home	P	P	P	P	P	S	
School, home day	S	S	S	S	S	S	2, 5
School, institution, rehabilitation, and training center (private)						S	5
School, nursery						S	5
School, primary or elementary						S	2, 5

School, vocational						S	5, 13
Sexually oriented businesses						S	5
Shoe repair						S	5
Shooting range, skeet, or target range, outdoor or indoor	S					S	1, 2, 5
Silo	P	S	S			S	2
Skating rink						S	5
Spray painting and paint mixing						S	5
Stadium, arena, amphitheaters						S	5
Stone monument sales						S	
Stone monument works						S	2, 3, 5
Storage yard						S	2, 3, 5, 9
Studio						S	5
Swimming pool (commercial)						S	2, 5
Tailor/seamstress or alteration shop						S	5
Tattoo establishment, cosmetic						S	5
Tattoo parlor						S	2, 5

Taxidermist shop						S	2, 5
Telephone exchange						S	2, 5
Television, radio, microwave, telecommunication towers or facilities						S	2, 5
Terminal, passenger						S	5
Terminal, railroad or motor freight						S	3, 5
Theater, indoor motion picture						S	5
Ticket agency						S	5
Tire processing facility, scrap							3, 5
Tire recycling center or storage							2, 3, 5
Tobacco shop						S	4, 5
Trailer rental or sales						S	5
Travel bureau or consultant						S	5
Vehicle storage, recreational (commercial)						S	3, 5
Veterinarian hospital (with outside pens)						S	2, 5, 6, 7
Veterinarian hospital (without outside pens)						S	2, 5

Video and video game rental store						S	5
Warehousing and freight office and storage						S	3, 5
Warehousing and storage establishment						S	5
Watch and jewelry repair						S	5
Welding or machine shop						S	3, 5
Wholesale establishment						S	5
Window covering store						S	5

Section 15. Conditions and Special Regulations for Listed Uses

The following subsections describe conditions and special regulations for uses listed in the permitted use table in Section 14. Additional requirements may be added to these herein by Town Council as deemed necessary to protect the health, safety, and general welfare of the citizens of the Town. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by Town Council have been met.

1. Site plan approval by Town Council will be required.
2. Site plan approval by Town Council will be required, in districts that require a Special Use Permit.
3. All storage shall be within completely enclosed buildings or effectively screened with screening not less than 6 feet nor more than 8 feet in height, provided that no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
4. May not be located within 300 feet of any property zoned for a residential use or any property that is occupied by a religious institution, public school, day care, or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
5. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.

6. Any proposed stable or barn must be setback 100 feet from any adjacent property line. Only animals permitted within the corporate limits by this Zoning Ordinance will be permitted on site.
7. Pens, outdoor kennels, or animal runs must be located further than 100 feet from adjacent residences.
8. A copy of the State certification of licensing or registration as described in V.T.C.A., Human Resources Code § 42.052 must be provided to the Town.
9. Shall not be used for the storage of wrecked vehicles, dismantling of vehicles, or storage of vehicle parts.
10. All vehicles being stored for repair shall be screened from all public rights-of-way.
11. All equipment shall be stored and displayed on a hard all weather surface.
12. Deleted.
13. A 1,000-foot separation is required from all residential uses or zoning districts, churches, or schools.
14. All storage of goods, products, cargo, produce, or materials and the repackaging of same must be wholly within the confines of a building.
15. No continuous or episodic excessive noise or odors shall be emitted from the use.
16. No permit for auto sales, new and/or used, shall be issued or allowed unless the location of the business is at least 5,280 feet (measured by following streets between locations) from any other location in the Town that is conducting an auto sales business.
17. All businesses conducting auto sales shall be required to have adequate sized parking spaces and sufficient parking.
18. All businesses conducting auto sales, new and/or used, shall occupy a minimum of 2 acres for its business. The business being conducted must itself occupy 2 acres and shall not share such space with any other business, including other auto sales.
19. All boats being stored for repair shall be screened from all public rights-of-way.
20. No permit for boat and accessory sales, rental, and service shall be issued or allowed unless the location of the business is at least 5,280 feet (measured by following streets between locations) from any other location in the Town that is conducting a boat and accessory sales, rental and service business.
21. All businesses conducting boat and accessory sales rental and service shall be required to have adequate sized parking spaces and sufficient parking.

22. All businesses conducting boat and accessory sales, rental and service shall occupy a minimum of one acre for its business and operations.
23. Shall not be used for the storage of wrecked boats, dismantling of boats, or storage of boat parts.
24. Provide adequate parking.
25. Commercial Neighborhood (C-N) shall not be used for new residential development.
26. Property that was developed and used as a residence may retain such usage until such time as the owner sells the property to a purchaser who intends to utilize property for a non-residential use. All laws and ordinances governing residential structures shall apply at all times the property is used as a residence.
27. Uses listed in the "Agricultural and Farm" table located within Section 14, the Permitted Use Table, shall be permitted as follows:
 - Keeping of Large Livestock:
 - Lots twenty (20) acres in size or less –permitted with a Special Use Permit.
 - Lots over twenty (20) acres in size - permitted by right. Maximum of 1 large livestock per 2 acres. Juvenile animals shall not be counted towards this limitation.
 - Keeping of Small Livestock:
 - Lots under two (2) acres in size – prohibited.
 - Lots between two (2) acres and ten (10) acres in size – permitted with a Special Use Permit.
 - Lots over ten (10) acres in size - permitted by right. Maximum of 3 small livestock per 1 acre, excluding one acre for a primary residence. Juvenile animals shall not be counted towards this limitation.
28. Petroleum and natural gas drilling shall be governed by Section 2 of Ordinance 2004-1; Ordinance No. 2003-3 and Ordinance No. 2008-3, which are not repealed by this Zoning Ordinance.
29. In R-4, R-2 and R-1 no more than 12 chickens shall be permitted and no roosters shall be permitted. Juvenile chickens (chicks) shall not be counted towards this limitation.

Section 16. Districts Enumerated

The Town is hereby divided into 6 classes of use districts, such districts being of the shapes and areas deemed best suited to carry out the purpose and intent of this Zoning Ordinance, and are named as follows:

- (a) Agricultural District. The “AG” Agricultural District shall be the default district for all land not zoned otherwise.
- (b) Residential Districts. The following districts shall be classified as Residential Districts:

"R-6"	Single-family residential district—6 acre lot size
"R-4"	Single-family residential district—4 acre lot size
"R-2"	Single-family residential district—2 acre lot size
"R-1"	Single-family residential district—1 acre lot size

- (c) Commercial Districts. The following districts shall be classified as Commercial Districts:

"C-N"	Neighborhood commercial district
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- (d) Planned Multi-use Development Districts. The "PD" planned development district shall be classified as a Planned Multi-use Development District.

Section 17. Zoning Map; District Boundaries

- (a) Official Zoning District Map (Map). The boundaries of the districts are as shown on the Official Zoning District Map, which is hereby adopted and made a part of this Zoning Ordinance. It shall be the duty of the Town Secretary or his authorized representative to keep the Map current by marking or otherwise indicating on it the changes of the district boundaries and of uses as a result of amendments to this Zoning Ordinance.
- (b) Questions regarding boundaries. Where uncertainty arises with regard to the boundaries of districts as shown on the Map, the following rules shall apply:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, railroads, streams, or property lines shall be construed as following such centerlines.
 2. Boundaries indicated as approximately following Town limit lines shall be construed as following such lines.
 3. Boundaries indicated as parallel to or extensions of features indicated in rule 1 and 2 in subsections (b)(1) and (2) of this subsection shall be so construed. Distances not specifically indicated on the Map shall be determined by the scaling on the Map.

4. Where physical or cultural features existing on the ground are at variance with those shown on the Map or in other circumstances not covered by these rules, the Town Council shall interpret the district boundaries.

Section 18. Nonapplicability; Construction Regulations.

- (a) Nonapplicability of Area Regulations to Certain Lots. The required minimum lot width and the required minimum lot area for any single-family residential district shall not apply to any individual lot of record that was platted prior to the adoption of the ordinance from which this Zoning Ordinance is derived.
- (b) Construction Regulations.
 1. Stucco shall not be allowed on any residential structure with less than 4,000 square feet of living area.
 2. Fabric shall not be permitted as an exterior construction material.
 3. These construction regulations shall apply to all of the following:
 - a. Newly constructed houses and newly constructed accessory structures, barns, stables or buildings.
 - ba. Houses moved into or within the Town from a previous location.
 - b. Houses determined by the Administrative Official or the Town Council acting as the Board of Adjustments and Appeals to be damaged or deteriorated over 50 percent of the appraised value.

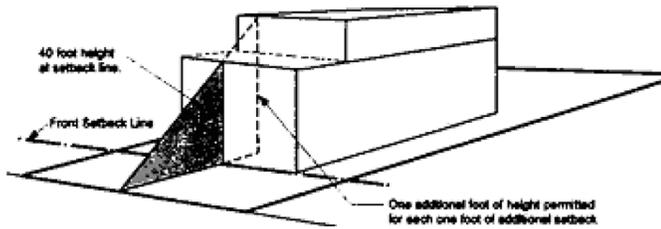
Section 19. "AG" Agricultural District

- (a) Purpose. This District is intended to provide a location principally for newly annexed land prior to receiving final zoning or for undeveloped or land used for agricultural purposes, but which may become more fully developed in the future. The district shall encourage and protect rural uses until urbanization is warranted and the appropriate change in district classification is made. The "AG" Agricultural District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, constraints, or potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.
- (b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.

- (c) Height, area, yard, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Area, Yard and Height Regulations:

"AG" Area, Yard and Height Regulations	
Lot area (minimum)	6.0 acres (261,360 sq. ft.)
Lot width (minimum)	200 feet
Lot depth (minimum)	300 feet
Front yard setback (minimum)	80 feet
Side yard setback (minimum)	25 feet
Rear yard setback (minimum)	80 feet
Height (maximum)	40 feet
Lot coverage (maximum)	5%
Floor area (minimum)	2,000 sq. ft.

- (d) Additional Height.
1. The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, each of said front yards shall be increased an additional foot for each foot such structure exceeds 40 feet in height.
 2. The height of a permitted nonresidential structure shall not exceed 45 feet; provided that in addition to the front yard minimum requirements contained herein, said front yard shall be increased an additional foot for each foot such structure exceeds 40 feet in height.



(e) Off-street Parking Regulations.

1. Off-street parking shall be provided.
2. No parking space shall occupy any part of the required front yard of a nonresidential use.
3. Vehicular parking or storage must be on an improved surface (not on grass).

Section 20. "R-6" Single-Family Residential District—6.0 Acre Lots

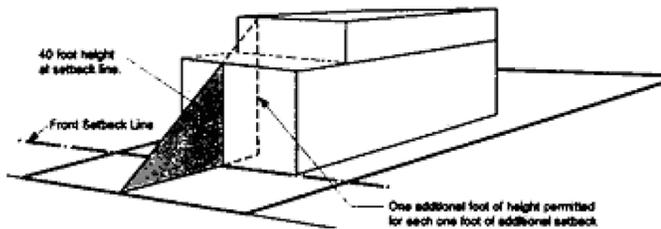
- (a) Purpose. The "R-6" Single-family Residential District—6.0 Acre Lots is intended to be composed of single-family dwellings on large sized lots, which form a neighborhood characterized by mostly owner-occupied homes in a low-density, rural setting.
- (b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.
- (c) Height, area, yard, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Area, Yard and Height Regulations:

"R-6" Area, Yard and Height Regulations	
Lot area (minimum)	6.0 acres (261,360 sq. ft.)
Lot width (minimum)	200 feet
Lot depth (minimum)	300 feet
Front yard setback (minimum)	80 feet
Side yard setback (minimum)	25 feet

Rear yard setback (minimum)	80 feet
Height (maximum)	40 feet
Lot coverage (maximum)	5%
Floor area (minimum)	2,000 sq. ft.

(d) Additional Height.

1. The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, each of said front yards shall be increased an additional foot for each foot such structure exceeds 40 feet in height.
2. The height of a permitted nonresidential structure shall not exceed 45 feet; provided that in addition to the front yard minimum requirements contained herein, said front yard shall be increased an additional foot for each foot such structure exceeds 40 feet in height.



(e) Off-street Parking Regulations.

1. Off-street parking shall be provided.
2. No parking space shall occupy any part of the required front yard of a nonresidential use.
3. Vehicular parking or storage must be on an improved surface (not on grass).

Section 21. "R-4" Single-Family Residential District—4.0 Acre Lots

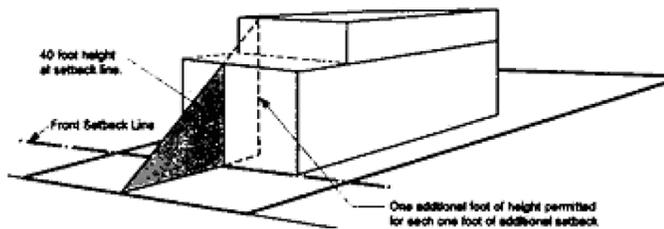
- (a) Purpose. The "R-4" Single-family Residential District—4.0 Acre Lots is intended to be composed of single-family dwellings on large or

intermediate-sized lots, which form a neighborhood characterized by mostly owner-occupied homes in a low medium density rural setting.

- (b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.
- (c) Height, area, yard, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Area, Yard and Height Regulations:

"R-4" Area, Yard and Height Regulations	
Lot area (minimum)	4.0 acres (174,240 sq. ft.)
Lot width (minimum)	200 feet
Lot depth (minimum)	300 feet
Front yard setback (minimum)	75 feet
Side yard setback (minimum)	25 feet
Rear yard setback (minimum)	75 feet
Height (maximum)	40 feet
Lot coverage (maximum)	5%
Floor area (minimum)	2,000 sq. ft.

- (d) Additional Height.
 1. The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, each of said yards shall be increased an additional foot for each foot such structure exceeds 40 feet in height.
 2. The height of a permitted nonresidential structure shall not exceed 45 feet; provided that in addition to the front yard minimum requirements contained herein, said front yard shall be increased an additional foot for each foot such structure exceeds 40 feet in height.



(e) Off-street Parking Regulations.

1. Off-street parking shall be provided.
2. No parking space shall occupy any part of the required front yard of a nonresidential use.
3. Vehicular parking or storage must be on an improved surface (not on grass).

Section 22. "R-2" Single-Family Residential District—2.0 Acre Lots

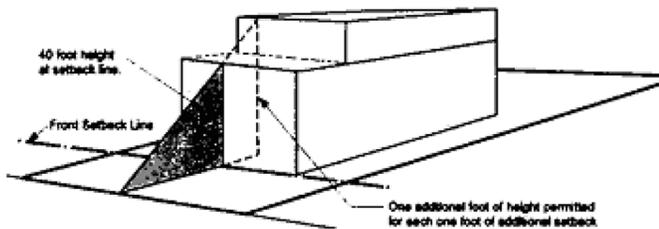
- (a) Purpose. The "R-2" Single-family Residential District—2.0 Acre Lots is intended to be composed of single-family dwellings on intermediate-sized lots, which form a neighborhood characterized by mostly owner-occupied homes in a low medium density rural setting.
- (b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.
- (c) Height, area, yard, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Area, Yard and Height Regulations:

"R-2" Area, Yard and Height Regulations	
Lot area (minimum)	2.0 acre (87,120 sq. ft.)
Lot width (minimum)	200 feet
Lot depth (minimum)	200 feet
Front yard setback (minimum)	50 feet
Side yard setback (minimum)	25 feet

Rear yard setback (minimum)	50 feet
Height (maximum)	40 feet
Lot Coverage (maximum)	10%
Floor area (minimum)	2,000 sq. ft.

(d) Additional Height.

1. The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, said front yards shall be increased an additional foot for each foot such structure exceeds 40 feet in height.
2. The height of a permitted nonresidential structure shall not exceed 45 feet; provided that in addition to the front yard minimum requirements contained herein, said front yard shall be increased an additional foot for each foot such structure exceeds 40 feet in height.



(e) Off-street Parking Regulations.

1. Off-street parking shall be provided.
2. No parking space shall occupy any part of the required front yard of a nonresidential use.
3. Vehicular parking or storage must be on an improved surface (not on grass).

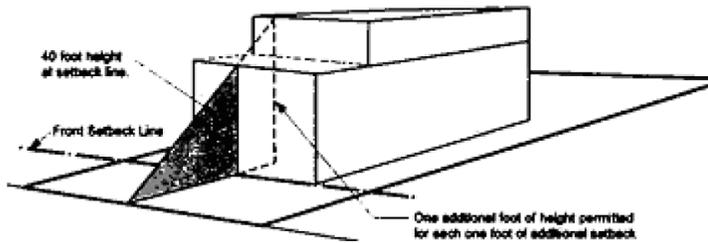
Section 23. "R-1" Single-Family Residential District—1.0 Acre Lots

- (a) Purpose. The "R-1" Single-family Residential District—1.0 Acre Lots is intended to be the same as the "R-2" district, except that lots are generally smaller, and, therefore, the homes are situated in a higher density setting.

- (b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.
- (c) Height, area, yard, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet) and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions provided in the Area, Yard and Height Regulations:

"R-1" Area, Yard and Height Regulations	
Lot area (minimum)	1.0 acre (43,560 sq. ft.)
Lot width (minimum)	140 feet
Lot depth (minimum)	150 feet
Front yard setback (minimum)	40 feet
Side yard setback (minimum)	25 feet
Rear yard setback (minimum)	30 feet
Height (maximum)	40 feet
Lot coverage (maximum)	20%
Floor area (minimum)	2,000 sq. ft.

- (d) Additional Height.
1. The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, said front yards shall be increased an additional foot for each foot such structure exceeds 40 feet in height.
 2. The height of a permitted nonresidential structure shall not exceed 45 feet; provided that in addition to the front yard minimum requirements contained herein, said front yard shall be increased an additional foot for each foot such structure exceeds 40 feet in height.



(e) Off-street Parking Regulations.

1. Off-street parking shall be provided.
2. No parking space shall occupy any part of the required front yard of a nonresidential use.
3. Vehicular parking or storage must be on an improved surface (not on grass).

Section 24. "C-N" Commercial Neighborhood Retail District

(a) Purpose. The C-N Commercial Neighborhood Retail District is a retail classification intended for use near neighborhood areas for purposes of supplying day-to-day retail needs of the residents. The zoning regulations of this district are designed to permit such local or neighborhood convenience stores to be located in close proximity to the residential areas they are intended to serve.

(b) Use Regulations. Land and structures in this zoning district shall be used according to the regulations for this district as listed in Section 14 of this Zoning Ordinance.

(c) Height Regulations. The maximum height of any structure within this district shall be 40 feet.

(d) Area Regulations.

1. There shall be no minimum lot area for nonresidential uses in this district.

(e) Yard Regulations.

1. The minimum front yard shall be 25 feet.
2. There shall be no minimum side yard requirement area for nonresidential uses in this district; residential side yard shall be 5 foot, corner lots, where the side yard on the street side shall be 15 feet.
3. The minimum rear yard shall be 15 feet.
4. On any lot in this district used for commercial purposes which adjoins any residential district, the minimum building line setback

adjacent to such residential district, shall be 20 feet. Within that 20-foot setback, a ten-foot-wide landscaped bufferyard with no paving, dumpsters or other improvements shall be provided.

(f) Off-street Parking.

1. For each permissible use in this district, off-street parking shall be provided.
2. A maximum of 40 percent of the curblin and parkway adjacent to property in this district shall be used for vehicular access to such property.

(g) Exterior Wall Construction.

1. All buildings constructed on property zoned "C-N" Commercial Neighborhood under the Town's comprehensive zoning ordinance shall be constructed of masonry materials, wood, glass, or decorative metal (non-galvanized finish); provided, however, any exterior wall fronting on any street shall be constructed of masonry materials or glass, covering at least 80 percent of said wall, exclusive of all doors.
2. All additions hereafter constructed to buildings in this district shall have 100 percent of its exterior wall surface constructed of masonry and/or glass pane.
3. An exception to (1) and (2) above, is the presentation of acceptable evidence to the Administrative Official of a proposed exterior wall construction alternative that is in keeping with a corporation's existing and recognizable brand identity and is deemed aesthetically acceptable. The Administrative Official need not approve an exception to (1) or (2), above, even if it is established that a brand identity as provided herein exists. The Administrative Official must specifically approve any alternative plan in writing, and the Administrative Official's determination shall be final.

- (h) Special Conditions. Outside sales and storage shall not be allowed within 50 feet of any residentially zoned property. No sale or storage of materials shall be allowed within any designated emergency access easement or fire lane.

Section 25. Planned Development District

- (a) Central description & purpose. The Planned Development District ("PD") is a district which accommodates planned associations of uses developed as integral land use units such as industrial, offices, commercial or service centers, shopping 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 PD District may be used to permit new or innovative concepts

in land utilization not permitted by other zoning districts in this Zoning Ordinance. 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.

- (b) Use regulations. Any use permitted in this Zoning Ordinance shall be permitted in a PD District if such use is specified in the amending Ordinance granting a PD District. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Zoning Ordinance.
- (c) Planned development requirements.
 1. Each application for a PD District shall be accompanied by a site plan, as detailed in Section 28, hereof.
 2. Development requirements for each PD District shall be set forth in the amending Ordinance granting that PD District and shall include, but may not be limited to; uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the Town Council may deem appropriate.
 3. In the PD District, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance. All applications to the Town shall list all requested variances from the standard requirements set forth throughout this Zoning Ordinance (applications without this list will be considered incomplete).
 4. The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and general statement citing the reason for the PD request.
 5. The Planned Development District shall conform to all other sections of this Zoning Ordinance unless specifically excluded in the granting ordinance.

Section 26. Newly Annexed Territory

An area being annexed into the Town shall ordinarily be given permanent zoning concurrently with the annexation. In the event that any territory is annexed into the Town without zoning being concurrently established, the annexed territory shall be temporarily classified in the "AG" "agricultural district" until permanent zoning classifications are given to the area by the Town Council. The procedure for

establishing appropriate zoning on any annexed territory shall be the same as set forth in section 7 for the amendment of the zoning ordinance.

Section 27. Nonconformities

- (a) Purpose and intent. A building, lot of record, use of land or a building, method or requirement for development, or other such use or structure that was lawful when commenced but which are contrary to the regulations set forth in the Zoning Ordinance because of future amendments to the Zoning Ordinance, annexation into the Town, or eminent domain. Such nonconformities are deemed to be incompatible with permitted uses and structures in the applicable zoning district and are contrary to the stated purposes of this Zoning Ordinance. With due regard for the property rights of the persons affected when considered in light of the public welfare and in view of protecting the use and enjoyment of adjacent conforming properties, it is the declared purpose of this section that nonconformities be eliminated and be required to conform to the regulations in this Zoning Ordinance. Notwithstanding the above, such nonconformities may be continued subject to the conditions and limitations set forth in this Zoning Ordinance.
- (b) Nonconforming lots of record. Buildings or other structures may be erected on a nonconforming single lot of record, provided such lot has access from a street in accordance with the subdivision ordinance or other applicable ordinances. This provision shall apply even though such lot fails to meet the minimum requirements for area, width, depth, or other requirements for lots set forth in the applicable zoning district regulations; however, all other provisions of the applicable zoning district regulations shall apply. Any building or structure constructed on a nonconforming lot of record shall meet all development regulations in the zoning district unless the Zoning Board of Adjustment grants a variance(s). No building or structure shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner or the property owner's agent shall replat the property into a single lot.
- (c) Nonconforming uses of land. A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1. *Alteration in Size of Nonconforming Use.* No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time it became nonconforming.
 - 2. *Moving a Nonconforming Use.* No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the time it became nonconforming.

3. *Exceptions.* A nonconforming use of land may be expanded or extended to provide off street loading or off street parking space facilities.
 4. *Intensification of Nonconforming Use.* A nonconforming use of land may not be intensified from the date at which it became nonconforming. Evidence of the intensification of the use of the land includes, but is not limited to:
 - a. Adding new building or structures or expanding existing buildings or structures on the land;
 - b. Adding any equipment on the land;
 - c. Adding impervious cover on the land;
 - d. Adding any physical or tangible improvement to the land;
 - e. Adding additional merchandise, vehicles or equipment for display on the land, or;
 - f. Adding additional merchandise, vehicles or equipment for operation from, on or off of the land.
- (d) Nonconforming buildings. A nonconforming building may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. *Alteration in Size of Building.* No such nonconforming building may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity, but any building or portion thereof may be repaired or altered to decrease its nonconformity;
 2. *Moving a Nonconforming Building.* Should a nonconforming building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is moved.
 3. *Buildings in existence as of May 8, 2018.* Notwithstanding anything to the contrary contained herein, buildings in existence as of May 8, 2018 shall be considered legally conforming regardless of whether such buildings fail to comply with the technical standards contained in this Zoning Ordinance.
- (e) Nonconforming uses of buildings. A nonconforming use of a building may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. *Alteration in Size of Nonconforming Use of Building.* A nonconforming use of a building shall not be enlarged, extended, or altered and no occupancy of additional buildings or land by a nonconforming use shall be permitted.
 2. *Moving a Nonconforming Use.* No such nonconforming use of a building shall be moved, in whole or in part, to any portion of the

same lot or parcel other than that occupied by such use at the time it became nonconforming.

3. *Exceptions.* A nonconforming use of a building may be extended throughout any parts of the building that were manifestly arranged or designed for such use at the time it became nonconforming, but only if:
 - a. No structural alterations, except those required by law or ordinance, are made;
 - b. No nonconforming use of the building is extended to occupy any land outside the building as it existed at the time it became nonconforming; and
 - c. No additional dwelling units are added when the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located.

(f) Additional limitations and provisions.

1. *Change to a Conforming Structure or Use.* Any nonconformity may be changed to a conforming structure or use, and once such change is made, the structure or use shall not thereafter be changed back to a nonconforming structure or use.
2. *Accessory Structure or Use.* No nonconforming accessory structure or use shall continue after the principal structure or use shall have ceased or terminated unless the accessory structure or use shall thereafter conform to the provisions of the zoning district in which it is located.
3. *Structure or Use Already Permitted.* Nothing contained in this section shall require any change in the plans, construction, or designated use of a structure or use previously approved by the Town within six months prior to the date the structure or use became nonconforming, provided, that such construction shall have been started at the time such structure or use became nonconforming and shall have been diligently prosecuted to completion.
4. *Expansion of Nonconforming Use upon Approval of ZBA.* The Zoning Board of Adjustment may permit an expansion of a nonconforming use not to exceed 25 percent of the existing area of the use or structure actually being occupied by the nonconformity, subject to the development regulations applicable in the zoning district, provided that no structures are constructed that are not allowed in the existing zoning district and provided the Board finds that the proposed use will be compatible with the surrounding area, will comport with the intent of the Comprehensive Plan, will not have a harmful effect on surrounding land uses, will not adversely

affect the health, safety, and welfare of the citizens, and will not damage surrounding property values or the character of surrounding neighborhoods.

(g) Destruction of nonconformity.

1. If a nonconformity is destroyed, damaged or deteriorated to the extent that the cost to reconstruct or rebuild such nonconformity exceeds 50 percent of its replacement cost, the nonconformity may not be reconstructed or rebuilt except to conform with the provisions of this Zoning Ordinance.
2. Notwithstanding Subsection 1, above, the Zoning Board of Adjustment may, after a public hearing, authorize reconstruction or rebuilding when the destruction, damage, or deterioration amounts to fifty percent or more of the replacement cost of the structure at the time of destruction, damage, or deterioration. The Board shall consider, among other factors, the owner's property rights and the effect of such nonconformity on surrounding properties.
3. If the owner of a nonconformity fails to begin reconstruction of the damaged, destroyed, or deteriorated structure (when permitted to do so by the terms of this section) within six months of the date of destruction, damage, or deterioration, or approval by the Zoning Board of Adjustment, the nonconformity shall be deemed to be discontinued or abandoned as provided in Subsection (h), below.
4. Notwithstanding anything herein to the contrary, a nonconforming single-family residence which is damaged, destroyed, or deteriorated shall be permitted to be reconstructed without the approval of the Zoning Board of Adjustment regardless of the extent of damage, destruction, or deterioration, provided that the construction is commenced within six months after the date of damage, destruction, or deterioration. The failure of the owner to start such reconstruction within six months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this Zoning Ordinance.

(h) Discontinuance or abandonment.

A nonconformity, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Section. Discontinuance or abandonment shall be defined when:

1. The owner or occupant ceases to use the nonconformity in the same bona fide manner as previously used for six consecutive months, regardless of whether the owner intended or consented to the cessation of such nonconformity. Evidence that a nonconformity is not used in the same bona fide manner may include, without limitation, the following:

- a. The structure becomes vacant;
 - b. The use changes, is temporarily prohibited, or is moved from the premises;
 - c. The equipment and furnishings are removed from the premises;
 - d. Utility service to the premises is terminated;
 - e. The ownership or occupancy changes;
 - f. The owner or occupant expresses an intent, through actions or statements, to discontinue or change the use; or
 - g. The premises are dilapidated, substandard or not maintained in a suitable condition for occupancy.
2. The owner or occupant of a nonconformity that is only on a seasonal basis ceases to use the nonconformity in the same bona fide manner as previously used during the season in which it is customarily used.
 3. A nonconformity is replaced with or reconstructed to become a conforming use or structure. Upon evidence of hardship, the Zoning Board of Adjustment shall have the power to extend the time limits in Subsection 1, above. When a nonconformity is abandoned or discontinued, all nonconforming rights shall cease and the nonconformity shall thereafter conform to this Zoning Ordinance.

Section 28. Site Plan Elements.

Where required by this Zoning Ordinance, a site plan shall be accurately and legibly drawn to scale with dimensions and shall show:

1. Vicinity map, north arrow, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property;
2. Legal description of the total site area proposed for rezoning, development or specific use permit;
3. The boundary lines and dimensions of the existing property;
4. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations;
5. Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings. Topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project;

6. Existing subdivision lots;
7. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
8. Existing and/or proposed structures including minimum distance between structures. The location of each structure and the minimum distances between structures, and between structures and property line, street line, and/or alley;
9. Proposed occupancy. If multiple types of uses are proposed, a delineation of the specific areas to be devoted to various land uses;
10. Off-street parking and loading area layouts, driveway locations and a parking table showing the parking requirement calculations, the minimum number of parking spaces required and the number of parking spaces provided;
11. Means of vehicular ingress and egress and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan;
12. Fire lanes;
13. Areas to be landscaped including type, location and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them, and a landscape table showing the landscape calculations, the minimum required landscaping areas and the amount of landscaping provided;
14. Public and private sidewalks;
15. Refuse facilities with screening;
16. Adjoining streets and alleys, including curbs, medians, and storm drains;
17. The location and size of existing and proposed surface and subsurface, electric, telephone, gas, cable television or other utility easements;
18. Location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains and detention ponds, showing size and direction of flow;
19. Square footage of the property that will constitute impervious area or impervious surface and vegetated areas after construction;
20. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals;

21. Signature, title and date of the applicant, at the conclusion of the written documents, certifying that the information presented in the plans, and supporting documents, reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals;
22. Emergency access easements;
23. Current zoning and land uses of the property and contiguous properties;
24. Size and location of all existing and proposed structures on the site and within twenty five (25) feet of the property boundaries;
25. Computations of building area for each occupancy, site area and parking ratio;
26. Existing or proposed water and sanitary sewer lines;
27. Location of all sign, auditory speakers and lighting;
28. Location of outside seasonal display area(s) and any proposed cargo container placement areas (a Specific Use Permit may be required).
29. Phasing of development (if any) showing the location of future building and parking expansion areas;
30. Other such information as considered essential by the Town Council.

Section 29. Construction within the FEMA Floodplain and FEMA Floodway

No construction or construction-related activities and no structures or uses are allowed within the FEMA floodplain. Work within the FEMA floodway designated area is prohibited.

Section 30. Repealer Clause

This Zoning Ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta North, Texas, as amended, except when the provisions of this Zoning Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 31. Severability

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Zoning Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Zoning Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Zoning Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Zoning Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 32. Penalty

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Zoning Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

Section 33. Publication

The Town Secretary of the Town of Annetta North is hereby directed to publish this Zoning Ordinance or its caption and penalty in the official Town newspaper as required by Section 52.011 of the Texas Local Government Code.

Section 34. Effective Date

This Zoning Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2018.

MAYOR

ATTEST:

TOWN SECRETARY