CITY OF ENCHANTMENT

Lake Jackson, Texas

Thank you for the opportunity to introduce to you the "City of Enchantment," Lake Jackson, Texas. We think Lake Jackson is one of the finest cities in Texas as well as the entire country.

Lake Jackson was carved out of the Southeast Texas Jungle in the early 1940's. Since its inception, Lake Jackson has been dedicated to maintaining and enhancing the natural beauty of the area. The City of Lake Jackson boasts many state and national awards for community involvement.

Lake Jackson has experienced, and continues to experience, rapid growth. Yet, due to the dedication and commitment of our citizens and their chosen leaders, this growth has been accomplished in a controlled, quality manner.

The City staff is ready to assist you should you require more information or have any questions about the information provided.

Sincerely,

William P. Yenne
City Manager

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Strengths And Benefits

Location

The city is situated in the heart of the retail center of southern Brazoria County. It is in close proximity to the world's largest petrochemical complex and related industries; major components of this complex include Dow Chemical Company, BASF Corporation, Phillips Petroleum and many more.

The city is serviced by several state highways, therefore, having immediate access to the shimmering Gulf of Mexico and its beaches and to the nation's fourth largest city, Houston. Yet, Lake Jackson and southern Brazoria County maintain a distinctive, individual friendly culture.

Nearby transportation facilities include Brazoria County Airport, Houston's William Hobby Airport, just a fifty-minute drive from Lake Jackson, as well as Port Freeport and extensive rail facilities.

Attractions

Recreational facilities include Recreation Center Lake Jackson, a 65,500 square foot facility and A. A. MacLean Park that encompasses the Youth Sports Complex, containing fields for youth soccer, softball and baseball and jogging/walking trails. MacLean Park hosts several major sporting events and tournaments throughout the year that draw visitors from across the state.

The city also boasts one of the Gulf Coast's premier natural parks, the 900+ acres adjoining Wilderness Park and Dow Centennial Bottomlands Park, both part of the Great Texas Birding Trail.

Sea Center Texas, a $12 million educational center, aquarium and world's largest saltwater fish hatchery, producing over 20 million Red Drum fingerlings per year, has its home in the city.

The 30,000 square foot Community/Civic Center and Plaza hosts public meetings and private gatherings. The facility includes an auditorium able to seat 600 persons banquet-style and 800 persons auditorium-style. In addition, the center hosts meeting rooms of various sizes and a senior citizens center.

The city owned Wilderness Golf Course opened for play in 2004. The course features elevated green complexes with deep greenside bunkers and a backdrop of forest. Designed by Jeffrey Brauer of Golfscapes, the par 72 course is bounded by the City's beautiful Wilderness Park and is complemented by a 25-tee driving range and 3,500 square-foot clubhouse, including a pro shop and snack bar.

Designed to fall on the moderate side of upscale courses, the City subsidizes the operation with $550,000 annually from the half cent sales tax revenue. Therefore, for a course the quality of the Wilderness, the average primetime weekend rate including cart is a low $42. The most often heard comments on the 7,100 yard layout are "fun and challenging". See the Wilderness web site at www.thewildernessgc.com.

Strengths And Benefits

Aesthetics

Lake Jackson is one of the cleanest, most beautiful cities in the State of Texas. The City has been honored by Keep Texas Beautiful, winning nine Governor's Community Achievement Awards for its clean up and beautification enhancement efforts. They are one of the most recognized city in the State of Texas with this prestigious award. Lake Jackson has also won three first place awards from Keep America Beautiful. These volunteer efforts and awards have produce over $650,000 worth of landscaping projects in Lake Jackson

Economy

The city maintains very competitive tax rates and utility rates. In fact, it has one of the lowest tax rates in the State of Texas for cities with population over 10,000. Its regional retail.

General Information

Size

Development of the 18 square mile area that comprises the City of Lake Jackson began in 1941 and has produced an orderly, well planned, residential community. Lake Jackson, itself, has a population of just over 26,000 people and is part of a larger community of cities located in southern Brazoria County that includes Clute, Freeport, Oyster Creek, Quintana, Jones Creek, Richwood, Surfside, Angleton and Brazoria. This area represents a population of over 77,000.

Location

The City of Lake Jackson is part of the Brazosport area which includes the cities of Brazoria, Clute, Freeport, Jones Creek, Oyster Creek, Quintana, Richwood and Surfside Beach. Lake Jackson is located fifty miles south of Houston, forty-five miles southwest of Galveston and eight miles north of the Gulf of Mexico.

Access

The city is accessible via State Highway 332, the Nolan Ryan Expressway (State Highway 288), FM 2004 and the Port of Freeport. These roads provide access to Houston, Galveston, and the market areas of Brazoria, Matagorda and Fort Bend Counties.

Utilities

Water, wastewater and sanitation services are provided by the City of Lake Jackson.

Telephone service is provided by Southwestern Bell.

Gas service is provided by Reliant/Entex.

Electric service may be chosen by a competive retail provider.

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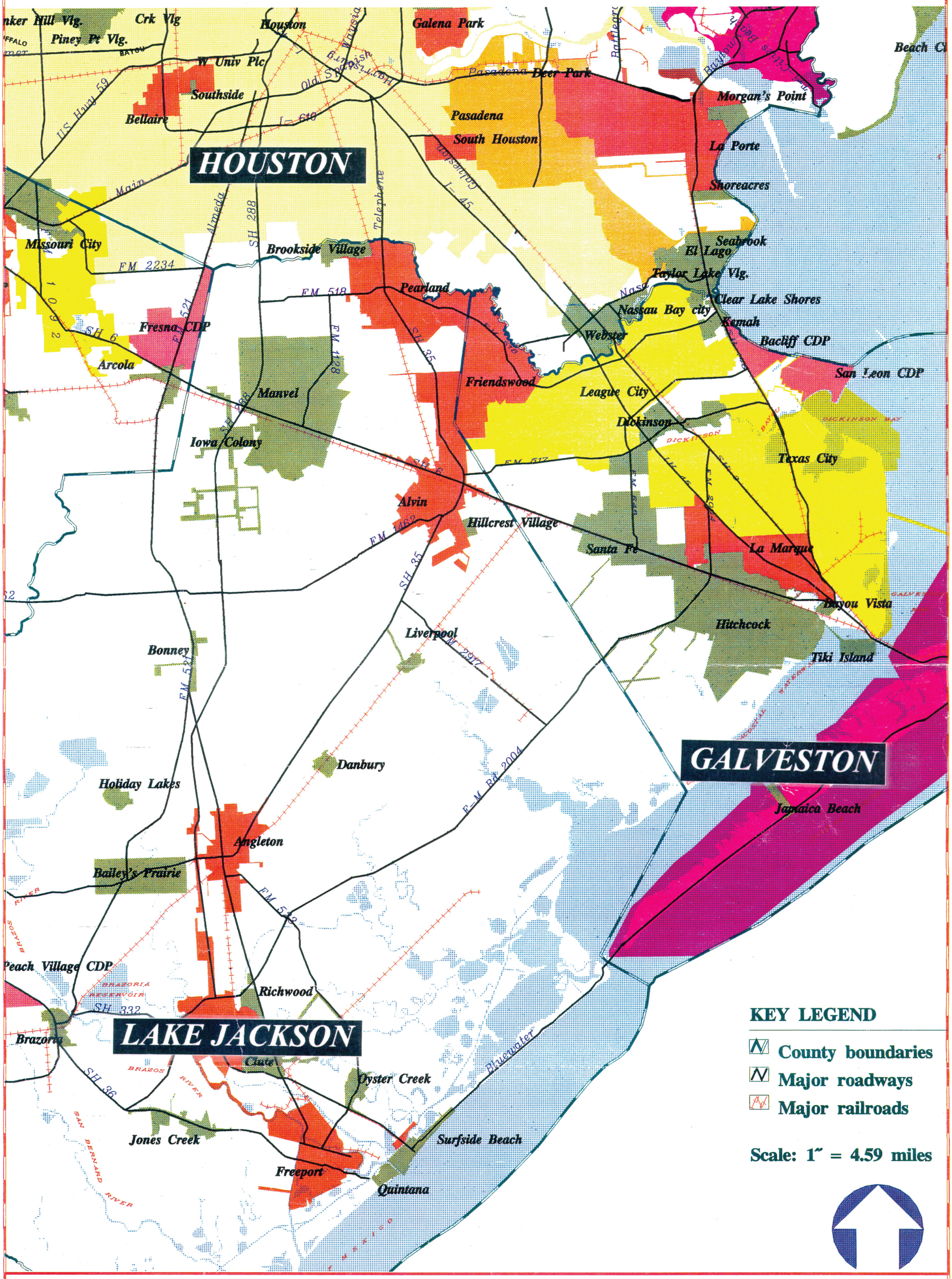
City of Lake Jackson and Vicinity Regional Map



HGAC

Prepared by
Houston-Galveston Area Council, October 1992.

Disclaimer:

The maps and data presented herein are intended for general reference only. The source of information is the U.S. Department of Commerce, Bureau of Census. The Houston-Galveston Area Council makes no claim as to its accuracy and neither assumes nor will accept liability for its use.

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Development Process

The City of Lake Jackson has a development process in place that ensures each individual project will be handled as smoothly and expeditiously as possible.

Proper zoning for the site selected is first established. If there is a need for a zoning change, a public hearing is called and the required meetings are scheduled.

Site plans and landscaping plans are approved on a preliminary and final basis. The Planning Commission meets the first Tuesday of each month. All plats, subdivision plans, and site plans need to be submitted ten days prior to the regularly scheduled meeting. Therefore, if plans are submitted at least two weeks in advance of each meeting, a project can be approved in as little as two months. Special meetings can be called on an as needed basis.

All requirements and questions can be handled in a pre-development meeting with the City Staff, prior to the Planning Commission meeting, thereby expediting the approval process.

Building Permit

Section 14-1 of the Building Code shall be amended to read as follows:

There is hereby adopted by the city and incorporated by reference and made a part hereby for all purposes and specifically for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, condition and occupancy, location, maintenance, control and inspection of buildings and structures, including permits and penalties within the area of jurisdiction of the city:

(1) *Building code*. The 2000 International Building Code, including the appendix and those portions as may be added by amendment by the city council.

(2) *Fire prevention code*. The 2000 International Fire Prevention Code, including the appendix and those portions as may be added by amendment by the city council.

(3) *Electrical code*. The 1999 National Electrical Code, including the appendix and those portions as may be added by amendment by the city council.

(4) *Mechanical code*. The 2000 International Mechanical Code, including the appendix and those portions as may be added by amendment by the city council.

(5) *Housing code*. The 1997 Standard Housing Code including the appendix and those portions as may be amended by the city council.

(6) *International Residential Code*. The 2000 International Residential Code, including the appendix and those portions as may be added by amendment by the city council.

(7) *Plumbing code*. The 2000 International Plumbing Code including the appendix and those portions as may be amended by the city council.

(8) *Fuel code.* The 2000 International Fuel Code including the appendix and those portions as may be amended by the city council.

(9) *Swimming pool code*. The Texas Department of Health, Standards for Public Swimming Pool and Spa, and those portions as may be amended by the city council.

(10) *Amusement device code*. The 1985 Standard Amusement Device Code and those portions as may be amended by the city council. All appeals of administrative decisions under the Standard Amusement Device Code shall be handled by the board of adjustment and appeals established under theStandard Building Code.

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CITY OF LAKE JACKSON - ZONING CHART

	E-1 Single Family Residence Estates	R-1 Single Family Residence	R-2 Single Family Residence	R-3 Two Family Residence	R-4 Multi-Family Residence	B-1 Neighborhoood Business	B-1A Professional Office	B-2 Central Business	B-3 Institutional Zone	C-1 Commercial	C-2 Commercial	M-1 Light Industrial	M-2 Heavy Industrial	T-1 Single Family Residence Townhouses	PURZ Planned Unit Residential Zone	PUD Planned Unit Development Zone	MH-1 Mobile Home Park
1. Purpose and Description	Most Restrictive. Individual houses on large lots.	Highly Restrictive. Individual houses.	Medium density. Individual houses.	Duplex Zones.	Medium density. Garden Apts. Group housing. Courts.	Neighborhood Shopping Zone. Retail and service for daily use.	Professional Offices.	Main business area. Permits most types of general commercial enterprise.	Cultural, educational and other institutional uses.	Warehousing and distribution types.	Hi-Rise Buildings.	Permits most compounding or treatment of articles or material with the exception of heavy mfg. and the processing of raw materials.	Designed to contain those industries which process raw materials into useful goods.	Highly restricted. High density residential zone. Composed of single family townhouse dwellings.	Varies: Check code book.	Varies: Check code book.	Requirements are set out in Chapter 12-A.
2. Permitted Uses	One family dwelling.	One family dwelling.	One family dwelling.	Duplexes.	Apartment houses, duplexes, condominiums.	Offices and office bldgs, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans and aged.	Professional offices and office bldgs., studio, clinic. No retail sales.	Offices and office bldgs, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans and aged, newspaper, auto dealer, hotels, banks, & financial institution.	Churches, religious institution, public, private or parochial schools.	Offices and office bldgs, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans and aged, newspaper, auto dealer, hotels, banks, & financial institution, lumber & brick yds, warehouses, wholesale business, vet. clinic, commercial laundries, beverage mfg.	Hotels, motels, office bldg.'s, hospitals, banks financial institution.	Machine shop, carpenter shop, ice mfg., light metal process, paper fabricating, plastic mfg., trucking yds, dairy products mfg., feed & fuel yds., mini-ware-houses.	Machine shop, carpenter shop, ice mfg., light metal process, meat & food processing, paper fabricating, plastic mfg., clay products mfg., trucking yds, dairy products mfg. feed & fuel yds., & mini-warehouses.	Single family dwelling.			
3. Max. % of lot to be used for building	25%	30%	35%	45%	50%	100%	100%	100%		100%	100%	100%	100%	50% Including Common Areas.			
4. Min. floor area living space, S.F.	2,000 S.F.	1,400 S.F.	1,200 S.F.	900 S.F.	450 S.F.	0	0	0	0	0	0	0	0	800 S.F.			
5. Max. Height	2-1/2 Stories	2-1/2 Stories 35 Ft.	2-1/2 Stories 35 Ft.	2-1/2 Stories 35 Ft.	2-1/2 Stories 35 Ft.	2-1/2 Stories 35 Ft.	2-1/2 Stories 35 Ft.	4 Stories - 50 Ft. or as approved	4 Stories - 50 Ft. or as approved	4 Stories - 50 Ft. or as approved	4 Stories - 50 Ft. or as approved	4 Stories - 50 Ft. or as approved	4 Stories - 50 Ft. or as approved	2-1/2 Stories 35 Ft.			
6. Min. Lot Area	1 Acre	15,000 S.F.	8,400 S.F.	8,500 S.F.	1 Acre min. area 20 Units per acre	2,000 S.F.	2,000 S.F.	2,000 S.F.	1 Acre	3,000 S.F.	10,000 S.F.	8,400 S.F.	15,000 S.F.	2,000 S.F. Lot area 3,500 S.F. including common per family			
7. Min. Frontage	200 Ft.	100 Ft.	70 Ft.	100 Ft.	100 Ft.	20 Ft.	100 Ft.	30 Ft.	200 Ft.	30 Ft.	30 Ft.	60 Ft.	150 Ft.	20 Ft.			
8. Min. Lot Depth	150 Ft.	150 Ft.	120 Ft.	85 Ft.	120 Ft.	100 Ft.	100 Ft.	100 Ft.		100 Ft.	100 Ft.	100 Ft.	100 Ft.	100 Ft.			
9. Yard Setback Front Side Rear Side Street	40 Ft. 25 Ft. 20% of depth 25 Ft.	30 Ft. 10 Ft. 15 Ft. 15 Ft.	25 Ft. 15 Ft. no less than 5 Ft. on any one side. 15 Ft. 15 Ft.	25 Ft. 10 Ft. 15% of depth 15 Ft.	25 Ft. 25 Ft. 25 Ft. 15 Ft.	None required.	None required.	None, unless the lot abuts family residential zones E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of 20 ft. on the rear and on the side, for all buildings up to 50 ft. in height, where the property abuts said above zones. If the building is greater than 50 ft. in height the setback on the rear and side shall be 20 ft. plus twice the hight of that portion of the building that is in excess of the first 50 feet. Portions of drainage ditches on the property or between properties shall be credited to the land owner for the purpose of establishing the setbacks.						5 Ft. 0 Ft. 10 Ft. 25 Ft.			
10. Permitted Accessary Uses	Servants quarters, garden, tool & play houses. Personal rec. facilities, country clubs & incidental livestock.	Garden, tool & play houses, personal rec. facilities, private garage.	Garden, tool & play houses, personal rec. facilities, private garage.	Garden, tool & play houses, personal rec. facilities, private garage.	Garden, tool & play houses, personal rec. facilities, private garage, boarding houses, day nurseries, nursing homes, professional offices.	None allowed.	None allowed.	None allowed.	Parking Garage.	None allowed.	None allowed.	No restrictions.	No restrictions except no dwellings.	Mechanical bldg., maintenance & tool shop & recreational bldg.			
11. Accessary Bldg. Max. Height Min. Setback Side Rear Front Max. Floor Area Max. No. Limitations	15 Ft. 25 Ft. 30 Ft. 65 Ft. 50% of main bldg. 1 per acre	15 Ft. 5 Ft. 5 Ft. or interior line of esmt. to front of house. 200 S.F. No storage, garden tool or play house shall be used as garage.	15 Ft. 5 Ft. 5 Ft. or interior line of esmt. to front of house. 200 S.F. No storage, garden tool or play house shall be used as garage.	15 Ft. 5 Ft. 5 Ft. or interior line of esmt. to front of house. 120 S.F. No storage, garden tool or play house shall be used as garage.	15 Ft. 5 Ft. 5 Ft. or interior line of esmt. to front of house. 120 S.F. No storage, garden tool or play house shall be used as garage.	None allowed.	None allowed.	None allowed.	Any customary incidental to business.	Any customary incidental to business.	Any customary incidental to business.	No restrictions.	No restrictions.	Shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.			
12. Conditional Uses (Needs approval of Planning Commission)	Golf courses, parks	Golf courses, parks	Parks	Parks	Hospitals, clinics, membership club, homes for the aged and orphans, funeral homes, fraternity/sorority houses, nursing homes, cemeteries, supervised living facilities.	Supervised living facilities Church	Hospitals Church	Bowling alley and other recreational uses, clinics. No funeral homes. Church	Playfield or Stadium Recreation Center Church	Supervised living facilities Church	None allowed. Church	None allowed. Church	None allowed. Church	None allowed.			
13. Off Street Parking	Min. 2 Space Garage. (See Sect. 25-7)	Min. 2 Space Garage. (See Sect. 25-7)	Min. 2 Space Garage. (See Sect. 25-7)	Min. 4 Covered Space. (See Sect. 25-7)	See Section 25-7	See Section 25-7	See Section 25-7	See Section 25-7	(1) No parking facility shall occupy any portion of a required setback within 10 ft. of a lot line adjacent to a residential zone (E-1, R-1,T-1) on more restrictive destrict. (2) See Sect. 25-7.	See Section 25-7	See Section 25-7	See Section 25-7	See Section 25-7	Min. 2 Space Garage. (See Sect. 25-7)			

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Development Flow Chart

Pre-Development Conference with City Staff*-
1. Orientation to Community
2. Review of Zoning Desired
3. Review of Concept Process
4. Review of Development Process
5. Distribution of Relative Guidelines / Requirements

Already Properly Zoned

Not Already Properly Zoned

Initiate Zoning / Rezoning Process

Plat / Site Plan Approval

Under 2 Acres & No Plat / Replat Needed

Staff Review and Approval of Site and Landscape Plan

Over 2 Acres &/or Plat / Replat Needed

Preliminary Plat / Site Plan Submittal

Ten (10) Days Prior to Meeting

Planning Commission Review & Preliminary Approval

Initial Meeting - Commission Meets 1st Tuesday of each month

Call a Public Hearing

Final Plat / Site Plan Submittal

Ten (10) Days Prior to Meeting

Public Hearing Planning Commission Review & Final Approval

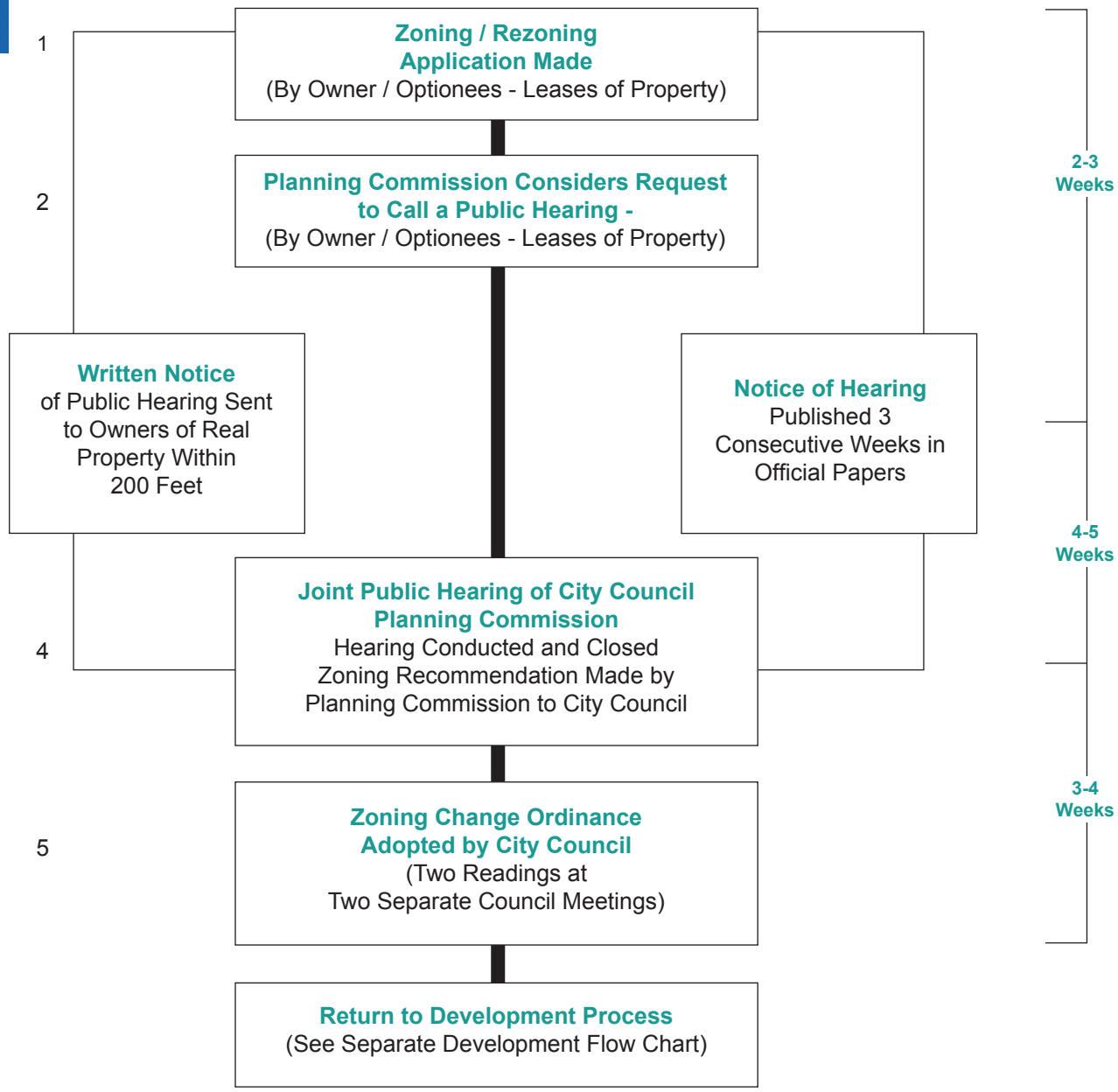
Subsequent Meeting - Commission Meets 1st Tuesday of each month

**** Strongly recommend, but not required. (This is an opportunity to meet and expedite issue resolution and the development process.)***

Application for Building Permit
Approval of Permit / Begin Construction

NOTE: The platting and zoning processes may take place simultaneously at the option of the developer or applicant. Final approval of a plat or site plan is contingent upon public hearing on plat and obtainment of proper zoning.

Owner Initiated Zoning/Rezoning



TIME LINE

1 At Least 5 Days Prior to Planning Commission Meeting - 1st Tuesday of each Month

2 1st Tuesday of each Month

3 Not Less Than 10 Days Before Hearing

4 Not Earlier Than 15 Days After Date of First Publication

5 Regular City Council Meeting - 1st and 3rd Mondays of the Month

Utilities

Electric

You must choose a competitive retail provider.

Gas

Center Point Energy serves Lake Jackson. It is the largest gas utility in the upper Gulf Coast and sells natural gas in Texas, Louisiana and Mississippi to residential, commercial and industrial customers.

Capability

* Sufficient quantities and pressures to serve most construction.

Quality/Reliability

* Very reliable supplies to Gulf Coast.

Service Availability

* Immediate in most locations of Lake Jackson.

Water

The City of Lake Jackson has excellent long-range water supplies already secured to meet the future needs of the city. Lake Jackson's current water supplies include 2.0 MGD from the Brazosport Water Authority and 10.89 MGD from a City owned well water system.

The Brazosport Water Authority presently has a 10 MGD water treatment plant serving the Brazosport area and has design capabilities for an additional 10 MGD water treatment plant expansion.

The system storage is 2.55 million gallons of overhead storage, 4 million gallons of ground storage.

Capability

* Excess of 4,000 GPM
* City of Lake Jackson has excellent long-range water supplies, treatment and distribution capacity.

Quality/Reliability

* Excellent quality, meets all state health standards.
* Reliability is excellent.

Service Availability

* Immediate

Wastewater

Lake Jackson's Wastewater Treatment Plant is designed to serve a population of up to 36,133 and has a capacity of 5.89 million gallons per day. Lake Jackson's plant meets all Environmental Protection Agency (EPA) and Texas Department of Water Resources (TDWR) permits and regulations.

Capability

* Meeting current need.

Quality/Reliability

* Totally reliable service.

Service Availability

* Immediate

Transportation

Highways

State Highway 288
State Highway 288B
State Highway 332
State Highway 36
State Highway 35
FM 2004

Trucking

28 Tank Truck Lines
10 Motor Freight Carriers
7 Local Terminals

Air Freight/Package Services

Seven companies servicing large and small package requirements.

Rail

Union Pacific Railroad services the area.

Air

Brazoria County Airport - 7,000 ft. runway, lighted, ILS & NDB; charter and corporate services.

Houston's Hobby Airport - one hour away, Houston's Bush Intercontinental Airport - 1.5 hours away with all major commuter carriers.

Shipping

Port of Freeport
Long term planning and careful development have given rise to the most accessible port serving the Gulf Coast. Located just 1.3 miles from deep water, Port Freeport dispenses with unnecessary transit time and assures ship operators a fast, safe turnaround.

The Port offers a depth of 36 feet at the public facilities -- 400-foot wide channels and a 1200-foot wide turning basin. Over 2,150 feet of dockspace is immediately accessible to 416,000 square feet of transit storage, a covered boxcar loading area and 47 acres of prepared open storage.

Bus

Southern Brazoria County Transit service has five routes in Lake Jackson, Clute, Freeport and Angleton. Residents who use the service have convenient access within the cities and region to employment, schools, shopping, county services, medical services and recreational destinations.

THE GREAT STATE OF TEXAS

Utility Rates

Electricity

Supplier: Competitive Retail Provider (you choose)

Natural Gas

Reliant/Entex

Water

Supplier: City of Lake Jackson

2,000 gallons or less:	$11.70
Over 2,000 gallons:	$11.70 plus $3.50 per thousand gallons for each thousand gallons over 2,000

*There is an additional $.25 per thousand gallons for usage over 20,000 gallons.

Sewer

Supplier: City of Lake Jackson

2,000 gallons or less	$11.70
2,000 to 15,000 gallons:	$11.70 plus $3.70 per thousand gallons for each thousand gallons up to 15,000 gallons

Solid Waste Collection

Supplier: City of Lake Jackson

Commercial 3 yd dumpster per month	
2 pick ups per week	$ 65.44
3 pick ups per week	98.07
4 pick ups per week	130.87
5 pick ups per week	175.75
6 pick ups per week	196.30

Commercial 4 yd dumpster per month	
2 pick ups per week	$ 87.22
3 pick ups per week	130.87
4 pick ups per week	174.47
5 pick ups per week	218.11
6 pick ups per week	261.69

Apartments/Multi-family

Garbage and trash rates for apartments/multi-family shall be charged at a flat rate fee of fourteen dollars ($14.87) per individual family unit, excluding state sales tax.

Applicable Tax Rates 2014

Sales or Use Tax

State	6.25%
Lake Jackson	1.50%
Brazoria County	.50%
	8.25%

Hotel/Motel Tax

State	6.0%
City	7.0%
	13.00%

2014-2015
Property Taxes - Rate/$100 Assessed Value

City of Lake Jackson	0.387500
Brazosport ISD	1.255300
Brazosport College	0.280878
Brazoria County (including Road & Bridge)	0.498500
Brazos River Harbor Navigation District	0.045000
Velasco Drainage District	0.098018
Aggregate Tax Rate	2.565196

Source: Brazoria County Tax Office - Updated October 13, 2014

Lake Jackson - City of Enchantment

The City of Lake Jackson began in the early 1940's when Dr. A. P. Beutel and Dr. Alden Dow carefully planned out the "City of Enchantment". Through hard work and determination, what was once a heavily wooded swamp grew into a beautiful city. In planning the city, Dr. Dow specified that as many trees as possible would be saved. The citizens of Lake Jackson continue to be committed to Dr. Dow's dream by maintaining and enhancing the beauty of the area.

Lake Jackson is also surrounded by Texas history. The land that Lake Jackson is built on was part of Stephen F. Austin's original land grant from the Mexican government. The two major plantations around the current sites of Lake Jackson and Clute were the Jackson Plantation and Eagle Island Plantation. Abner Jackson built his plantation on an oxbow lake from which our young city derives its name: Lake Jackson.

Today the citizens of Lake Jackson are proud of their heritage and their pride shows in their City. Through the hard work and dedication of our boards and commissions, along with numerous volunteers, Lake Jackson has won twelvth Keep Texas Beautiful Governor's Community Achievement Awards and three 1st place national awards from Keep America Beautiful . Each year they have also receive the Presidents Circle Award from Keep America Beautiful and the Sustained Award of Excellence from Keep Texas Beautiful. Lake Jackson has been presented the "Tree City USA" title for the past 32 years.

Location

8 Miles North of the Gulf of Mexico
50 Miles South of Houston
45 Miles Southwest of Galveston

Estimated 2014 Population

27,394

Form of Government

Council/Manager (Home Rule Charter)

Mayor

Joe Rinehart

City Manager

William P. Yenne

Councilmembers

Will Brooks
Heather Melass
Gerald Roznovsky
Ralph "Buster" Buell III
Jon "J.B." Baker

Housing

Lake Jackson is the home of most residents in the Brazosport area. An excellent housing stock is available in single family and multi-family facilities. Single-family homes are priced from the $40,000's to the one-million dollar range. The average value of a new home in 2005 was $220,144. There are thirty-eight apartment complexes to choose from for our multi-family residents.

Recreation

Lake Jackson is "teaming" with recreational opportunities, including access to 23 miles of nearby public beach, over 1,300 acres of city parks, and numerous county/state/federal parks or wildlife refuge parks. Situated only eight miles from the Gulf Coast and resting on the Brazos River, Lake Jackson, and the surrounding areas, offer all imaginable water sports. In addition, Houston offers professional football, basketball, hockey, and baseball within only an hour's drive.

From June through September, our outdoor pool is open, which features a children's wading pool with a mushroom fountain and a series of bubblers, and a double water slide.

Our 65,500 square foot Recreation Center has a 25-yard lap pool, one recreational pool that includes a wading area, water aerobics area, 103' (linear feet) purple slide, and swim play area with a mushroom fountain for the children. Also included in the facility are a gymnasium, six regulation racquetball courts, a large weight/cardiovascular training room, aerobics room, supervised nursery, indoor and outdoor playground, and restroom and shower facilities.

Our Youth Sports Complex includes six youth softball fields, seven youth soccer fields, two youth baseball fields and a track.

Lake Jackson has a skate park, located outside, behind the recreation center. This park provides various ramps for skaters and skate boarders, including a "beginners" section to accommodate the more inexperienced skaters.

Our Civic Center & Plaza is a 30,000 square foot center which includes a ballroom (7,096 s.f.) able to seat up to 600 people for a sit down dinner, a terrace room (4,458 s.f.) that can be divided into two rooms, and another meeting room (3,276 s.f.) that can be divided into three separate rooms. There are also two kitchens, a board room, and a senior citizens activity room.

The city owned Wilderness Golf Course opened for play in 2004. The course features elevated green complexes with deep greenside bunkers and a backdrop of forest. Designed by Jeffrey Brauer of Golfscapes, the par 72 course is bounded by the City's beautiful Wilderness Park and is complemented by a 25-tee driving range and 3,500 square-foot clubhouse, including a pro shop and snack bar.

Designed to fall on the moderate side of upscale courses, the City subsidizes the operation with $550,000 annually from the half cent sales tax revenue. Therefore, for a course the quality of the Wilderness, the average primetime weekend rate including cart is a low $42. The most often heard comments on the 7,100 yard layout are "fun and challenging". See the Wilderness web site at www.thewildernessgc.com

Come try out the Disc Golf course located at Dunbar Park! We boast a challenging 18-hole course with lots of shade, a nearby playground and plenty of fun for the entire family.

Fire Protection

The City's Volunteer Fire Department is responsible for staffing two fire stations and providing fire fighting activities 24 hours a day, 365 days a year. The Department is staffed by 52 volunteers.

Emergency Medical Service Protection

The City's Emergency Medical Service (LJEMS) contracted by the City of Lake Jackson and is responsible for staffing city provided ambulances.

Police Protection

Lake Jackson is a growing and diverse community made up of residential areas, business districts, schools, and recreational facilities. Protecting all areas of the city is a challenge that requires a dedicated and proactively-managed police force. Lake Jackson is proud to offer the best policing in the region; well-trained professionals operating the most advanced equipment available.

Our department is comprised of 45 sworn officers and 15 civilian support personnel providing around-the-clock services to citizens and businesses. The Lake Jackson Police Department serves as a 911 hub for southern Brazoria County, utilizing redundant communications technologies to ensure emergency services are always available. The police department provides dispatch services for all public safety entities of the city: including police, fire, and emergency medical services.

The Lake Jackson Police Department also provides community policing services and educational classes in local schools, assisted living centers, and at the training facility located within the police department. Police services are provided within area public schools, as well as at Brazosport College, by school resource officers trained and supported by the police department.

Cultural

Fine Arts Council, Community Concerts, Museums, Historical Sites, Art League, Little Theater, Music Theater, County Library System, Center for the Arts and Sciences, Ballet Theater, Brazosport Symphony and Planetarium.

Climate

Type: Modified Sub-Tropical Marine

Average	January	August	Annual
Temperature	53.6	82.6	69.1
Humidity	-	-	77%
Precipitation	-	-	47.8 in.
Prevailing Winds:	170 degrees (south)		

Source: NOAA 1980 - 2010

Education

The City of Lake Jackson is served by numerous day cares, private/parochial schools, the highly regarded Brazosport Independent School District (over 13,000 students) and Brazosport College.

College/Universities
Brazosport College is a two year institution involved in academic and vocational curricula. Beginning in the fall of 2005, they now offer the Bacherlor of Applied Technology degree in Technology Management. The college works closely with local firms in preparing and presenting special training programs. Other major colleges and universities within commuting distance include:

Baylor College of Medicine
Houston Baptist University
Prairie View A&M
Rice University
South Texas College of Law
Texas Southern University
University of Houston
University of Texas Health and Science Center

Medical

Brazosport Regional Health System (BRHS) is a 175-bed hospital that provides care for the communities of Brazoria, Matagorda and Galveston counties and is the largest provider of emergency services in Brazoria County. The Brazosport Regional provides state of the art diagnostic and caring and compassionate treatment services that continue to “raise the bar” on local healthcare.

Officials

Elected Officials

	Official	Title	Years of Service	Term Expires	Occupation
*	Joe Rinehart	Mayor	3	2016	Retired
	Heather Melass	Councilmember	4	2017	Retired
**	Will Brooks	Councilmember	3	2016	Engineer
***	Gerald Roznovsky	Councilmember	2	2017	Business Owner
	Ralph "Buster" Buell III	Councilmember	1	2016	Retired
	Jon "J.B." Baker	Councilmember	4	2017	Law Enforcement

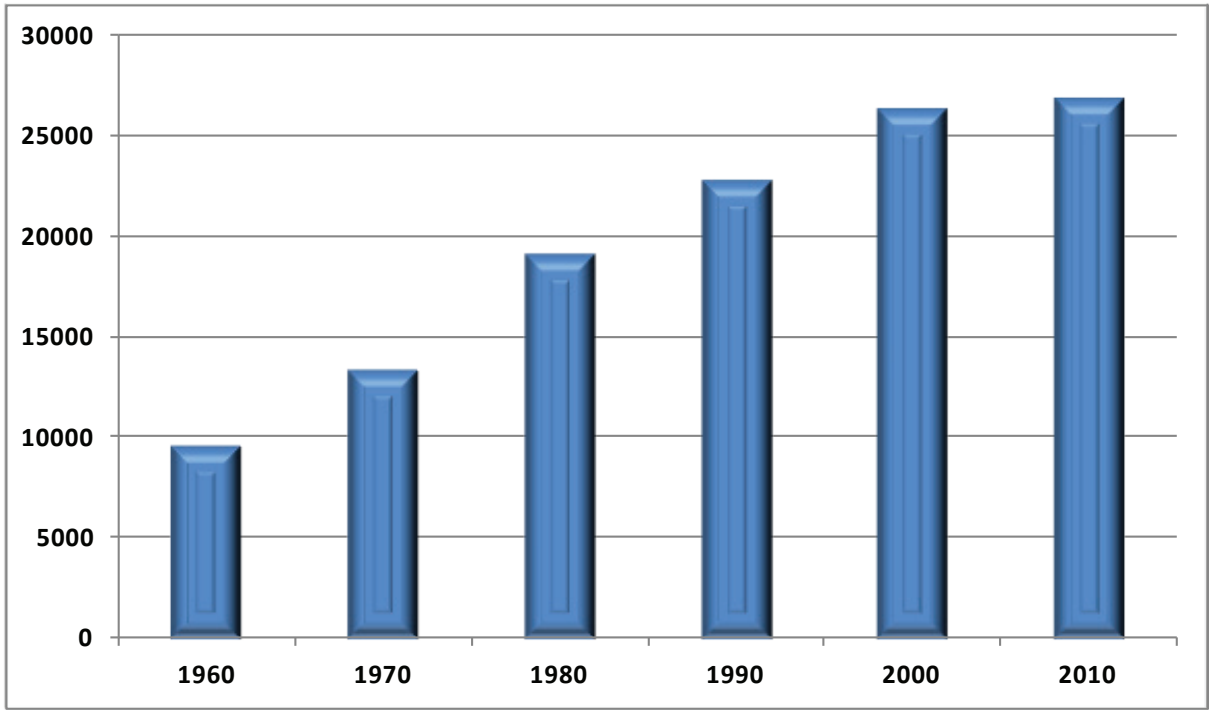
* Served as Councilmember 2003-2012 before becoming Mayor
** Served as Councilmember 2008-2010
*** Served as Councilmember 2005-2010

City Staff

	Name	Title	Length of Service
*	William P. Yenne	City Manager	35 years
	Modesto Mundo	Asst. City Manager	20 years
	Pam Eaves, CPA	Finance Director	25 years
	Salvador Aguirre	City Engineer	36 years
	First Southwest	Financial Advisors	10 years

* Served 11 years as Assistant City Manager

Historical Population

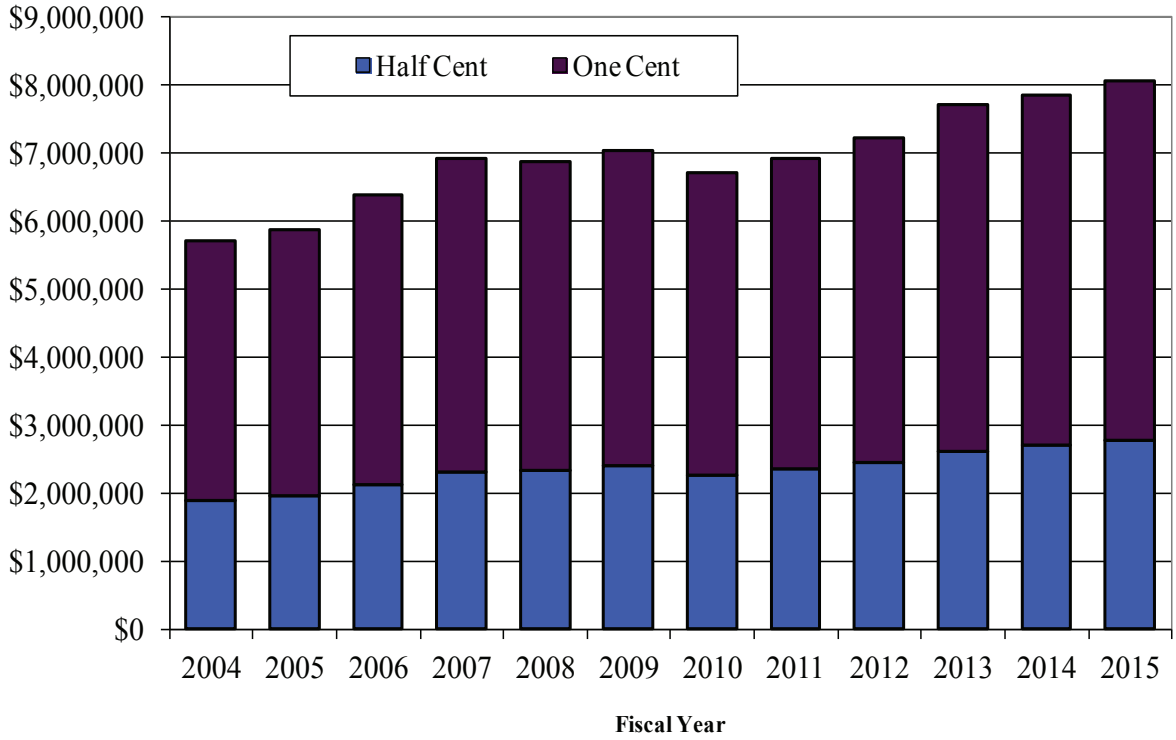


1960 ..... *9,651*
1970 ..... *13,376*
1980 ..... *19,102*
1990 ..... *22,776*
1992 ..... *24,000*
1995 ..... *25,000*
2000 ..... *26,386*
2010 ..... *26,849*
2014 ..... *27,394 *estimated*

2010 Census Estimates
Land Area & Population Density

	POPULATION	LAND AREA SQUARE MILES	PERSONS PER SQUARE MILE
Texas	24,145,461	261,914.2	92.18
Brazoria County	313,166	1,386.9	225.80
Lake Jackson	**26,849**	**18**	**1,491.61**

Sales Tax Collection History



	Fiscal Year	One Cent Sales Tax	Half Cent Sales Tax	Percentage Growth
	2003	3,726,533	1,863,267	-1.38%
	2004	3,810,459	1,905,230	2.25%
	2005	3,914,130	1,957,065	2.72%
	2006	4,261,667	2,130,834	8.88%
	2007	4,618,469	2,309,235	8.37%
	2008	4,553,842	2,337,052	-1.40%
	2009	4,634,553	2,408,688	1.77%
	2010	4,432,443	2,277,196	-4.36%
	2011	4,562,725	2,355,777	2.94%
	2012	4,772,141	2,457,990	4.59%
Actual	2013	5,093,359	2,619,312	6.73%
Projected	2014	5,148,100	2,715,374	1.07%
Budgeted	2015	5,283,875	2,783,000	2.64%

2010 Census Information for Lake Jackson, Texas

Date: 07/30/13
Current Geography Selection: (1 Selected) Places: Lake Jackson

Demographic Detail Summary Report

Population Demographics

	2000 Census		2010 Census		2013A Estimates		2018 Projections		Percent Change 2000 to 2010	Percent Change 2013 to 2018
Total Population	26,629		26,853		27,618		27,894		0.8%	1.0%
Population Density (Pop/Sq Mi)	813.29		1,559.63		1,604.06		1,620.11		91.8%	1.0%
Total Households	9,670		10,308		10,593		10,845		6.6%	2.4%
Population by Gender:										
Male	13,102	49.2%	13,165	49.0%	13,531	49.0%	13,686	49.1%	0.5%	1.1%
Female	13,528	50.8%	13,688	51.0%	14,087	51.0%	14,208	50.9%	1.2%	0.9%

Population by Race/Ethnicity

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
White	22,813	85.7%	22,675	84.4%	23,241	84.2%	23,393	83.9%	-0.6%	0.7%
Black	1,142	4.3%	1,369	5.1%	1,432	5.2%	1,467	5.3%	19.8%	2.4%
American Indian or Alaska Native	108	0.4%	140	0.5%	151	0.6%	156	0.6%	29.0%	2.9%
Asian/Native Hawaiian/Other Pacific Islander	650	2.4%	792	3.0%	813	2.9%	867	3.1%	21.8%	6.7%
Some Other Race	1,434	5.4%	1,241	4.6%	1,287	4.7%	1,291	4.6%	-13.5%	0.3%
Two or More Races	482	1.8%	637	2.4%	694	2.5%	721	2.6%	32.1%	3.9%
Hispanic Ethnicity	4,008	15.1%	5,616	20.9%	6,289	22.8%	6,869	24.6%	40.1%	9.2%
Not Hispanic or Latino	22,622	85.0%	21,237	79.1%	21,329	77.2%	21,026	75.4%	-6.1%	-1.4%

Population by Age

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
0 to 4	1,966	7.4%	1,776	6.6%	1,795	6.5%	1,821	6.5%	-9.7%	1.4%
5 to 14	4,622	17.4%	4,020	15.0%	3,965	14.4%	3,824	13.7%	-13.0%	-3.6%
15 to 19	2,110	7.9%	2,059	7.7%	2,060	7.5%	1,949	7.0%	-2.4%	-5.4%
20 to 24	1,374	5.2%	1,527	5.7%	1,740	6.3%	1,761	6.3%	11.1%	1.2%
25 to 34	3,362	12.6%	3,386	12.6%	3,642	13.2%	3,797	13.6%	0.7%	4.3%
35 to 44	4,776	17.9%	3,446	12.8%	3,379	12.2%	3,294	11.8%	-27.8%	-2.5%
45 to 54	3,788	14.2%	4,264	15.9%	4,190	15.2%	3,828	13.7%	12.6%	-8.6%
55 to 64	1,985	7.5%	3,150	11.7%	3,438	12.4%	3,710	13.3%	58.7%	7.9%

Source: The Alliance - Economic Development for Brazoria County
Updated: November 8, 2013

2010 Census Information for Lake Jackson, Texas

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
65 to 74	1,479	5.6%	1,667	6.2%	1,828	6.6%	2,234	8.0%	12.7%	22.2%
75 to 84	892	3.4%	1,119	4.2%	1,123	4.1%	1,168	4.2%	25.5%	4.1%
85+	266	1.0%	440	1.6%	459	1.7%	509	1.8%	65.2%	11.0%
Median Age:										
Total Population	34.7		37.0		36.9		37.4			

Households by Income

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
$0 - $15,000	841	8.7%	585	5.7%	613	5.8%	560	5.2%	-30.5%	-8.6%
$15,000 - $24,999	743	7.7%	794	7.7%	833	7.9%	775	7.1%	6.9%	-7.0%
$25,000 - $34,999	910	9.4%	745	7.2%	803	7.6%	777	7.2%	-18.2%	-3.3%
$35,000 - $49,999	1,415	14.6%	1,161	11.3%	1,199	11.3%	1,146	10.6%	-18.0%	-4.3%
$50,000 - $74,999	1,977	20.4%	1,702	16.5%	1,754	16.6%	1,600	14.8%	-13.9%	-8.8%
$75,000 - $99,999	1,535	15.9%	1,814	17.6%	1,826	17.2%	1,880	17.3%	18.2%	3.0%
$100,000 - $149,999	1,401	14.5%	2,340	22.7%	2,329	22.0%	2,655	24.5%	67.0%	14.0%
$150,000 +	571	5.9%	1,168	11.3%	1,237	11.7%	1,451	13.4%	104.6%	17.4%
Average Hhld Income	$67,396		$90,358		$89,963		$96,219		34.1%	7.0%
Median Hhld Income	$60,360		$77,375		$76,331		$82,836		28.2%	8.5%
Per Capita Income	$24,473		$34,714		$34,533		$37,435		41.8%	8.4%

Employment

	2000 Census		2010 Census		2013A Estimates		2018 Projections	%	Percent Change 2000 to 2013	2013 to 2018
Total Population 16+	19,549		20,640		21,411		21,851			2.1%
Popn 16+:Civilian, Employed	11,894	60.8%	13,208	64.0%	13,534	63.2%	14,287	65.4%	11.1%	5.6%
Popn 16+:Civilian, Unemployed	527	2.7%	767	3.7%	580	2.7%	418	1.9%	45.4%	-27.9%
Popn 16+:In Armed Forces	0	0.0%	30	0.2%	31	0.1%	30	0.1%	N/A%	-2.2%
Popn 16+:Not In Labor Force	6,359	32.5%	6,635	32.1%	7,266	33.9%	7,115	32.6%	4.3%	-2.1%

Housing Units

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
Total Housing Units	10,572		11,151		11,421		11,671		5.5%	2.2%
Total Occupied Housing Units	n/a	n/a	10,308	92.4%	10,593	92.8%	10,845	92.9%	n/a	2.4%
Owner Occupied Housing Units	n/a	n/a	7,107	68.9%	7,292	68.8%	7,410	68.3%	n/a	1.6%

Source: The Alliance - Economic Development for Brazoria County
Updated: November 8, 2013

2010 Census Information for Lake Jackson, Texas

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
Owned with a mortgage or loan	n/a	n/a	4,711	45.7%	4,749	44.8%	4,814	44.4%	n/a	1.4%
Owned free and clear	n/a	n/a	2,395	23.2%	2,543	24.0%	2,596	23.9%	n/a	2.1%
Renter Occupied	n/a	n/a	3,201	31.1%	3,301	31.2%	3,435	31.7%	n/a	4.1%
Vacant	900	8.5%	843	7.6%	827	7.3%	826	7.1%	-6.3%	-0.2%

Vehicles Available

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
0 Vehicles Available	430	4.5%	459	4.5%	449	4.2%	470	4.3%	6.7%	4.6%
1 Vehicle Available	2,659	27.5%	2,446	23.7%	2,521	23.8%	2,560	23.6%	-8.0%	1.5%
2+ Vehicles Available	6,290	65.1%	7,403	71.8%	7,623	72.0%	7,816	72.1%	17.7%	2.5%
Average Vehicles Per Household	1.70		2.08		2.08		2.08		24.5%	0.2%

Marital Status

	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
Married, Spouse Present	12,228	61.0%	11,727	55.7%	11,992	54.9%	12,116	54.5%	-4.1%	1.0%
Married, Spouse Absent	619	3.1%	1,217	5.8%	1,208	5.5%	1,265	5.7%	96.5%	4.7%
Divorced	1,713	8.6%	1,933	9.2%	2,114	9.7%	2,149	9.7%	12.9%	1.7%
Widowed	1,065	5.3%	1,094	5.2%	1,321	6.0%	1,358	6.1%	2.7%	2.9%
Never Married	3,692	18.4%	5,086	24.2%	5,224	23.9%	5,362	24.1%	37.7%	2.6%
Age 15+ Population	20,032		21,057		21,858		22,250		5.1%	1.8%

Educational Attainment

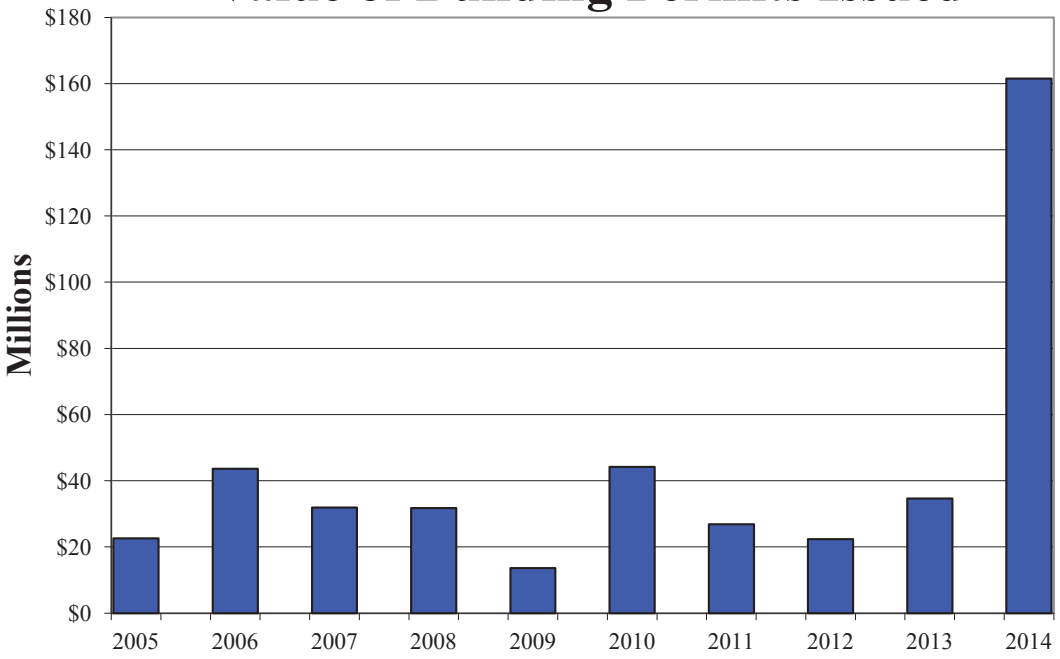
	2000		2010		2013A		2018		Percent Change	
	Census	%	Census	%	Estimates	%	Projections	%	2000 to 2010	2013 to 2018
Grade K - 8	227	1.4%	197	1.1%	221	1.2%	235	1.3%	-13.2%	6.2%
Grade 9 - 11	1,048	6.6%	571	3.3%	628	3.5%	639	3.5%	-45.5%	1.9%
High School Graduate	3,213	20.3%	3,570	20.4%	3,736	20.7%	3,805	20.5%	11.1%	1.8%
Some College, No Degree	4,366	27.6%	5,686	32.5%	5,862	32.5%	6,037	32.6%	30.2%	3.0%
Associates Degree	1,477	9.4%	1,427	8.2%	1,485	8.2%	1,522	8.2%	-3.4%	2.5%
Bachelor's Degree	3,843	24.3%	3,567	20.4%	3,627	20.1%	3,675	19.8%	-7.2%	1.3%
Graduate Degree	1,591	10.1%	2,371	13.6%	2,411	13.4%	2,531	13.7%	49.0%	5.0%
No Schooling Completed	30	0.2%	82	0.5%	89	0.5%	97	0.5%	174.1%	8.7%
Age 25+ Population	15,795		17,471		18,058		18,539		10.6%	2.7%

Source: The Alliance - Economic Development for Brazoria County
Updated: November 8, 2013

Building Permits Issued

Year	RESIDENTIAL New Dollars	RESIDENTIAL New Number	RESIDENTIAL Additions Dollar	RESIDENTIAL Additions Number	COMMERCIAL New Dollars	COMMERCIAL New Number	COMMERCIAL Additions Dollar	COMMERCIAL Additions Number	Total Building Permits ($)
2005	$10,346,773	47	$2,554,073	217	$6,814,750	5	$2,846,001	72	$22,561,597
2006	$11,558,044	42	$2,779,670	222	$12,292,550	13	$16,999,806	96	$43,630,070
2007	$10,645,379	49	$2,994,659	246	$9,960,620	16	$8,273,763	91	$31,874,421
2008	$4,567,201	28	$1,934,811	210	$16,524,120	7	$8,691,192	84	$31,717,324
2009	$2,104,874	13	$2,269,750	224	$980,000	16	$8,286,645	47	$13,641,269
2010	$2,897,800	19	$3,825,831	308	$28,239,066	4	$9,186,421	61	$44,149,118
2011	$2,804,113	11	$2,648,839	300	$1,267,000	2	$20,102,377	126	$26,822,329
2012	$3,059,500	16	$2,609,239	284	$8,827,836	4	$7,836,810	72	$22,333,385
2013	$4,528,375	18	$2,778,099	323	$12,855,000	10	$14,504,913	90	$34,666,387
2014	$2,309,974	14	$3,338,284	292	$150,546,208	27	$5,322,807	92	$161,517,273

Value of Building Permits Issued



2014 Commercial Building Permits Issued

Development	Location	New Value	Added
Dow Texas Innovation Center	332 E Hwy 332	21,400,000	
Dow Texas Innovation Center	332 E Hwy 332	116,976,000	
HEB Grocery	97 Oyster Creek Dr	15,282,720	
Dow Chemical Pump Station	502 Lake Rd	12,547,000	
Merrill Lynch	210 Lake Rd	805,093	
Buffalo Wild Wings	200 E Hwy 332	750,000	
Lake Rd Office Park	210 Lake Rd	740,000	
Panda Express	102 W Hwy 332	650,000	
SDI 332 Holdings	205 W Hwy 332	650,000	
Pearl Apartments	132 Oyster Creek Dr	470,000	
Starbucks	104 S Hwy 288	408,000	
Brazosport Hospital Fam. Pract.	210 Lake Rd	387,000	
Dr. Maruvada	210 Lake Rd	217,000	
Richard Clark	210 Lake Rd	192,000	
Alton'S Washer & Dryer Sales	620 Willow	150,000	
Dr. Shepherd	210 Lake Rd	150,000	
Matress One	200 E Hwy 332	75,000	
Brazosport College	500 B College Dr	50,000	
Sprint	200 E Hwy 332	46,395	
Brazosport College	500 B College Dr		1,070,000
Brazosport Regional Hospital	100 Medical Dr		876,000
Goodwill	120 Circle Way		400,000
The Springs Of Lake Jackson Apts	905 E Hwy 332		334,343
Wurst Haus	106 This Way		250,000
Brazosport Medical	201 Oak Dr So		215,000
Firehouse Subs	121 C W Hwy 332		185,000
AT&T	205 A W Hwy 332		150,000
Chili's	100 E Hwy 332		118,000
TDECU	1001 Fm 2004		110,350
Brazos Mall - Kays Jewelers	100 W Hwy 332		100,000
Lake Jackson Clinic	101 Parking Way		100,000
Lake Jackson Historical Museum	249 Circle Way		86,000
Shadow Park Apts	420 Garland Dr		84,572
St Michael Catholic Church	100 Oak Dr So		83,000
Aplin Homes	207 A That Way		80,000
Computer Exchange	420 Plantation		79,000
Big Hill Beef	107 West Way		70,000
Discount Tire	151 Brazos Loop		70,000
Brazosport Village Shopping Center	408 Plantation Dr		58,000
Lakeshore Apts	460 E Hwy 332		50,177
Gulf Coast Eye Center	117 Circle Way		49,600
Gateway Apts	111 Loganberry		49,000
Big Kids Daycare	130 Flag Lake Rd		47,500
First Evangelical Free Church	200 Lake Rd		41,000
Best Western Plus	702 E Hwy 332		40,000
Brazos Mall - Sake It To Me	100 W Hwy 332		40,000
Fuddruckers	206 W Hwy 332		39,500
Hoghenhefier	410 Flag Lake Rd		38,000
Honda Of Lake Jackson	215 W Hwy 332		37,000

2014 Commercial Building Permits Issued

Development	Location	New Value	Added
Brazosport ISD	300 Ligustrum		35,000
Killum Pest Control	224 Plantation Dr		35,000
Metro Pcs	201 W Hwy 332		35,000
Pearl Apartments	132 Oyster Creek Dr		29,000
Damus & Carrebie Vice	215 Parking Way		25,000
Genesis/Adult Day Care	110 Plantation Dr		24,300
Prime Time Occ. Testing	458 Plantation Dr		24,000
Family Life Church	220 Lake Rd		20,000
Brazos Mall - Suit Warehouse	100 W Hwy 332		16,000
Tammie'S Touch	99 This Way		15,000
Wellco Acquisitions	457 This Way		15,000
George Franklin	225 Parking Way		13,500
First Presbyterian Church	102 Yaupon		12,500
Jiffy Lube	114 W Hwy 332		11,100
Psychology Work	208 Oak Dr So		10,000
Palms Of Lake Jackson Apts	440 E Hwy 332		9,000
Oyster Creek Apts	142 Oyster Creek Dr		6,500
Childrens Garden Inc	130 Flag Lake Dr		6,000
A-Arc Electric	109 Abner Jackson Pkwy		5,925
Brazos Mall - Fudge Factory	100 W Hwy 332		5,665
Whataburger	123 W Hwy 332		5,200
Adult Day Care	206 This Way		5,000
Christ Evangelical Lutheran Church	86 Plantation Dr		5,000
Willow Drive Apts	500 Willow Dr		2,575
Budget Carwash	302 This Way		500
		$150,546,208	**$5,322,807**

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Labor Force

Labor Law

Right to work state
"Check-off" only with
employee consent
Picket regulation
No secondary strikes or boycotts
Workman's Compensation
Minimum Wage Law

Union Activity

Even though a few major firms are unionized, most smaller firms are not.
Local companies have experienced no work stoppages during the past five years.

Brazoria County

Labor Force Annual Average	August 2014
Total Civilian Labor Force	162,517
Employment	153,186
Unemployment	9,331
Unemployment Rate	5.7%

Lake Jackson

Labor Force Annual Average	August 2014
Total Civilian Labor Force	13,902
Employment	13,138
Unemployment	765
Unemployment Rate	5.5%

Source: The Texas Workforce Commission
Updated: September 19, 2014

Brazoria County Top Employers

COMPANY	TYPE	NON-RETAIL FULL-TIME EMPLOYEES
The Dow Chemical Company	Chemical	4200
Alvin I.S.D.	Education	2652
Pearland I.S.D.	Education	2450
Texas Department of Criminal Justice	Criminal Justice	2382
Fluor Corporation	Specialty Contractor	1700
Brazosport I.S.D.	Education	1618
Miken Specialties	Specialty Contractor	1569
The Infinity Group	Specialty Contractor	1492
Brazoria County	Government	1335
Schlumberger Technology Corporation	Oil Well Products	1100
Zachry Construction Company	Specialty Contractor	964
Phillips 66	Refining	900
BASF Corporation	Chemical	838
TDECU	Financial	792
Angleton I.S.D.	Education	790
Excel	Specialty Contractor	762
Dish Network	Inbound Call Center	750
Ascend Performance Materials	Chemical	620
City of Pearland	Government	570
Brazosport Regional Health System	Medical	540
Chevron Phillips Chemical Company	Chemical	472
INEOS Olefins & Polymers USA	Chemical	455
T.I.C. Energy & Chemical, Inc.	Specialty Contractor	450
Columbia-Brazoria I.S.D.	Education	438
Benchmark Electronics	Manufacturing	404
Mammoet	Heavy Lifting & Transport	367
Alvin Community College	Education	300
Davis-Lynch, Inc.	Oil & Gas Machinery	300
Brazosport College	Education	269
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RiceTec	Agriculture	253
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Source: The Alliance - Economic Development for Brazoria County
Updated: September 19, 2014

Restaurants

Lake Jackson Locations

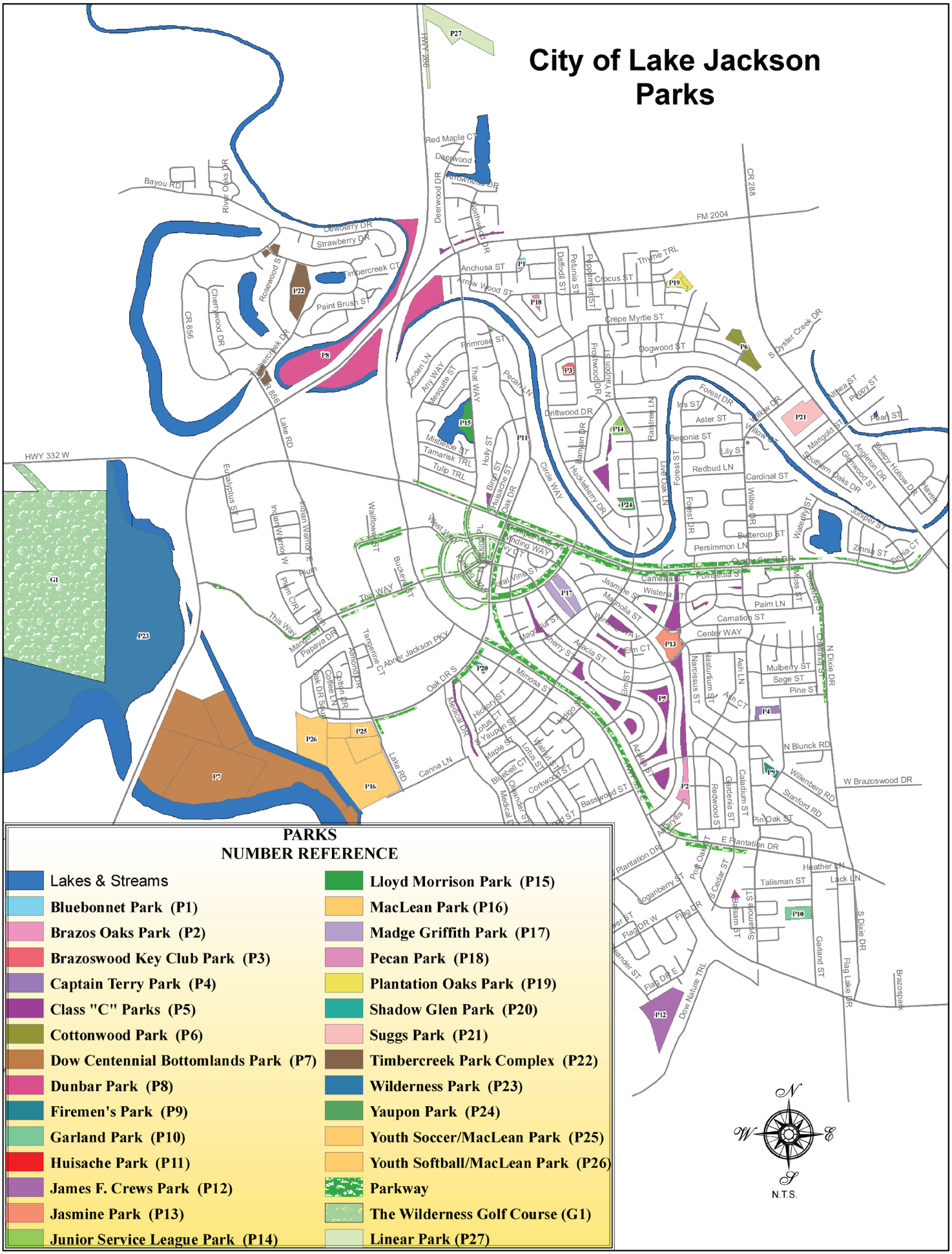
Business Name	Address
AHOT Taqueria	6 Circle Way
All Star Pizza	202 That Way
Applesway	145 Oyster Creek Drive #6
Baskin Robbins	121 Hwy 332 West #C
Beef O' Brady's	145 Oyster Creek Drive #2
Big Hill Beef	107 West Way
Brazos Café	100 Medical Drive
Brazos Nutrition	101 Plantation Drive #C
Brew N Bake	145 Oyster Creek Drive #3
Buffalo Wild Wings	200 E Hwy 332
Burger King	116 Hwy 332 West
Carino's	106 Hwy 332 East
Charley's Grilled Subs	100 Hwy 332 West FC-5
Cherry Berry	201 Hwy 332 West
Chick Fil A	121A Hwy 332 West
Chicken Now	100 Hwy 332 West FC-1
Chili's	100 Hwy 332 East
China Max	100 Hwy 332 West FC-4
China Town	120B Hwy 332 West B3
Chuck E. Cheese	100 Hwy 332 West #1098
Church's Chicken	115 Plantation Drive
Cici's Pizza	120 Hwy 332 West A2
Country Cafe	917 Hwy 332 East
Dairy Bar	202 Plantation Drive
Domino's Pizza	100 This Way
El Chico	100 Hwy 332 West #1232
Firehouse Subs	121 Hwy 332 West #300
Fresh & Fit	104 This Way
Fuddruckers	206 Hwy 332 West
Grape Taste	145 Oyster Creek Drive #10
Hardback Café	208 Hwy 332 West
Hoghenheiferz BBQ	410 Flag Lake Dr A
Honey Baked Ham Co.	201B Hwy 332 West
Ice Valley Smoothies	100 Hwy 332 West #1218
IHOP	202 Hwy 332 East
Jack In The Box	167 Oyster Creek Drive
Java Hut	500 College Dr
La Casona	105 Abner Jackson Parkway
Lake Jackson Seafood	466 Plantation Drive
Little Caesar's Pizza	117 Hwy 332 West I
Luby's	125 West Way
Maui Wowi	100 Hwy 332 West
McDonald's	121 Hwy 332 West

Restaurants

Lake Jackson Locations (cont.)

Business Name	Address
McDonald's	118 Hwy 332 West
Michelle's Cajun Shack	100 Hwy 332 West #1362
Off the Hook Seafood Market	115 Oyster Creek Drive
Panda Express	102 Hwy 332 West
Papa John's	121C Hwy 332 West #1
Picket Fence	925 Hwy 332 East
Pizza Hut	120 Circle Way
Popeye's	112 Hwy 332 West
Pretzel Maker	100 Hwy 332 West #1508
Red Lobster	104 Hwy 332 West
Red Top Texas Style Burgers	101A Circle Way
Rickochet Billiards	470B This Way
River Point Restaurant	111 Abner Jackson Parkway
Ryan's	119 Hwy 332 West
Sake To Me	100 Hwy 332 West #1386
Sevilla Pizza	100 Hwy 332 West FC-3
Shanghai Restaurant	931 Hwy 332 East
Shipley's Donuts	210 Hwy 332 West
Smithhart's Downtown Grill	104 That Way
Sonic	209 Hwy 332 West
Starbuck's	104 SH 288
Subway	470 Plantation Drive
Subway	100 Hwy 332 West FC-2
Subway	133 Oyster Creek Drive
Table 24	24 Circle Way
Taco Bell	207 Hwy 332 West
Texas Burrito Factory	100 Hwy 332 West FC-6
Texas Roadhouse	100 Hwy 332 West #1126
The Local	120 That Way
Tokyo Japanese Steakhouse	602 Hwy 332 East
Tommy's	500 College Dr
Top China Buffet	403 This Way
Torrent Valley's	220 W Hwy 332
Wayside Pub & Restaurant	106 This Way
Whataburger	123 Hwy 332 West
Wing Stop	401C This Way
Winnie's Watering Hole	111 Plantation Drive
Wursthaus	102 This Way
Zumgasthaus Restaurant	107 Parking Place

Updated: February 19, 2015


City of Lake Jackson
Parks
PARKS
NUMBER REFERENCE
Lakes & Streams
Bluebonnet Park (P1)
Brazos Oaks Park (P2)
Brazoswood Key Club Park (P3)
Captain Terry Park (P4)
Class "C" Parks (P5)
Cottonwood Park (P6)
Dow Centennial Bottomlands Park (P7)
Dunbar Park (P8)
Firemen's Park (P9)
Garland Park (P10)
Huisache Park (P11)
James F. Crews Park (P12)
Jasmine Park (P13)
Junior Service League Park (P14)
Lloyd Morrison Park (P15)
MacLean Park (P16)
Madge Griffith Park (P17)
Pecan Park (P18)
Plantation Oaks Park (P19)
Shadow Glen Park (P20)
Suggs Park (P21)
Timbercreek Park Complex (P22)
Wilderness Park (P23)
Yaupon Park (P24)
Youth Soccer/MacLean Park (P25)
Youth Softball/MacLean Park (P26)
Parkway
The Wilderness Golf Course (G1)
Linear Park (P27)
N
W
E
S
N.T.S.

Major Attractions

GOLF COURSES

Alvin Country Club
W. Hwy. 6, Alvin
(281) 331-4541

Brazoria Bend Golf Course
Manvel
(713) 431-2954

Columbia Lakes
Hwy. 35, West Columbia
(979) 345-5455

Country Place Golf Club
Hwy. 288 & McHard
(713) 436-1533

Freeport Municipal Golf Course
Hwy. 36, Freeport
(979) 233-8311

Golf Crest Country Club
Hwy. 35 & CR 518, Pearland
(281) 485-4323

Hillcrest Golf Club
Bypass Hwy. 35, Alvin
(281) 331-3505

Old Ocean Golf Course
(409) 647-9902

Southwyck Golf Club
Hwy. 288 & FM 518
(713) 436-1533
(888) 239-6559

Wilderness Golf Course
Lake Jackson
(979) 798-9300

BRAZORIA COUNTY PARKS

INFORMATION
(979) 849-5711, Ext. 1541

Administrative Offices
CR 171, Old Armory Building
Angleton

Albert Finkle Memorial County Park
On CR 171 & Chocolate Bayou
Liverpool

Brazos River County Park
Planter's Point Subdivision
Off CR 30

Hanson Riverside County Park
Off Hwy. 35 & San Bernard River

Quintana Beach County Park
Quintana Island
1-800-8-PARK-RV

San Luis Pass County Park
Off CR 527 at San Luis Pass &
Galveston Toll Bridge
1-800-8-PARK-RV

Surfside Beach
Freeport
(979) 265-2508

Wilderness Park
Texas Hwy. 332, 1 mile west of
Lake Jackson

TEXAS PARKS & WILDLIFE DEPARTMENT

INFORMATION
1-800-792-1112

Brazos Bend State Park
(979) 553-3243

Bryan Beach State Recreation Area
Undeveloped
(979) 737-1222

Peach Point Wildlife Management Area
Jones Creek
(979) 244-7634

Varner-Hogg Plantation State Park
West Columbia
(979) 345-4656

U.S. FISH & WILDLIFE SERVICE

INFORMATION
(979) 849-6062

Brazoria National Wildlife Refuge
(979) 849-7771

San Bernard National Wildlife Refuge
(979) 849-7771 or (979) 964-3639

Major Attractions

CITY ATTRACTIONS

Sea Center Texas

Civic Center & Plaza

Lloyd Morrison Park at Shy Pond

MacLean Park

Youth Sports Complex

Wilderness Park

Wilderness Golf Course

Brazos Mall/Retail Center

Brazosport College

Lake Jackson Historical Museum

Alden Dow Museum

Recreation Center Lake Jackson

Gulf Coast Beaches

San Luis Park, destination: 20 miles

Surfside, destination: 8 miles

Quintana Park, destination: 10 miles

Wildlife Refuges

Brazoria National Wildlife Refuge, destination: 10 miles

San Bernard National Wildlife Refuge, destination: 13 miles

Other Major Attractions

SURROUNDING ATTRACTIONS

Bayou Wildlife Ranch, destination: 45 miles

Brazosport Center for the Arts and Sciences

Minute Maid Field (Professional Sports), destination: 50 miles

Flower Gardens - Gulf of Mexico

Freeport Fishing Charters, destination: 10 miles

Galveston Island, destination: 45 miles
Also visit the IMAX Theater and Rainforest, located near The Moody Center, SeaWolf Park, Stewart Beach, or go on the trolley and enjoy a historical tour of Galveston Island

Houston Memorial Park/Zoo, destination: 50 miles
Also visit the Houston Museum of Natural Sciences and IMAX Theater, located in the same vicinity as the Houston Memorial Park/Zoo

Nasa Space Center, destination: 55 miles

San Jacinto Monument/Battleship Texas, destination: 60 miles

Fishing Charters

Located in Surrounding Cities

Fishing Freeport
Freeport, TX
979-233-2912 / 979-482-3140

Johnston's Sportfishing Charters
Freeport, TX
1-800-460-1312

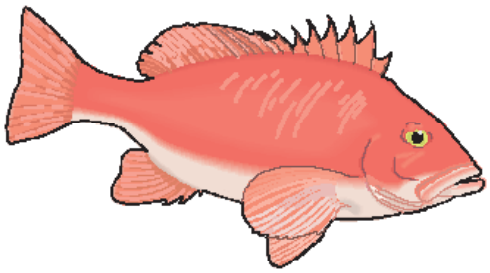
Paparda Rey
Freeport, TX
713-253-3699

Reel Satisfaction Charters
Freeport, TX
979-373-8003 / 979-373-8307

Reel Threel Charters
Freeport & Galveston, TX
281-808-1310

Rig Runners
Freeport & Galveston, TX
979-864-9439 or 713-899-6578

Surfside Charters, LLC
Freeport, TX
281-450-4500



Entertainment

In Lake Jackson & Surrounding Cities

Armadillo Ballroom
Rt. 4, Box 4378
Brazoria, TX

Bobby Jo's Community Center
South Highway 288
Angleton, TX

Brazosport Center for the Arts & Sciences
400 College Drive
Richwood, TX

Brazosport Music Theater
Center for Arts & Sciences
400 College Drive
Richwood, TX

Center Stages
400 College Drive
Richwood, TX

Recreation Center-Lake Jackson
94 Lake Road
Lake Jackson, TX

Rickochet
470 This Way
Lake Jackson, TX

Skating America
1219 Highway 332
Clute, TX

Starplex Cinema
Brazos Mall
Lake Jackson, TX

Code of Ordinances Chapter 78 - SIGNS

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Sec. 78-1. - Definitions.

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

Animation means the movement or the optical illusion of movement of any part of the street graphic structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or an part of the facing of a street graphic.

Area means the total area of the face that is used to display a street graphic, not including its supporting poles or structures. If a street graphic has two (2) faces that are parallel and supported by the same poles or structures, only one face is counted. If a street graphic has two (2) or more faces that are supported by the same poles or structures but are not parallel, the area of the street graphic is the total area of all faces.

Awning means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner means a graphic composed primarily of cloth, paper, fabric or other similar non-rigid material, supported by wire, rope, poles or other similar means, not including decorative streamers with no lettering thereon.

Bare-bulb means any exposed light source other than neon tube illumination.

Business site means any church, school, or business located in B, C, or M zoning districts.

Canopy means a roofed structure projecting from and supported by a building when such covered structure extends beyond the building structure or property lines as, for example, in the downtown portion of the city.

Canopy sign means any street graphic attached to or hung from a canopy or awning.

Electronic message center means a sign or portion of a sign which uses illumination to form messages, words, letters, symbols or figures.

External illumination means illumination of a street graphic that is affected by an artificial source of light not contained within the sign itself.

Flag (governmental) means a piece of fabric of distinctive design that is used as a symbol or insignia of a governmental agency.

Flag (private) means a piece of fabric of distinctive design meant to draw attention to the main entrance of an apartment complex, hotel, church, nursing home, home for the aged, or business.

Flashing illumination means illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times.

Freestanding or ground-mounted sign means any permanent or temporary sign or standard which is not attached to a building and on which messages, advertising names, etc., are displayed.

Indirect illumination means a light source not visible to persons viewing the sign.

Internal illumination means a light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface.

Monument sign means a ground graphic permanently affixed to the ground at its base, supported entirely by a base structure.

Marquee or change-panel sign means a sign specifically designed for periodic changes in its advertising message, for example, a theatre marquee.

Multiple business site means a development in a B, C, or M zoning district consisting of a building or group of contiguous buildings containing two (2) or more businesses or offices, such as a strip center, shopping center or office building.

Neon tube illumination means a source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.

Nonconforming street graphic means a street graphic that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of this chapter then in effect, but which does not presently comply with this chapter.

Off-premises sign means a sign displaying advertising or information that refers to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Pole banner means a street graphic that is painted or otherwise permanently affixed upon cloth or other flexible material and which is vertically mounted on or hung from a single light pole.

Pole sign means a freestanding sign that is permanently attached to the ground and is supported by a pole or structure of poles, uprights, or braces.

Portable graphic means a street graphic not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

Projecting sign means any permanent or temporary sign or graphic that is attached to a building and extends or projects in some direction more than twelve (12) inches horizontally from the plane of the building wall.

Roof sign means any sign or graphic which is painted, drawn, written or mounted on the roof of a building and extends above or outside the front orthographic projection of the roof line.

Snipe sign means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects.

Spinners and pennants mean any sign, display or attention-seeking device (that is not a flag) which spins or flutters when contacted by air currents or is propelled by a mechanical fan, or which makes noise when spinning. Balloons are also included in this definition if they flutter or move in air currents.

Street graphic or sign means any letter, number, symbol, figure, character, mark, plane, design pictorial, stroke, stripe, trademark or combination of these which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, which can be seen from the right-of-way of a public street or highway, intended to attract the attention of people in the public right-of-way.

Vehicle means a device that can be used to transport or draw persons or property.

Vehicle sign means a sign attached, painted, or placed on or in a vehicle, trailer, skid, or similar mobile structure, excluding bumper stickers and state required registration or inspection stickers.

Wall sign means any permanent sign that is placed on the front, side or rear wall of a building whether such sign is separate and mounted on the wall or is painted, drawn or written on the wall.

Works of art means a sculpture, painting, or similar object presenting artistic, historic or nostalgic images or themes.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 12-1980, § 1, 1-17-2012; Ord. No. 13-2005, § 1, 2-4-2031; Ord. No. 14-2031, § 1, 2-3-2014)

Sec. 78-2. - Objective.

(a) The objective of this chapter is to establish requirements for the placement, installation and maintenance of commercial and personal signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As the regulation of the placement, construction and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation and maintenance of signs since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.

(b) The regulation of the placement, installation and maintenance of signs is further justified by the sign's innate scheme and primary purpose to draw mental attention to its content, potentially to the detriment of sound driving practices and the safety of the motoring public to whom a majority of signs are oriented. Therefore, it is the intent of this chapter to regulate the size and location of commercial and personal street signs such that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

(c) Finally, it is the objective of this chapter to protect and preserve the aesthetic qualities of the community by regulating the placement, installation and maintenance of street signs. The fact that such graphics are intended to command visual contact recognizes that the signs are important in determining the overall aesthetic quality of the community.

(d) The aesthetic impact of commercial and personal signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of the signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the city. It is contended that it is

not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

(e) With this purpose in mind, it is the intention of this section to authorize the use of graphics which are:

(1) Compatible with their surroundings.

(2) Appropriate to the type of activity to which they pertain.

(3) Expressive of the identity of the individual proprietors or of the community as a whole.

(4) Legible in the circumstances in which they are seen.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-3. - Violation and penalties.

It shall be unlawful for any person to violate any of the provisions of this chapter. Each day a violation occurs or continues shall constitute a separate offense. Any person convicted of violating any provision of this chapter shall be punished as provided in section 1-5 of this Code.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-4. - Enforcement.

(a) The city manager or an official designated by the city manager shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this chapter and securing compliance therewith.

(b) Whenever the enforcing official determines that a violation of this chapter exists, and the violation occurs on private property, he shall give written notice of the violation to the occupant and the owner shown on the most recent tax roll of the city indicating the nature of the violation, and a statement showing the amount of time required to bring the sign into compliance, said time not to exceed ninety (90) days.

(1) Service of the written notice required by this chapter shall be deemed complete if personally delivered to the person required to be served or if upon sending same by certified mail, return receipt requested to the last known address of such person and by posting a copy of such notice in a conspicuous place on the premises.

(2) If written notice is not complied with within the time specified in the notice, the enforcing official shall use all available means of enforcement including injunctive relief in order to secure compliance with the provisions of this chapter as well as to secure punishment for its violation.

(3) The notice period prescribed in this procedure is for the purpose of allowing the owner a reasonable period of time to correct a violation. The notice period prescribed does not limit the city's ability to seek penalties from the first day the violation exists as prescribed in section 78-3.

(c) Notwithstanding anything contained herein to the contrary, the building official may cause any sign which is dangerous to persons or property to be removed summarily and without notice.

(d) Whenever it is necessary to make an inspection to enforce the provisions of this Code, or whenever the enforcing official has reasonable cause to believe that there exists in a building or upon any premises any condition or violation of this Code which make the building, sign or sign structure or premises unsafe, dangerous, or hazardous, the enforcing official shall have the authority to enter the building or premises at all reasonable times to inspect the same or to perform the duties imposed upon the enforcing official by this Code.

(1) If entry is refused, the enforcing official shall have recourse to every remedy provided by law to secure entry.

(2) An application for a permit shall be considered as permission from the enforcing official to inspect the premises.

(e) It shall be unlawful for any person to hinder or interfere with the enforcing official in the discharge of their duties under this Code.

(f) Upon notice from the enforcing, work on any sign or sign structure that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work or causing such work to be done. Where an emergency exists, the enforcing official shall not be required to give a written notice prior to stopping the work. Such work shall not resume until authorized by the enforcing official to proceed.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-5. - Appeals.

The city council has the following powers and duties under this chapter:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official of the city in enforcement of this chapter.

(2) To authorize variances from the terms of this chapter when such variance is not contrary to the purposes of this chapter.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-5.1. - Variance procedure.

(a) Application. Application for a variance shall be submitted to the city manager.

(1) The application must:

a. State the reason the variance is needed;

b. Contain a site plan that includes the location of the sign, the placement of structures on the property and on adjacent property, and all setbacks; and

c. Contain a diagram of the sign that includes the proposed shape, size, height and placement of the sign.

(2) A nonrefundable fee of one hundred dollars ($100.00) will be charged for the application.

(b) Public hearing. Within thirty (30) days after the application is filed, the city council shall hold a public hearing on the application. At least ten (10) days before the public hearing, all property owners within two hundred (200) feet of the property on which the sign shall be located shall be notified in writing of the public hearing.

(c) Action on application. After the public hearing, the city council can approve the application as submitted, approve the application subject to modification, or deny the application. If city council does not act on the application within thirty (30) days of the public hearing, the application is automatically denied.

(d) Variances allowed. The city council may only grant a variance to the

(1) Height of the sign;

(2) Size of the sign;

(3) Shape of the sign; and/or

(4) Placement of the sign.

(e) Criteria for approval for new sign. In order for the city council to grant a variance, the applicant must show that:

(1) There are unique circumstances or conditions on the lot or on adjacent lots that would cause the sign without the variance to be hidden or obscured from a person's field of vision when in a motor vehicle approaching and/or passing the street frontage where the sign will be located;

(2) The unique circumstances were not created by the applicant;

(3) The granting of the variance will comport with the purpose of this chapter and will not be materially detrimental to the adjacent property, surrounding area, or to the public in general; and

(4) The variance requested is the minimum variance necessary to afford relief.

(f) Criteria for approval for damaged sign. In order for the city council to grant a variance for a damaged sign, the applicant must show that:

(1) The sign was damaged due to an event that caused the mayor to proclaim a local state of disaster.

(g) Variances for damaged signs automatically expire within one (1) year from the date the city council terminates the applicable local state of disaster. If a sign is not repaired within that one-year time frame, the sign must meet the requirements in this chapter.

(h) Prior installation. The applicant cannot install the sign prior to obtaining the variance. If the sign is installed prior to the public hearing, the applicant must remove the sign before city council may hold the public hearing and act on the application.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 09-1905, § 1, 5-4-2009)

Sec. 78-6. - Permit requirements.

(a) A permit shall be required for all signs to be erected within the city with the following exceptions:

(1) Residential signs, other than temporary or permanent subdivision signs.

(2) Contractor signs.

(3) Memorial signs.

(4) Signs inside buildings.

(5) Signs listed in section 78-11(1)—(8) and (10).

(6) For sale or lease signs complying with [section] 78-10(7).

(7) Pole banners.

(b) All signs having illumination shall require an electrical permit in addition to a sign permit.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 09-1911, § 1, 9-21-2009; Ord. No. 13-2005, § 2, 2-4-2013)

Sec. 78-7. - Fees.

The following fees shall be required for permits required by this chapter:

(1) All illuminated signs on premises (including electric) $50.00

(2) Non-illuminated signs on premises 20.00

(3) Spinners, pennants, and banners .....No charge

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-8. - Display regulations—Generally.

(a) All signs, including vehicle signs where the primary use of the vehicle is to provide a base for the sign or constitute the sign itself, must relate to the present use of the premises upon which they are located.

(b) All signs, where applicable, shall meet the standards of the city building codes.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 12-1980, § 2, 1-17-2012)

Sec. 78-9. - Same—Residential areas.

Signs in residential areas are regulated as follows:

(1) All signs must be six (6) square feet or less.

(2) Pennants and spinners are not permitted except for those used indicating the sale of residences for a period of time not to exceed a cumulative total of thirty (30) days per calendar year for any house. A permit is required.

(3) During the construction and selling phase of a residential subdivision development, temporary signs shall be permitted to identify a subdivision where an active building and development program is underway (including the name of the owner and financer). Such graphics shall be non-illuminated wall- or ground-mounted signs and shall be permitted on a temporary permit basis only for a maximum legal period of not more than two (2) years. Such graphics shall be removed when the permit becomes void or when seventy-five (75) percent of the lots in the subdivision have been sold. Such signs shall not exceed thirty-two (32) square feet in area nor ten (10) feet in height above the adjacent street's centerline, including structural material. One (1) sign may be displayed at each entrance to the subdivision on private property, but not be closer than two hundred (200) feet to any other

temporary sign of the subdivision. When a subdivision is large and developed in phases, the permit may be renewed for each new phase.

(4) For permanent subdivision signs, the applicant shall apply for a permit for a permanent subdivision sign and the plans shall then be submitted to the planning commission. The planning commission shall then send a recommendation to city council on the design, location, size, height and material composition of the proposed sign. If the city council approves the planning commission's recommendations, the building official shall issue the permit.

(5) Election signs may be placed up to sixty (60) days prior to a primary, runoff or general election and up to seven (7) days after the primary, runoff or general election for which posted.

(6) Garage sale signs may be placed for no more than two (2) days on the premises of the garage sale.

(7) All signs prohibited in section 78-13 are also prohibited in residential areas.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-9.1. - Same—Construction signs in commercial and development areas.

(a) During the construction and selling phase of a commercial development only one (1) temporary sign shall be permitted every two hundred (200) feet of frontage road to identify the commercial development and proposed owner, tenant, financing, etc. Spacing of signs cannot be closer than two hundred (200) feet to any other sign in the development. Such graphics shall be non-illuminated wall- or ground-mounted signs and shall be permitted on a temporary permit basis only for a maximum legal period of two (2) years. Such graphics shall be removed upon expiration of the two-year period or when development is complete, which ever is sooner. Six-month extensions can be requested by the developer/owner when satisfactory progress of the project will exceed the time allotted. Such signs shall not exceed thirty-two (32) square feet in area nor ten (10) feet in height above the adjacent street's centerline, including structural material, for sites three (3) acres or less; and sixty-four (64) square feet nor ten (10) feet in height above the adjacent street's centerline, including structural materials for sites in excess of three (3) acres.

(b) When a commercial development is large and developed in phases, the permit may be renewed for each new phase.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-10. - Same—Business areas.

(a) Wall signs. Wall signs may not exceed a total of twenty (20) percent of the area of any building wall and may not project above the roof line. They may not interrupt major architectural features. Signs must be tastefully done so that they do not detract from abutting owners.

(b) Projecting signs. Projecting signs must be rigidly attached to the building, must be within the owner's property and must not constitute a hazard to the walking public. Such signs may not exceed thirty-two (32) square feet in area nor exceed sixteen (16) feet in height or the height of the building, whichever is less.

(c) Roof signs. Roof signs shall be prohibited everywhere in the city. Roof signs on buildings that existed prior to June 1, 2007, shall be permitted to exist until the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type. Except, a sign shall be removed not sooner than the first anniversary of the date that the business that the sign identifies or advertises ceases to operate on the premises on which the sign is located. Once a roof sign is removed from a premises, no new roof sign shall be permitted.

(d) Marquee or change-panel signs. The maximum area and height of marquee signs shall be consistent with other signs described in this chapter.

(e) Canopy signs. Signs on top of a canopy must be rigidly attached so as to remain in place under wind loads of one hundred twenty-five (125) miles per hour. Such signs may not exceed thirty-two (32) square feet in area nor four (4) feet in height.

(1) Signs under a canopy may not exceed three (3) square feet (one (1) foot by three (3) feet) and must be at least seven and one-half (7½) feet above the walkway.

(2) Because of the peculiar circumstances in downtown Lake Jackson where canopies are on city property, this group of signs will be allowed to be outside the owner's property after the owner executes an encroachment agreement with the city and after the owner receives a permit.

(f) Area. The total area of all signs in subsections (b) through (e) of this section which are attached to a building shall be included in the total area allowed for wall signs in subsection (a) of this section.

(g) Freestanding and monument signs:

(1) Each sign shall meet the area requirements as stated in the Table of Basic Design Elements for Freestanding and Monument Signs (see below). A maximum of twenty-four (24) inches in height of the base structural support shall not be counted toward the total area of a monument sign.

a. Business sites that have lot lines within sixty (60) feet of single-family residential lot lines (affected lot) and that desire to install freestanding or ground-mounted signs, shall be limited to monument type signs.

b. The monument sign requirements of this section are not required when the sign is not visible from any affected lot and the sign and any affected lot are not visible simultaneously from any point along the public roadways.

(2) Business sites, except as noted below, shall be limited to one (1) freestanding sign.

(3) Multiple business sites (not located in B-1 Zones) of three (3) acres or more that have frontage of three hundred (300) feet or more on SH332/288 shall be allowed a maximum of three (3) freestanding signs. The total area of all signs shall not exceed the maximum area for a single freestanding sign as stated in the Table of Basic Design Elements for Freestanding and Monument Signs. Only one (1) of the freestanding signs may exceed a height of ten (10) feet.

(4) Multiple business sites (not located in B-1 zones) of eight (8) acres or more shall be allowed a maximum of two (2) freestanding signs. Each sign shall meet the area and height requirements as stated above.

Multiple business site signs are intended to display the name of the center. Such signs may use two-thirds (2/3) of the allowed area for a marquee or change panel. Signs may be internally or indirectly lighted. The allowable area may be subdivided to form a "directory" of stores within the center. Multiple business site signs must have a minimum of twenty-four (24) square feet landscaped base and be in good proportions.

(5) Developers or owners of business sites (not located in B-1 zones) of twenty (20) acres or more shall be allowed to present an alternate signage plan to the planning commission. The planning commission shall then send a recommendation to city council on the number of signs in the alternate signage plan and the design, location, size, height and material composition of each of the proposed signs in the plan. Council may approve or disapprove the alternate signage plan or it may approve the alternate signage plan with modifications.

(6) Wrapping of structural supports is required for all freestanding signs.

a. All structural supports shall have coverings that collectively total at least fifty (50) percent of the width of the sign at its widest point.

b. The width of the covering shall be symmetrical for all supports (see Figure 1).

c. In all circumstances, the covering shall extend from four (4) inches above the ground to the base of the sign face.

d. The following material shall not be used for covering structural supports:

1. Wood skirting, plywood, or fiberboard.

2. Sheet metal of less than twenty-four (24) gauge.

3. Aluminum of less than .063 inches.

e. Council may grant a variance to the wrapping requirement if the structural supports show a unique, exceptional, and innovative design and if there is visual harmony between the supports and the building site.

1. The application for a structural support variance must contain:

i. A site plan that shows where the sign will be placed; and

ii. A color graphic of the sign that shows how the supports comply with the above listed requirements.

2. The variance procedure listed in section 78-5.1 will be followed.

(7) Sale or lease of commercial property.

a. A sign indicating the property or part of the property is for sale or lease may be displayed on the property.

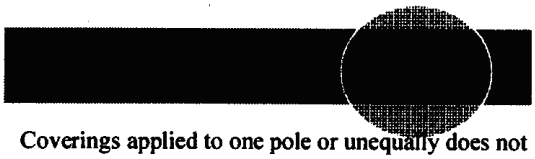
b. Signs under this subsection shall not be in banner form unless they comply with subsection 78-13(11).

c. Signs under this subsection cannot exceed sixteen (16) square feet.

(8) All signs must be on private property and not overhang the property line of the owners.

Figure 1

Coverings applied equally complies with subsection 78-10 (g) (6) (c) above.



Coverings applied to one pole or unequally does not comply.

City of Lake Jackson
Table of Basic Design Elements for Freestanding and Monument Signs

B-1, B-1A, B-2, B-3, C-1, C-2, M-1 and M-2		
SH 332/SH 288		
	SMALL < 9,999 S.F.	LARGE 10,000 S.F.+

MPH	Max Size (SF)	Max Height (FT)	Max Size (SF)	Max Height (FT)
35	65	18	98	18
40	85	20	128	20
45	108	22	162	22
50	133	22	200	22
55	161	24	242	24
60	192	35	289	35
All Other Roadways				
MPH	Max Size (SF)	Max Height (FT)	Multi Tenant	
20	21	14	Max Size (SF)	Max Height (FT)
30	64	16	100	16
35	64	16	100	16
40	64	16	100	16
45	81	16	100	16
50+	100	18	100	18

(h) Pole banners.

(1) Specifications (See Figure 2). Pole banners shall:

a. Not exceed eight (8) square feet in size;

b. Not project more than three (3) feet from the edge of the pole, including brackets and ornamentation;

c. Have a minimum of eight (8) feet of clearance from the base of the pole and four (4) inches of clearance from the pole; and

d. Not overhang or encroach on any portion of the right-of-way.

(2) Appearance.

a. No more than one (1) banner shall be allowed per pole.

b. The pole banners may only be attached to privately owned poles located on private property.

c. The pole banner must be supported by a top and bottom bracket.

d. The pole banners shall be made of fabric or other flexible material that is durable in common weather conditions such as summer sun and high winds.

e. Pole banners shall be uniform in color, height, and size and the poles and sign supports shall be uniform in design and appearance.

f. Pole banners shall not be lit.

(3) Maintenance. Pole banners shall be maintained in good condition. The following circumstances violate this subsection:

a. Perimeter frayed;

b. Fabric ripped or torn;

c. Stitching loose;

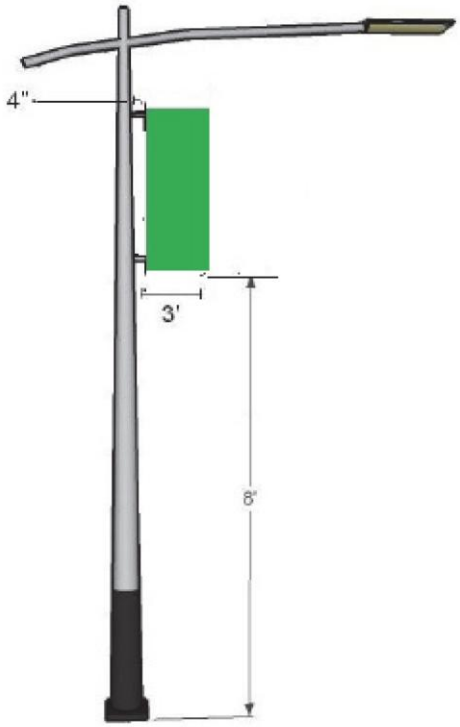
d. Fabric faded to the degree that the content of the sign cannot be easily recognized by passing motorists or pedestrians;

e. Banner partially disconnected from its support; or

f. Frame or supports rusted.

(4) Pole banners shall not be included when computing any size or time limitations otherwise regulated in this chapter.

(5) Pole banners shall not obstruct or shield the light produced by the light standard.



(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 08-1894, § 1, 12-1-2008; Ord. No. 09-1911, § 2, 9-21-2009; Ord. No. 12-1986, § 1, 5-21-2012; Ord. No. 12-1995, § 1 9-17-2012; Ord. No. 13-2005, § 3, 2-4-2013; Ord. No. 14-2059, § 1, 11-3-2014)

Sec. 78-11. - Street graphics—Permitted.

The following types of graphics are allowed on business sites, but are subject to all other non-conflicting prohibitions provided by this chapter:

(1) Street graphics bearing only property numbers, street addresses, postal box numbers or names of occupants of the premises, with characters not exceeding ten (10) inches in height.

(2) Governmental flags or insignia, except when displayed in connection with commercial promotion.

(3) Private flags, not more than six (6) in number, to draw attention to the main entrance of an apartment complex, hotel, church, nursing home, or home for the aged. Corporations may fly one (1) private flag at their main entrance.

(4) Legal notices and other signs or graphics of six (6) square feet or less, either publicly or privately owned, directing and guiding traffic and parking, but bearing no advertising matter.

(5) Christmas trees, other holiday displays and window displays of merchandise, except as specifically prohibited herein.

(6) Coin-operated vending machines, gasoline pumps, telephone booths and ice vending equipment.

(7) Election signs up to sixty (60) days prior to a primary, runoff or general election and up to seven (7) days after the primary, runoff or general election for which posted. Such signs like all other signs herein cannot have spinners or other prohibited attention-getting devices.

(8) Street graphics on athletic fields that are owned or maintained by the city with the city council approval.

(9) In B-3 zoning districts, temporary street graphics showing or displaying special activities, or events for a period of not more than thirty (30) days.

a. A no-fee permit from the city is required for such street graphics to be installed.

b. All street graphics must be made of safe materials and displayed in a safe manner.

c. No more than two (2) special event permits shall be issued for any one church, school, or other institution during any calendar year. Special event permits cannot be issued in a consecutive nature. A minimum 30-day interval must pass from the expiration of one special event permit to the issuance of another.

d. The street graphics shall not be illuminated or lit. There shall also be no lighting either on the street graphics or directed at the street graphics other than the lighting that is normally on the institution's grounds.

(10) Garage sale signs, for no more than two (2) days on the premises of the garage sale.

(11) Works of art that do not contain a reference or image of products, goods or services of an existing business. Works of art must meet the standards of the building code. If the work of art uses illumination to form messages, words, letters, symbols or figures, it must meet the electronic message center standards in this chapter.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 12-1984, § 1, 4-2-2012; Ord. No. 14-2031, § 2, 2-3-2014)

Sec. 78-12. - Same—Compliance required.

(a) Street graphics or signs existing on January 1, 1981, except for those graphics and signs identified in subsections 78-13(2)—(13) shall not be required to conform with this chapter until the need for the street graphics or signs to be repaired meets the requirements of subsection (b).

(b) Any sign or street graphic installed prior to January 1, 1981, may not be repaired to such an extent that the repair cost exceeds sixty (60) percent of the replacement cost, unless such sign is brought into conformity with the terms of this chapter. The city manager or enforcing official shall, after issuing notice, have the power to abate signs that are not repairable.

(c) Any street graphic lying within a public right-of-way shall be removed immediately, unless its position in the right-of-way is permitted by a provision elsewhere within this chapter.

(Ord. No. 07-1846, § 1, 5-21-2007)

Sec. 78-13. - Same—Prohibitions.

It shall be unlawful to erect or maintain any of the following:

(1) Strip lighting used to outline a sign or street graphic or any part therein except during the Christmas season when they may be used for a maximum of forty (40) days.

(2) A street graphic that is a traffic or pedestrian hazard. No street graphic shall obstruct vision at any street intersection as provided in section 110-171. No sign or street graphic shall constitute a hazard to traffic by glare or method of illumination. No sign or other street graphic may use the words, "Stop," "Look," "Drive-in," "Danger," or any other word, phrase, symbol or character which would be a hazard within twenty-five (25) feet of public right-of-way or two hundred (200) feet of traffic-control devices, whichever is greater.

(3) Portable street graphics.

(4) Animated graphics.

(5) Bare bulb or unsteady illumination. Any illuminated sign which is not shielded and whose source of light is not steady, with the exception of time-temperature signs and electronic message centers.

a. Electronic message centers shall not utilize animation, chasing, flashing, or scintillation messages. Each message display shall remain lit a minimum of five (5) seconds.

(6) Spinners and pennants except:

a. As the city council may itself determine to erect for the general benefit of the city as a whole; or

b. Temporarily for a period not to exceed a cumulative total of thirty (30) days per calendar year per location in business and commercial areas only.

c. A permit is required.

(7) Any privately owned street graphic that is placed on or extends over public property.

(8) Snipe signs.

(9) Off-premises signs, including vehicle signs where the primary use of the vehicle is to provide a base for the sign or constitute the sign itself.

(10) Lighted signs in residential zones or within sixty (60) feet of a residence.

(11) Banners, except:

a. As the city council may itself determine to erect for the general benefit of the city as a whole; or

b. For businesses, for a period not to exceed a cumulative total of sixty (60) days pro rata per calendar year. If a business opens in November or December, an extra ten (10) days display time will be given to the business for that calendar year.

1. This period of time may be extended with permission of city council for significant events that exceed the given time period.

2. (a) Business operators of single occupancy structures may display more than one banner at a time.

(b) Business operators of multi-occupancy structures may only display one (1) banner per individual business at any one (1) time and the banners may only be attached to that business' storefront or to lease space area.

(c) Business operators of multi-occupancy structures may allow a tenant of the multi-occupancy structure to display a banner in front of the structure, rather than in front of the tenant's storefront or lease space area. However, the tenant's banner will be counted towards the business operator's sixty-day limit.

3. Each separate banner shall require a separate permit and shall count separately toward the cumulative time period allowed per year. Therefore, if a business opens at the beginning of July, that business operator will have thirty (30) days left in the year to display a banner. If the operator displays two (2) banners at one (1) time, that operator will have fifteen (15) days per banner available for display.

4. For buildings where a real estate sign must be in banner form due to the environment surrounding the building, a real estate banner may remain until ten (10) days after the building is leased or sold. The size of the real estate banner must conform to the Table of Basic Design Elements for Freestanding and Monument Signs as stated in section 78-10 of this chapter.

5. If an extended event occurs in the city, such as road construction, and this event affects businesses in a particular area of town, the city council may give the city manager authority to issue thirty-day

renewable banner permits to affected businesses. These banners shall not affect the sixty-day banner limit.

6. If an unforeseen event occurs, such as a sinkhole, the city manager has the authority to issue thirty-day renewable banner permits to affected businesses. City council will review the city manager's decision at the next scheduled council meeting. These banners shall not affect the sixty-day banner limit.
7. Affected businesses shall mean businesses whose store fronts are visually or physically obstructed due to the event or whose entrances are changed or diminished due to the event.
8. All banners must be erected on the business' property.
9. Banners must remain in good condition (not tattered, unanchored, faded, frayed, or unsightly).
10. A permit is required.

(12) Signs on any structure, tree, pole, curb or elsewhere within the right-of-way of any public street or upon any public property without the permission of the city council, with the exception of traffic, directional, and warning signs installed by a government agency.

(13) Signs that encroach into a public right-of-way unless an encroachment agreement has been executed with the city.

(Ord. No. 07-1846, § 1, 5-21-2007; Ord. No. 07-1862, § 1, 8-20-2007; Ord. No. 09-1906, § 1, 5-4-2009; Ord. No. 10-1947, § 1, 9-20-2010; Ord. No. 12-1980, § 3, 1-17-2012; Ord. No. 12-1999, § 1, 10-1-2012; Ord. No. 14-2050, § 1, 9-2-2014)

Sec. 78-14. - Maintenance.

(a) Weeds shall be kept cut in front of, underneath and around the base of ground signs and other street graphics and no rubbish or debris shall be permitted so near thereto that the same shall constitute a fire hazard.

(b) Signs and other street graphics shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety.

(Ord. No. 07-1846, § 1, 5-21-2007)

Code of Ordinances Chapter 90 - SUBDIVISIONS

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ARTICLE I. - IN GENERAL

Sec. 90-1. - Definitions.

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

Arterial street means a principal traffic artery, more or less continuous across the city, which connects remote parts of the city, and constitutes a through traffic facility that services to channel traffic through or out of the city.

Collector street means a street that collects traffic or that will carry traffic from minor streets to arterial streets by serving as a gathering traffic facility providing the residents on minor streets a means of reaching arterial streets or other areas in the city.

Minor street means a street that is intended primarily to serve traffic within a neighborhood or limited residential district and which is not necessarily continuous through several residential districts and due to location, limited traffic and a limited paved width of twenty-seven (27) feet, is the smallest type of street in the city.

Paving width means the width of that portion of the street required to be paved.

Plat means a map or chart of the subdivision. It shall include plan, plat or replat and include both singular and plural.

Resubdivision means the division of an existing subdivision, together with any change of lot size therein, or with the relocation of any street lines.

Street means the entire right-of-way or width between property lines of a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, drive, lane, place or however otherwise designated, but shall not be deemed to include an alley.

Street width means the shortest horizontal distance between the lines which delineate the right-of-way of a street.

Subdivider means an owner of land, an agent of any owner of land, or a person or entity with a legal right to change or add physical improvements on a tract of land.

Subdivision means the division of a tract or parcel of land into two (2) or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include the word "resubdivision."

(Ord. No. 191, § 2, 11-1-55; Ord. No. 79-705, § 1, 8-20-79; Code 1958, § 19-1(b); Ord. No. 11-1973, § 1, 10-17-2011)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions pertaining to subdivisions, V.T.C.A., Local Government Code § 212.001.

Sec. 90-2. - Purpose.

The general objectives of this chapter are to promote the health, safety, welfare and general well-being of the community's citizens. It is the intent of this chapter to regulate the subdivision, resubdivision, the laying out of suburban lots or building lots, or any lots, sites, streets, alleys or parks or other portions intended for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and in part to achieve the following:

(1) Safety. To promote subdivision development and building within the city by ensuring that:

a. Adequate planning is undertaken to assure proper boundary lines, widths of lots and streets, proper location of drainage ditches, culverts, bridges, etc., as well as proper off-street parking, school sites and parking placements.

b. Streets are constructed so as to eliminate hazards to motorists or to the public generally by ensuring:

1. Adequate width or adequate paving.

2. Adequate grading, curb, gutter and sidewalk.

3. Good construction using suitable material.

4. Fire response capability and police surveillance.

5. Proper drainage.

(2) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing lots and streets that:

a. Are of a standard size or width, with the specific standard to be based upon location and use.

b. Are platted with appropriate regard for all topographical features lending themselves to attractive treatment and layout of utilities.

c. Provide continuity with existing utility and street systems.

(3) General well-being. To promote the efficient transportation of people by providing streets that:

a. Are connecting to other streets.

b. Are sufficient in paving and width to serve the needs of the location.

c. Are in conformance with the city traffic plan.

(Ord. No. 191, § 2, 11-1-55; Ord. No. 79-705, § 1, 8-20-79; Code 1958, § 19-1(a))

Sec. 90-3. - Applicability of chapter.

This chapter shall govern every subdivider of any tract of land within the city limits or within five (5) miles thereof, who may divide the same into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(Ord. No. 191, § 1, 11-1-55; Code 1958, § 19-2; Ord. No. 11-1973, § 1, 10-17-2011)

State Law reference— Extent of extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code § 42.021.

Sec. 90-4. - Applicability of chapter provisions to include area within ETJ of city.

(a) Ordinance Number 191 (chapter 90), passed and approved on November 1, 1955, establishing rules and regulations governing plats and the subdivision of land is hereby extended in its application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of such chapter shall have the same force and effect within such area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections (b) and (c) of this section.

(b) No violation of any provision of such Ordinance Number 191 (chapter 90) outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under such ordinance (chapter), nor shall any fine provided for in such ordinance (chapter) be applicable to a violation within such area of extraterritorial jurisdiction.

(c) If any provision of Ordinance Number 191 (chapter 90) is violated within the area of extraterritorial jurisdiction of the city and outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of such ordinance (chapter).

(Ord. No. 71-435, §§ 1—3, 6-7-71; Code 1958, § 19-2.1)

State Law reference— Authority for above section, V.T.C.A., Local Government Code § 212.003.

Sec. 90-5. - Policy.

(a) It shall be unlawful for any subdivider to lay out, subdivide, plat or replat any land into lots, blocks and streets within the city, or within a maximum distance of five (5) miles of the corporate limits of the city without the approval of the city planning commission. It shall also be unlawful for any such subdivider to offer for sale or sell property therein or thereby, which has not been laid out, subdivided, platted or replatted with the approval of the city planning commission.

(b) The city hereby defines its policy to be that the city will withhold all city improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewage, facilities and water service from all additions and subdivisions, the platting of which has not been approved by the city planning commission.

(c) No street number and no building permit shall be issued for the erection of any building in the city on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision without the written approval of the planning commission.

(d) The attention of each subdivider is directed to V.T.C.A., Property Code § 12.002, which states in part:

The county clerk or a deputy of the clerk with whom a plat or replat of a subdivision of real property is filed for recording shall determine whether the plat or replat is required by law to be approved by a county or municipal authority or both. The clerk or deputy may not record a plat or replat requiring approval unless it is approved as provided by law by the appropriate authority and unless the plat or replat has attached to it the documents required by V.T.C.A., Local Government Code § 212.0105 or 232.0035, if applicable. If a plat or replat does not indicate whether land covered by the plat or replat is in the extraterritorial jurisdiction of the municipality, the county clerk may require the person filing the plat or replat for recording to file with the clerk an affidavit stating that information.

(Ord. No. 191, § 3, 11-1-55; Code 1958, § 19-3; Ord. No. 11-1973, § 1, 10-17-2011)

State Law reference— Extent of extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code § 42.021.

Sec. 90-6. - Planning commission authority.

(a) Where extraordinary hardship may result from strict compliance with the regulations in this chapter, the planning commission may vary such regulations so that substantial justice may be done and the public interest secured; provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this chapter.

(b) The planning commission may refuse to approve a plat or site plan unless it is evident that proper water and sewer facilities can be supplied within a reasonable length of time.

(c) The planning commission will assist the subdivider through preliminary discussion of proposed plats at all possible times, and will, through the city engineer, make available all possible assistance.

(Ord. No. 191, § 9, 11-1-55; Ord. No. 79-717, § 1, 10-15-79; Code 1958, § 19-12)

Sec. 90-7. - Preservation of high bank.

(a) It is the policy of the city council that the safety, health and well-being of the residents of the city be served by guarding against flood hazards. In furtherance of that policy, the natural high and low banks of Oyster Creek shall be preserved at their present heights and formations.

(b) An excavation, ditch, street development or other alteration of the bank (high or low) of Oyster Creek which is within the jurisdiction of the city shall be a violation of this Code and shall be prohibited unless permission is obtained from the city planning commission and a permit is issued by the city manager.

(c) The city shall have the authority to enjoin any activity that is in violation of this section or take any other action in a court of law it may deem proper.

(Ord. No. 78-644, § 1, 1-16-78; Code 1958, § 19-8.2)

Sec. 90-8. - Payment for street lighting costs.

(a) The developer or subdivider of a subdivision or a commercial or industrial development shall pay the cost of street lighting facilities to Houston Lighting and Power Company and the payment shall be made at the time that electric service is provided.

(b) All street lighting facilities shall be maintained in good operating condition by the power company or its agents.

(c) Street lighting facilities provided by the developer or subdivider shall meet the following requirements:

(1) Residential:

a. A light of at least five thousand eight hundred (5,800) lumen brightness on an ornamental steel pole served underground.

b. Lights shall be provided at all corners, intersections and directional changes, and in addition at six-hundred-foot intervals along straight-of-ways.

c. Additional lights may be required at the option of the city manager.

(2) Highways (2004 and 332 and other major highways):

a. A light of at least sixteen thousand (16,000) lumen brightness on an ornamental steel pole served underground.

b. Lights shall be provided at all intersecting streets and shall be placed to backlight turning traffic.

c. Additional lights may be required at the option of the city manager.

(3) Downtown:

a. A light of at least sixteen thousand (16,000) lumen brightness on an ornamental steel pole served underground.

b. Lights of at least double sixteen thousand (16,000) lumen brightness shall be provided in the center of streets when such locations are available.

c. Additional lights may be required at the option of the city manager.

(Ord. No. 81-806, § 1, 7-6-81; Ord. No. 85-989, § 1, 10-21-85; Code 1958, § 19-9.3; Ord. No. 11-1973, § 1, 10-17-2011)

Sec. 90-9. - Placement of sprinklers and plantings on city easements.

Developers and others who extend or place sprinklers, landscaping or plantings in city easements or city owned areas shall:

(1) Be required to secure a permit from the city manager's office prior to any extension or placement;

(2) Maintain the sprinkler system, landscaping or plantings to the satisfaction of the city or be responsible for the cost of removal;

(3) Place sprinklers, landscaping or plantings only in the areas and locations that are specified in the permit;

(4) Follow the tree or landscaping program of the city when there is an overall tree or landscaping plan for the area; and

(5) Have no recourse against the city if either sprinkler or landscaping systems on city property or easement is disturbed by the city or any utility crew, and will bear any and all repair or replacement costs.

(Ord. No. 87-1041, § 1, 7-20-87; Code 1958, § 19-9.4)

Secs. 90-10—90-30. - Reserved.

ARTICLE II. - PLATS

Sec. 90-31. - Approval procedure—Preliminary plat requirements.

Three (3) copies of a preliminary plat shall be submitted to the city manager for presentation to the city planning commission five (5) days prior to the meeting at which approval is asked. The plat shall be drawn to a scale of two hundred (200) feet to one (1) inch or larger, and shall show or be accompanied by the following information:

(1) Name of subdivision.

(2) Names of the owner, subdivider if not the owner, and engineer or surveyor responsible for the survey and design.

(3) Boundary lines, existing building lines, and width and location of platted streets and alleys within and adjacent to the property.

(4) Width and depth and/or area of proposed lots.

(5) Physical features of the property, including location of water courses, culverts, bridges, proposed drainage ditches and present structures, streets and alleys, highway, etc., including widths and names.

(6) A designation of the proposed uses of land within the subdivision.

(7) Adequate off-street parking must be provided for lots set aside or planned for business, public or institution use.

(8) A map on a smaller scale must be presented to show the nearest subdivisions, and how the streets, alleys or highways in the subdivision submitted may connect with those nearby.

(9) Profiles of streets and ditches may be called for.

(10) In subdividing property, due consideration shall be given to suitable sites for schools, and to the dedication of parks and playgrounds. Such provision should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to the public use. Such property shall not be of a less desirable nature than other property in the subdivision.

(11) A letter from the appropriate independent school district stating that provisions for the use of future schools, if such be required, are adequate or if not required, then such letter shall so state.

(12) If the subdivider is not the property owner or agent of the property owner, proof of notice by certified mail or hand delivery of the plat filing to the property owner. If the notice is by certified mail, it must be postmarked at least fourteen (14) days before the meeting at which the planning commission shall consider the plat. If the notice is by hand delivery, proof must be presented that notice was delivered at least seven (7) days before the meeting at which the planning commission shall consider the plat.

(Code 1958, § 19-8; Ord. No. 11-1973, § 1, 10-17-2011)

State Law reference— Subdivision plats, V.T.C.A., Local Government Code § 212.004 et seq.

Sec. 90-32. - Same—Special flood hazard zone; review by planning commission.

In those areas of the city that are identified as special flood hazard zones based upon the one hundred-year flood level, the planning commission shall review all proposed subdivisions to assure that:

(1) New construction or substantial improvements of residential structures within the area of special flood hazards shall have the lowest floor, including the basement, elevated to or above the level of the one hundred-year flood;

(2) New construction or substantial improvements of nonresidential structures within the zone of special flood hazards meets the standards established in sections 46-26—46-30 and 46-41—46-45.

(Ord. No. 191, § 8.01, 11-1-55; Code 1958, § 19-8.1)

Sec. 90-33. - Action on preliminary plats.

(a) Following a review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the planning commission shall, within thirty (30) days, act thereon as submitted, or modified, and if approved shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved shall express its disapproval and the reasons therefor.

(b) The action of the planning commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy presented to the city council and the third retained by the planning commission.

(c) Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely authority to proceed with the preparation of the final or record plat. No work shall be done on the subdivision before the final plat is accepted and recorded. Approval of a preliminary plat expires at the end of ninety (90) days, unless the final or record plat has been submitted to the planning commission. Any changes by the planning commission, the city engineer or others may require submission of another preliminary plat.

(Ord. No. 191, § 8.02, 11-1-55; Code 1958, § 19-9)

Sec. 90-34. - Filing of final or record plat, or site plan.

(a) Two (2) white print copies of the final or record plat with reproducible tracing of final plat shall be submitted to the city planning commission after the preliminary plat has been approved and all changes and alterations made. No final plat will be considered unless a preliminary plat has first been submitted. Such plats shall be filed with the city

manager at least five (5) days prior to the meeting at which approval is requested. The final plat shall show or be accompanied by the following data:

(1) Plats shall be drawn upon sheets twenty-four (24) inches by thirty-six (36) inches and to the scale of one hundred (100) feet to the inch.

(2) A title including name of subdivision, owner or owners, subdivider if not the owner, and licensed land surveyor or registered engineer or registered public surveyor responsible for the plat, and the scale and location of the subdivision with reference to original land grants or surveys, the date and north point.

(3) The certificate of the registered engineer or licensed surveyor who surveyed, mapped and monumented the land should be placed on the face of the plat.

(4) A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lien holder of the land. A complete and accurate description of the land subdivided and the streets dedicated.

(5) An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent land, streets and alleys with their names and width. Streets, alleys and lot lines in adjacent subdivisions shall be shown dotted. All necessary data to reproduce the plat on the ground must be shown on the plat.

(6) Certificate of approval to be signed by the city planning commission shall be placed on the face of the plat.

(7) Two (2) sets of plans and specifications for water, sewer, paving and drainage prepared by a registered engineer, which must be approved by the city council prior to the beginning of any construction in the subdivision.

(8) A letter from the appropriate drainage commission addressed to the city planning commission stating that plans for drainage of the subdivision are approved by the drainage commission.

(9) A letter from the servicing utility companies stating that the plat includes the easements required by them in the furnishing of utilities to this and future subdivisions.

(10) Two (2) copies of deed restrictions.

(11) An overall plan that incorporates a tree planting or saving plan for the development.

(12) An overall plan that incorporates the design and placement of street lighting as set out in section 90-8.

(13) A statement that the subdivider, if the subdivider is not the property owner or the agent of the property owner, will indemnify the city against any claims that may be brought due to approval of the plat.

(14) If the subdivider is not the property owner or agent of the property owner, proof of notice by certified mail or hand delivery of the plat filing to the property owner. If the notice is by certified mail, it must be postmarked at least fourteen (14) days before the meeting at which the planning commission shall consider the plat. If the notice is by hand delivery, proof must be presented that notice was delivered at least seven (7) days before the meeting at which the planning commission shall consider the plat.

(b) In the case of all site developments such as apartments, church buildings, schools, or any other nonresidential development on two (2) acres and over, the developer shall submit to the city planning commission a final site or record plan. Such plans shall be filed with the city manager at least five (5) days prior to the meeting at which approval is requested. The site plan shall show or be accompanied by the following:

(1) Plans shall be drawn upon sheets twenty-four (24) inches by thirty-six (36) inches and to the scale of one hundred (100) feet to the inch.

(2) A title including name of site, owner, subdivider if not the owner, registered surveyor, registered engineer and registered architect responsible for the plan should be placed on the face and the plan should also include the scale and location of the site with reference to the original land grant surveys or subdivision, the date and north point.

(3) Certificate of approval to be signed by the city planning commission shall be placed on the face of the plat.

(4) Two (2) sets of plans and specifications for water, sewer, paving and drainage prepared by a registered engineer, which must be approved by the city council prior to the beginning of any construction of the site.

(5) A letter from the appropriate drainage commission addressed to the city planning commission stating that plans for drainage of the site are approved by the drainage commission.

(6) An overall plan that incorporates a tree planting or saving plan for the development.

(7) An overall plan that incorporates the design and placement of street lighting as set out in section 90-8.

(8) A statement that the subdivider, if the subdivider is not the property owner or the agent of the property owner, will indemnify the city against any claims that may be brought due to approval of the site plan.

(9) If the subdivider is not the property owner or agent of the property owner, proof of notice by certified mail or hand delivery of the site plan filing to the property owner. If the notice is by certified mail, it must be postmarked at least fourteen (14) days before the meeting at which the planning commission shall consider the site plan. If the notice is by hand delivery, proof must be presented that notice was delivered at least seven (7) days before the meeting at which the planning commission shall consider the site plan.

(c) (1) In the case of all site developments such as businesses, schools, office buildings, apartments, church buildings or any other nonsingle-residential development of two (2) acres or less, the developer shall submit to the city manager:

a. A plan drawn upon sheets twenty-four (24) inches by thirty-six (36) inches and to the scale of one hundred (100) feet to the inch.

b. Specifications for water, sewer, paving and drainage prepared by a registered engineer.

(2) Additionally, in the case of all site developments such as businesses, schools, office buildings, apartments, church buildings or any other nonsingle-family residential development of two (2) acres or less that have lot lines within sixty (60) feet of single-family residential area lot lines, the city manager shall send a certified letter to all residents within two hundred (200) feet of the proposed project informing them of the site plan or record plan for the proposed site.

(3) A statement that the subdivider, if the subdivider is not the property owner or the agent of the property owner, will indemnify the city against any claims that may be brought due to approval of the site plan.

(4) If the subdivider is not the property owner or agent of the property owner, proof of notice by certified mail or hand delivery of the site plan filing to the property owner. If the notice is by certified mail, it must be postmarked at least fourteen (14) days before the meeting at which the planning commission shall consider the site plan. If the notice is by hand delivery, proof must be presented that notice was delivered at least seven (7) days before the meeting at which the planning commission shall consider the site plan.

(Ord. No. 191, § 8.03, 11-1-55; Ord. No. 79-717, § 1, 10-15-79; Ord. No. 81-824, §§ 2, 3, 11-2-81; Ord. No. 81-806, §§ 2, 3, 7-6-81; Ord. No. 82-836, § 1, 1-18-82; Ord. No. 00-1626, § 4, 3-20-2000; Code 1958, § 19-10; Ord. No. 11-1973, § 1, 10-17-2011)

State Law reference— Subdivision plats, V.T.C.A., Local Government Code § 212.004 et seq.

Sec. 90-35. - Action on final plat and site plan.

(a) Following a review of the final plat or site plan and when, to the satisfaction of the planning commission, all conditions and requirements have been met, the planning commission shall approve such plat, or site plan and shall submit all copies of such plat or plan to the city council for inspection.

(b) Should the final plat or site plan, as submitted, fail to meet the conditions and requirements of the planning commission, then the planning commission shall disapprove such plat or site plan and note its disapproval thereon, and attach thereto a statement of the reasons for disapproval.

(c) Approval or disapproval of the final plat or site plan shall be voted by the planning commission within thirty (30) days after submission of such final plat or site plan.

(Ord. No. 191, § 8.04, 11-1-55; Ord. No. 79-717, § 1, 10-15-79; Code 1958, § 19-11)

State Law reference— Approval of plat, V.T.C.A., Local Government Code § 212.005 et seq.

Sec. 90-36. - Fees for filing subdivision plats, etc.

The following schedule of fees and charges will be paid into the general fund of the city when any map or plat is tendered to the city planning commission, and each of such fees and charges shall be paid in advance and no action of

the city planning commission shall be valid until the fee shall have been paid. The city manager or his deputies or assistants shall calculate the fees and charges in accordance with the following schedule:

(1) Preliminary plats or site plans, sixty-five dollars ($65.00), plus four dollars ($4.00) per lot, over ten (10) lots (for plats).

(2) Final plat or site plans, eighty-five dollars ($85.00) per plat, plus four dollars ($4.00) per lot, over ten (10) lots (for plats).

(3) Replats or the subdividing of a lot, sixty-five dollars ($65.00).

(4) For approval of business or industrial areas not subdivided into lots and that do not qualify as site developments, both the preliminary and final plat shall carry a fee of five dollars ($5.00) per acre. The minimum fee shall be one hundred fifty dollars ($150.00).

(Ord. No. 191, § 11, 11-1-55; Ord. No. 79-717, § 1, 10-15-79; Ord. No. 81-820, § 3, 9-21-81; Code 1958, § 2-41; Ord. No. 03-1721, § 1, 7-1-2003; Ord. No. 03-1735, § 1, 10-6-2003)

Sec. 90-37. - Amending plat.

(a) The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of the plat, if the amending plat is signed by the applicants only and is solely for one (1) or more of the following purposes:

(1) To correct an error in a course or distance shown on the preceding plat.

(2) To add a course or distance that was omitted on the preceding plat.

(3) To correct an error in a real property description shown on the preceding plat.

(4) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.

(5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.

(6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names and identification of adjacent recorded plats.

(7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:

a. Both lot owners join in the application for amending the plat;

b. Neither lot is abolished;

c. The amendment does not attempt to remove recorded covenants or restrictions; and

d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

(8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

(9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:

a. The owners of all those lots join in the application for amending the plat;

b. The amendment does not attempt to remove recorded covenants or restrictions; and

c. The amendment does not increase the number of lots.

(10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

a. The changes do not affect applicable zoning and other regulations of the municipality;

b. The changes do not attempt to amend or remove any covenants or restrictions; and

c. The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

(b) Notice, a hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.

Secs. 90-38—90-55. - Reserved.

ARTICLE III. - IMPROVEMENTS

Sec. 90-56. - Survey requirements.

(a) Monuments consisting of one-inch iron pipe, twenty-six (26) inches in length, shall be placed at all corners of the block lines, the point of intersection of curves and tangents of the subdivision.

(b) One (1) bench mark for each five (5) acres of property or fraction thereof shall be permanently installed in an approved manner, with their location and the elevation shown on the plat.

(c) Lot markers shall be metal or concrete stakes placed at each corner of all lots, flush with the average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

(Ord. No. 191, § 5, 11-1-55; Code 1958, § 19-5)

Sec. 90-57. - As-built plans.

The engineer representing the subdivider must present to the city, reproducible, complete as-built plans for all paving, drainage structures, water lines and sewer lines within thirty (30) days after completion of each contract.

(Ord. No. 191, § 10, 11-1-55; Ord. No. 79-717, § 1, 10-15-79; Code 1958, § 19-13)

Sec. 90-58. - Improvements—Requirements.

(a) Paving. Improvements shall be installed to a permanent line and grade and to the satisfaction of the city engineer. All street construction work shall be performed by a bonded contractor who has filed a faithful performance bond with the city. Approval of the plat shall not impose any duty upon the city concerning maintenance of such improvements until the city shall have made actual acceptance of the same.

(1) The minimum improvements which the subdivider shall make or agree to make, prior to acceptance and approval of the final plat by the city planning commission, shall be:

a. Grading, drainage and drainage structures necessary to properly drain the area.

b. Pavement of a width which the council has determined under its city traffic plan, is suitable for traffic on the street.

c. Curb and gutter of three thousand (3,000) psi concrete.

d. Four-foot wide sidewalk set back four (4) feet from the curb line.

(2) Payment for streets shall be as follows:

a. The subdivider shall pay for the total cost of all minor streets.

b. The subdivider shall pay for the total cost of collector and arterial streets in all subdivisions except single-family residential subdivisions in which the lot width and the lot area are equal to, or greater than that required for R-2A zoning.

c. In single-family subdivisions in which the lot width and the lot area are equal to or greater than that required for R-2A zoning, the subdivider shall pay for the total cost of grading, drainage, drainage structures, curbs, gutters and sidewalks for all collector streets. The subdivider shall pay for the total cost of paving and subbase up to thirty-six (36) feet of a paving width. The city will pay for the cost of paving and subbase in excess of thirty-six (36) feet for collector streets.

d. In single-family subdivisions in which the lot width and lot area are equal to or greater than that required for R-2A zoning, the subdivider shall pay for the total cost of grading, drainage, drainage structures, curbs, gutters, sidewalks for all arterial streets. The subdivider shall pay for the total cost of paving and subbase up to thirty-two (32) feet of a paving width. The city will pay for the cost of paving and subbase in excess of thirty-two (32) feet for all arterial streets.

e. In subdivisions where less than ninety (90) percent of the residential units are on lots with the width and lot area equal to or greater than that required for R-2A zoning, or where more than ten (10) percent of the land area of the subdivision is zoned other than residential, the subdivider shall pay for the total cost of collector and arterial streets. If neither of the conditions of this paragraph apply, the subdivider shall pay for collector and arterial streets in accordance with subsections c. and d. of this subsection.

f. In the case where one-half (½) the paving width of an arterial is in one (1) subdivision and the remaining paving width is in another subdivision, the subdividers shall pay the total cost of the arterial street.

g. When the city is required to pay for paving under the terms of this subsection, the schedules for the work and payment will be set by the city council.

h. The city may assume a greater portion of the payment for paving of any street under this subsection after a public hearing on the matter.

i. This subsection shall apply to any plan, plat or replat submitted to the planning commission after August 1, 1983. However, this subsection shall not apply to any replat where the city has already accepted curbed streets nor shall it apply when the city planning commission is authorized to approve and issue an amending plat for one (1) or more of the purposes set forth in V.T.C.A., Local Government Code ch. 212.

(b) Utilities. The minimum improvements which the subdivider shall make, or agree to make, prior to acceptance and approval of the final plat by the city planning commission shall be:

(1) Water systems with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply, furnish fire protection to all lots and meet the requirements of the city.

(2) Sanitary sewer facilities to service the subdivision and meet the requirements of the city.

(3) All services for utilities shall be made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter, curb and drainage structures when connections are made.

(Ord. No. 191, § 6, 11-1-55; Code 1958, § 19-6(b))

Sec. 90-59. - Same—Payments.

(a) Basic. The subdivider may award the contract and make payments directly to the contractor, after the plans and specifications have been approved by the city engineer and city council for all grading, paving, drainage structures, utilities and sidewalks in the subdivision.

(b) Alternate method. The engineer representing the subdivider may present the plans and specifications for the water and sewer lines and paving to the city council for approval, after which the city will advertise for bids and award the contract after the cost for such contract has been paid to the city by the subdivider.

(Ord. No. 191, § 7, 11-1-55; Code 1958, § 19-7)

Sec. 90-60. - Drainage easement, requirements.

(a) Storm drainage easements. In subdivisions, the developer shall provide all necessary easements and rights-of-way required for drainage facilities, including storm sewers, open and lined channels.

(1) Easement width for storm sewer pipe shall not be less than twenty (20) feet or the maximum outside diameter of pipes plus sixteen (16) feet, whichever is more.

(2) Easement width for open and lined channels, up to thirty (30) feet wide shall be at least twenty (20) feet wider than the top of the channel, comprised of at least sixteen (16) feet of easement on one (1) side and four (4) feet on the other side.

(3) Easement width for open and lined channels over thirty (30) feet wide shall be at least thirty-two (32) feet wider than the top of the channel comprised of a minimum of twelve (12) feet of easement on one (1) side and the balance of the easement width to be on the other side.

(b) Side slopes:

(1) Side slopes of lined channels shall not be steeper than one-foot vertical rise to one and one-half-foot horizontal distance.

(2) Side slopes of unlined channels shall not be steeper than one-foot vertical rise to three-feet horizontal distance.

(Ord. No. 80-728, § 1, 3-3-80; Code 1958, § 19-7.1)

Sec. 90-61. - Streets.

(a) City streets shall be classified as minor, collector or arterial.

(b) A city traffic plan shall be prepared by the traffic commission and approved by the planning commission and by the city council that designates present arterial and collector streets and shows future arterial streets.

(1) Minor streets shall have a minimum right-of-way of sixty (60) feet and twenty-seven (27) feet of paving.

(2) Collector streets shall have a minimum right-of-way width of seventy (70) feet and a minimum paving width of thirty-six (36) feet.

(3) Arterial streets shall have a minimum right-of-way width of one hundred (100) feet and a minimum paving width of forty-eight (48) feet.

(4) Greater width right-of-way and paving may be required by the city council upon the recommendation of the traffic commission and planning commission or the city staff.

(c) Future arterial streets will be designated on the traffic plan in their approximate location. The exact location of future arterials will be set when the area is platted.

(d) Future collector and minor streets shall be designated by the planning commission and approved by the city council on a case by case basis.

(e) Streets shall be platted with appropriate regard for all topographical features lending themselves to attractive treatment and layout of utilities.

(f) Streets shall be named to provide continuity with existing streets.

(Ord. No. 191, § 4, 11-1-55; Ord. No. 79-705, § 2, 8-20-79; Code 1958, § 19-4)

Sec. 90-62. - Park and recreation sites or facilities.

(a) A subdivision developer and the city have the dual responsibility to provide leisure-time facilities for the residents of a subdivision or condominium or apartment development. Therefore, the developer of each subdivision, condominium or apartment complex and the city planning commission shall assure that adequate and suitable areas for park and recreation sites are planned for the use of the citizens of the city.

(b) The method for assuring that adequate and suitable areas for park and recreation sites are set aside for public use shall be guided by the comprehensive master plan and shall be governed by the following standards and regulations:

(1) The subdivider or developer shall dedicate a site or sites to the public for public use for park purposes at the time the plat is submitted, at a location recommended by the parks and recreation board, at a ratio of one-half (½) acre of park for every one hundred (100) persons in the subdivision or development. This ratio is the city standard number of acres of park to be available in ratio to the increment of population added and to be served by the completely developed subdivision or development complex, said added population being computed at the rate of three and three-tenths (3.3) persons per single-family residence or two and eight-tenths (2.8) persons per multifamily living unit. The planning commission shall approve the site selected. The following definitions and conditions shall apply if there is a site dedication for park purposes:

a. The area of the park to be dedicated shall be clearly defined. Where streets, ditches or easements infringe on or are part of the area to be dedicated, the planning commission must agree to the acceptance of those areas. The park dedication acreage must be in addition to the above infringements.

b. When a subdivision or complex is to be developed in stages or by units, the actual platting of the park area to be dedicated by the subdivider or developer shall be completed and delivered to the planning commission and the parks and recreation board with the final plat of the first unit of such subdivision.

c. The foregoing subsections shall not apply in the case of a replat of a plat, subdivision or addition that has previously met park requirements or the resubdividing of existing single lots, unless the replatting results in a change in park requirements or modification of park location.

d. Each park shall have ready access to a public street.

e. Final acceptance and approval of park lands shall be by the city council.

(2) The city council may elect to accept money as an alternative to the dedication of land for subdivision or development complexes where there is no park designated by the comprehensive master plan or no park or recreation facility is recommended in the area by the parks and recreation board.

(3) The subdivider or developer may make application for this alternative by submitting to the city council a final plat approved by the planning commission and a written statement of intent to deposit money in the city's park and recreation development fund at the initial rate of two hundred ninety-five dollars ($295.00) per lot in the subdivision or two hundred fifty-two dollars ($252.00) per living unit in a duplex, townhouse, apartment or other multifamily units, computed on the average base market value of eighteen thousand dollars ($18,000.00) for one (1) acre of land served by a street, sewer and city utilities. The amount of money in lieu of park acres shall be set by the city council and shall be reviewed each year in January and may be changed if the market value warrants.

(4) After approval of the application of the city council, the subdivider or developer shall make payment of the approved amount of money to the city secretary at the time of city acceptance of streets, water and sewer for deposit in the park and recreation development fund for the purchase of park land or the development of existing parks or recreation facilities.

(Ord. No. 77-620, § 1, 3-21-77; Ord. No. 79-683, § 1, 1-15-79; Ord. No. 84-916, § 1, 2-6-84; Ord. No. 86-998, § 1, 2-3-86; Code 1958, § 19-9.1; Ord. No. 07-1836, § 2, 2-19-2007)

State Law reference— Effect of approval of plat on dedication, V.T.C.A., Local Government Code § 212.011.

Sec. 90-63. - Trees and landscaping.

(a) Purpose. This section establishes the rules for preservation and enhancement of the natural beauty of the hardwood forest and prairie that led the founders of the city to pick this spot for a city. A major feature of the original town layout was large areas reserved for trees and green space, both as parkland and in commercial zones. Succeeding city leaders and developers have continued in this tradition by the setting aside of natural areas, the planting of trees and shrubs, and with other beautification efforts. The forest of the city should be preserved and enhanced, to the maximum extent reasonably feasible, for future generations. Mature trees, if destroyed, can be replaced only after generations of time. Any landscaping plan developed to meet the requirements of this section should strive to preserve and utilize the existing trees as much as possible. One of the purposes of this section is to encourage and provide incentives for the preservation of existing trees on developmental tracts. The vital role of trees and other plants in the earth's ecology is well known. This section does provide that an alternative plan can be approved by the planning commission where strict compliance with a subsection of the ordinance is not achieved.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context indicates a different meaning:

(1) Alternate landscaping plan means an approved landscaping plan that deviates from the minimum standards set forth in this section.

(2) Arborist, qualified means an individual trained in the care of trees and shrubs that is a certified member of the International Society of Arboriculture or a member of the American Society of Consulting Arborists.

(3) Building site means the tract, parcel or lot of land area being developed.

(4) Clear-cutting means the indiscriminate removal of protected trees from a site or tract.

(5) Critical root zone means the area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line (See city development manual).

(6) Damage or damaged means to "damage" a tree means to take any action which could result in a tree's death, either immediately or after a reasonable period of time. Some examples of such action, which are not intended to limit this definition, are as follows: severing the main trunk or large branches or large roots, girdling, poisoning, carving, mutilating, touching with live wires, piercing with nails or spikes, crushing or exposing the

roots, digging or drilling any hole larger than three (3) cubic feet (or a trench) within the critical root zone, covering a substantial part of the critical root zone or compacting a substantial part of the soil in the critical root zone.

(7) DBH means diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of fifty-four (54) inches above ground level.

(8) Development manual means the reference manual containing standards, specifications, requirements, and other information required by the city for conformance to the city code. A copy is maintained in the office of the city secretary and the engineering department.

(9) Diameter means the measurement of a tree at one (1) foot above ground level.

(10) Drip line means the periphery of an area underneath a tree which would be encompassed by the perpendicular lines dropped from the outermost edges of the crown of the tree.

(11) Ground cover plants means no minimum size is required but the planting is to be done so as to develop full coverage within eighteen (18) months.

(12) Interior of the parking lot means and will be considered to be all areas within the perimeter of the parking area, including areas bounded by the perimeter line when extended to their intersecting points, provided the area does not exceed an eighteen-foot by eighteen-foot square. Any area within the perimeter, which could be used as a parking space, may be considered for use as interior for the use of landscaping.

(13) Landscape development means trees, shrubs, ground cover vines or grass installed in planting areas, having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

(14) Large tree means a tree of a species which normally reaches a height of at least thirty (30) feet or more upon maturity.

(15) Permeable area means an area that is not covered with asphalt or concrete, or other impervious material.

(16) Private property means any industrial, commercial, business, multifamily or town home site development.

(17) Public property means any land owned by the city, including street rights-of-way and yards around public buildings.

(18) Screening means any method of visually shielding or obscuring one (1) land use from another, and shall meet minimum requirements that provide a year round visual obstruction.

(19) Shrubs means self-supporting, woody, evergreen species as normally will grow in the county.

(20) Small tree means a tree of a species which normally reaches a height of not less than fifteen (15) feet upon maturity.

(21) Tree means any self-supporting, woody perennial plant which will attain a trunk diameter of two (2) inches or more when measured at a point six (6) inches above ground level.

(22) Tree, protected.

a. Any tree that has been shown as an existing tree to be retained on an approved landscaping plan that is listed in the approved plant list in the development manual that has a diameter of six (6) inches or greater measured at fifty-four (54) inches above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half (½) of the diameter of each additional trunk; or

b. Any tree that is on undeveloped property that is listed in the approved plant list in the development manual that has a diameter of twelve (12) inches or greater measured at fifty-four (54) inches above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half (½) of the diameter of each additional trunk.

(c) Landscaping requirements. This section shall be a minimum standard and shall apply in full to all property zones except E-1, R-1, R-2 and R-3 residential. For property zones E-1, R-1, R-2, and R-3 residential; only the "tree removal permit" requirements of subsections (c)(5)a, (c)(5)c, (c)(5)c.2, and (c)(5)c.3, shall apply, and then only for properties that are not platted.

(1) Minimum area. No building permit shall be issued unless a minimum area, as shown below, of the building site not covered by a building or structure is devoted to landscape developed with landscaping which shall include greenery, shrubbery and trees, unless an alternate landscaping plan is approved.

Total Area of Site	Required Landscape Development
Up to 20,000 sq. ft.	7.5% of area not covered by building or structure
20,000 to 200,000 sq. ft.	10% of area not covered by building or structure
Above 200,000 sq. ft.	12.5% of area not covered by building or structure

(2) Number of trees. The required number of trees on the building site based on the area of the site not covered by a building or structure shall be as follows, unless fewer trees are approved in an alternate landscaping plan under subsection (c)(8):

a. Less than 3,000 square feet 0

b. 3,000—7,000 1

c. 7,001—10,000 2

d. 10,001—20,000 3

e. 20,001—30,000 4

f. 30,001—40,000 6

g. 40,001 or greater, per 20,000 sq. ft., rounded to the next highest whole tree 3

(3) Approved plants.

a. Trees and shrubbery shall be limited to those published on the approved list in the development manual and reviewed annually by the city's beautification commission and planning commission.

b. If a subdivider wishes to plant a tree that is not on the approved list and have it count towards the number of trees required under this section or in an approved alternate landscaping plan, the subdivider shall give specific reasons as to why the subdivider's business cannot use the trees on the approved list. When deciding whether to allow a subdivider to deviate from the approved tree list, the planning commission shall take into account such factors as the substitute plants' wind resistance, roots, height, and suitability for the local climate, and the type of business enterprise—such as a business that regularly displays its products outdoors.

(4) Minimum diameter.

a. Large trees planted to meet the requirements set forth herein shall be a minimum of thirty-gallon size with a minimum diameter of three (3) inches as measured one (1) foot above the ground level.

b. Small trees planted to meet the requirements set forth herein shall be a minimum of fifteen-gallon size with a minimum diameter of two (2) inches as measured one (1) foot above the ground level.

c. Trees planted to meet the requirements of this subsection shall be a minimum of fifty (50) percent large trees, unless a smaller size is approved in an alternate landscaping plan.

(5) Tree preservation guidelines.

a. No clear-cutting of land is allowed. Prior to construction or development on a site that contains one (1) or more protected trees, a landscaping plan or alternate landscaping plan must be approved by the city or in the case of E-1, R-1, R-2, and R-3 zoned property a plat must be approved by the city.

b. All reasonable efforts shall be made by subdividers and developers to preserve protected trees. When a tree is to be preserved there it shall be protected under the following conditions:

1. No materials intended for the use in construction or waste materials accumulated due to excavations or demolition shall be placed within the limits of the critical root zone.

2. No equipment shall be cleaned or other foreign materials deposited or allowed to flow overland within the critical root zone of a protected tree. This includes without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.

3. No signs, wires or other objects, other than those of a protective nature shall be attached to any protected tree. However, lighting of a decorative nature may be attached to a protected tree. The lighting shall be attached in a manner as not to damage the protected tree.

4. No vehicular and/or construction traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing paved surface. This restriction does not apply to access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

5. Grade changes shall be allowed within the limits of the critical root zone of any protected tree only upon approval by the city.

6. No paving with asphalt, concrete or other impervious materials shall be placed within the critical root zone of a protected tree.

   i. Any existing paved surfaces within the critical root zone of a protected tree may be replaced or maintained.

7. In those situations where a protected tree is within fifty (50) feet of a construction area, a protective fence, minimum of four (4) feet in height, shall be erected and maintained outside of the critical root zone of each protected tree or tree group.

8. No protected tree shall be pruned in a manner which would reasonably lead to the death of the tree. This section is not intended to require a tree removal permit for reasonable pruning performed or contracted to be performed by the owner of the tree.

c. Tree removal permit. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree without first obtaining a tree removal permit, except as otherwise specified in this section. The application for a tree removal permit shall be submitted on a form provided by the city. Tree removal permits may only be issued when:

   1. The proposed removal is consistent with an approved landscaping plan; or

   2. The proposed removal is limited to a diseased or damaged tree, which is beyond the point of recovery or in danger of falling and removal of a diseased trees as required to reduce the chance of spreading the disease to adjacent, healthy trees. In disputed cases, the city may require the owner to provide the written opinion of a qualified arborist to the city; or

   3. The proposed removal is on unplatted property that is zoned E-1, R-1, R-2, or R-3 and the cumulative removal of protected trees including the proposed removal and trees removed during the five-year period preceding the request is less than ten (10) percent of the protected trees on the property. The determination of the number of protected trees on the property may be estimated and does not require a survey of the property.

d. Tree removal permit exceptions. No tree removal permit is required when:

   1. During the period of an emergency, such as a hurricane, tornado, storm, flood or other natural disaster, the requirements for a tree removal permit are waived as deemed necessary by the emergency management coordinator or other designee of the city manager.

   2. In the pursuit of maintenance and installation of its facilities, registered users of rights-of-way acting in accordance with the provisions of article II of [chapter] 95 of the Code of Ordinances shall not be required to obtain tree removal permits.

e. Tree preservation credit. Landscaping plans that preserve protected trees shall be given credit toward the total number of trees required as shown below, unless an alternate landscaping plan is approved:

Diameter of Existing Tree (inches)	Credit Against Tree Requirement
5—9	2.0 trees

9½—15	3.0 trees
15½—30	6.0 trees
30½ or greater	12.0 trees

1. If protected trees, shown [on] an approved landscaping plan, are removed then replacement trees are required.
2. Replacement trees shall be planted in accordance with the provisions of this chapter per the following rates:

For Each Protected Tree to be Removed	Required Size and Number of NewReplacement Trees
6-inch DBH to 12-inch DBH	Minimum 3-inch DBH, equivalent to 100 percent of DBH removed
Greater than 12-inch DBH	Minimum 4-inch DBH, equivalent to 100 percent of DBH removed
Greater than 30-inch DBH	Minimum 6-inch DBH, equivalent to 100 percent of DBH removed

3. Replacement trees shall be a minimum height of seven (7) feet, measured at ground level, at the time of planting.
4. No more than thirty-five (35) percent of the number of replacement trees shall be of the same species when twelve (12) or more trees are required.
5. Acceptable types of replacement trees are designated in the approved tree list, in the development manual.
6. The replacement trees shall be located on the subject site whenever possible. However, if there is not a suitable location for the replacement trees on the subject site the city council or their designee may approve the planting of the replacement trees within a public right-of-way, public park land or any other publicly owned property.
7. Subdividers are required to replace any replacement trees that die within two (2) years of the date they were planted.

(6) Buffering and screening. Screening shall conform to sections 110-168, 110-171 and 110-172 of this Code.

(7) Landscaping plan. A landscaping plan shall be submitted. For properties less than two (2) acres, the landscaping plan shall be submitted to the building official. For properties two (2) acres or greater, a landscaping plan shall be submitted in conjunction with preliminary plat for approval by the planning commission. The landscaping plan required under this section must contain the following information:

a. Location, DBH, and type of all existing protected trees on the lot or having thirty (30) percent or more of their critical root zone on the lot and other natural features, and delineation of which trees or natural features are to be retained.

b. Location, height and material of proposed screening and fencing, with berms to be delineated by one-foot contours.

c. Location and dimension of proposed landscaping development.

d. A description of trees, shrubs, ground cover plants, shown on the plan, names, location, quantities, size (diameter and/or container), heights, spread and spacing.

(8) Alternate landscaping plan.

a. The planning commission may approve an alternate landscaping plan which is not in strict compliance with the requirements of this section. The alternate landscaping plan must meet the purposes of this section as determined by the planning commission. The subdivider must provide the planning commission with specific facts that explain (1) why the subdivider's business site or type of business makes complying with the requirements of this section excessively burdensome, and (2) why the alternate landscaping plan is the best substitute. In making the determination, the planning commission may:

1. Consider the existing trees to be preserved; the topography, shape, size or other natural features of the property; the suitability of any alternative screening or buffering proposal;

2. Consider the type of business that occupies or will occupy the site, prior unsuccessful attempts to comply with this section, any unusual features of the property or of existing landscaping, and other similar factors.

3. Award credit against the tree requirement of subsection (5) for alternate landscaping plans that preserve existing trees and natural settings or beauty.

4. Consider easements and rights-of-way which have resulted in the request for the alternate landscaping plan.

5. Alter the number of trees required and the size of trees required based on the type of business that will occupy the site (for example, a business which regularly displays its product for sale outdoors).

b. The city staff may approve an alternate landscaping plan that is not in strict compliance with the requirements of this section on developmental tracts of less than two (2) acres, provided that all of the rules under subsection (c)(8)a. are complied with.

(9) Replacement of dead landscaping plants. If any required landscaping tree, shrub or ground cover plant should die, the subdivider shall replace these plants in compliance with subsections (4) and (5) of this subsection by the end of the next planting season. If the plants are dying due to a required size or type of plant required under this section, the subdivider may request an alternate landscaping plan from the planning commission. The subdivider must provide the planning commission with specific facts as to why the size or types of plants cannot sustain life on the subdivider's site as well as the requirements listed in subsection (8)(a).

(10) Replacement of existing landscape development. Any major modification to the existing landscape development plan must be approved by the city's building official.

(11) City property. Requirements of this section shall apply to land owned or developed by the city.

(d) Parking lot requirements.

(1) Interior landscaping of parking lots.

a. Any parking lot to be constructed on a tract of property governed by this section that contains twenty (20) or more spaces shall be subject to this subsection.

b. Landscaping is not required for interior of the parking lots. For a reduction in parking, as required by section 110-162 of the Zoning Code, each percent over the first five (5) percent may be reduced by that same percentage up to a twenty (20) percent maximum reduction in parking spaces.

(2) Tree requirements. When landscaping is provided to decrease the parking spaces required under section 110-162 of the Zoning Code, one (1) small tree shall be required for every ten (10) parking spaces of each parking lot that contains twenty (20) or more spaces. Each island shall have a minimum of one hundred (100) square feet of landscaped development and shall have at least one (1) tree. The formula used to calculate the number of islands will be the total parking spaces divided by ten (10). Those islands may be grouped or separated. Some flexibility may be used provided the parking lot is broken by landscaped island and the intent of this section is met.

(3) Distribution. The landscaped areas for parking lots shall be distributed throughout the parking lot. Adjustments to this requirement may be approved by the planning commission.

(4) Inclusive of minimum requirements. The landscaping area for the interior of parking lots provided for herein shall be inclusive of the minimum landscaped area requirement set forth in subsection (c) herein. The requirements

set forth in this section are exclusive of other screening and landscape requirements for parking lot perimeters set forth in subsection (b) herein.

(e) Screening of parking lots.

(1) Perimeter trees. The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street other than a public alley shall include trees. The number of trees required under subsection (c)(2) shall be one (1) tree for every thirty-foot interval of parking lot frontage, starting at end points with a tree. Trees planted in accordance with this section shall not interfere with the existing utilities, roadways, sidewalks or street lights. Trees planted to meet the requirements of this subsection shall be a minimum of fifty (50) percent large trees. However, if power line easements or other easements or impediments make use of large trees impractical or unreasonable as to a particular tract, the planning commission may entertain alternate landscaping under subsection (c)(8) herein. Alternate plans, particularly those that focus on preservation of existing trees to meet the requirements of this section, can be approved in conformance with subsection (c)(8).

(2) Perimeter screening. The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street, other than a public alley, shall contain a visual screen of a minimum height of three (3) feet, measured from the surface of the parking lot perimeter. The screening must extend along the entire street frontage of the parking lot exclusive of driveways and access ways at points of ingress and egress to and from the parking lot and visibility triangles. Sites adjacent to a city parkway (twenty-five (25) feet in width or greater) may use a perimeter design which includes berms, shrubs and trees in a cluster format to where a solid line of landscaping is not required. This will allow flexibility in the design of perimeter planting to take advantage of city parkway. Also, at the discretion of the planning commission, sites adjacent to extra wide right-of-way where the pavement is over twenty-five (25) feet from the property line, may also take advantage of this depth and do as is described above. Alternate plans, particularly those that focus on preservation of existing trees, to meet the requirements of this section herein can be approved in conformance with subsection (c)(8).

(3) Screening materials. The perimeter screening shall be constructed of at least one (1) of the following materials:

a. Earthen berm which has a slope not to exceed one (1) foot in height for each three (3) feet in width to be used in conjunction with shrubs, trees and other landscaping materials.

b. Evergreen shrubbery and trees.

c. A solid stone or masonry fence used in conjunction with shrubs, trees and other landscaping materials.

(f) Easements.

(1) Trees and shrubs shall not be placed on city easements, utility easements or city parkways without the approval of the city. Other plantings may be planted with the permission of the city, subject to the city's right to remove the plantings if entrance to the easement is needed.

(2) City-owned easements do not count as area to be landscaped by the subdivider or developer, nor do they count as credit toward landscaping requirements for the remainder of the tract unless there is alternative landscaping under subsection (c)(8) herein.

(3) Easements on land owned by landowners may be counted toward the landscaping percentage requirements.

(g) Maintenance. All landscaping required herein shall be maintained in a healthy, growing condition at all times. The subdivider shall on a regular basis mow the grass, irrigate, fertilize, prune and otherwise maintain all landscaped areas. The subdivider shall also keep all landscaped areas free of refuse and debris at all times.

(h) Compliance with landscaping plan. The subdivider shall implement and maintain the landscaped areas as described herein in accordance with the landscaping plan approved by the planning commission; and after implementation of the plan, the subdivider shall not deviate from the plan unless the subdivider receives approval from the planning commission.

(i) Noncompliance of landscaping plan. If the city's building official determines that the subdivider is not in compliance with the landscaping plan approved by the planning commission, said official shall give written notice of such noncompliance to the subdivider at the address of the property. Such notice shall contain a description of the noncompliance and require compliance within thirty (30) days of the date of receipt of the notice by the subdivider. If the noncompliance is a result of trees, shrubs or ground cover dying, the subdivider shall comply with the landscaping plan by planting new trees, shrubs or ground cover by the end of the next planting season following the date of receipt of the notice; or if the notice is received during a planting season, the subdivider must comply by the end of that planting season.

(j) Irrigation. The subdivider shall be required to irrigate the landscaped areas by one (1) of the following methods:

(1) A fully automatic or manual underground irrigation system.

(2) Hose attachment within fifty (50) feet of all landscaped area.

(3) Installation of quick coupler system with a valve one hundred (100) feet on center.

(k) The plans that have been approved by the planning commission (or in cases of less than two (2) acres, by city staff), prior to May 15, 2000, shall be subject to the provisions of the Code in effect on May 14, 2000.

(Ord. No. 81-824, § 1, 11-2-81; Ord. No. 86-1004, § 1, 5-19-86; Ord. No. 92-1202, § 1, 6-15-92; Ord. No. 00-1627, § 1, 5-9-2000; Ord. No. 01-1656, § 1, 4-2-2001; Code 1958, § 19-9.2; Ord. No. 03-1735, § 1, 10-6-2003; Ord. No. 05-1777, § 1, 3-1-2005; Ord. No. 11-1973, § 1, 10-17-2011; Ord. No. 13-2017, § 1, 8-5-2013)

Code of Ordinances Chapter 110 - ZONING

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ARTICLE I. - IN GENERAL

Sec. 110-1. - General purpose.

The purposes of this chapter shall be to:

(1) Promote the desirable development of all land.

(2) Protect the desirable development.

(3) Promote stability of development.

(4) Enhance and protect building and land values.

(5) Protect the public health and general welfare.

(Ord. No. 259, 7-17-61; Code 1958, § 25-1)

State Law reference— Zoning regulations to be designed to carry out certain planning purposes, V.T.C.A., Local Government Code § 211.004.

Sec. 110-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive.

Accessory building means a building subordinate to the principal building on a lot. Where a wall or portion of a wall and roof is common to the principal building, the accessory building shall be counted as part of the principal building.

Accessory structure means an object constructed or erected on a lot that is subordinate to the principal building, such as an accessory building, fence, swimming pool, or deck.

Accessory use means land and/or building uses which are allowed in a zone only when they are clearly subordinate to and in conjunction with a permitted use.

Apartment hotel means a building with three (3) or more apartments and with the dining or cooking facilities separate.

Apartment house or rooming house means a building with three (3) or more apartments and without separate dining or cooking facilities.

Boardinghouse means a building other than a hotel, apartment hotel or apartment house where lodging with meals is offered for compensation.

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

Building line means a line, usually parallel to street or property line, beyond which buildings shall not be erected. Once a building is legally erected under the provisions of this chapter, the front of the building shall be considered to be the building line for that building for the purpose of determining placement of all fences, except ornamental fences as outlined in section 110-171.

Bungalow court means a development consisting of two (2) or more one-family or two-family dwellings on a single tract where the building may face onto a courtyard or mall rather than on the street.

Carport means a structure designed for the shelter or storage of motor vehicles that is open on at least two (2) sides. A carport that is open on only one (1) side shall be treated as a garage.

Church means a facility principally used for people to gather together for public worship, religious training, or other religious activities. This includes monasteries, convents, rectories, etc. This does not include home meetings or other religious activities conducted in a privately occupied residence.

Cinerarium means a durable, fireproof structure containing niches used or intended to be used to contain cremains.

Common area means an area held, designed and designated principally for the common use of the occupants of a townhouse project.

Conditional uses means land and/or building uses which, because they may generate special problems such as excessive traffic, excessive noise or other conditions, may in certain cases prove undesirable for a certain zone.

Cremains means cremated human remains.

Customary home occupations means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use. See section 110-161.

Day care facility means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty-four (24) hours a day.

Driveway means a private roadway leading from a public street or right-of-way to a garage, carport or parking area.

Duplex. See Dwelling, two-family.

Dwelling, one-family, means a detached building having accommodation for and occupied by not more than one (1) family.

Dwelling, two-family, means a detached building having separate accommodations for and occupied by not more than two (2) families.

Facility means a building or group of buildings that exist to serve a particular purpose, such as rehabilitation and training.

Family means one (1) or more people domiciled together in one (1) dwelling unit and who are living together as a single housekeeping unit and sharing common living, cooking, and eating facilities. This definition shall not include:

(1) Any society, club, fraternity, sorority, association, lodge, or similar organizations;

(2) Boarding houses, lodging houses, or hotels; or

(3) Supervised living facilities or other similar facilities.

Floor area means the total horizontal area of the several floors of a structure covered by a roof, exclusive of garages, stoops, carports and unenclosed porches; same as living area.

Footprint means the gross horizontal area of the first floor, as determined by the most recent survey of the property, of a principal building, including attached garages and carports.

Garage means a structure used for the shelter or storage of motor vehicles.

Garden structure means a structure that is used only for decorative purposes, such as a trellis or statue.

Gross floor area means the total horizontal area of the several floors of a structure covered by a roof, inclusive of garages, stoops, carports, unenclosed porches and other similar areas.

Health services (medical, dental or optical) means the care, diagnosis, and treatment of persons by health professionals on a non-emergency and out-patient basis.

Height of building means the distance from average grade or curb level to the highest point of the roof, but not including chimneys, towers, spires and the like.

Hotels means a building containing rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Incidental livestock means livestock, not including pigs or goats, and poultry kept for the use of or the consumption by the occupants of the lot; provided however, that no corrals, stables, chicken houses or their yards shall be located closer than fifty (50) feet from any property line, and that they shall comply with the sanitary regulations; and that the number of livestock and poultry and their manner of keeping do not constitute a nuisance to the neighborhood.

Living area means gross horizontal areas of the several floors of a structure covered by a roof exclusive of garages, carports and unenclosed porches; same as floor area.

Lot frontage means the width of the lot at either front line or building line, whichever is greater.

Lot line means the boundaries of any lot as described on the subdivision plat.

Medical office means the use of a site for the consultation, diagnosis or therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, chiropractors, masseurs, pharmacists, veterinarians or similar practitioners of medical and healing arts, licensed for practice by the state.

Motel has the same definition as hotel.

Niche means a space in a cinerarium used or intended to be used for the placement of cremains in an urn or other container.

Playfield or stadium means an athletic facility or stadium owned and operated by a public or private agency for the general public including a baseball field, golf course, football field or stadium.

Principal building means the largest habitable building on a residential lot.

Private yard means an area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

Recreation center means a building or complex of buildings housing community recreation facilities.

Religious institution means any place of worship for the carrying on of religious activities which consists of one (1) or more permanent buildings.

Screen enclosure means a metal structure that has no roof and is completely encapsulated only by a fabric which allows the elements to pass freely through it.

Service shops means bakeries, beauty shops, restaurants, laundry agency, washateria, shoe repair, gasoline service, etc., but excluding auto repair, bus terminals, machinery repair and welding.

Self-storage facility or mini-warehouse means a facility from which space is leased to individuals for the exclusive purpose of storing property and such property is cared for and controlled by the tenant.

Setback means a minimum yard dimension measured from the lot line to the building or other structure.

Street right-of-way means property either conveyed or dedicated to the public for use as a public street.

Structure means any object that is erected, constructed or installed by man that requires location in or on the ground or attachment to something having location on the ground having a definite pattern of organization, including buildings, the construction of buildings or accessory buildings, decks, decking or swimming pools, spas, hot tubs, saunas and other similar constructions or installations.

Supervised living facility means a residential facility that provides care, training, education, custody, treatment, or supervision for persons over the age of seventeen (17) who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include shelter, supervision, or rehabilitation services for former inmates of county, state, or federal correctional institutions and who require, upon release of said institution, a group residential setting to facilitate their transition back into society.

Swimming pool means a constructed pool, used for swimming or bathing, with over twenty-four (24) inches in depth or a surface area exceeding two hundred (200) square feet.

Temporary structure means a structure that is intended to be used ninety (90) days or less, that does not meet state and federal windstorm requirements, and that can be disassembled quickly.

Townhouse means a dwelling unit structure having a separate wall with one (1) or more adjoining dwelling unit structures.

Townhouse group means four (4) to ten (10) contiguous townhouses connected by common walls.

Townhouse project means a townhouse development or plan which is submitted and approved by a single special permit.

Water feature means a manmade body of water, such as an koi pond or fountain, that is not a swimming pool, lake, stream or river.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, § 1, 7-7-69; Ord. No. 84-914, § 1, 2-20-84; Ord. No. 87-1048, § 1, 10-5-87; Ord. No. 88-1061, § 1, 5-2-88; Ord. No. 90-1143, § 1, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-2; Ord. No. 96-1384, § 3, 7-1-96; Ord. No. 08-1884, § 1, 7-7-2008; Ord. No. 10-1932, § 1, 3-15-2010; Ord. No. 10-1951, § 1, 12-6-2010; Ord. No. 11-1960, § 1, 6-6-2011; Ord. No. 14-2025, § 1, 6-2-2014; Ord. No. 14-2037, § 1, 4-7-2014)

Definitions generally, § 1-2.

Sec. 110-3. - Administration generally.

(a) Enforcing officials. The provisions of this chapter shall be administered and enforced by the building official of the city.

(b) Right of entry. The building official or any duly authorized person shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this chapter.

(c) Stop orders. Whenever any building work is being done contrary to provisions of this chapter, the building official may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work.

(d) Furnishing utilities. No person or public utility shall furnish water, gas or electric energy to, nor make connection with, any building in the city which has been erected or structurally altered after July 17, 1961, unless and until such person or public utility shall have received from the building official, city secretary or city council notification that such erection or structural alteration of such building complies with this and other ordinances of the city.

(Ord. No. 259, 7-17-61; Code 1958, § 25-10)

Cross reference— Administration, ch. 2.

State Law reference— Enforcement of zoning ordinance, V.T.C.A., Local Government Code § 211.012.

Sec. 110-4. - Interim zoning of newly annexed territory.

(a) No permit for the construction of a building shall be issued by the building official in a territory where an ordinance has passed on the first reading, annexing same to the city, other than a permit which will allow the construction of a building permitted to be constructed in what is defined as R-1 single-family residence as defined in section 110-68. An application for any other use than that specified hereinabove shall be made to the building official and by him referred to the planning commission which acts as the zoning commission on the designation by the council for a consideration and recommendation to the city council. Whenever such recommendation is filed with the city council by the planning commission, such classification and such recommendation shall be advisory in its nature and the council shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify.

(b) No existing building in a territory where an ordinance has been passed on first reading, annexing the same to the city, not at that time lawfully used for business purposes, shall be altered, remodeled or constructed for business purposes without a permit from the city council. This permit shall be obtained under the same procedure set out in subsection (a) of this section.

(c) The owner, lessees, or any other person owning, controlling, constructing or directing the construction of any building or structure now in process of construction and which is incomplete at the time the land upon which it is situated is covered in an ordinance passed on first reading, annexing same to the city, before proceeding any further with the construction, alteration or completion thereof, shall apply to the building official for a permit authorizing further work on such building or structure and shall attach to such application for such permit plans and specifications relating to the construction of such building, or structure, which such application for building permit shall be promptly referred to the planning commission for consideration and the commission shall promptly thereafter file with the council its recommendation as to granting, modifying or rejecting such permit, the recommendation to be advisory, as stated in subsection (a) of this section. Such construction work shall be suspended until the permit provided for in this section has been issued, or until final zoning regulations have been adopted which permit the construction, use and occupancy of the structure or building.

(Ord. No. 259, 7-17-61; Code 1958, § 25-18)

Sec. 110-5. - Permanent zoning of new territory.

The permanent zoning of newly annexed territory shall be handled in the same manner as amendments to the zoning ordinance provided under section 110-6 and the subsections thereunder.

(Ord. No. 259, 7-17-61; Code 1958, § 25-19)

Sec. 110-6. - Amendments.

(a) Requirements for change. Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the city council, city planning commission, zoning board of adjustment or the joint consideration of the planning commission and the city council, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed, the zoning of any specific property in the city may be changed pursuant to the provisions of this section.

(b) Initiation of change. A proposed change of zone may be initiated by the city council, city planning commission, zoning board of adjustment, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed.

(c) Changing ordinance; public hearing required. At any regularly scheduled meeting of the planning commission, the owners, optionees or lessees of property who desire a change of zone may appear and request that a public hearing be called to consider their petition. The city council may at any time request that the planning commission hold a special hearing to consider zoning matters. Written notice of all public hearings before the planning commission on proposed changes in classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by publication in the manner provided in subsection (d) of this section. After published notice has been given as required by subsection (d) of this section, the city council may hold a public hearing jointly with the planning commission, but after such joint hearing, the city council shall not take any action until it has received the final report of the planning commission. The city council shall, however, be able to call and hold a public hearing on its own to consider, approve or disapprove requests for changes whenever a majority of the entire council deem it necessary or appropriate, and a report from the planning commission concerning the same tract of land is not pending. The planning commission may also meet in its own capacity to hold public hearings, when required under this Code. The city planning commission may approve or disapprove any proposed change either in whole or in part. If approved in whole or in part, a recommendation in conformity with such approved change, shall be presented to the city council and an ordinance approving such a change in whole or in part may be adopted by the council after a public hearing. If such proposed change is disapproved by the city planning commission, a report of its decision shall be made to the city council. The city council may then review the decision of the planning commission. If the city council is in favor of the proposed change, it may, after a public hearing, make such change in such ordinance by a majority vote of the entire membership of the city council. A joint public hearing of the planning commission and the city council shall satisfy this requirement.

(d) Notice of public hearing by city council or by planning commission. Notice of a public hearing by the city council or by the planning commission to consider proposed changes to this chapter shall be given by publication in the official paper of the city once a week for three (3) consecutive weeks. Such notice shall state the time, place and nature of such public hearing and such hearing shall not be held earlier than fifteen (15) days from the date of the first publication of such notice.

(e) Passage of rezoning ordinances where written protest filed. In case, however, of a written protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (¾) of all the members of the city council. The provisions of subsection (d) relative to public hearing and official notice shall apply equally to all changes or amendments.

(f) Restrictions. Any prior deed restrictions or other prior restrictions placed on any lot or land that is the subject of a zoning change request shall be disclosed to the city planning commission and to the city council by the land owner or optionee of land, when a change is requested by such owner or optionee. Any restriction on land or lots which was agreed to by the owner or optionee of property at the time the change of zone is approved by the city council shall be entered in the council minutes as a part of the permanent record. If the land is undeveloped, the restriction shall be placed in the plat at the time of plat approval by the planning commission. A violation of this subsection constitutes a misdemeanor and shall be punishable in accordance with section 110-12.

(Ord. No. 259, 7-17-61; Ord. No. 74-519, § 1, 2-18-74; Ord. No. 74-524, § 1, 3-18-74; Code 1958, § 25-17)

State Law reference— Procedures for amending zoning ordinance, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

Sec. 110-7. - Advertising costs.

Persons applying for variances and zoning amendments must pay for the cost of advertising for such requests.

(Ord. No. 259, 7-17-61; Code 1958, § 25-13; Ord. No. 14-2025, § 2, 6-2-2014)

Sec. 110-8. - Nonconforming uses.

Any use or structure existing at the time of enactment or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this chapter may not be:

(1) Changed to another nonconforming use;

(2) Reestablished after discontinuance for six (6) months;

(3) Extended except in conformity to this chapter; or

(4) Rebuilt after damage exceeding two-thirds (2/3) of its fair sales value immediately prior to damage.

(Ord. No. 259, 7-17-61; Code 1958, § 25-14)

Sec. 110-9. - Building permits.

(a) Required. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building material or construct entrances or parking lots, commence the moving, structural alterations, conversions, extensions, enlargements, alteration or repair (except repairs consisting only of painting or wallpapering, changing the fixtures and reroofing in residential zones), of any structure, including accessory structures, until the building official has issued a building permit for such work.

(b) Application. Application for a building permit shall be made to the building official on forms provided for that purpose.

(c) Requirements. The building official shall require that every application for a building permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in conformance with this chapter:

(1) Lot dimensions and corners. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are established on the ground.

(2) Proposed structures. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.

(3) Use of structures. The existing and intended use of all such buildings or other structures.

(4) Existing yards. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(5) Building code. Any other information as required by the building code.

(d) Issuance. If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this chapter the building official shall issue a building permit.

(e) Disapproval. If an application for a building permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

(Ord. No. 259, 7-17-61; Ord. No. 76-593, § 1, 8-2-76; Ord. No. 81-820, § 2, 9-21-81; Code 1958, § 25-11; Ord. No. 14-2025, § 3, 6-2-2014)

Sec. 110-10. - Special permits.

The following land uses shall require approval of the planning commission instead of the building inspector because of special problems of traffic, parking safety or effect on surrounding property:

(1) Public buildings erected by city, county, state, school district, federal or any other governmental body.

(2) Airports, landing fields or airport facilities.

(3) Water reservoirs, pumping station, water towers or artesian wells.

(4) Radio or television transmitting or receiving towers taller than one hundred (100) feet, whether commercial or private.

(5) Trailer camps.

(6) Drive-in theaters.

(7) Large scale developments, including housing projects and shopping centers, after submission to the planning commission of a site plan drawn to scale and showing the development in detail, including such essential requirements as parking facilities, location of buildings and uses to be permitted, and means of ingress and egress.

(8) Any of those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like.

(9) Strip lighting.

(Ord. No. 259, 7-17-61; Code 1958, § 25-5; Ord. No. 94-1311, § 1, 10-3-94)

State Law reference— Authority of local governments under Texas Clean Air Act, V.T.C.A., Health and Safety Code § 382.111 et seq.

Sec. 110-11. - External lighting.

(a) Purpose:

(1) The purpose of this section is to amend the city's comprehensive zoning code to ensure that outdoor lighting does not (a) interfere with the safety and welfare of the community and does not (b) interfere with or endanger the public in traveling to and from on streets, and does not (c) interfere with the reasonable use and enjoyment of property. It is also the purpose of this section to encourage outdoor electrically powered illuminating devices, lighting design practices, and systems which will conserve energy, while preserving the natural environment while increasing nighttime safety, utility, security, and productivity.

(b) Outdoor illuminating devices:

(1) Generally, artificial outdoor or extended illuminating devices shall be installed in accordance with, and when permitted by, the requirements of this section.

(c) Outdoor illuminating devices, in nonresidential zones:

(1) In all nonresidential zones the proposed lighting plan shall be reviewed by the city engineer and be included as part of the site plan, under section 90-35 of the city subdivision code. The owner shall stay in compliance with the lighting requirements of the site plan and shall not deviate from such requirements unless the owner receives approval from the planning commission.

(2) When a nonresidential zone is located adjacent to a residential zone, all external lighting shall be shielded to prohibit illumination at the boundary of the nonresidential zone and the residential zone in excess of one-fourth (0.25) footcandles of average general light overflow or one-half (0.50) footcandles at any point on such boundary. In all cases, exterior lighting shall be installed, hooded, regulated, and maintained by the owner or person in control thereof in such manner that the direct beam of any such light will not glare upon any lot, tract, or parcel of land other than that upon which it is situated.

(d) Outdoor illuminated devices in other zones:

(1) Lighting in R4, PUD, PURZ, or MH-1 zones shall also comply with this section.

(e) Special permits:

(1) Laser source light, strobe light and similar high intensity light sources for advertising or entertainment shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(2) Searchlights shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(f) Phased in compliance.

(1) For those tracts that have lighting that does not conform to the provisions of this section at the inception of the section (January 5, 1998), such lighting shall either be abated, removed or modified to conform with the code as determined by the city building official, within a period of two (2) years, from the effective date of this adoption of this section (January 5, 1998).

(2) After the enactment of this section, the city administrator shall as soon as practicable, survey the city for lighting which does not conform to the requirements of this Code. Upon determination that lighting is nonconforming, the administrator shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the lighting is located of the following:

a. The nonconformity of the lighting; and

b. The need to conform within two (2) years, as well as the potential penalties for failure to do so. If the user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the premises with which the lighting is associated.

(g) Exemptions:

(1) Strip lighting approved by the planning commission under section 110-10(9) shall be exempt from this section.

(2) Emergency lighting by police, fire, and rescue authorities is exempt from this section.

(Ord. No. 98-1443, § 1, 1-5-98)

Sec. 110-12. - Certificate of occupancy.

(a) Required. No change in the use or occupancy of land nor any change of use or occupancy in an existing building other than for single-family residences or for farming or gardening shall be made, nor shall any new building be occupied for any purpose other than for single-family residence use until a certificate of occupancy has been issued by the building official.

(b) Record kept by building official. A record of all certificates of occupancy shall be kept on file in the office of the building official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

(c) Nonconforming uses must apply for certificates. A certificate of occupancy shall be required of all nonconforming uses of land or buildings existing on July 17, 1961. Application for such certificate of occupancy for nonconforming uses shall be filed with the building official by the owner or lessee of the land or building occupied by such nonconforming use not later than July 17, 1962. It shall be the duty of the building official to issue a certificate of occupancy for nonconforming use. Failure to apply for such certificate of occupancy for nonconforming use shall be considered evidence that such nonconforming use did not exist on July 17, 1961.

(Ord. No. 259, 7-17-61; Code 1958, § 25-12; Ord. No. 98-1443, § 1, 1-5-98)

Sec. 110-13. - Penalty.

(a) Any person who shall violate any of the provisions of this chapter, or who shall build, alter, occupy or use any building or property in violation of any statement or plan submitted and approved under this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two thousand dollars ($2,000.00). Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.

(b) The owner of any building or property or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, attorney or other person employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars ($500.00).

(c) In addition to the remedies provided for in this section the enforcing officer may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, institute any appropriate action or proceedings to prevent such unlawful erection, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to

prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct of business or use in or about such premises.

(Ord. No. 259, 7-17-61; Ord. No. 83-907, § 10, 11-21-83; Ord. No. 88-1060, § 10, 1-18-88; Code 1958, § 25-15; Ord. No. 98-1443, § 1, 1-5-98)

Sec. 110-14. - Conditional use permit.

To apply for a conditional use permit, the applicant must notify the engineering department in writing and supply the following information:

(1) Type of conditional use desired;

(2) Site plan showing ingress and egress to the conditional use;

(3) Hours the conditional use will be operated or used;

(4) Types of noise the conditional use will generate;

(5) Amount of traffic the conditional use will generate; and

(6) Any other information required by the engineering department.

(Ord. No. 14-2025, § 4, 6-2-2014)

Sec. 110-15. - Same—Restrictions.

(a) Only the conditional uses listed in each zone are allowed.

(b) Applicants must apply for each conditional use separately, and each use must attain approval of the planning commission separately. The planning commission's approval of a conditional use does not mean that the use becomes a permitted use for that zone.

(Ord. No. 14-2025, § 4, 6-2-2014)

Sec. 110-16. - Same—Actions.

(a) The planning commission may approve, conditionally approve, or deny an application for a conditional use. The planning commission may also impose requirements and conditions on the location, construction, operating hours, maintenance, and operation of the conditional use in order to protect adjacent properties.

(b) If the conditions of the permit are not being complied with, the planning commission may revoke the permit. The permit holder shall receive at least ten (10) days written notification of the meeting at which the planning commission will consider the revocation.

(Ord. No. 14-2025, § 4, 6-2-2014)

Sec. 110-17. - Same—Expiration.

The conditional use must be operational within one (1) year of the date the permit is granted unless the planning commission sets a different time limit.

(Ord. No. 14-2025, § 4, 6-2-2014)

Secs. 110-18—110-35. - Reserved.

ARTICLE II. - BOARD OF ADJUSTMENT

Sec. 110-36. - Powers, duties generally.

The zoning board of adjustment of the city shall have all of the powers and duties granted in section 8.04 of the home rule Charter of the city, as well as this article.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(a))

Sec. 110-37. - Composition, compensation.

The zoning board of adjustment shall consist of five (5) members who shall be residents of the city and who shall serve without compensation.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(b))

Sec. 110-38. - Appointment, terms; ex officio members.

All members of the zoning board of adjustment shall be appointed by the city council. Two (2) such members to be appointed in each odd-numbered year, and three (3) such members to be appointed in each even-numbered year, the appointments to be made each year within thirty (30) days following election. The term of office of each such member shall be two (2) years. In addition, a representative of the city manager shall be an ex officio member of the board and shall serve the board in an advisory capacity, but shall have no voting rights, and shall attend meetings as requested.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(c))

Sec. 110-39. - Officers; rules of procedure.

A board chairman and secretary shall be elected by the board annually, and the board shall establish its own rules and procedures which shall include the following:

(1) A quorum shall consist of four (4) voting members of the board, and an affirmative vote of four (4) members of the board shall be necessary to pass upon pending questions, or to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board may or is required to pass under this section, the chairman being entitled to vote upon all questions.

(2) Meetings shall be held as needed.

(3) A record of all proceedings shall be kept, which records shall be filed with the person performing the duties of the city secretary.

(4) Notice of meetings of the zoning board of adjustment shall be provided to persons living within two hundred (200) feet of the property that is the subject of a variance request or an appeal from a decision of an administrative official.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(e); Ord. No. 97-1413, § 1, 3-3-97)

Sec. 110-40. - Appeals.

Appeals to the board of adjustment shall be taken within a reasonable time as determined by the rules of the board, complete with a notice of appeal specifying the grounds thereof. The officer, or body, from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(f))

Sec. 110-41. - Conduct of hearings.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time or thirty (30) days, whichever is less. Upon the hearing, any party may appear in person or by agent or by attorney. An applicant for a variance or an appellant from an administrative decision shall have the burden of proving that his proposed use is reasonably necessary and that it will not conflict with the public interest or adversely affect uses of adjacent and neighboring property.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(g))

Sec. 110-42. - Special exceptions to chapter not under board's jurisdiction.

In no case shall it be appropriate for the zoning board of adjustment to hear and make special exceptions to this chapter.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(h))

Sec. 110-43. - Scope of cases.

The cases which are appropriate for the zoning board of adjustment to hear and decide are limited to the following:

(1) Appeals from a decision of an administrative official:

a. In the enforcement of this chapter or any ordinance adopted pursuant thereto.

b. In the refusal of building permits for any use that is permitted by this chapter for the zone where the proposed building would occur.

(2) Variances from the terms of this chapter as will not be contrary to the public interest where there is an unusual condition and a literal enforcement of the provisions of this chapter will result in unnecessary hardship to the applicant with regard to this chapter, including:

a. Building lines.

b. Side line setback.

c. Rear line setback.

d. Front line setback.

e. Lot size.

f. Width or length of lots.

g. Permitting driveways to intrude on easements.

h. Building slab heights.

i. Home occupations.

j. Cases in which this chapter does not permit any reasonable use of a tract or lot, not merely to accommodate the highest or best use of the property.

k. Abatement of, extension of, or addition to a nonconforming use.

(Ord. No. 259, 7-17-61; Ord. No. 79-684, § 1, 2-19-79; Code 1958, § 25-20(i); Ord. No. 06-1828, § 1, 11-20-2006)

Secs. 110-44—110-65. - Reserved.

ARTICLE III. - ZONE REGULATIONS

Sec. 110-66. - Establishment of zones.

In order to carry out the provisions of this chapter, the city is hereby divided into seventeen (17) zones known as:

(1) E-1 Single-family residence, estates.

(2) R-1 Single-family residence.

(3) R-2 Single-family residence.

(4) R-2A Single-family residence.

(5) R-3 Two-family residence.

(6) R-4 Multifamily residence.

(7) B-1 Neighborhood business.

(8) B-1A Professional offices.

(9) B-2 Central business.

(10) B-3 Institutional zone.

(11) C-1 Commercial.

(12) C-2 Commercial.

(13) M-1 Light industrial.

(14) M-2 Heavy industrial.

(15) T-1 Single-family residence, townhouse.

(16) PURZ Planned unit residential zone.

(17) PUD Planned unit development.

(18) MH-1 Mobile home park.

(19) MH-2 Manufactured home.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(1); Ord. No. 97-1421, § 1, 6-2-97; Ord. No. 99-1593, § 2, 3-15-99)

Sec. 110-67. - E-1, single-family residence, estates.

The following regulations shall be applicable to the E-1, single-family residence, estates, zoning district:

(1) Description and purpose: The most restrictive of residential zones, composed chiefly of individual homes on relatively large lots.

(2) Permitted use: One-family dwellings.

(3) Maximum percentage of lot to be used for buildings or accessory structures: Twenty-five (25) percent.

(4) Minimum living area for houses: Two thousand (2,000) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories.

(6) Minimum lot area: One (1) acre.

(7) Minimum frontage of lot: Two hundred (200) feet.

(8) Minimum lot depth: One hundred fifty (150) feet.

(9) Minimum lot setback:

a. From front, forty (40) feet.

b. From side, twenty-five (25) feet.

c. From rear, twenty (20) percent of depth.

d. Side street, twenty-five (25) feet.

(10) Permitted accessory uses: Servant quarters, garden, tool and play houses, personal recreational facilities, country club and incidental livestock, customary home occupations.

(11) Accessory structures:

a. Height, fifteen (15) feet.

b. Side yard setback, twenty-five (25) feet minimum.

c. Rear yard setback, thirty (30) feet.

d. Front yard setback, sixty-five (65) feet.

e. Maximum floor area, fifty (50) percent of principal building.

f. No accessory structure shall be closer than the interior line of any easement.

(12) Conditional uses: Golf course, parks.

(13) Off-street parking: Minimum two-space garage (see section 110-162).

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(2); Ord. No. 10-1951, § 2, 12-6-2010)

Sec. 110-68. - R-1, single-family residence.

The following regulations shall be applicable to the R-1, single-family residence, zoning district:

(1) Description and purpose: A highly restricted zone composed chiefly of individual homes.

(2) Permitted use: One-family dwelling.

(3) Maximum percentage of lot to be used for buildings or accessory structures: Thirty (30) percent.

(4) Minimum living area for houses: One thousand four hundred (1,400) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Fifteen thousand (15,000) square feet.

(7) Minimum frontage of lot: One hundred (100) feet.

(8) Minimum depth: One hundred fifty (150) feet.

(9) Minimum yard setback:

a. Front, thirty (30) feet.

b. Side, ten (10) feet.

c. Rear, fifteen (15) feet.

d. Side street, fifteen (15) feet.

(10) Permitted accessory use: Garden, tool and playhouses, personal recreation facilities.

(11) Accessory structures:

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages shall meet all the setback requirements as required for the principal building.

c. No garage or driveway shall exit out the back of the lot.

d. Maximum height, fifteen (15) feet.

e. If the total square footage of any individual accessory structure exceeds two hundred (200) square feet, that structure shall meet the setbacks for the principal building.

f. An accessory structure whose square footage equals two hundred (200) square feet or less may be eligible for the alternate setbacks in accordance with section 110-86.

(12) Conditional uses: Golf course, parks.

(13) Off-street parking: Minimum two-space garage (see section 110-162).

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No.

92-1201, § 1, 6-15-92; Code 1958, § 25-3(3); Ord. No. 93-1235, § 1, 4-5-93; Ord. No. 07-1856, § 1, 8-6-2007; Ord. No. 10-1951, § 3, 12-6-2010)

Sec. 110-69. - R-2, single-family residence.

The following regulations shall be applicable to the R-2, single-family residence, zoning district:

(1) Description and purpose: A medium-density zone composed primarily of individual homes.

(2) Permitted use: One-family dwelling.

(3) Maximum percentage of lot to be used for buildings or accessory structures: Thirty-five (35) percent.

(4) Minimum living area for houses:

a. For lots platted prior to July 3, 1961, that have less than seventy (70) feet of frontage, one thousand one hundred (1,100) square feet;

b. For all other lots, one thousand two hundred (1,200) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Eight thousand four hundred (8,400) square feet.

(7) Minimum frontage of lot:

a. For lots platted prior to July 3, 1961, sixty (60) feet;

b. For all other lots, seventy (70) feet.

(8) Minimum lot depth:

a. For lots platted prior to July 3, 1961, one hundred (100) feet;

b. For all other lots one hundred twenty (120) feet.

(9) Minimum yard setback:

a. For lots platted prior to July 3, 1961, that have less than seventy (70) feet of frontage:

1. Front, twenty-five (25) feet.

2. Side, no less than five (5) feet on any one (1) side.

3. Rear, fifteen (15) feet.

4. Side street, fifteen (15) feet.

b. For all other lots:

1. Front, twenty-five (25) feet.

2. Side, fifteen (15) feet total for both sides, no less than five (5) feet on any one (1) side.

3. Rear, fifteen (15) feet.

4. Side street, fifteen (15) feet.

(10) Permitted accessory use: Garden, tool and playhouses, personal recreation facilities.

(11) Accessory structures:

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages shall meet all the setback requirements as required for the principal building.

c. No garage or driveway shall exit out the back of the lot.

d. Maximum height, fifteen (15) feet.

e. If the total square footage of any individual accessory structure exceeds two hundred (200) square feet, that structure shall meet the setbacks for the principal building.

f. An accessory structure whose square footage equals two hundred (200) square feet or less may be eligible for the alternate setbacks in accordance with section 110-86.

(12) Conditional uses: Parks.

(13) Off-street parking:

a. Minimum, for lots platted prior to July 3, 1961, that have less than seventy (70) feet of frontage, two (2) off-street parking spaces, including either a one-car carport or a one-car garage;

b. For all other lots, minimum two-space garage (see section 110-162).

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(4); Ord. No. 93-1235, § 2, 4-5-93; Ord. No. 07-1856, § 1, 8-6-2007; Ord. No. 10-1951, § 4, 12-6-2010; Ord. No. 11-1964, § 1, 7-5-2011)

Sec. 110-69.1. - R-2A, single-family residence.

The following regulations shall be applicable to the R-2A, single-family residence zoning district:

(1) Description and purpose: A medium-density zone composed primarily of individual homes.

(2) Permitted use: One-family dwelling.

(3) Maximum percentage of lot to be used for buildings or accessory structure: Thirty-five (35) percent.

(4) Minimum living area for houses: One thousand (1,000) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Seven thousand two hundred (7,200) square feet.

(7) Minimum frontage of lot: Sixty (60) feet.

(8) Minimum lot depth: One hundred twenty (120) feet.

(9) Minimum yard setback:

a. Front, twenty-five (25) feet.

b. Side, five (5) feet total for both sides.

c. Rear, fifteen (15) feet.

d. Side street, fifteen (15) feet.

(10) Permitted accessory use: Garden, tool and playhouses, personal recreation facilities.

(11) Accessory structures:

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages shall meet all the setback requirements as required for the principal building.

c. No garage or driveway shall exit out the back of the lot.

d. Maximum height, fifteen (15) feet.

e. If the total square footage of any individual accessory structure exceeds two hundred (200) square feet, that structure shall meet the setbacks for the principal building.

f. An accessory structure whose square footage equals two hundred (200) square feet or less may be eligible for the alternate setbacks in accordance with section 110-86.

(12) Conditional uses: Parks.

(13) Off-street parking: Either a two-space garage or a carport type garage (See section 110-162).

(Ord. No. 97-1421, § 1, 6-2-97; Ord. No. 07-1856, § 1, 8-6-2007; Ord. No. 10-1951, § 5, 12-6-2010)

Sec. 110-70. - R-3, two-family residence.

The following regulations shall be applicable to the R-3, two-family residence, zoning district:

(1) Description and purpose: A two-family dwelling zone providing most of the desirable residential characteristics attributed to single-family districts. In addition to large areas appropriate for such use it has useful application as a buffer zone bordering neighborhood shopping centers.

(2) Permitted use: One-family dwelling, duplexes.

(3) Maximum percentage of lot to be used for buildings or accessory structures: Forty-five (45) percent.

(4) Minimum living area per family: Nine hundred (900) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Eight thousand five hundred (8,500) square feet.

(7) Minimum frontage of lot: One hundred (100) feet.

(8) Minimum depth: Eighty-five (85) feet.

(9) Minimum yard setback:

a. Front, twenty-five (25) feet.

b. Sides, ten (10) feet.

c. Rear, fifteen (15) percent of depth.

d. Side street, fifteen (15) feet.

(10) Permitted accessory use: Garden, tool and playhouses, personal recreation facilities.

(11) Accessory structures:

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages shall meet all the setback requirements as required for the principal building.

c. No garage or driveway shall exit out the back of the lot.

d. Maximum height, fifteen (15) feet.

e. If the total square footage of any individual accessory structure exceeds two hundred (200) square feet, that structure shall meet the setbacks for the principal building.

f. An accessory structure whose square footage equals two hundred (200) square feet or less may be eligible for the alternate setbacks in accordance with section 110-86.

(12) Conditional uses: Parks.

(13) Off-street parking:Minimum four (4) covered spaces (see section 110-162).

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(5); Ord. No. 93-1235, § 3, 4-5-93; Ord. No. 07-1856, § 1, 8-6-2007; Ord. No. 10-1951, § 6, 12-6-2010)

Sec. 110-71. - R-4, multifamily residence.

The following regulations shall be applicable to the R-4, multifamily residence, zoning district:

(1) Description and purpose: A medium density zone for garden apartments, group housing and courts.

(2) Permitted uses: One-family dwelling, apartment houses, duplexes, condominiums.

(3) Maximum percentage of lot to be used for buildings or accessory structures: Fifty (50) percent.

(4) Minimum living area per family: Four hundred fifty (450) square feet.

(5) Maximum height of buildings: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Maximum density: Twenty (20) units per acre.

(7) Minimum frontage of site: One hundred (100) feet.

(8) Minimum site depth: One hundred twenty (120) feet.

(9) Minimum site area: One (1) acre.

(10) Minimum yard setback:

a. Front, twenty-five (25) feet.

b. Side, twenty-five (25) feet.

c. Rear, twenty-five (25) feet.

d. Side street, fifteen (15) feet.

(11) Permitted accessory uses: Garden, tool, and playhouses, personal recreation facilities, boardinghouses, day nurseries, nursing homes, professional offices.

(12) Accessory structures:

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages shall meet all of the setback requirements as required for the principal building.

c. No garage or driveway shall exit out the back of the lot.

d. Maximum height, fifteen (15) feet.

e. If the total square footage of any individual accessory structure exceeds two hundred (200) square feet, that structure shall meet the setbacks for the principal building.

f. An accessory structure whose square footage equals two hundred (200) square feet or less may be eligible for the alternate setbacks in accordance with section 110-86.

(13) Conditional uses: Hospitals, clinics, membership clubs, homes for the aged, homes for orphans, funeral homes, fraternity/sorority houses, nursing homes, supervised living facilities, cemeteries.

(14) Off-street parking: See section 110-162.

(15) Off-street loading: None.

(16) Other provisions: All signs shall be shielded and source of steady light. No signs larger than one hundred (100) square feet, nor exceeding 4:1 height to width or width to height ratio.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(6); Ord. No. 93-1235, § 4, 4-5-93; Ord. No. 07-1856, § 1, 8-6-2007; Ord. No. 10-1951, § 7, 12-6-2010)

Sec. 110-72. - B-1, neighborhood business.

The following regulations shall be applicable to the B-1, neighborhood business zoning district after January 1, 2000:

(1) Description and purpose: A neighborhood shopping zone wherein retail business or selected service establishments supply commodities or services to meet the daily needs of the surrounding neighborhood, in which they are located. Uses which are not necessary to serve the neighborhood such as industrial/business supply or service facilities such as theaters, motels or warehouse style retail stores and automobile dealerships are not permitted in the zone unless built prior to January 1, 2000. B-1 neighborhood businesses that would be harmful to, or would adversely impact, single-family residential areas or facilities which are either hazardous, noxious or offensive to an ordinary reasonable person because of congested vehicular traffic, generation or

emission of noise, vibration, smoke, dust, particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission, are not permitted in this zone unless built prior to January 1, 2000. Those businesses and properties built prior to January 1, 2000, may be remodeled or rebuilt under the terms of the applicable building code or ordinance in effect on January 1, 2000.

Potentially harmful or objectionable characteristics of certain development may be mitigated by the inclusion of additional design or architectural features. To provide additional basis for exercising judgment in the determination of potential harm or adverse impact, permitted and conditional uses are listed below as well as use requirements and design limitations that serve to prevent potential harm.

(2) Permitted uses: Office and office buildings, medical offices, studios, retail shops, service shops, drive-in eating places, groceries, day care facilities, auto repair, membership clubs, nursing homes, homes for orphans, home for aged.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height of building: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Two thousand (2,000) square feet.

(7) Minimum frontage of lot: Twenty (20) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required.

(10) Permitted accessory use: None allowed.

(11) Accessory building: None allowed.

(12) Conditional uses: Supervised living facilities, churches.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions: All signs shall be shielded and sources of light steady. All signs must be physically attached to the building and on property owned or leased.

(16) The following provisions shall apply when B-1 neighborhood businesses have business lot lines within sixty (60) feet of single-family residential lot lines.

a. Permitted uses:

Professional offices.

Medical offices.

Retail stores.

Convenience stores (not open more than nineteen (19) hours per day).

Service shops (i.e., hair salons, shoe repair, banking, dry cleaners and personal care facilities).

Day care centers.

Restaurants excluding those with drive-in or drive-through facilities.

Health clubs.

b. Maximum percentage of lot to be used by building: That percentage allowed after taking into consideration the limits dictated by the provisions of (l)(1)4 below.

c. Minimum floor area: None required.

d. Maximum height of building: Two and one-half (2½) stories or thirty-five (35) feet.

e. Minimum lot area: Two thousand (2,000) square feet.

f. Minimum frontage of lot: Twenty (20) feet.

g. Minimum depth of lot: One hundred (100) feet.

h. Minimum yard setback.

i. Permitted accessory use: None allowed.

j. Accessory building: None allowed.

k. Conditional uses:

Gasoline services not including car wash services.

Automotive repair conducted completely within an enclosed facility.

Supervised living facilities.

Convenience stores (twenty-four (24) hours per day).

Vehicular drive-in or drive-through restaurants.

l. (1) Design limitations applicable to B-1 businesses with business lot lines within sixty (60) feet of single-family residential area lot lines:

1. All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right-of-way.

2. See section 110-178 for additional design limitations and performance standards.

(17) The following performance standards shall be used for the purpose of evaluating the development proposals in the neighborhood business zone if the proposed B-1 neighborhood business lot line is within sixty (60) feet of single-family residential area lot lines:

a. New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors or colors conducive to colors in the surrounding residential area.

1. Colors of awnings should be muted, natural or earth toned and related to major materials of the building.

2. Window frames may be of an accent color to complement the major wall material.

3. Paint shall be flat or semi-gloss.

4. Metal roofs grey, natural green, rust or brown.

5. Metal canopies dark anodized or black or to match roof.

This shall involve the preservation of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light and glare shall be designed to designed to avoid interference with the residential environment.

b. The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighborhood residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

c. Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No.

92-1201, § 1, 6-15-92; Code 1958, § 25-3(7); Ord. No. 93-1241, § 1, 5-3-93; Ord. No. 00-1621, § 1, 1-18-2000; Ord. No. 13-2008, § 1, 4-15-2013)

Sec. 110-73. - B-1A, professional offices.

The following regulations shall be applicable to the B-1A, professional offices, zoning district:

(1) Purpose and description: A zone comprised of professional offices.

(2) Permitted uses: Professional offices and office buildings, medical offices, studios, clinics; and daycares. No retail sales.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height of building: Two and one-half (2½) stories or thirty-five (35) feet.

(6) Minimum lot area: Two thousand (2,000) square feet.

(7) Minimum frontage of lot: One hundred (100) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required.

(10) Permitted accessory use: None allowed.

(11) Accessory building: None allowed.

(12) Conditional uses: Hospital, churches.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional design limitations and performance standards.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(8); Ord. No. 93-1241, § 2, 5-3-93; Ord. No. 00-1626, § 1, 3-20-2000; Ord. No. 09-1922, § 1, 12-21-2009; Ord. No. 13-2008, § 2, 4-15-2013)

Sec. 110-74. - B-2, central business.

The following regulations shall be applicable to the B-2, central business, zoning district:

(1) Description and purpose: This zone is the principal area and permits most types of general commercial enterprise. Manufacturing and nuisance industries are excluded.

(2) Permitted uses: Office and office buildings, medical offices, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks and financial institutions.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height: Four (4) stories, fifty (50) feet or as approved.

(6) Minimum lot area: Two thousand (2,000) square feet.

(7) Minimum frontage of lot: Thirty (30) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) Permitted accessory use: None allowed.

(11) Accessory building: Any customary, incidental to business as a conditional use. Materials must be similar to the principal building.

(12) Conditional uses: Bowling alley and other recreational facilities, clinics and supervised living facilities, churches, and accessory buildings. No funeral homes.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional design limitations and performance standards.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(9); Ord. No. 93-1241, § 3, 5-3-93; Ord. No. 00-1626, § 1, 3-20-2000; Ord. No. 11-1975, § 1, 11-21-2011; Ord. No. 13-2008, § 3, 4-15-2013)

Sec. 110-75. - B-3, institutional zone.

The following regulations shall be applicable to the B-3, institutional zone, zoning district:

(1) Description and purpose: A zone for cultural, educational and other institutional uses.

(2) Permitted uses: Church, religious institution, public, private or parochial schools.

(3) Minimum floor area: None required.

(4) Maximum height: Four (4) stories, fifty (50) feet or as approved. The distance from average grade or curb level to the highest point of the roof, but not including chimneys, towers, spires and the like.

(5) Minimum lot area: One (1) acre.

(6) Minimum frontage of lot: Two hundred (200) feet.

(7) Minimum yard setback: None required unless abutting residential zones of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback. Front setback is thirty (30) feet.

(8) Permitted accessory use: Parking garage, day care facility, cinerarium for a church or religious institution that meets the requirements listed in section 110-179.

(9) Accessory building: Any customary, incidental to business.

(10) Conditional uses: Playfield or stadium, recreation center; dental, non-surgical medical, and optical health services.

(11) Off-street parking:

a. No parking facility shall occupy any portion of a required setback within ten (10) feet of a public street or within ten (10) feet of a lot line adjacent to a residential zone (E-1, R or T-1) or more restrictive district.

b. The parking requirements of section 110-162 shall apply.

(12) Special conditions:

a. Section 98-56 will apply.

b. Screening devices will be required in accordance with the standards of section 90-63.

(13) Off-street loading: See section 110-163.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(10); Ord. No. 11-1960, § 2, 6-6-2011; Ord. No. 14-2037, § 2, 4-7-2014)

Sec. 110-76. - C-1, commercial.

The following regulations shall be applicable to the C-1, commercial, zoning district:

(1) Description and purpose: This is a zone designed to contain mostly warehousing, distribution types of activity.

(2) Permitted uses: Office and office buildings, medical offices, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks and financial institutions, lumberyards and brickyards, warehouses, wholesale business, veterinary clinic, commercial laundries, beverage manufacturing, self-storage facilities or mini-warehouses and research, development and testing laboratories.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height of building: Four (4) stories, fifty (50) feet or as approved.

(6) Minimum lot area: Three thousand (3,000) square feet.

(7) Minimum frontage of lot: Thirty (30) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setbacks: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) Permitted accessory uses: None allowed.

(11) Accessory building: Any customary, incidental to business.

(12) Conditional uses: Supervised living facility and churches; one (1) residential unit for a caretaker or similar personnel of self-storage facilities or mini-warehouses.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions: See section 110-178 for additional design limitations and performance standards.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(11); Ord. No. 93-1241, § 4, 5-3-93; Ord. No. 00-1626, § 1, 3-20-2000; Ord. No. 08-1884, § 2, 7-7-2008; Ord. No. 13-2008, § 4, 4-15-2013; Ord. No. 14-2029, § 1, 1-6-2014)

Sec. 110-77. - C-2, commercial.

The following regulations shall be applicable to the C-2, commercial, zoning district:

(1) Description and purpose: This zone is designed to contain highrise buildings.

(2) Permitted uses: Hotels, motels, office buildings, medical offices, hospitals, banks, and financial institutions and research, development and testing laboratories.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height of building: Four (4) stories, fifty (50) feet or as approved.

(6) Minimum lot area: Ten thousand (10,000) square feet.

(7) Minimum frontage of lot: Thirty (30) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) Permitted accessory uses: None allowed.

(11) Accessory building: Any customary, incidental to business.

(12) Conditional uses: None allowed.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions: See section 110-178 for additional design limitations and performance standards.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Ord. No. 00-1626, § 1, 3-20-2000; Code 1958, § 25-3(12); Ord. No. 13-2008, § 5, 4-15-2013; Ord. No. 14-2029, § 2, 1-6-2014)

Sec. 110-78. - M-1, light industrial.

The following regulations shall be applicable to the M-1, light industrial, zoning district:

(1) Description and purpose: This zone permits most compounding, assembling or treatment of articles or materials with the exception of heavy manufacturing and the processing of raw materials.

(2) Permitted uses: Machine shops, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, clay products manufacturing, trucking yard, dairy product manufacturing, feed and fuel yards and miniwarehouses.

(3) Maximum percentage of lot to be used by building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height: Four (4) stories, fifty (50) feet or as approved.

(6) Minimum lot area: Eight thousand four hundred (8,400) square feet.

(7) Minimum frontage of lot: Sixty (60) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required unless abutting residential zone of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) Permitted accessory use: No restrictions.

(11) Accessory building: No restrictions.

(12) Conditional use: Churches.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions: See section 110-178 for additional design limitations and performance standards.

(16) This subsection is cumulative of subsections 110-76 and 110-77. All permitted and conditional [uses] in subsections 110-76 and 110-77 shall apply to the M-1 Zone. In the case of conflict, the stricter requirements shall apply.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(13); Ord. No. 93-1241, § 5, 5-3-93; Ord. No. 00-1626, § 1, 3-20-2000; Ord. No. 13-2008, § 6, 4-15-2013; Ord. No. 14-2040, § 1, 4-21-2014)

Sec. 110-79. - M-2, heavy industrial.

The following regulations shall be applicable to the M-2, heavy industrial, zoning district:

(1) Description and purpose: This zone is designed to contain those industries which process raw material into useful goods.

(2) Permitted uses: Machine shop, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, clay products manufacturing, trucking yard, dairy product manufacturing, feed and fuel yards and miniwarehouses. All other manufacturing must obtain special permits.

(3) Maximum percentage of lot to be used for building: One hundred (100) percent.

(4) Minimum floor area: None required.

(5) Maximum height: Four (4) stories, fifty (50) feet or as approved.

(6) Minimum lot area: Fifteen thousand (15,000) square feet.

(7) Minimum frontage of lot: One hundred fifty (150) feet.

(8) Minimum depth of lot: One hundred (100) feet.

(9) Minimum yard setback: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on

the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the land owner for the purposes of establishing the setback.

(10) Permitted accessory uses: No restriction except no dwellings.

(11) Accessory building: No restrictions.

(12) Conditional use: Churches.

(13) Off-street parking: See section 110-162.

(14) Off-street loading: See section 110-163.

(15) Other provisions: See section 110-178 for additional design limitations and performance standards.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(14); Ord. No. 93-1241, § 6, 5-3-93; Ord. No. 00-1626, § 1, 3-20-2000; Ord. No. 13-2008, § 7, 4-15-2013)

Sec. 110-80. - T-1, single-family residence, townhouse.

In a T-1, single-family residence, townhouse, zone designated and approved according to the provisions of this chapter, within the city or within the extraterritorial jurisdiction of the city for subdivision purposes, a townhouse or townhouse group may be erected or constructed, provided it meets the following requirements:

(1) Description and purpose: A highly restricted high density residential zone composed of single-family townhouse dwellings.

(2) Permitted uses: Single-family dwelling.

(3) Maximum percent of project to be used for covered buildings: Fifty (50) percent, including common area. Those structures constituting "covered buildings" under this provision include, but are not limited to, buildings and required covered parking spaces.

(4) Minimum living area per family: Eight hundred (800) square feet.

(5) Lots: Each townhouse is located on an individual lot.

(6) Units and area:

a. There shall be at least four (4) connected units in each townhouse project.

b. Each townhouse group shall have not less than four (4) adjoining townhouse units.

(7) Maximum height of building: Thirty-five (35) feet or two and one-half (2½) stories.

(8) Minimum area per family: Three thousand five hundred (3,500) square feet, including common area.

(9) Minimum lot area: Two thousand (2,000) square feet.

(10) Minimum frontage of lot: Twenty (20) feet.

(11) Minimum lot depth: One hundred (100) feet.

(12) Minimum yard setback:

a. Each townhouse or townhouse group shall be set back from the front street five (5) feet for the building line.

b. Each townhouse or townhouse group shall be set back from a side street twenty-five (25) feet for the building line.

c. Each townhouse or townhouse group shall be set back from the rear lot line at least ten (10) feet for the building line. Garages or carports having direct access to a rear alley or common driveway shall set back from the rear lot line at least ten (10) feet; provided, however, the planning commission may reduce or

waive the required rear setback requirements where a common area of at least twenty-five (25) feet in width is provided and there is provision for pedestrian and vehicular safety, utility service and privacy.

(13) Permitted accessory use: Mechanical building, maintenance and tool shop and recreational building, customary home occupations.

(14) Accessory building: Shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.

(15) Conditional uses: There are no conditional uses allowed.

(16) Yards:

a. Each lot shall contain a private yard with not less than three hundred (300) square feet of area. Not more than fifty (50) percent of the required private yard may be occupied by a driveway, but parking areas shall not be included in the computation of the required private yard. A wall or solid fence, not less than five (5) feet in height, shall be required on side lot lines where the required private yard adjoins such lot lines. A private yard may be a patio cover or roof which does not cover more than twenty-five (25) percent of the private yard.

b. Within a townhouse project there shall be at least fifteen (15) feet of separation or combined sideyard between each townhouse group.

c. No side yard shall be required between connected townhouses or units.

(17) Parking spaces and driveways:

a. Off-street parking: Minimum two-space garage.

1. Off-street parking spaces shall be provided for each townhouse in the number specified in section 110-162.

2. No parking shall be provided in the front five (5) feet of a townhouse lot or common area (unless the rear of the lot abuts Loop Road) nor in the twenty-five (25) feet adjacent to a side street.

b. Driveways:

1. No driveway shall be located in the front yard of a townhouse, unless the rear of the lot abuts Loop Road.

2. One-way driveways shall be at least nine (9) feet in width, and two-way driveways shall be at least eighteen (18) feet in width.

(18) Off-street loading: None.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, §§ 25-3(15), 25-3.1)

Sec. 110-81. - PUD, planned unit development.

See article IV for regulations applicable to the PUD, planned unit development, zoning district.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(17))

Sec. 110-82. - PURZ, planned unit residential zone.

See article V for regulations applicable to the PURZ, planned unit residential, zoning district.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(16))

Sec. 110-83. - MH-1, mobile home park.

See chapter 58 for regulations applicable to the MH-1 mobile home park zoning district. In addition to chapter 58, the following additional regulations shall be applicable to the MH-1 mobile home park zoning district:

(1) Description and purpose: A medium-density zone composed primarily of individual mobile or manufactured homes.

(2) Permitted use: One-family mobile home dwelling, to include HUD code manufactured homes.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, §§ 3, 4, 7-7-69; Ord. No. 74-545, §§ 1—4, 12-2-74; Ord. No. 76-602, §§ 1, 2, 9-20-76; Ord. No. 79-700, §§ 1—18, 5-21-79; Ord. No. 80-734, § 1, 3-3-80; Ord. No. 80-742, § 1, 6-16-80; Ord. No. 81-185, § 1, 8-24-81; Ord. No. 82-847, § 1, 3-1-82; Ord. No. 82-870, § 1, 9-20-82; Ord. No. 84-951, § 1, 1-21-85; Ord. No. 85-961, § 1, 2-4-85; Ord. No. 85-975, § 1, 5-6-85; Ord. No. 86-1008, § 1, 7-21-86; Ord. No. 86-1021, § 1, 11-3-86; Ord. No. 88-1061, § 2, 5-2-88; Ord. No. 90-1143, § 2, 12-3-90; Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-3(18); Ord. No. 99-1593, § 1, 3-15-99)

Cross reference— Mobile home park zone, § 58-41 et seq.

Sec. 110-84. - MH-2, manufactured homes.

Manufactured homes shall have the same definition found in Vernon's Ann. Civ. Stat. arts. 5221 et seq. The following regulations shall be applicable to the MH-2 manufactured homes zoning district:

(1) Description and purpose: A medium-density zone composed primarily of individual manufactured homes.

(2) Permitted use: One-family manufactured home dwelling.

(3) Compliance with Code. Manufactured homes in MH-2 zone shall be subject to the terms, rules and regulations found in chapter 58 of this Code, specifically sections 58-65 et seq.

(Ord. No. 99-1593, § 2, 3-15-99)

Sec. 110-85. - Exceptions.

The following are exceptions to the regulations set out in this article:

(1) Ornamental features and mechanical appurtenances may exceed height limitations, but in no case exceed one hundred forty (140) feet.

(2) Unattached garages may be placed within ten (10) feet of rear lot line if an alley is used between lots.

(3) [Corner lots.]

a. Side yards for corner lots, where front and side setbacks have not been established by plat (approved by the planning commission), shall have a minimum front yard setback from the lot line required for that zone from both streets.

b. For corner lots which have established front and side setbacks by plat (approved by the planning commission), those platted setbacks will control which is the front of the home and which is the side of the home (the front setback will be the larger of the two).

(4) If, for any reason of solar orientation, an entire area or any entire block is developed cooperatively or as a unit, standard yard regulations may be waived to carry out such purpose, providing that the zoning board of adjustment after public notice and hearing is of the opinion that such a development is not injurious to adjacent property.

(5) Lots with schools and/or churches shall have twice the side setback requirements of residence when in residential zones.

(6) Libraries and museums may be permitted in residential zones and must meet restrictions for churches.

(7) This section shall not apply to the location, construction, maintenance or use of central office buildings or corporations, firms or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance or any use of any equipment in connection with such buildings or a part of such telephone system, necessary in the furnishing of telephone service to the public.

(Ord. No. 259, 7-17-61; Code 1958, § 25-6; Ord. No. 94-1298, § 1, 7-5-94; Ord. No. 99-1593, § 2, 3-15-99)

Sec. 110-86. - Accessory structures in residential zones.

(a) The total percentage of square feet for principal buildings and accessory structures may not exceed the maximum percentage of lot to be used for buildings.

(b) The square footage of a single accessory structure shall not exceed fifty (50) percent of the principal building's footprint.

(c) The total square footage of all accessory structures shall not exceed one hundred (100) percent of the principal building's footprint or shall not exceed the maximum percentage of lot to be used for buildings, whichever is less.

(d) Accessory structures whose square footage equals two hundred (200) square feet or less may meet the alternate accessory setbacks as follows:

Alternate minimum accessory structure setback:

(1) Side, five (5) feet or interior line of easement.

(2) Rear, five (5) feet or interior line of easement.

(3) Front, to front of house.

(e) If the total square footage of accessory structures exceeds two hundred (200) square feet, only two hundred (200) square feet of those individual structures may meet the accessory setbacks. All other structures must meet the principal building setbacks. Square footage of structures may not be split between the alternate and principal building setback.

(1) For example, if a residential lot has one (1) five (5) by ten (10) (fifty (50) square foot) structure and one (1) eight (8) by twelve (12) (ninety-six (96) square foot) structure, both structures may meet the alternate setbacks. However, adding a ten (10) by ten (10) (one hundred (100) square feet) structure would cause the total amount of accessory structure square footage to exceed two hundred (200) square feet, so the ten (10) by ten (10) building would be required to meet the principal building setback.

(f) The following structures do not count towards the two hundred (200) square foot amount or to the maximum percentage of lot to be used for buildings:

(1) In ground flag poles;

(2) Fences;

(3) Light poles;

(4) Antennas;

(5) Satellite dishes;

(6) Screen enclosures;

(7) Swimming pools;

(8) Water features;

(9) Garden structures;

(10) A-frame playground equipment not anchored to the ground and that can be moved without being disassembled;

(11) Flat decks that are no more than two (2) feet in height and are not attached to the principal building and do not have a roof; and

(12) Flat decks that are attached to the principal building.

(Ord. No. 10-1951, § 8, 12-6-2010)

Secs. 110-87—110-105. - Reserved.

ARTICLE IV. - PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 110-106. - Purpose.

The purpose of a Planned Unit Development District (PUD) is to promote diversity and creativity in site design. The PUD process is provided as an option to encourage unique developments which may combine a mixture of land uses and building uses. The PUD allows flexibility in the application of development standards by permitting departures from the conventional sites, setback, and density requirements of a particular zoning district in the interest of achieving site development not otherwise possible. A PUD may not be used for the purpose of avoiding the zoning regulations applicable to the primary zoning districts. All PUD applications shall be developed in compliance with the standards of the city's master plan.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-107. - Effect of article on prior PUD approvals.

This article shall not apply to any PUD application approved by city council prior to the city's adoption of this article. In the event that a previously approved PUD is modified or requires a series of approvals, the application or modification will be evaluated under the rules and state laws in effect of the time the original PUD was approved.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-108. - Underlying zoning.

a. PUDs are created as an overlay district through an ordinance and the underlying zoning classification shall remain in place. The establishment of a PUD overlay district will supersede the underlying zoning classification unless the PUD expires or is terminated; in which case the underlying zoning classification and related regulations will be enforced. PUDs may be located in any zoning district, pursuant to the terms and provisions of this article.

b. The applicant shall follow the city's subdivision ordinance, sign ordinance, comprehensive development manual, and the PUD development manual. Any request for deviation from these ordinances or manuals shall be specifically detailed in the PUD application at the time of submission. All building and sign permits must be acquired and all permit fees must be paid during development.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-109. - PUD development size requirements.

A small PUD shall be from 5 to 50 acres; a medium size PUD shall be from 50 to 150 acres; and a large PUD shall contain at least 150 acres. All land within a PUD shall be contiguous unless divided by an existing railroad, publicly owned property, a right-of-way, or a waterway.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-110. - Eligible applicants.

PUD applications may only be initiated by a property owner. If the ownership of the land is not under a single ownership, then all owners shall either join in the application or provide a letter of consent to submit with the PUD application.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-111. - PUD approval process.

1) Pre-application Conference. Prior to the submittal of a PUD application, the applicant shall attend a pre-application meeting with the city manager or his designated representative. The purpose of the meeting is to discuss the development with respect to compatibility with existing and anticipated land uses in the vicinity and to guide the applicant in the preparation of a development plan.

2) Application and Plan. An application and fee for the establishment of a PUD must be accompanied by two hard copies of the development plan and one electronic copy. If the PUD will be developed in phases, such phases shall be shown on the development plan.

   a. The development plan must contain the following information:

      (1) Delineation of site boundaries;

      (2) General site layout showing the approximate location of buildings, parking lots, land uses, maximum and projected building height, and setbacks;

      (3) Major thoroughfares and collector streets and other streets necessary to demonstrate the circulation system;

      (4) Proposed residential development densities and acreages;

      (5) Proposed areas for schools and municipal buildings, such as fire and police substations;

      (6) Significant environmental features, including flood plains, water courses, and the impact on these features;

      (7) General topographic conditions;

      (8) All recorded and proposed easements;

      (9) A list of proposed land uses and the approximate acreage devoted to each type of use;

      (10) An open space plan;

      (11) A parks and recreation plan and a hike and bike plan;

      (12) Illustrations indicating the general form and character of development, including representative examples of residential and non-residential buildings;

      (13) A description of the different phases of the development and schedule for commencement and completion of each phase; and

      (14) A development schedule indicating the rate of anticipated development from the date on which construction begins to completion, along with clearly defined benchmarks. As part of the PUD plan, the development schedule shall be adhered to by the owner, applicant, and any successor in interest.

   b. The city reserves the right to waive one or more of the required items of a PUD application as deemed necessary due to the size of the PUD, proposed use, or availability of existing infrastructure in the immediate area; and retains the authority to request additional information deemed necessary to provide a thorough review of the application.

3) City Engineer. The city engineer shall present a written report on the development plan that summarizes the anticipated impacts of the proposed development on planning goals, utilities, emergency services, traffic, and taxes and give this report to the planning commission and the council.

4) Planning Commission. The planning commission will conduct a public hearing on all completed PUD applications in accordance with public notification procedures contained in this chapter. The planning commission will provide its final recommendation to city council for action.

5) Final Approval. Following the receipt of the final report from the planning commission, city council shall hold a public hearing in accordance with this chapter. A PUD may be created by ordinance upon approval of the development plan.

6) PUD Review Criteria. A PUD application shall be evaluated based on the following criteria:

   a. The proposal is unique in design to warrant the use of a PUD overlay and the development is not possible using the existing underlying zoning of the property;

b. The project depicts creative land development, providing a variety in the development patterns of the city which conform to the intended purpose of the city's master plan;

c. All uses within the site shall be complimentary and pose minimal impact to adjacent uses; and

d. Landscaping areas visually enhance the structures within the development and conform to the city's master plan.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-112. - Modification of approved PUDs.

A modification of an approved medium or large PUD may be approved by the city manager if the modification does not deviate more than

a. 10% in the amount of acreage of residential and multifamily land uses;

b. 15% in the amount of acreage of commercial land uses; or

c. 10% in the amount of acreage of open space.

The above-mentioned modifications are intended to give the development elasticity, not to allow the applicant to move a land use or open space to a different area of the PUD. Therefore, all modifications must retain their respective percentages of the original footprint in order for the modification to be approved by the city manager. For example, if the type of modification is allowed 10% flexibility, then 90% of the footprint shall be retained. If the modification is allowed 15% flexibility then 85% of the original footprint must be retained. Any other change shall require submittal of an amended plan to the planning commission and council. The public hearing and notice procedures of this chapter shall apply to such requested changes.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-113. - Monitoring PUD development.

(a) The applicant or applicant's designee shall submit an annual progress report to the city on the PUD anniversary date (the date of final approval of the PUD) and upon city council's or the planning commission's request. A formal review of the PUD shall be presented to council every three years or more frequently if requested by the planning commission and city council. The reporting requirements shall cease once 80% of the lot plan in all of the residential areas and 80% of all of the commercial areas are ready for building permits to be issued, which means that the area has been platted, the plats recorded, and 100% of the infrastructure in those areas have been accepted by the city. However, a final report shall be given to city council once the PUD is 100% complete.

(b) The progress report shall provide the: percentage of project completed, expected completion date of uncompleted portion, and status of the development.

(c) In the event the applicant or designee fails to provide the annual progress report or if the applicant fails to meet designated benchmarks, the planning commission may freeze all permits and plat recordation approval and not allow further permits to be issued or plats recorded. In addition, the planning commission may consider recommending to the city council that the PUD be terminated.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-114. - PUD approval.

PUD approvals shall be valid from the date of council approval in the following manner: a small PUD shall be valid for five (5) years; medium PUD shall be valid for ten (10) years; and a large PUD shall be valid for fifteen (15) years.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-115. - Termination of PUD.

If the planning commission recommends termination of the PUD, city council shall give the applicant an opportunity to show good cause why the PUD should not be terminated. If good cause is not shown, council shall terminate the PUD through an ordinance.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-116. - Extension of PUD approval.

PUD extensions may be requested if the project is not completely constructed by the end of the original approval timeline. An extension cannot be granted unless at least 60% of the lot plan in all of the residential areas and 30% of all of the commercial areas are ready for building permits to be issued, which means that the area has been platted, the plats recorded, and 100% of the infrastructure in those areas have been accepted by the city. The applicant or designee may apply for multiple two (2) year extensions. The request must not only be made before the PUD expires, but in sufficient time that the ordinance extending the PUD can be approved before the PUD expires. Extensions shall be first presented to the planning commission. The planning commission shall then give its recommendation to city council.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-117. - Dedications and improvements.

All public dedications and improvements, including (but not limited to) rights-of-way, easements, streets and roads, alleys, pedestrian way, bikeways, sidewalks, storm drainage facilities, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of the City of Lake Jackson Code of Ordinances at the time of the dedication or improvement.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-118. - Issuance of permits.

The approval of a subdivision plat, or the issuance of building or other development permits for the development of an approved PUD may be delayed or issued contingent upon the applicant's providing adequate access, storm drainage facilities, water and sanitary sewer supply systems, and electrical power supply systems.

(Ord. No. 09-1907, § 1, 7-6-2009)

Sec. 110-119. - Subsequent owners or assignees.

The applicant shall ensure that all prospective or future owners or assignees shall be informed in writing that the property is bound by the PUD documents.

(Ord. No. 09-1907, § 1, 7-6-2009)

Secs. 110-120—110-130. - Reserved.

ARTICLE V. - PLANNED UNIT RESIDENTIAL ZONE

Sec. 110-131. - Intent.

The planned unit residential zone is intended as a zone to encourage unified design of housing, commercial or institutional zones and facilities or combinations thereof to provide for related developments having harmony of design and variety of function.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22)

Sec. 110-132. - Definitions.

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

Common open space means a parcel of land or an area of water, or a combination of land and water within the site designated as a planned unit residential zone, and designed and intended for the use or enjoyment of residents of the planned unit residential zone, common open space may contain such complementary structures and improvements as are

necessary and appropriate for the benefit and enjoyment of residents of the planned unit residential development. Parking areas shall not be considered as common open space.

Landowner means the legal or beneficial owner or owners of all of the land proposed to be included in a planned unit residential zone. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this zoning section.

Plan means the proposal for development of a planned residential zone, including all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by section 110-138. The phrase "provisions of plan" where used in this article shall mean those documents, verbal or graphic, referred to in this definition.

Planned unit residential zone means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one (1) residential district established by any other article of this chapter.

Single ownership means the proprietary interest of a landowner.

Statement of objectives for planned unit residential zone means that statement of objectives contained in section 110-134 and shall include all maps and attachments incorporated in that statement of reference.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(A))

Cross reference— Definitions generally, § 1-2.

Sec. 110-133. - Purpose.

(a) The city, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and recognizing the applicability of the objectives set forth by the city council, does hereby adopt this article for application to areas of land which are to be developed as planned residential developments.

(b) Of primary concern is the need to provide increased flexibility in the laws governing the development of those large areas in the city which are at present substantially open land; and to encourage such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market; and to ensure that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of such substantially open areas consistent with the reasonable enjoyment of neighboring properties.

(c) Also of concern is the need for the redevelopment of those congested and blighted areas abutting the central areas of the city in order to furnish adequate housing facilities in proximity to the commercial and civic amenities of the central areas of the city, and in the belief that private investment should be encouraged to contribute to that redevelopment; and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriate to more viable established residential areas of the city.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(B))

Sec. 110-134. - Objectives.

(a) It is the intent of this article to encourage unified design of housing, related facilities or combinations thereof to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this article to provide for:

(1) A maximum choice in the types of environment and living units available to the public.

(2) An integration of open space and recreation areas with residential development.

(3) A pattern of development which preserves trees, outstanding natural topography and geologic features.

(4) A creative approach to the use of land and related physical development.

(5) An efficient use of land, resulting in small networks of utilities and streets and thereby lowering housing and maintenance costs.

(6) An environment of stable character in harmony with surrounding development.

(b) The city council is hereby designated as the municipal authority.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(C))

Sec. 110-135. - Application of article.

(a) The provisions of this article shall apply only to a tract of land proposed to be developed for fifty (50) or more dwelling units, which tract is under single ownership, and for which an application for a planned unit residential zone is made as hereinafter provided.

(b) An application for a planned unit residential zone on a tract of land for more than twelve (12) but less than fifty (50) or more dwelling units may be filed but no tentative approval of such an application shall be given by the planning commission unless the commission shall find, upon a showing by the landowner, that the minimum of fifty (50) dwelling units should be waived because a planned unit residential zone is in the public interest, and that one (1) or more of the following conditions exist:

(1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise necessary or appropriate in order to conserve a physical or topographic feature of importance to the city.

(2) The property or its neighborhood has a unique character of economic importance to the community that it will be protected by use of a planned unit residential development.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(D))

Sec. 110-136. - Permitted uses.

Uses permitted in a planned unit residential development may include and shall be limited to:

(1) Dwelling units in detached, semidetached, attached or multistoried structures, or any combination thereof; and

(2) Nonresidential uses of religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the planned unit residential zone.

No commercial use, nor any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(E))

Sec. 110-137. - Standards and criteria.

(a) The plan for a planned unit residential zone shall be consistent with:

(1) The statement of objectives for planned unit residential zone;

(2) The general standards set out hereinafter; and

(3) The specific rules and regulations for the planned unit residential zone adopted from time to time and placed in the public record by the city council. No such rules and regulations shall be revised or added to so as to be applicable to a specific proposal for a planned unit residential zone after an application for tentative approval has been filed by the landowner.

(b) A plan shall be consistent with the following general standards for use of land, and the use, type, bulk, design and location of building, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

(1) The plan may provide for a variety of housing types.

(2) The total ground areas occupied by buildings, structures and parking areas, shall not exceed seventy (70) percent of the total ground area of the planned unit residential zone. For the purpose of this subsection, total ground area shall be equal to the gross area of the proposed planned unit residential zone site, less those areas required for public street improvements or excavated drainage areas.

(3) Height of particular building shall not be a basis for denial or approval of a plan, provided any structures in excess of thirty-five (35) feet shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.

(4) Architectural style of buildings shall not be a basis for denying approval of a plan.

(5) Nonresidential uses of religious, educational or recreational nature shall be presumed to be designed or intended for the use of the residents of the planned unit residential zone, and the burden shall be on the planning commission or objecting parties appearing at the public hearings to show by substantial evidence that the use will primarily serve persons residing outside the planned unit residential zone. The burden shall be on the landowner to show that nonresidential uses of a commercial character are intended to serve principally the residents of the planned unit residential zone. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the construction of not less than fifty (50) percent of the dwelling units proposed in the plan.

(6) If the density or intensity of land use exceeds twenty (20) units per acre, the landowner has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The planning commission, in determining the reasonableness of the increase in the units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space and achieved by the location, design and type of dwelling units. The planning commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

(7) The amount and location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned unit residential zone, and there shall be such provisions for the ownership and maintenance of the common open space as reasonable to ensure its continuity and conservation. If the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the entire city then, and in such event, the city shall take those remedial steps provided for in section 82-41.

(8) The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities as are necessary for the welfare of the planned unit residential zone and are not inconsistent with the best interest of the entire city. Such covenants, easements and other provisions, if part of the plan as finally approved, may be modified, removed or released only in accordance with those requirements specified by this Code.

(9) The planning commission may designate divisible geographic sections of the entire planned unit residential zone to be developed sequentially, and shall, in such case, specify reasonable periods within which development of each such section must be commenced, and may permit in each section deviations from the number of dwelling units per acre established for the entire planned unit residential zone, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned unit residential zone is not affected. The period of the entire development and the commencement date for each section thereof, may be modified from time to time by the planning commission upon the showing of good cause by the landowner, provided that in no case, shall any extension exceed twelve (12) months. If the landowner does not appear in the specified time, his final plat approval may be revoked by the planning commission. The landowner shall make such easements, covenants and other arrangements as may be determined by the planning commission to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of such plan before completion.

(10) The uniqueness of each proposal for a planned unit residential zone may require waiver from the specifications established in chapter 90. The planning commission may, therefore, within the limits specified, waive or modify the specifications otherwise applicable for a particular public facility where the planning commission finds that such specifications are not required in the interests of the residents of the planned unit residential zone and that the modifications of such specifications are not inconsistent with the interests of the entire city. No such modifications shall be made without prior approval of the city council. Any such modifications must be stated in the plan.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(F))

Sec. 110-138. - Application for approval.

(a) Application for planned unit residential zone. To zone property as provided for in this article, the applicant must complete all of the steps in the following process:

(1) Preapplication conference. Prior to the formal application for a planned unit residential zoning change, the applicant shall discuss with the city manager the elements of the proposed planned unit development, including, but not limited to:

a. The project location.

b. The project size.

c. The project's intended land use.

d. The variation from normal zoning provisions needed to implement the plan.

e. The relationship of the proposed project to existing adjacent development.

f. The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the preapplication conference is to clarify for the applicant, the city's policies regarding planned unit development and for the city to provide an informal nonbinding opinion on the acceptability of the proposal.

(b) Preliminary plan. To receive preliminary approval of a request for planned unit residential zoning, the applicant shall submit the following:

(1) A preliminary plan including:

a. A location diagram at a convenient scale.

b. A land use plan at a scale of one (1) inch equals one hundred (100) feet, illustrating the boundaries of the proposed tract, any existing land uses on proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to, topography, vegetation or flooding, and adjacent existing land uses to a distance of two hundred (200) feet. This land use of plan shall also illustrate existing zoning on and within two hundred (200) feet of the proposed development.

(2) Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet, illustrating all of the elements of the proposal, including, but not limited to:

a. Land uses and drainage.

b. Circulation and parking.

c. Common area(s).

(3) A staging plan, if appropriate to the proposal.

(4) The variation from normal zoning provisions needed to implement the plan.

(5) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan.

(6) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development, and the landowner's reasons why, in his opinion, the planned unit residential zone would be in the public interest and would be consistent with the city's statement of objectives for planned unit residential zone and with the specific criteria, if any, theretofore published by the planning commission.

(7) The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

(8) One (1) copy for every application for tentative approval received by the secretary shall be promptly delivered to the planning commission for its review. As part of its review the planning commission shall consult to the extent it deems necessary with the fire, health, building and other departments of the city concerning such application.

(9) Nothing contained in this section shall be deemed to forbid or discourage informal consultations between the landowner and the city staff prior to the filing of an application for a tentative approval, provided no statement or representation by a member of the staff shall be binding upon the planning commission.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(G))

Sec. 110-139. - Public hearing.

The planning commission and the city council shall hold a joint public hearing on each proposed planned residential development, as specified in section 110-6, and all the requirements of section 110-6 must be met. Applicant should return to the planning commission if the commission requires changes of the preliminary or final plan.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(H))

Sec. 110-140. - Final plan and recordation.

(a) Final plan. To complete the zoning process, the applicant for a planned residential development shall, as soon as possible following action on the preliminary plan, submit the following for review and approval:

(1) Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the planning commission during the preliminary plan review process. Such changes shall be reviewed and approved by the planning commission. All of the requirements of the preliminary plan shall also be requirements of the final plan.

(2) Two (2) copies of staging plan, if appropriate to the proposal, reflecting all changes required by the planning commission during the preliminary plan review process.

(3) A specific listing of variations required in chapter 90.

(4) Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties including the legal instrument required by section 110-138(b)(7).

The city council shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the zoning shall be changed.

(b) Subdivision plat. Review of the preliminary plan and the final plan may, at the option of the applicant, be undertaken simultaneously with subdivision plat review; provided, however, that all requirements of this section and those of chapter 90 shall be met.

(c) Recording of the approved plan. Two (2) copies of the final approved plan shall be marked approved, dated, signed by the planning commission and submitted to the city manager for use in subdivision platting and/or issuing building permits.

(d) Changes in the plan. Following favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character or overall design of the plan may be approved by the city manager and city engineer. Any other alterations shall be resubmitted for review by the planning commission.

(Ord. No. 80-734, § 2, 3-3-80; Code 1958, § 25-22(I))

Secs. 110-141—110-160. - Reserved.

ARTICLE VI. - SUPPLEMENTARY REGULATIONS

Sec. 110-161. - Customary home occupations.

(a) Definitions.

Answering service means the receiving and relaying of telephone messages by a human operator. Answering service does not include telemarketing or soliciting business or the purchase of goods and/or services by telephone.

Community home means a personal care facility licensed under V.T.C.A., Health and Safety Code ch. 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings. No more than six (6) persons with disabilities can reside in a community home and the principal resident/owner must reside in the home. The aforementioned is subject to reasonable building occupancy limits as may be required of the building official and/or fire marshal. A community home may not keep, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Customary home occupation means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use.

Daycare facility means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty-four (24) hours a day.

Demand responsive transport services means a service that offers on-demand call-up door-to-door service from any origin to any destination in a service area.

Kennel means any lot, building, structure, enclosure or premises where animals are kept wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats or other animals.

Limousine means a motor vehicle with a lengthened wheelbase.

Person with a disability means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

(1) An orthopedic, visual, speech, or hearing impairment;

(2) Alzheimer's disease;

(3) Pre-senile dementia;

(4) Cerebral palsy;

(5) Muscular dystrophy;

(6) Multiple sclerosis;

(7) Epilepsy;

(8) Cancer;

(9) Heart disease;

(10) Diabetes;

(11) Mental retardation;

(12) Autism; or

(13) Emotional illness.

Service representative means an occupation whereby a service is provided. Service representative includes but is not limited to electrician, plumber, interior decorator, accountant, air conditioning repair, small appliance repair, janitorial service, pool service, lawn and landscape service, real estate appraiser and similar occupation.

(b) Customary home occupations may be conducted in the home within the limits of the following:

(1) Uses permitted Customary home occupations include home office for a salesman, sales or service representative, manufacturer representative, studio of an artist, musician, music teacher, etiquette teacher, photographer, writer, tailor, architect, dressmaker, launderer, registered family homes, agency homes, community home for the disabled, daycare facilities for twelve (12) or fewer persons, caterers licensed by the city, the transfer of firearms, demand responsive transport services, answering service, or other similar occupations.

(a) Under this subsection, firearms may only be transferred by a person who holds a federal firearms license and may only be transferred to a person who already owns, but does not yet possess, the firearm. Commercial selling or trading of firearms is prohibited. Maintaining stock or inventory of firearms is prohibited.

(b) Under this subsection, the operator of a demand responsive transport service must comply with the following:

1. Only one (1) vehicle may be used for the occupation;

2. The vehicle may not be more than thirty-five (35) feet in length;

3. The vehicle may not be a limousine or any other vehicle listed in subsection 98-154(b);

4. The vehicle cannot be a 15-person passenger van or bus;

5. The vehicle shall be parked on a concrete pad;

6. The vehicle shall be parked completely behind the sidewalk; or within a five-foot setback from the curb edge if there is no sidewalk;

7. The vehicle shall not be operated on a fixed route;

8. The operator shall not deviate from a route to pick up or discharge other passengers unless at the request of the customer that initiated the call; and

9. The operator shall obtain a permit from the city on which all drivers of the vehicle are listed as well as the license plate number and the vehicle identification number of the vehicle. The city manager may revoke or suspend the permit for any violations of this section.

(2) Uses not permitted. Uses not considered customary home occupations include, but are not limited to, barbershops, beauty parlors, animal hospitals, kennels, carpenter shops, electrical shops, plumbing shops, radio shops, tin shops, auto repair, auto paint and body repair shops, furniture repairing shops, clinics, doctor offices, hospitals, real estate offices, insurance agent offices, health studios, palm readers, day care centers or day care facilities which care for more than twelve (12) persons, taxi and limousine services, garage/yard sales (except that as many as two (2) garage/yard sales may be held per year), major appliance repair shops, dance studios or other similar occupations.

(3) Use restrictions. In addition to the requirements of the appropriate section of this chapter, a home occupation shall comply with the following restrictions.

a. No home occupation shall cause, by reason of its existence, a significant increase in the number of vehicles traveling to and from the home or on the public streets surrounding or abutting the home, nor shall the home occupation receive regular deliveries from delivery trucks.

b. A home occupation shall in no way destroy, restrict or interfere with the primary use of the home as a place of residence.

c. No stock in trade shall be displayed or sold on the premises except that which is custom made to order.

d. The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, and in no event shall such use be visible from any other residential structure or public way.

e. There shall be no outdoor storage of equipment or material used in the home occupation.

f. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance outside the residential or accessory structure shall be used.

g. No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

h. No person other than members of the family residing on the premises shall be engaged in the home occupation unless required by licensing requirements or where such engagement is occasional and incidental to the occupation.

(4) Advertising. No sign advertising the home occupation shall be allowed on or off the premises.

(5) Preexisting day care facilities. Day care facilities operating prior to June 1, 1992, which are permitted for more than twelve (12) persons may continue to exist or operate, provided that such facilities do not modify the terms and conditions of their current license with regard to owner and number of clients.

(6) Penalty. Any person who violates this section shall be subject to a fine of not more than two thousand dollars ($2,000.00) for each violation for each day that the violation continues.

(Ord. No. 92-1201, § 1, 6-15-92; Code 1958, § 25-4.1; Ord. No. 99-1603, § 1, 7-6-99; Ord. No. 01-1653, § 1, 3-26-2001; Ord. No. 03-1735, § 1, 10-6-2003; Ord. No. 08-1876, § 1, 2-18-2008; Ord. No. 12-1989, § 1, 7-16-2012; Ord. No. 13-2021, § 1, 10-7-2013; Ord. No. 14-2048, § 1, 8-4-2014)

State Law reference— Industrial homework, V.T.C.A., Health and Safety Code § 143.001 et seq.

Sec. 110-162. - Parking requirements.

Off-street parking facilities shall be provided in the following amounts when a building is erected, increased by unit, increased in dimension or moved:

(1) One-family dwellings: Two-space garage, except as otherwise provided in this chapter.

(2) Two-family dwellings (duplexes): Four (4) spaces.

(3) Multiple-family dwelling:

a. Apartment house: Two and one-half (2½) spaces per living unit.

b. Townhouses: Two (2) spaces per living unit.

(4) Roominghouses, lodginghouses, club rooms, fraternity and sorority houses and dormitories: One (1) space for every one hundred (100) square feet of floor area.

(5) Hotels, motels, motor lodges, trailer courts, tourist courts: One (1) space for each guest room or trailer space and one (1) space for each two (2) employees (associated commercial, club, lounge or retail areas require additional spaces, see subsection (6).

(6) Dancehall, nightclub, tavern, restaurant, lounge, skating rink, commercial amusement: One (1) space for each three (3) persons normally accommodated in the establishment; for user not requiring a building, one (1) space for each eight hundred (800) square feet of ground area shall be provided.

(7) Nursing homes and orphanages: One (1) space for each four (4) beds.

(8) Hospitals, sanatoriums, home for the aged and youth home: One and one-half (1½) spaces per bed or dwelling unit.

(9) Office permitted in R-4 zone: One (1) space for each three hundred (300) square feet of gross floor area.

(10) Theater, indoor sport arenas, auditoriums other than those incidental to public and private schools: One (1) space for each three (3) seats.

(11) Stadiums, ballparks, gymnasium and other outdoor sport arenas: One (1) space for each three (3) seats. Such parking area or any portion thereof, may be located within eight hundred (800) feet of the nearest corner of the property on which the place of assembly is located.

(12) Churches, assembly facility with fixed seating, mortuary or funeral home, or other places of worship: One (1) space for each three (3) seats in the main auditorium.

(13) Retail stores, super markets, shopping centers:

a. For buildings of two thousand (2,000) square feet or less: One (1) space for four hundred (400) square feet of gross floor area.

b. For buildings in excess of two thousand (2,000) square feet of floor area: One (1) space for two hundred (200) square feet of gross floor area.

(14) Banks, savings and loan offices and other general business offices: One (1) space for each three hundred (300) square feet of gross floor area.

(15) Clinic, medical, dental or optical: One (1) space for each two hundred (200) square feet of gross floor area.

(16) Manufacturing, warehouses and storage not covered in subsection (13): One (1) space for each one thousand (1,000) square feet of floor area plus one (1) space for each four (4) employees.

(17) School:

a. Elementary: One (1) space for each nine (9) students.

b. Junior high: One (1) space for each nine (9) students.

c. Senior high: One (1) space for each one and three-quarters (1.75) students.

d. Trade/vocational: One (1) space per student.

e. College/university: One (1) space per day student.

f. Kindergarten: One (1) space per eight (8) pupils.

(18) Library: One (1) space for each three hundred fifty (350) square feet of public area.

(19) Community or welfare center: One (1) space for each two hundred (200) square feet of floor area.

(20) Assembly facility without fixed seating: One (1) space for each one hundred (100) square feet of floor area.

(21) Bowling alley: Six (6) spaces for each line.

(22) Other, as determined by the planning commission.

(23) Off-street parking for uses not specified in this section shall be determined by the planning commission.

(24) All parking spaces must be a minimum of nine (9) feet by eighteen (18) feet.

(25) All parking spaces required in this section shall be located on the same lot with the building or use served, except as follows:

a. Where an increase in number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

b. The Planning Commission may allow a business, commercial or institutional use to share parking spaces with another use to meet the required number of parking spaces. The developer must present a site plan and calculations to show that sharing the parking will not cause a shortage of parking spaces or congestion.

c. The Planning Commission may waive off-street parking requirements where there is reasonable justification for doing so.

d. All shared parking arrangements must be acknowledged in a written agreement executed by all involved parties and approved by the city attorney. The agreement shall be filed with the application for a building permit.

(26) Any head-in parking or parking on public right-of-way where street width is less than forty-eight (48) feet is prohibited in front of all property.

(27) Where there is on-street parking provided, those spaces in front of a property may be used by that property, plus one-half (½) the spaces in the center where there is center parking. If there is an esplanade, a lot may use the lots abutting and those at the esplanade.

(28) The provisions of this section shall not apply to the facilities or parking spaces approved by the city prior to March 1, 1981.

(29) Whenever a building or use is constructed or changed after December 3, 1990, by enlarging the floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a requirement for an increase in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or change in use.

(Ord. No. 259, 7-17-61; Ord. No. 69-397, § 5, 7-7-69; Ord. No. 73-506, § 1, 9-10-73; Ord. No. 81-780, § 1, 2-23-81; Ord. No. 90-1143, § 3, 12-3-90; Code 1958, § 25-7; Ord. No. 11-1964, § 2, 7-5-2011)

Sec. 110-163. - Loading requirements.

(a) On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any zone after July 17, 1961, shall provide loading and unloading space as follows:

(1) Buildings of less than ten thousand (10,000) square feet of floor area must provide at the rear of each establishment a loading and unloading space which is adequate for the particular type of business.

(2) Buildings of ten thousand (10,000) square feet of floor area and over must provide one (1) off-street loading and unloading space within minimum dimensions of ten (10) feet by twenty-five (25) feet by fifteen (15) feet overhead clearance, plus one (1) additional such space for each additional fifteen thousand (15,000) square feet of floor space or major fraction thereof.

(3) Loading space being maintained in connection with any existing building on the effective date of the ordinance from which this provision derives shall thereafter be maintained so long as such building remains, unless an equivalent number of such spaces are provided conforming to the requirements of this section; provided,

however, that this regulation shall not require the maintenance of more loading space than is required for a new building.

(b) Supervised living facilities and other health care institutions or other buildings where large amounts of goods are received or shipped, erected in any zone after December 3, 1990, shall provide loading and unloading space as follows:

(1) Off-street facilities shall be provided and maintained for receiving and loading of merchandise, supplies and materials within a building or on the premises.

(2) Required off-street loading facilities may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.

(3) No portion of a loading facility may extend into a public right-of-way.

(4) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.

(Ord. No. 259, 7-17-61; Ord. No. 90-1143, § 4, 12-3-90; Code 1958, § 25-8)

Sec. 110-164. - Mining, excavation, soil removal.

No mining, excavation, or soil removal except in connection with construction covered by building permit.

(Ord. No. 259, 7-17-61; Code 1958, § 25-4(1))

Sec. 110-165. - Number of main buildings—Residential.

Only one (1) principal building may be located upon an R-1, R-2, R-2A, or R-3 lot. The principal building shall be habitable.

(Ord. No. 259, 7-17-61; Code 1958, § 25-4(2); Ord. No. 10-1951, § 9, 12-6-2010)

Sec. 110-166. - Same—Nonresidential.

Where a lot is used for retail, commercial, industrial or a combination of same, more than one (1) main building may be located upon the lot but only when such building conforms to all the open space, parking and density requirements applicable to the uses and zones and when all such main buildings face upon a street.

(Ord. No. 259, 7-17-61; Code 1958, § 25-4(3))

Sec. 110-167. - Same—Facing streets.

Whenever two (2) or more main buildings, or portions thereof, are placed upon a single lot and such buildings will not face upon a street, the same may be permitted when the site plan for such development is approved by the city planning commission so as to comply with the normal requirements for platting.

(Ord. No. 259, 7-17-61; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(5))

Sec. 110-168. - Screening.

Screening consisting of either masonry, or berms with adequate trees or shrubs, or chainlink fencing with adequate trees or shrubs shall be required when a business, commercial or industrial building backs up to either a major city street or a state highway and there are garbage receptacles, work vehicles and other common but unsightly operational or back-door materials visible. Such screening must be thick or dense enough to hide the unsightly items up to a height of at least six (6) feet.

(Ord. No. 259, 7-17-61; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(4))

Sec. 110-169. - Permits for multiple buildings.

Whenever an area or tract of land under one (1) or several ownerships is proposed for development with more than one (1) main building, permits may be issued for housing projects, shopping centers, institutions, industrial development,

or a combination development of two (2) or more uses when the same is issued with the approval of the planning commission.

(Ord. No. 259, 7-17-61; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(6))

Sec. 110-170. - Height restrictions generally.

No structure shall be built with a height of more than one hundred forty (140) feet within ten thousand (10,000) feet of the center of an airport. No structure shall be built with a height of more than one hundred (100) feet within three (3) miles of either end of and in a line with any runway of an airport.

(Ord. No. 259, 7-17-61; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(7))

Sec. 110-171. - Sight-obstruction at intersections.

On any corner lot on which front and side yards are required, no fence, structure, sign, tree, shrub or hedge may be maintained within a twenty-five-foot isosceles triangle formed by the lot lines on the corner, as to cause danger to traffic by obstructing the view.

(Ord. No. 259, 7-17-61; Ord. No. 84-914, § 2, 2-20-84; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(9))

Sec. 110-172. - Reserved.

Editor's note— Ord. No. 14-2038, § 1, adopted Apr. 21, 2014, deleted § 110-172, which pertained to fences—when required and derived from Ord. No. 259, adopted July 17, 1961; Ord. No. 80-764, § 1, adopted Nov. 17, 1980; Ord. No. 85-969, § 1, adopted Mar. 4, 1985; and Code 1958, § 25-4(8).

Cross reference— Fence required for swimming pools, § 14-272.

Sec. 110-173. - Fences—Construction permits required.

(a) It shall be unlawful for any person, business, partnership, corporation, or other entity, to commence the construction, enlargement, extension or relocation of a fence without first obtaining a permit from the building official for such work. There shall be no fee charged for a fence permit.

(1) Application. Application for a fence construction permit shall be made to the building official on forms provided for that purpose.

(2) Requirements. The building official shall require that every application for a fence construction permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed fence and its placement is in accordance with this chapter:

a. Lot dimensions and corners. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are identified by stakes or rods and established on the ground. The proposed fence should be within the property line of the lot seeking the permit.

b. Existing yards. The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

c. Proposed structures.

1. The shape, height, type, quality, fabric, and location of all fences on a lot shall be consistent.

2. All nails or fasteners shall be of nonrusting, noncorrosive metal such as hot dipped galvanized steel. All nails or fasteners shall be of the type (such as screw shank, ring shank, or divergent point staples) that when properly driven, will not work free, due to wind, vibration or shrinkage of members.

3. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rust, rot, vandalism, and other sources of decay.

(3) Issuance. If the proposed fence as set forth in the application is in conformity with the provisions of this chapter, the building official shall issue a fence permit.

(4) Disapproval. If an application for a fence permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

(Ord. No. 259, 7-17-61; Ord. No. 84-914, § 2, 2-20-84; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(10); Ord. No. 93-1253, § 1, 8-2-93; Ord. No. 96-1399, § 1, 11-4-96; Ord. No. 13-2008, § 8, 4-15-2013; Ord. No. 14-2038, § 2, 4-21-2014)

Sec. 110-173.1. - Same—Height, location, and maintenance.

(a) No fence or enclosure shall exceed a height of seven (7) feet measured from the ground directly below the fence, with the following exceptions:

(1) The side of the property abutting an arterial street or state highway may have fences up to eight and one-half (8½) feet in height.

(2) Business properties in business, commercial and manufacturing zones (B-1 through M-2) may, for security purposes, have fences up to ten (10) feet in height.

(3) Multi-family, business, commercial or industrial uses that abut a single-family residence zone on any side or the rear must be screened with a fence that is at least six (6) feet but no more than ten (10) feet in height. If the fence is to exceed eight (8) feet in height, the applicant must prove a specific need to the planning commission and the applicant must submit a site plan or landscape plan that depicts the fence.

(4) Applicants for uses in business, commercial and industrial zones may have a fence that exceeds seven (7) feet in height if the applicant proves a specific need to the planning commission. The applicant must submit a site plan or landscape plan that depicts the fence.

(b) The planning commission may grant an applicant's request not to have a fence if the applicant proves that there is a physical need related to the property to omit the fence.

(c) No fence or enclosure shall extend closer to any street right-of-way line than the building line in front (see section 110-2 building line definition, being the front of the building) and the point of intersection of the building line with the property line on the side, except that when the lot is at least one (1) acre or more, ornamental see-thru (spaces six (6) inches to eighteen (18) inches in width) iron or steel fences with brick pillars may be erected up to and along the minimum setback line in front and on the property line on the side to its intersection with the minimum setback line in front.

(d) All fences shall be maintained by the property owner/lessee and shall be kept clean, free from all hazards such as, but not limited to faulty and loose fastenings, nails, boards, so as not to be detrimental to the public health and safety.

(Ord. No. 14-2038, § 3, 4-21-2014)

Sec. 110-174. - Surfacing of off-street parking areas.

All off-street parking areas shall be graded and paved with an all weather type pavement, either concrete, asphaltic concrete or other surfacing material.

(Ord. No. 259, 7-17-61; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(11))

Sec. 110-175. - Lot widths.

For the purpose of determining the minimum required width of the lot for building purposes, the width required may be measured at either the front line or the building line, whichever is greater, as long as either the front line or the building line meets the minimum requirement for the frontage of the lot or site under this Code for the particular zone and the lot meets the total square footage requirement of the Code for that zone.

(Ord. No. 259, 7-17-61; Ord. No. 84-929, § 1, 5-21-84; Ord. No. 85-969, § 1, 3-4-85; Code 1958, § 25-4(12))

Sec. 110-176. - Tents in business and commercial zones.

The time period for which a business or other entity may erect or have a tent on their premises in business and commercial zones for the purpose of housing materials, providing cover from the elements, providing for an outside sale area, providing for entertainment, conventions or any other social, business or commercial purpose shall not exceed thirty (30) days total for a calendar year.

(Ord. No. 93-1262, § 1(25-4(13)), 11-1-93)

Sec. 110-177. - Screen enclosures.

(a) Interpretation of the definition of a screen enclosure shall be the duty of the building official.

(b) Appeals of the definition may be made to the zoning board of adjustments through the building official. The decision of the zoning board of adjustments shall be final if no challenge suit is filed in district court within fifteen (15) days after the decision.

(c) Screen enclosures shall not be counted toward total percentage of allowable structures on any lot. This subsection shall apply to all those structures existing on February 17, 1997, as well as those that are erected after that date.

(d) Additionally, screen enclosures shall:

(1) Be designed and stamped by an engineer to meet Texas windstorm standards;

(2) Not encroach onto any easements or setback requirement;

(3) Be considered a structure and a permit is required;

(4) Be exempted from the percentage of lot allowed for buildings or structures; and

(5) Be subject to all other requirements for buildings or structures and those requirements shall be enforced.

(Ord. No. 97-1412, § 1, 2-17-97; Ord. No. 10-1951, § 10, 12-6-2010)

Sec. 110-178. - Design limitations.

(a) The following design limitations shall apply after March 1, 2000, when a B-1A, B-2, C-1, C-2, M-1 or M-2 zone lot line is within sixty (60) feet of single-family residential area lot lines:

(1) All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right-of-way.

(2) All lots zoned for business, commercial, or industrial uses shall be screened in accordance with section 110-180 if the lot line is within sixty (60) feet of a single-family residential area lot line.

(3) Hours of operation shall be limited to 5:00 a.m. to 12:00 midnight unless planning commission review determines alternative hours will not adversely impact the neighborhood residents outside normal hours of operations, all external lighting except that necessary for security purposes shall be secured.

(4) No structure shall be located nearer to any single-family residential property than a distance equal to one and one-half (1½) times the height of the exterior walls of such building or structure. But those businesses built prior to March 1, 2000, are excepted from this requirement.

(5) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance at nearby residential lot lines shall be permitted. Mechanical and electrical equipment shall be designed and installed to minimize noise impact on surrounding residential property. Additionally, no external amplified sound for other than safety or security purposes is allowed.

(6) Uses that typically and inherently produce significant noise such as tire shops, muffler shops and car wash facilities are not allowed unless design features are present to eliminate noise that would intrude on the neighborhood.

(7) All exterior signage, both temporary and permanent, shall meet the conducive color standards of section 110-72(17) and is subject to a design review and placement study by the planning commission. All signage detached from buildings/structures shall meet the requirements of a monument sign as defined in section 78-10 of this Code.

(8) All storage, both temporary and permanent, of materials, pending customer work (i.e., vehicles), freight/deliveries or products intended for sale/lease shall be within the building or structure.

(b) The following performance standards shall be used after March 1, 2000 for the purpose of evaluating the development proposals when a B-1A, B-2, C-1, C-2, M-1 or M-2 zone lot line is within sixty (60) feet of single-family residential area lot line:

(1) New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors or colors conducive to colors in the surrounding residential area.

a. Colors of awnings should be muted, natural or earth toned and related to major materials of the building.

b. Window frames may be of an accent color to complement the major wall material.

c. Paint shall be flat or semi-gloss.

d. Metal roofs grey, natural green, rust or brown.

e. Metal canopies dark anodized or black or to match roof.

This shall involve the preservation of the character of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residence environment.

(2) The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighboring residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

(3) Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

(Ord. No. 00-1626, § 2, 3-20-2000; Ord. No. 13-2008, § 9, 4-15-2013)

Sec. 110-179. - Cinerariums.

(a) [Definition.] For purposes of this section, building means a free standing occupiable structure, exclusive of any other structure connected to the building by breezeways, walkways, or other types of attachment.

(b) All cinerariums. The following regulations shall apply to all cinerariums.

(1) Only a church or religious institution that owns and uses the property on which the cinerarium shall sit may install and use a cinerarium.

(2) Only one (1) cinerarium is allowed per church or religious institution.

(3) Only one (1) cinerarium is allowed per lot.

(4) A cinerarium shall contain no more than one hundred fifty (150) niches, with each niche measuring no more than twelve (12) inches by twelve (12) inches by twelve (12) inches.

(5) Each niche shall only contain the cremains of one (1) person at a time.

(6) No sign permit shall be issued that identifies an area as a cinerarium.

(7) Cinerariums may not occupy more than three hundred (300) square feet. This three hundred (300) square foot limitation includes the niches as well as the concrete slab or wall that contains the niches.

(8) The church or religious institution must maintain a current list of those interred in the cinerarium.

(9) The church or religious institution must file a plat with the county clerk showing the layout or plan of the cinerarium. The church must file an amended plat if the number of niches in the cinerarium changes.

(c) Interior cinerariums. The following regulations shall apply to all interior cinerariums.

(1) The cinerarium may only be inside of a building and it must adjoin and be a part of the building that houses the main sanctuary.

(2) Niches may only be accessible and viewed from the interior of the building.

(3) If the sanctuary is moved, then the cinerarium must also be moved so that all requirements in this section are met.

(d) Exterior cinerariums. The following regulations shall apply to all exterior cinerariums.

(1) The cinerarium shall consist of an in-ground concrete slab with niches constructed in the slab for placement of urns or other suitable containers for cremains.

(2) The cinerarium must adjoin the building that houses the main sanctuary on the church or religious institution's campus.

(3) The cinerarium must be constructed so that the niches do not collect water.

(4) The top surface of the cinerarium, including the niche covers, cannot be higher than the top elevation of the building's foundation to which the cinerarium adjoins.

(5) All niches shall have a uniform cover.

(6) The cinerarium shall be built so that no items such as ornaments, flower vases, or other memorials that extend above the surface of the cinerarium are accommodated.

(7) The cinerarium may be enclosed within a wall. The wall either must be made from masonry materials or must consist of a hedge that completely screens the cinerarium. Wooden fences may not be used to screen the cinerarium. The wall may not contain niches.

(8) If the sanctuary is moved, then the cinerarium must also be moved so that all requirements in this section are met.

(e) Removal of cremains.

(1) Once the property ceases to be used for a church or religious institution or if the property is deemed to be a nuisance, the property owner shall be responsible for the removal of all cremains.

(2) If the property owner does not remove the cremains, the city shall remove and dispose of the cremains as allowed by state law. The city shall document the place and manner of disposal and shall keep such documentation as a permanent record.

(Ord. No. 11-1960, § 3, 6-6-2011)

Sec. 110-180. - Screening and fencing materials.

(a) Unsightly features. When a business, commercial or industrial use backs up to a major city street or a state highway and there are garbage receptacles, work vehicles and other common but unsightly operational or back-door materials visible, the unsightly area may be required to have at least a six-foot screen consisting of:

(1) Masonry walls;

(2) Wood fencing;

(3) Chain link fencing with trees or shrubs thick or dense enough to hide the unsightly items; or

(4) Berms with adequate trees or shrubs thick or dense enough to hide the unsightly items.

(b) Abutting single-family residential zones. Where a multi-family, business, commercial or industrial use abuts a single-family residence zone on any side or the rear, the fence must be solid enough to prevent light penetration.

(c) Fencing materials. Fencing materials for fences that are over two (2) feet and are not installed to fence agricultural uses may only consist of:

(1) Chain link;

(2) Wood that is decay resistant;

(3) Iron or steel ornamental;

(4) Chain link with vinyl slats;

(5) Masonry;

(6) Wrought iron;

(7) Solid stone;

(8) Galvanized welded wire with a minimum thickness of at least wire gauge 14 if used as a backing fabric in conjunction with wood, masonry, stone, or otherwise approved fencing. The fence shall be constructed with adequate frame and rail structure so that the wire does not sag, does not become misshapen when a person or animal climbs over the fence or pushes against the fence, and the mesh opening does not permit the passage of a sphere with a diameter of four (4) inches. This does not include woven or knotted wire fabric similar to commercial rural field fence products. (See Fig. 1)

(d) Barbed wire. Fences surrounding commercial and industrial uses may contain barbed wire on the top of the fencing if the use is not adjacent to a residential zone. Barbed wire may be used in E-1 residential zones.

(Ord. No. 13-2008, § 10, 4-15-2013; Ord. No. 14-2038, § 4, 4-21-2014)

Secs. 110-181—110-195. - Reserved.

ARTICLE VII. - AIRPORT ZONING

Sec. 110-196. - Airport zoning.

(Reserved)

(Ord. No. 259, 7-17-61; Code 1958, § 25-9)

Editor's note— The above section is reserved for future airport zoning regulations.

State Law reference— Municipal and county zoning authority around airports, V.T.C.A., Local Government Code ch. 241.