

Sec. 53-33. - General requirements and limitations.

- (a) *Conformity to zoning district required.* No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.
- (b) *Signs and billboards.* No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this chapter and all applicable city ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.
- (c) *Structures and buildings.* No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable city codes and ordinances, and such work and structure shall:
 - (1) Conform to the building setback line, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
 - (2) Not exceed the height limit herein established for the district in which such building is located, except as specifically authorized as follows:
 - a. The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flagpoles, and necessary mechanical appurtenances. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.
 - b. Public or semipublic service buildings, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and other places of worship may be erected to a height not exceeding 75 feet when each of the required yards is increased by one foot for each two feet of additional building height above the height limits for the district in which the building is located.
- (d) *Accessory structures and uses.* Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this chapter and all other applicable city ordinances, are permitted in each zoning district.
- (e) *Conformity to construction plan requirements.* No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless construction plans meeting the requirements of this chapter have been approved by the city engineer and/or city building official.
- (f) *Conformity to parking and loading space requirements.* No structure or building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.
- (g) *Conformity to landscaping and screening requirements.* No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the landscaping and screening requirements of the this chapter.
- (h) *Conformity to building setback requirements.* No yard or other open space provided around any structure or building for the purpose of complying with provisions of this chapter shall be considered as providing a yard or open space for a building on any other lot.
- (i) *Outdoor lighting.* All outdoor lighting shall be installed and maintained in compliance with all applicable city ordinances. Such lighting shall be located and maintained in a manner so as to not be directed

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onto any public street or adjacent property; provided that, such lighting may be directed directly down upon a public street as provided for streetlights.

- (1) *Multifamily, business and industrial.* Outdoor lighting for multifamily, general retail, commercial, office and industrial property will be in accordance with the provisions of this chapter and city building codes. A lighting plan shall be included with the site plan submitted for a building permit.
- (2) *Residential.* Outdoor lighting on residential property will be installed in accordance with applicable city ordinances. It will be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes, which will be operated during night hours will be located as close as is practicable to main dwellings.
- (j) *Height and placement requirements.* Except as otherwise specifically provided in this chapter, no building shall be erected or maintained within the required building setback line set forth herein, or which exceeds the height limits specified in chart 1 in subsection (k) of this section. The minimum street line width of all residential lots situated on a cul-de-sac shall be 35 feet, excluding width of side yard, drainage and/or public utility easements in which pipe will be laid as part of the initial development. The minimum street line width of all other lots situated on a cul-de-sac shall be 50 feet, excluding width of side lot line drainage and/or public utility easements in which pipe will be laid as part of the initial development.
- (k) *Common areas.* If any part or portion of a development or property includes a common area or common open area, a home and/or property owners association shall be created and established in which all property owners shall be members. The articles and bylaws for the corporation and the declarations, conditions, covenants and restrictions for the proposed development shall provide for the assessment and collection of fees adequate and as necessary to maintain all such common areas in a good, clean and safe condition, and in compliance with all codes and ordinances of the city.

Chart 1

Land Use District	Front Setback (feet)	Side Setback (feet)	Corner Lot at Side Street or Alleyway Setback (feet)	Street Side Yard Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Line Width (feet)	Height Limit (feet)
A	25	25	25	25	25	43,500	150	45
UE	25	25	25	25	25	22,500	100	45
R-1-1	30 ⁹	7	10	15	10	8,190 ¹	80 ¹	35
R-1-2	30 ⁹	5	10	15	10	6,825 ¹	65 ¹	35
R-1-A	25	(2)	10	15	15	4,550 ¹	35	35
R-1-T	(3)	(3)	10	15	(3)	2,844 ³	35	35
R-1-C	(4)	(4)		15	(4)	9,000 ⁴	80	45

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R-2	25 ⁹	7	10	15	25	9,000	80	35
R-3-1	25	15	15	15	25	(5)	80	35 ⁶
R-3-2	25	20	15	15	25	(5)	80	45 ⁷
R-3-3	25	7	15	15	25	(13)	90	45 ⁷
M-1	25	7	15	15	25	8,190	80	35
M-2	25	7	25	25	25	8,190	80	35
CBD-1	25 ⁸	(8)	15	15	(8)	(8)	(8)	35 ⁸
CBD-2	0	0	0	0	0	2,500	25	45
RS	25	10	15	15	15	6,000	50	45
HS	50	50	50	50	50	10 acres	200	100 ^{14/15}
W	25	25	25	25	25	9,000	80	45
CM	25	50	50	50	50	43,500	150	45
E	25	25	15	15	15	6,000	50	45 ¹⁴
TU	25	7	15	15	15	(10)	(10)	(10)
B	25	25	25	15	15	(11)	(11)	(11)
PUD	(8)	(8)	(8)	15	(8)	5 acres	(8)	(8)

Notes for chart—

- (1) On approval by the city council: in a section or phase of a subdivision up to 25 percent of R-1-1 lots may be less than 8,190 square feet in area but not less than 7,200 square feet, and up to 25 percent of the lots may be less than 80 feet in width but not less than 65 feet in width; and up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width; and up to 25 percent of R-1-T lots may be less than 2,844 square feet in area but not less

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than 2,500 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 20 ft in width; and up to 25 percent of R-1-A lots may be less than 4,550 square feet in area but not less than 4,000 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 30 ft in width. If the city council approves any lots to be platted that have less area than the minimum area provided in the chart 1 in this section for any such zoning district, the percentage of such smaller lots actually platted and fully developed in any section or phase shall not at anytime exceed the percentage of smaller lots approved by the city council for the entire subdivision or development. In no event shall more than 25 percent of the lots in any phase or section of a subdivision have less land area than the minimum lot area established in chart 1.

- (2) Side yard setback for the R-1-A district is ten feet on one side, and a zero lot line is permitted on the other side. See definition for zero-lot-line lot.
 - (3) See division 5 of this article, pertaining to residential townhouse district R-1-T.
 - (4) See division 6 of this article, pertaining to residential condominium district R-1-C.
 - (5) Minimum lot area for property in the R-3-1 and R-3-2 district is 12,000 square feet, plus an additional 1,500 square feet for each dwelling unit in excess of four units; provided that the density limitations set forth for each such district shall apply.
 - (6) Not to exceed two stories.
 - (7) Not to exceed three stories.
 - (8) The conditions and limitations, setbacks and lot requirements set forth in chart 1 applicable to the district governing the proposed base use of the property shall apply within this district, i.e., if the proposed use of property within the district is a use provided for in the CBD-1 district the conditions and limitations applicable to the CBD-1 district shall apply to the property.
 - (9) An approval by the city council up to 50 percent of the lots within a subdivision may have a front setback line of less than 30 feet but not less than 20 feet; provided that no more than three consecutive and abutting lots shall have less than 30 feet front setback; and no more than 25 percent of the lots shall have a minimum front setback of 25 feet; and not more than 25 percent of the lots shall have a minimum front setback of 20 feet.
 - (10) The conditions, limitations, setbacks and lot requirements shall be determined by the planning commission as part of the site development approval process subsequent to review and recommendation by staff.
 - (11) The conditions, limitations, setbacks and lot size requirements shall comply fully with chapter 29, pertaining to signs.
 - (12) Minimum lot area for property in the R-3-3 district is 12,000 plus 1,500 square feet for each residential unit; minimum lot width shall be 90 feet.
 - (13) Height limitation applies to buildings; height for amusement rides shall be determined on a case-by-case basis.
 - (14) Not to exceed 100 feet for the main hospital building, and not to exceed 75 feet for any other building. No portion of any building within 100 feet of the property line of a single-family residential use shall exceed 35 feet in height.
 - (15) Permitted heights can exceed the maximum feet shown when and only when structured parking is included in the construction design of the building and occurs in the same phase of construction as the building and providing for a minimum of one-third of the number of the required parking spaces that are required by ordinance to separately serve the uses within the building.
- (I) *Impervious coverage.* The maximum percentage of lot area which may hereafter be covered by ~~the main buildings and all accessory buildings~~improved surfaces and structures which do not allow for the penetration and/or percolation of stormwater into the soil beneath such as, but not limited to, wood, stone, concrete, asphalt, roofing veneers, metal, swimming and decorative pools (both surface area

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and surrounding decking), decorative ponds, brick, and hardened masonry pavers*, -shall not exceed that set forth in chart 2 in this subsection. *Pavers established on a suitable, engineered sub-base which is designed to capture and retain stormwater for the purpose of ground water recharge are not calculated in impervious surface ratios.~~In the following zoning districts, the maximum building lot coverage for multiple-family dwellings must conform to the following schedule:~~

Chart 2		
District	Maximum Lot Coverage	
	Main buildings (in percent)	Main building and accessory buildings (in percent)
R-1-1	35	40 <u>50</u>
R-1-2	35	45 <u>60</u>
R-1-A	40	60 <u>65</u>
R-1-T	40	60 <u>80</u>
R-1-C	40	50 <u>55</u>
R-2	40	50 <u>55</u>
R-3-1	40	50 <u>65</u>
R-3-2	40	50 <u>65</u>
R-3-2	40	50 <u>65</u>
CBD-1	60	65 ⁽¹⁾
CBD-2	100	100
RS	60	65 <u>80</u>
HS	60	65 <u>80</u>
W	50	60 <u>75</u>

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CM	40	4575
E	60	6575
TU	60	65As determined by the Planning Commission during the site review process

~~Note—Open off-street parking and loading areas will not be considered as lot coverage under this subsection.~~ Note –

~~(1) (1) —~~ Maximum lot coverage of 70 percent for the main building and for all buildings is permitted on lots where existing buildings were located prior to the date of the ordinance from which this chapter is derived. This only applies to buildings that existed on the date of the ordinance from which this chapter is derived, and that are within the area hereafter zoned CBD-1.

~~(2) All single family detached land uses operated on lots in excess of 22,000 square feet are limited to an impervious surface ratio of 35%.~~

~~(3) Any property developed to within five percent (5%) of its allowable impervious surface ratio must submit an as-built survey indicating (1) all impervious improved surfaces, and (2) the impervious surface ratio of the parcel, prior to receiving a certificate of completion/occupancy.~~

(m) *Floor area ratio.* Except as hereinafter provided, no building or structure may be erected, added to or altered to exceed the maximum floor area ratio standards in the various zoning districts as set forth in chart 3 in this subsection. In the zoning districts listed in the chart in this subsection, the maximum floor area ratio (FAR) for any building or structure shall be as follows:

Chart 3	
District	Building Area, Maximum Floor Area Ratio to Land Area
CBD-1	1.8:1
CBD-2	2.5:1
RS	1.8:1
HS	1.8:1
W	1.5:1
CM	1.2:1

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E	1.8:1
TU	1.8:1

Structures used for off-street parking of vehicles shall not be included in calculating the building area to determine floor area ratio (FAR) standards.

(n) *Parking.* Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked or stored in any residential area only in completely enclosed buildings. No vehicle, trailer or major recreational equipment shall be parked or stored on any lot except that it shall be enclosed in a building or parked on a driveway or a concrete, paved or stone pad installed for such a purpose and subject to the following requirements:

- (1) *Parking regulations.* Where any lot and/or structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this chapter, designated on-street or off-street parking spaces shall be provided in a number not less than as provided in chart 4, set forth in this subsection.
- (2) *Handicap parking.* Nonresidential handicap parking and handicap accessible routes shall be provided and constructed in compliance with the Texas Accessibility Standards (TAS).
- (3) *Maximum parking.* The maximum number of parking spaces for a general retail, commercial, office or industrial use area shall not exceed 150 percent of the parking required pursuant to chart 4.
- (4) *Width of parking spaces.* Except for all required handicap parking, not less than 50 percent of all parking spaces, for any given commercial use must be a minimum of nine feet in width, and all remaining parking spaces must not be less than 8½ feet in width.
- (5) *Reduction of parking.* The total number of required motor vehicle parking spaces for a nonresidential use may be reduced by five percent for each of the activities listed in this subsection provided by the owners or operators, up to a maximum of ten percent reduction in the total number of motor vehicle spaces:
 - a. Participate in an area wide carpool/vanpool ride matching program for employees; designating at least ten percent of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - b. Providing showers and lockers for employees who commute by bicycle;
 - c. Providing covered, secured bicycle parking racks or facilities;
 - d. Providing a transit facility that is approved by the local transit authority, and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.
- (6) *Development and maintenance standards for parking areas.* Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
 - a. Off-street parking areas for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins a residential use or property situated in a residential area.

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- b. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- c. Access aisles shall be of sufficient width for vehicular turning and maneuvering.
- (7) *Council determination.* Off-street and on-street parking, for all uses not within the categories listed in this subsection, shall be adequate to meet the anticipated needs and shall be determined by the city council using standards outlined for special exceptions and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.
- (8) *Special exception.* The city council may grant a special exception to allow two or more uses to share parking spaces upon a showing that the particular uses in question will require parking at different times. Any spaces the council allows to be shared count toward the number of spaces each use must provide.

Chart 4 ⁽¹⁾	
Use (See exhibit A for list of SIC codes)	Number of Parking Spaces ⁽¹⁾
CBD-1	One space for every 200 square feet of floor space.
CBD-2	If located on Center, Main or Front Streets, parking requirements will be decided on case-by-case basis. All others will provide one space for every 200 square feet of floor space.
R-1-1, R-1-2, R-1-A, R-1-T, R-1-C, R-2, R-3-1, R-3-2, R-3-3, M-1, M-2 and M-3 districts	Two spaces minimum for each living unit, and one-half space for each additional bedroom above two.
W and CM districts	One space per 1,000 feet of gross floor area and one space for every 1½ employees.
SIC codes: 72111000 (hotels); 72111001 (motels)	One space per bedroom and one space for each two employees.
SIC codes: 62149300 (emergency clinic); 62311000 (convalescent and nursing home); 62221000 (rehabilitation services); 62221001 (rehabilitation clinic); 62331100 (retirement homes)	One space for each two employees, and one space for each four patient beds.
Bars, cafes, restaurants, taverns, night clubs, and similar uses. RS SIC codes 72211006—72211017 (fast-food); 72211000—72211005	One space for every four seats provided for customer services provided food is served. Bars and brew pubs which do not serve food shall have one space for

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(restaurants); 72221200 (cafeteria); 72241001 (bar); 72241004 (brew pub)	three persons up to the maximum capacity allowed by fire codes for establishment.
RS district, E district unless SIC code stated additional requirements above.	One space for each 250 square feet of gross floor area.
HS district (hospital, extended care facility, intermediate care facility, longterm care facility).	Two for each bed, plus one for each two employees on the largest shift at full design capacity.
HS district (ambulance service)	Two for each ambulance vehicle.
HS district (medical educational institution)	One per each facility member, plus one for each three students.
HS district (clinic or doctor's office)	One per 200 square feet of gross floor area.

Note—⁽¹⁾The city council may, based on a site plan approved by council, waive all or part of these parking space requirements for buildings within the original town.

- (o) *Uses noncumulative.* Uses within each district are restricted solely to those uses expressly permitted in each district, and are not cumulative unless so stated.
- (p) *Exceptions.* Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this chapter.
- (q) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:
 - (1) Homes and residential units not designed and constructed in compliance with the ordinance and code requirements applicable to multiple-occupancy residential buildings and nursing homes, shall meet the following requirements:
 - a. The structure shall comply with provisions of the fire code, electrical code and building code that are applicable to nursing homes;
 - b. There shall be two parking spaces, plus one additional space for each three residents;
 - c. There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room;
 - d. There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and
 - e. The structure and operation shall comply with the standards established by the state department of human services as licensing standards for personal care facilities for a type B facility.
 - (2) The home must meet all applicable state licensing requirements;

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- (3) A personal care facility must have at least one paid staff member on duty 24-hours per day, and one supervisor for each six residents during waking hours;
- (4) A personal care facility may not have more than 15 residents.

(Ord. No. 438, § 20, 11-24-2003; Ord. No. 438-35, §§ 1, 2, 8-2-2005; Ord. No. 526, §§ 2—6, 1-8-2008; Ord. No. 568, § 1, 5-5-2009; Ord. No. 663, §§ 1, 2, 7-19-2011)