

City of Bryan
Land and Site Development Ordinance
(Formerly the Site Development Review Ordinance)



CITY OF BRYAN
The Good Life, Texas Style.™

Chapter 62
Bryan Code of Ordinances

Effective October 1, 2003
with amendments through June 5, 2009

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ARTICLE I. IN GENERAL

Section 62-1. General 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:

Access shall mean a way or means of approach to provide a vehicle or pedestrian a physical entrance and exit to a property.

Access aisle shall mean an accessible pedestrian space between elements, such as parking spaces, that provides clearances appropriate for use of the elements.

Accessible shall mean a site, building, facility, or portion thereof that can be approached, entered, and used by physically disabled people.

Accessible route shall mean a continuous unobstructed path connecting all accessible elements and spaces that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

Aisle shall mean the area within a parking lot which allows vehicles access to parking spaces. The aisle serves as a travel way through the parking lot as well as a maneuvering area, which permits full and direct ingress and egress to parking spaces.

Barrier shall mean a device or treatment which controls the movement, circulation, separation or direction of vehicular traffic. Such treatments include but are not limited to wheel stops, end islands, and dividers.

Bay width shall mean a distance measured perpendicular to and from the front of a parking space, across the maneuver space, to the front of the opposite parking space.

Buildable area shall mean an area located within a lot, bounded by the front, side, and rear setback lines. The area may be further restricted by the placement of easements or special setbacks. Construction of the structures must be limited to this area.

Building. See Structure.

Building height shall mean the vertical distance from the grade plane to the average height of the highest roof structure.

Building line. See *Setback line.*

Corner clearance shall mean a distance measured from the edge of pavement of an intersecting street to the edge of pavement of the first driveway.

Curb return radius shall mean the radius defined by the arc section used in access apron design of an intersection or driveway at the curblines of the street.

Developer shall mean any person, business, or group required to submit a site plan in accordance herewith, or anyone who owns the site or is in control of the property.

Driveway shall mean a private roadway providing access for vehicles from public or private property to the adjacent public street.

Driveway separation shall mean a distance measured from the edge of pavement of a driveway, along the curblines, to the edge of pavement of the next driveway.

Duplex shall mean a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Edge of pavement (EOP) shall mean the outermost edge of the pavement. For streets with curb and gutter, the outside edge of the curb is the edge of pavement. For streets without a curb, the edge of the asphalt pavement is the edge of pavement. This should not be confused with the crushed rock base which will often extend beyond the asphalt pavement.

Encroachment shall mean part of a structure or building which extends into a setback area, easement or right-of-way.

Full review shall mean review of a site plan by the site development review committee.

Home occupation shall mean any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes; provided that:

- (1) No person-to-person retail business of any sort is involved.
- (2) No stock in trade is kept nor commodities sold except those made or used on the premises. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (3) Only members of the family residing on the premises are employed. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, X-ray, or electrical disturbance to radio or television. In particular, a home occupation includes the following and similar uses: artist studio,

dressmaking and millinery; limited professional practice provided no clients or customers are permitted on the premises (such as lawyer, engineer, architect, or accountant); music teaching limited to not more than two pupils at one time. Commercial repair of automobiles shall not be permitted.

(4) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building.

(5) No home occupation shall be conducted in any accessory structure.

(6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and require no additional parking spaces beyond those required for the dwelling unit.

Joint access easement shall mean an easement creating a legal means by which two or more property owners and/or two or more properties may utilize one joint driveway for access. This easement shall be for public use but privately maintained.

Letter of encroachment shall mean a letter which serves as written evidence or which verifies that a building/structure encroachment was constructed prior to the effective date of the Comprehensive Zoning Ordinance (February 12, 1990) or prior to any subsequent ordinance amendments which affect the building setback area requirements.

Limited review shall mean review of a site plan when change of ownership, change of use, or change of tenant of an existing structure occurs. Limited review does not apply to single-family residential.

Lot, corner shall mean a lot or parcel of land abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than 135 degrees.

Lot coverage shall mean the impervious area of a lot covered; including but not limited to the area covered by parking spaces, driveways, sidewalks, rocked areas, and equipment pads located thereon.

Lot depth shall mean the average distance measured from the front lot line to the rear lot line.

Lot, double-frontage shall mean a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot, flag shall mean a lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot

width, but not less than 25 feet in a residential district and 50 feet in a nonresidential district. The maximum length of the "pole" of the flag lot shall be 110 feet.

Lot, front or frontage shall mean that portion of a tract of land which is the principal side of a property and which abuts on a public street to which it has direct access.

Lot, improved shall mean a lot upon which a building can be constructed. This requires that the lot have frontage on, or access to, an improved street and all utilities (such as water, sewer, and electric).

Lot, interior shall mean a lot other than a corner lot.

Lot lines or property lines shall mean the lines bounding a lot.

Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of the county or a lot subdivided by metes and bounds description prior to May 1967.

Lot size shall mean the total area, measured on a horizontal plane, included within lot lines.

Lot, substandard shall mean a parcel of land that does not meet all city standards.

Lot width shall mean the distance from one side lot line to the other as measured at the front setback.

Main structure shall mean a structure in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed a main structure on the lot on which it is situated.

Marginal access street shall mean minor street which is parallel with and adjacent to arterial and collector streets and highways and which provides access to abutting properties and protection from through traffic.

Multifamily residential shall mean a structure or grouping of structures where each structure contains three or more dwelling units intended for human habitation. Although multifamily units are for residential use, due to the higher intensity of the sites, multifamily residential shall follow all requirements outlined in nonresidential development and shall be submitted for a full review by the site development review committee.

Nonresidential development shall mean all development except for that of single-family residential. This includes, but not limited to, construction or extension, change of use, repair, reconstruction or other improvement of a property which increases the gross square footage of any structure.

Parking bay shall mean that portion of a parking area containing at least one row of parking

spaces, but not more than two rows and the associated maneuver space for entering and leaving the spaces.

Parking space shall mean a space in a parking area marked and reserved for the parking of a motorized vehicle.

Patio home shall mean a single-family dwelling on a separate lot with open space setbacks on three sides and a zero lot line on one side.

Public easement shall mean an area of land reserved for the use of the public by the grantor, in which to install and maintain utility lines, drainage ditches or channel, or for other city or public services; the ownership or title to the land encompassed by the easement being retained by the owner. No building or part of a building or other permanent structure may be located within the limits of the easement.

Redevelopment shall mean any change of use, change of ownership, change of tenant, voluntary improvement, substantial reconstruction, conversion, structural alteration, relocation, or enlargement of any structure and/or site.

Right-of-way shall mean an area of land dedicated as public property on which an irrevocable right-of-passage has been recorded for public use.

Single-family development shall mean development of a single-family lot for residential use. This includes single-family dwelling units, patio homes, townhouses, and duplexes.

SDRC shall mean site development review committee; consisting of representatives from the city charged with reviewing site plans.

SDRC chair shall mean the officer or duly authorized representative, designated by the city manager, charged with the administration and enforcement of this article.

Setback shall mean the distance between the outside wall of the main building and any lot line. The setback may exclude uncovered walks, chimneys, bay windows, and roof overhangs up to 18 inches in width.

Front setback shall mean the line extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Rear setback shall mean the line extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Side setback shall mean the line between the building and side line of the lot and extending from the

front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Setback area shall mean area of a lot defined by and contained within the property lines and the setback lines.

Setback lines shall mean a line parallel with the property line at a specific distance there from defining the minimum distance from the property line that a structure may be erected.

Sight distance triangle shall mean a triangular-shaped portion of land established at street intersections in which no visual obstructions are erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the line of visibility of motorists entering or leaving the intersection.

Single-family detached dwelling shall mean a dwelling unit designed for and occupied by one family and surrounded by open space.

Site shall mean land upon which constructions, expansions, reconstructions or other improvements are to be done.

Site plan shall mean the development plan for one or more proposed lots that shows all information that reasonably may be required in order that an informed decision can be made by the approving authority.

Structure shall mean any manmade construction either built or moved onto a site, affixed to the ground, and which is used to shelter, enclose, or support persons or moveable property. A fence requiring footings or a foundation is considered a structure. Driveways, patio slabs, walkways, and fences six feet tall or less shall not be considered as structures.

Throat depth shall mean a distance measured from the edge of pavement of the street to the first point of conflict.

Townhouse shall mean a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Vehicle lay of hose (VLH) shall mean the distance of hose as it lays off the fire truck, from the hydrant to within 100 feet of the furthest point of the building. The total distance shall include the use of public right-of-way, approved fire lanes, and/or drive accessways. In no case shall the VLH be measured across grass, wooded or landscaped areas, over curbs, through fences, ditches or across paved areas that are not engineered for fire apparatus.

Vicinity map shall mean a map illustrating the location of a site within the city, not necessarily to scale.

Zero lot line shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Sections 62-2--62-22. Reserved.

ARTICLE II. SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

Section 62-23. Scope and purpose.

(a) This article establishes the submittal requirements by which residential site plans will be reviewed by the city.

(b) The purpose is to ensure the technical, nonconflicting compliance with all of the laws and ordinances of the city so as to protect the health, safety, and welfare of its citizens.

(c) The SDRC chair reserves the right to require a residential site plan to go before the site development review committee for review. All applications for duplexes, townhouses, and patio homes will be reviewed by the site development review committee. Due to the higher intensity of the site, all multifamily residential site plans shall follow the requirements outlined in nonresidential development.

Section 62-24. Form and content.

Residential site plan applications must contain the following:

1. Date of application;
2. Property street address;
3. Legal description of the property (subdivision, phase, lot, block);
4. Date of manufactured home, if applicable;
5. Zoning of property;
6. North arrow;
7. Scale of drawing (or dimensions);
8. Property lines (with lot dimensions);
9. Adjoining streets and/or alleys;
10. Size, location and type of any easements;
11. Location of utility poles, guy wires, sanitary sewer manholes, public mains,

fire hydrants,

12. or any other significant feature or obstructions on the property;
13. Outline of all structures using a dashed line to indicate roof line (label existing or proposed);
14. Area in square feet of all structures;
15. Number of stories on structures;
16. Building setback lines;
17. Location of all paved areas including driveways, curbs, sidewalks, patios;
18. Driveway construction material (asphalt or concrete);
19. Existing and proposed fences (including height and type);
20. Existing creeks, culverts, retaining walls or other drainage features on the property; or adjacent property, which may be affected by construction;
21. Completed checklist.

Sections 62-25--62-51. Reserved.

ARTICLE III. NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT

DIVISION 1. GENERALLY

Section 62-52. Scope and purpose.

(a) This article establishes the process by which site development proposals will be reviewed by the site development review committee. It defines the submittal and content requirements for all nonresidential and multifamily site plan review.

(b) The purpose is to ensure the technical, nonconflicting compliance with all of the laws and ordinances of the city so as to protect the health, safety, and welfare of its citizens.

(c) If all access and construction-related permits necessary for completion of any site development plan have not been released within 12 months of the plan approval, then the site development plan shall become null and void. It shall be incumbent upon the planning staff and other site review committee members to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

Sections 62-53--62-77. Reserved.

DIVISION 2. ADMINISTRATION

Section 62-78. Site development review committee--Purpose.

The site development review committee shall be organized to generally ensure compliance by site owners with all applicable codes, regulations, laws, ordinances and plans and to coordinate examination of development proposals to ensure that all city requirements, established by ordinance, resolution or policy, have been met without conflict. The site development review committee shall have all the power and duties specifically provided for herein.

Section 62-79. Same--Organization and membership.

The site development review committee shall consist of, but not be limited to, the following:

- (1) Planning and development services;
- (2) Engineering/building services;

- (3) Environmental services;
- (4) Fire services;
- (5) Parks and recreation;
- (6) Police services;
- (7) Solid waste;
- (8) Transportation and drainage;
- (9) Water services;
- (10) Bryan Texas Utilities.

Section 62-80. Same--Powers and duties.

(a) The site development review committee shall determine from data submitted whether or not site plans meet the requirements of codes, regulations, and ordinances.

(b) The site development review committee, after review of the site plan, shall inform the owner in writing of any technical compliance problems in the plan. Compliance and enforcement shall be as provided in the particular code, regulation, or ordinance violated.

Section 62-81. Site development plan required.

Site plans to be reviewed by the site development review committee will apply to all types of nonresidential and multifamily development.

Section 62-82. Administrative authority for modification of application requirements.

When justified in special circumstances, the SDRC chair, or his or her designee, is authorized to modify the content or review procedures for applications and associated documents required by this article.

Sections 62-83--62-107. Reserved.

DIVISION 3. SITE DEVELOPMENT REQUIREMENTS

Section 62-108. Approval requirements.

- (a) The developer shall comply with all applicable requirements and regulations.
- (b) Site plans may not be approved on unplatted property except where a structure or use exists on an unplatted parcel.
- (c) All improvements shown on an approved site plan must be completed prior to issuance of the certificate of occupancy. The SDRC chair shall coordinate all information dissemination.
- (d) A certificate of occupancy may be granted for a partial development if the partial development is consistent with phasing shown on an approved site plan.
- (e) The site plan must conform to any recorded plat or filed master plan for that same property or subdivision of which it is a part.
- (f) Fees for site plan applications shall be as set by the city council by separate resolution hereto. Said resolution is incorporated herein by reference as though reproduced herein verbatim. Fees are due and payable at time of application and are nonrefundable.
- (g) An appeal to any decision made by the SDRC chair and/or the site development review committee may be made to the planning and zoning commission. Application for appeal shall be made in writing with the planning and development services department no less than ten working days after the date the site development review committee meets.

Section 62-109. Application and processing of full review site plans.

The applicant shall submit 15 copies of the site plan to the planning and development services. If the submittal is in the city's ETJ, 20 copies will be required. Incomplete plans shall not be accepted. The copies will be forwarded to the site development review committee for review.

Section 62-110. Application and processing of limited review site plans.

The applicant shall submit a completed application indicating what type of change is occurring. The SDRC chair will review the application and determine what site improvements shall be required. If improvements are necessary, one copy of a site plan may

be required. Upon review, the SDRC chair may forward the application to the site development review committee. At such time, 15 copies of the site plan will be required.

Section 62-111. Redevelopment.

In the event a site undergoes a change of use, change of ownership, change of tenant, voluntary improvement, substantial reconstruction, conversion, structural alteration, relocation, or enlargement, the SDRC chair or site development review committee may require the site to comply with current ordinances.

Section 62-112. Form and content.

Site plans submitted must show the following items. All drawings shall be to scale, clear and complete to obtain site plan approval.

- (1) The site plan shall not exceed 24 inches by 36 inches nor be less than 8 1/2 inches by 11 inches. The site plan shall be drafted at an appropriate engineering scale.
- (2) Property lines of the subject site and all adjoining parcels, platted or unplatted. Platted and unplatted parcels shall be identified with the legal description and the owner's name.
- (3) Boundaries of the property with dimensions, and with building setback lines on all sides.
- (4) Existing and proposed streets, alleys, lots, reservations, public and private easements and areas dedicated to public use. Easements shall be labeled as to type and volume and page as applicable. In addition, the site plan shall show all driveways, rights-of-way, and street intersections that are adjacent to or directly across from the subject site.
- (5) The location and design of all means of vehicular access to and from the site onto public rights-of-way, indicating the location and size of all driveways (including those on the adjacent property and the opposite side of the street), curb return radii, curb cuts and location and size of sidewalks and ambulatory ramps when and where required. For any development abutting frontage roads, all entrance and exit ramps shall be shown on the vicinity map.
- (6) Location of existing and proposed buildings-number of stories, gross square footage of building; solid line indicating slab location and dashed lines indicating line of roof overhangs; AC unit pads and covered entries; retaining walls, fences, culverts, bridges, roadways, etc. The structures to be removed or abandoned shall be shown with dotted lines.

- (7) Location of existing and proposed storm drainage structures, storm sewers, grates, inlets, detention ponds, etc., with pipe sizes, grades and direction of flow and associated drainage easements, if any.
- (8) Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted. For any encroachment of buildings or fill in the flood hazard area, the developer must have previously met the requirements set forth in chapter 46.
- (9) Location of existing and proposed utilities (water, sanitary sewer, cable television, gas, electric and telephone) with service sizes, tap and meter locations, service types, grades and direction of flow. Also, related easements that will accommodate more than one utility shall be shown and described.
- (10) Location of power poles, guy wires, pad mount transformers, and other major electrical equipment.
- (11) Location of existing and proposed fire hydrants and the vehicle lay-of-hose distance.
- (12) Location of existing and proposed contour lines with spot elevations for proposed top-of-curb and parking lot slabs. The city engineer will determine the extent to which this information will be shown in accordance with chapter 46.
- (13) Location and screening or other description to indicate control and handling of solid waste. Indicate location and size of dumpster pad when dumpster is to be used.
- (14) The planned use or uses of the site.
- (15) The location and design of any off-street parking areas, including handicapped parking and loading areas, showing size and location of spaces, bays, isles, ramps and barriers in compliance with city standards and Texas Accessibility Standards. All customer parking areas must be clearly defined on the site plan and must be separate from areas to be used for display.
- (16) Name of development, legal description of property, north arrow, scale, acreage name and address of record owner and engineer, draftsman, architect and land planner.
- (17) Both vicinity map and site plan shall be oriented with parallel north arrows. North arrow shall be oriented generally upward.

- (18) Zoning designation as determined by the official zoning map.
- (19) Landscaping plan as required by article VII.
- (20) Address of property as assigned by planning and development services.
- (21) Area designated for placement of debris during construction and wash out area for concrete trucks.
- (22) Location and pavement type for temporary access for vehicles during construction. See section 62-296 access standards.
- (23) Location of all waste water pre-treatment devices and sampling well, as applicable.
- (24) All existing and proposed signage, including height, square footage, setbacks, and landscaping.
- (25) Additional information or engineering data, in such form and content as necessary, to determine that the site plan meets the standards of the city.

Section 62-113. Revision of site plan after approval.

No changes, erasures, modifications or revisions shall be made to any site plan after approval has been given by the site development review committee, unless said changes, erasures, modifications or revisions are first submitted to and approved by the site development review committee. Minor changes correcting an error of measurements, acreage, dimensions or other similar situation may be approved by the SDRC chair.

Sections 62-114--62-139. Reserved

Section 62-114. Dedication and acceptance of public easements.

The site development review committee shall review all proposals for public easements not part of a recorded subdivision plat for access acceptability and need. The SDRC chair is authorized to accept the easement for the city and will sign the document prior to filing.

Sections 62-115--62-139. Reserved.

ARTICLE IV. BUILDING SETBACKS AND LOT STANDARDS

DIVISION 1. GENERALLY

Sections 62-140--62-160. Reserved.

DIVISION 2. LOT AREA, HEIGHT, AND SETBACK REQUIREMENTS

Section 62-161. Standards.

The following standards apply to zoning districts:

Zoning Districts	AO	RD-7	RD-5	MF	C1	C2	DT-N, DT-S, DT-C	C3	I	MU-1	MU-2
Front setback (3), (6), (7)	50'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to abutting property (3), (5), (6)	20'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Side setback adjacent to an arterial street (3), (6)	25'	25'	25'	25'	25'	25'	(8)	25'	25'	25'	25'
Side setback adjacent to a collector or local street (3), (6)	25'	15'	15'	15'	15'	15'	(8)	15'	15'	15'	15'
Rear setback adjacent to an alley or abutting property (3), (4), (5), (6), (10)	25'	7.5'	7.5'	7.5'	7.5'	7.5'	(8)	7.5'	7.5'	7.5'	7.5'
Maximum lot coverage (6)	75% (1)	75% (1)	75% (1)	75% (1)	75% (1)	75% (1)	n/a	75% (1)	n/a	75% (1)	75% (1)

Zoning Districts	AO	RD-7	RD-5	MF	C1	C2	DT-N, DT-S, DT-C	C3	I	MU-1	MU-2
Minimum lot size (3), (6)	1 ac	7000 sf	5000 sf	5000 sf	10500 sf	20000 sf	n/a	20000 sf	n/a	5000 sf	7000 sf
Minimum lot width (3), (6), (9)	150'	70'	50'	50'	70'	100'	n/a	100'	100'	50'	50'
Minimum lot depth (3), (6)	300'	100'	100'	100'	150'	200'	n/a	200'	200'	100'	100'
Maximum height (6)	50'	35'	35'	35' (2)	35' (2)	35' (2)	None	35' (2)	35' (2)	35'	35' (2)

Notes:

- (1) This requirement shall only apply to development that does not require a landscape plan review.
- (2) Structures over 35 feet in height are permitted with the additional setback of one foot additional setback for each two feet in height over 35 feet.
- (3) Refer to section 130-29 and setback requirements set forth in this article regarding standards for duplexes, patio homes, and townhouses.
- (4) Refer to rear setbacks in this article for additional restrictions.
- (5) Refer to section 130-27 for side and rear buffer setbacks when it is determined that a zoning district sides or backs upon a noncompatible zoning district.
- (6) Refer to article IX for restrictions applicable to wireless telecommunication facilities.
- (7) Front setbacks for lots along the end of cul-de-sacs shall be reduced to 20 feet.
- (8) In the downtown zoning districts, a minimum of 75 percent of all facades must be built up to the property line. Refer to section 130-16.
- (9) The minimum width for a lot intended for a duplex is 70 feet.
- (10) Any site with rear vehicular access shall be required to have a 20 foot rear setback for the vehicular entry point of any structure.

Section 62-162. Lot size and coverage.

(a) The minimum lot size for the various districts shall be in accordance with the provisions of this chapter. Any lot having less area than herein required which was an official lot of record prior to the adoption of Ordinance No. 756, may be used and no lot existing at the time of passage of the aforementioned ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

(b) Only one main structure for single-family and duplex dwellings, with permitted accessory structures and/or dwellings, may be located upon a lot.

(c) Any permitted structure or structures constructed or moved onto any lot shall be

confined to the buildable area of the lot.

(d) The maximum coverage of a lot by structures, and associated parking spaces, driveways, sidewalks, and equipment pads, etc., in each district shall not exceed the provisions listed in this article.

Section 62-163. Front setback.

(a) Only front setbacks established in this chapter shall be enforced. Front setbacks in excess of the minimum requirements of this chapter that are established by a plat approved by the planning and zoning commission prior to the passage of Ordinance No. 756 shall not be subject to enforcement under the provisions of this chapter.

(b) Where a right-of-way line has been changed or established for the widening or opening of a street or thoroughfare which a lot abuts, then the front setback shall be measured from the new right-of-way line.

Section 62-164. Side setback.

(a) Only side setbacks established in this chapter shall be enforced. Side setbacks in excess of the minimum requirements of this chapter that are established by a plat approved by the planning and zoning commission shall not be subject to enforcement under the provisions of this chapter.

(b) Where a right-of-way line has been changed or established for the widening or opening of a street or thoroughfare which a lot abuts, then the side setbacks shall be measured from the new right-of-way line.

Section 62-165. Rear setback.

(a) Only rear setbacks established in this chapter shall be enforced. Rear setbacks in excess of the minimum requirements of this chapter that are established by a plat approved by the planning and zoning commission shall not be subject to enforcement under the provisions of this chapter.

(b) Where a right-of-way line has been changed or established for the widening or opening of a street or thoroughfare which a lot abuts, then the rear setback shall be measured from the new right-of-way line.

Section 62-166. Special height limitations.

The height limitations specified by this article do not apply to cooling towers, chimneys, vent stacks, water stand pipes and tanks, steeples, spires, belfries, cupolas, or other

appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 62-167. Patio home requirements.

(a) *Building setback lines.*

- (1) *Front yard.* The minimum front yard setback shall be 20 feet. However, if all off-street parking is located in the rear of the dwelling unit and no curb cuts are provided on the front (street side), then the front yard setback may be reduced to 15 feet.
- (2) *Side yard.* The minimum side yard setback shall be ten feet on lots siding on alleys. Patio homes must be constructed at least ten feet from one side lot line. The minimum side yard setback on corner lots shall be 15 feet on minor streets, 20 feet on secondary or collector streets, and 25 feet on arterial streets.
- (3) *Rear yard.* The minimum rear yard setback shall be 20 feet. However, if off-street parking is located on the front side (street side), then the rear yard setback may be reduced to ten feet.
- (4) *Common courts.* Where patio home lots and dwelling units are designed to face an open or common court rather than a public street, then said open or common court shall be at least 40 feet wide and no more than 200 feet long, measured from the public street to which said court must open. Said court may not include vehicular drives or parking area in front of dwelling units.

(b) *Lots.*

- (1) *Area.* Lot area shall be a minimum of 3,600 square feet.
- (2) *Width.* Lot width shall be a minimum of 36 feet.
- (3) *Depth.* Lot depth shall be a minimum of 100 feet.
- (4) *Corner lot.* Corner lots shall have a minimum width of ten feet greater than interior lots.

Section 62-168. Townhouse requirements.

(a) *Building setbacks.*

- (1) *Front yard.* The minimum front yard setback shall be 20 feet. However, if all off-street parking is located in the rear of the dwelling unit and no curb cuts are

provided on the front (street side), then the front yard setback may be reduced to 15 feet.

- (2) *Side yard.* The minimum side yard setback shall be ten feet on lots siding on alleys. The minimum side yard setback on corner lots shall be 15 feet on minor streets, 20 feet on secondary and collector streets, and 25 feet on arterial streets. There shall be a minimum of ten feet of unobstructed distance between any townhouse group consisting of contiguous dwelling units.
- (3) *Rear yard.* The minimum rear yard setback shall be 20 feet. However, if off-street parking is located on the front (street side), then the rear yard setback may be reduced to ten feet.
- (4) *Common courts.* Where townhouse lots and dwelling units are designed to face an open or common court rather than upon a public street, then said open or common court shall be at least 40 feet wide and not more than 200 feet long, measured from the public street to which said court must open. Said court may not include vehicular drives or parking area in front of dwelling units.

(b) *Lots.*

- (1) *Area.* Lot area shall be a minimum of 2,500 square feet.
- (2) *Width.* Lot width shall be a minimum of 25 feet.
- (3) *Depth.* Lot depth shall be a minimum of 100 feet.
- (4) *Corner lot.* Corner lots shall have a minimum width of ten feet greater than interior lots.

Section 62-169. Duplex requirements.

Duplexes can be constructed on the following lot configuration: A lot with a minimum of 7,000 square feet. This lot must have a minimum of 70 feet of width. Each lot shall be permitted to contain two dwelling units. All setbacks shall be specified in this chapter for the district where the duplex is located.

Section 62-170. Corridor overlay district lot and setback standards.

- (a) Refer to section 130-24 for a complete list of development standards for the corridor overlays.
- (b) The following standards apply to all corridor overlay districts:

Corridor Overlays	W. Villa Maria	FM 2818	FM 158	SH 47	South College
Front setback	25' (1)	25' (1)	25' (1)	50' (1)	15' (1)
Side setback adjacent to abutting property	10'	10'	10'	15'	5'
Side setback adjacent to arterial street	25'	25'	25'	25'	15'
Side setback adjacent to collector or local street	25'	25'	25'	25'	10'
Rear setback adjacent to alley or abutting property	7.5'	7.5'	7.5'	15'	5'
Maximum lot coverage	See Zoning Designation	See Zoning Designation	See Zoning Designation	70%	N/A
Minimum lot size	20,000 sf	20,000 sf	20,000 sf	125,000 sf	5,000 sf
Minimum lot width	100'	100'	100'	250'	50'
Minimum lot depth	200' (2)	200' (2)	200' (2)	500'	100'
Maximum height	35' (3)	35' (3)	35' (3)	87.5' (3)	35' (3)

Notes:

- (1) Parking will not be allowed in the setback.
- (2) When fronting on the specified thoroughfare.
- (3) Allowed with additional setback of one foot per two feet in height over 35 feet.

Sections 62-171--62-190. Reserved.

DIVISION 3. VARIANCES

Section 62-191. Granting.

(a) *Planning and zoning commission authorization.* The planning and zoning commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

(b) *Conditions.* No variance shall be granted unless the planning and zoning commission finds that all of the following are met:

- (1) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200 foot radius);
- (2) That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property; and
- (3) That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

(c) *Findings.* Such findings of the planning and zoning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(d) *Formal application.* All requested variances from this article shall be made in the form of a formal application prior to the date on which consideration is to be given by the planning and zoning commission. Submittal shall be made in the office of planning and development services.

Section 62-192. Appeals.

(a) *Request by applicant.* If the applicant should disagree with the action of the planning and zoning commission, he or she may appeal the decision to the city council. The request for appeal must be made in writing within ten days of the planning and zoning commission's decision.

(b) *City council review.* Following the filing of a notice of appeal, the city council shall, within 30 days, conduct a review of the decision of the planning and zoning commission denying the requested variance. In its review of the decision of the planning and zoning commission to deny the requested variance, the city council shall utilize the criteria set forth in section 62-191.

(c) *Failure of county to act.* An application for a variance is automatically granted if the city council does not act on the variance appeal before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive the time deadline established by this subsection.

Sections 62-193--62-210. Reserved.

ARTICLE V. ENCROACHMENTS

DIVISION 1. GENERALLY

Sections 62-211--62-230. Reserved.

DIVISION 2. ENCROACHMENTS CONSTRUCTED PRIOR TO FEBRUARY 12, 1990

Section 62-231. Letter of encroachment.

When it has been determined that a building/structure encroachment into an easement or right-of-way has occurred prior to the effective date of chapter 130 (February 12, 1990) or prior to any subsequent ordinance amendments which affect the building setback line requirements, an owner or developer must make application for a letter to encroach at the office of planning and development services.

(1) An owner/applicant shall submit a complete application for the letter of encroachment. Submittal shall be made to the office of planning and development services. The application shall consist of:

- a. A signed application from which shall state the name, address, and telephone number of the owner, representative and registered surveyor who prepared the survey;
- b. Fifteen copies of a plot plan of property highlighting the encroachment with surveyor's signature and seal;
- c. Fifteen copies of the surveyor's field notes describing the encroachment with surveyor's signature and seal;
- d. The nonrefundable fee; and
- e. Any explanatory information that the owner wishes to provide.

(2) The city planner, or his or her designee, shall review the data submitted, taking into consideration the requirements set forth in this article and all applicable ordinances and codes. The city planner, or his or her designee, shall submit the data to the city's site development review committee for review and recommendation.

(3) A letter of encroachment will be signed by the city planner, or his or her designee, after it has been determined that the applicable encroachments are not a detriment to the

public health, safety or welfare of the citizens of the city. The signed letter will be officially recorded in the planning and development services office.
Sections 62-232--62-250. Reserved.

DIVISION 3. USE OF RIGHT-OF-WAY

Section 62-251. Special use license.

The city may grant a special use license for use of public right-of-way. The city, however, may cancel the license after the grantee has been given 90 days' notice. This provision shall not apply to right-of-way which is designated as county, state or federal highway or road.

(1) *Types of uses.* Any one or more of the following activities, improvements, facilities or uses on public right-of-way may be granted a special use license:

a. *Aerial uses.*

1. Temporary banners placed over streets; and
2. Other overhead encroachments not specified herein.

b. *Other uses.*

1. Supportive or decorative columns, arches or other structural or decorative features;
2. Neighborhood gateway signs and landscaping;
3. Other surface encroachments not specified herein; and
4. Miscellaneous subsurface uses.

c. *Additional uses permitted in downtown.*

1. An awning, canopy, marquee, or sign;
2. A sidewalk cafe containing removable chairs, planters or related materials.

(2) *Exceptions.* Any use not covered under this subsection shall require a special use license to utilize the public right-of-way. The following activities, improvements, facilities or uses on public right-of-way shall not require a special use license as herein provided:

- a. City licensed or owned and maintained transit bus shelters and other related amenities for the convenience of the public;
- b. Trees and decorative landscaping, including landscaping, lighting, watering systems, and other appurtenances for the maintenance thereof, provided however, that when such landscaping is proposed on a public street having a right-of-way width of 60 feet or more, a landscaping plan shall be submitted to and approved by the site development review committee prior to its installation; and
- c. Uses such as but not limited to, newspaper racks, trash containers, and public utility facilities where the city has granted a franchise or lease permitting such use of the public right-of-way.

(3) *Application.* The following shall be required of all applicants requesting a special use license:

- a. An application form completed and signed by the applicant and filed with the office of planning and development services. The application shall set forth the following information:
 - 1. The name, address and telephone number of the person or group seeking to use the public right-of-way;
 - 2. The date the applicant proposes to use a public right-of-way;
 - 3. A description of the proposed use of the public right-of-way; and
 - 4. The nonrefundable filing fee.
- b. Fifteen copies of a plan of the area being requested for a special use license, showing all adjacent lot, easement, or other improvements contained on the public right-of-way and any and all improvements to be placed on such by the applicant; and
- c. A transmittal letter including specific information, special circumstances or conditions which apply to the request.

(4) *Procedure.*

- a. The submitted application and materials will be considered by the site development review committee which will approve or deny the request.
- b. In the event that the property on which the license is granted changes ownership, no certificate of occupancy may be granted until a new special

use license is granted to the new owner or until the use is removed.

(5) *Indemnification and insurance requirements.*

a. As a condition of the special use license, the licensee shall agree to indemnify, defend and hold harmless the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way.

b. No special use license shall be granted unless the licensee files with the planning and development services office a certificate of liability insurance as hereinafter set forth. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the encroachment must be removed at that time.

c. The insurance policy shall be issued by an insurance company authorized to do business in the state and shall be reviewed by the city attorney. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or employees and the insurance shall meet or exceed the following minimum amounts: \$250,000.00 for each person and \$500,000.00 for each single occurrence for bodily injury or death and \$100,000.00 for each single occurrence for injury to or destruction of property. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public.

d. The policy of insurance shall name both the licensee and the city as insurers to the full amount of the policy limits. Such policy shall inure to the benefit of a person in whose favor a judgment may be rendered, but may contain a provision that suit against the insurer may not be brought until the licensee has failed to pay the final judgment of a court of competent jurisdiction against him or her.

e. The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the city ten days prior written notice. The licensee shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of the section, or surrendering the special use license.

f. Neither the city nor any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act, or omission, relating to the licensee's use of the public right-of-way. Sections 62-252--62-270. Reserved.

ARTICLE VI. ACCESS AND OFF-STREET PARKING

DIVISION 1. GENERALLY

Section 62-271. Scope and purpose.

The purpose of the regulations in this article is to promote the public health, safety and general welfare of the city's residents and motorists. These regulations are designed to promote safe access to city streets, to reduce road accidents, to protect public investment in streets, to establish a safe and reasonable balance between street access and traffic mobility, and to assure safe and convenient access to and circulation of emergency and service vehicles within developments. Further, they establish minimum design standards for access and parking lots and minimum requirements for off-street parking.

Sections 62-272--62-293. Reserved.

DIVISION 2. ACCESS, PARKING AND CIRCULATION PROVISIONS

Section 62-294. Texas Department of Transportation permits required.

No person, firm or corporation shall construct, reconstruct, alter or repair, remove or replace any sidewalk, drive approach or any concrete work on any TxDOT right-of-way within the city without first obtaining an approved TxDOT permit. This permit shall be submitted to the city for initial review and forwarded to TxDOT for final review and approval.

Section 62-295. General.

(a) *Compliance with ordinances, regulations and plans.* Any person seeking access to lands abutting the public street right-of-way shall comply with these regulations and:

- (1) The city's subdivision development ordinance.
- (2) The city's comprehensive zoning ordinance.
- (3) Other applicable city regulations, codes or ordinances.
- (4) Comprehensive plans or plan components.

- (5) Texas Manual on Uniform Traffic Control Devices.
- (6) City's design guideline standards.
- (7) City's engineering standards, specifications, and details.

(b) *Downtown districts and home occupations.* These regulations shall not apply to developments located within the downtown districts nor to home occupations.

(c) *Sidewalk requirement.* Any site plan requiring a full review by the site development review committee will require the design and construction of typical concrete sidewalks in accordance with city design standards on all existing and proposed curb and gutter streets adjacent to or included in the proposed site plan.

(d) *Payment to Special Fund in Lieu of Sidewalk Construction.* A developer or property owner responsible for construction of a sidewalk under subsection 62-295(c) may, on approval of the City Engineer, elect to meet that requirement in whole or in part by a cash payment in lieu of actual construction on the ground. Such payments shall be made by submitting a cashier's check after the time of final plat approval but prior to the time the plat is recorded with the county clerk's office.

The requirement shall be met by a fee in lieu of construction at a rate set at the current rate of construction per square foot or square yard of sidewalk built to adopted city standards at the time of application. Such rate shall be determined by the city surveying local construction bid prices, TxDOT bid prices and/or any other available bid price information. The bid price survey shall be conducted on an annual basis or more frequently as determined by city staff. The bid price survey shall be conducted by the Transportation Services Department manager or his/her designee. The results of the survey will be filed and made available for public access in the offices of the Development Services Department. Based on the findings of the bid price survey the fee rate shall be established by agreement between the Transportation Services Department manager and the City Engineer.

Fee payments made under this section may be used only for construction of a new sidewalk or repair and maintenance of an existing sidewalk located within the same City Council single member district within which a majority of the land area of the development that required construction of a sidewalk under subsection or 62-295 (c) is located.

(e) *Special Fund Created and Right to Refund.* There is hereby established one special fund for the deposit of all sums paid in lieu of sidewalk construction under this section. These funds shall be established maintained and utilized by the city's Transportation Services Department.

The city shall account for all sums paid in lieu of sidewalk construction under this section with reference to the individual plats or projects involved. Any funds paid for such

purposes must be expended by the city within ten (10) years from the date received for development of a sidewalk as defined herein. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the developer of the property on the last day of such period shall be entitled to a pro rata refund of the sum paid. The developer must request entitlement within one (1) year of entitlement to refund, or such right to a refund shall be waived. Refunds shall include any accrued interest minus one percent administrative costs

Section 62-296. Access standards.

(a) General principles.

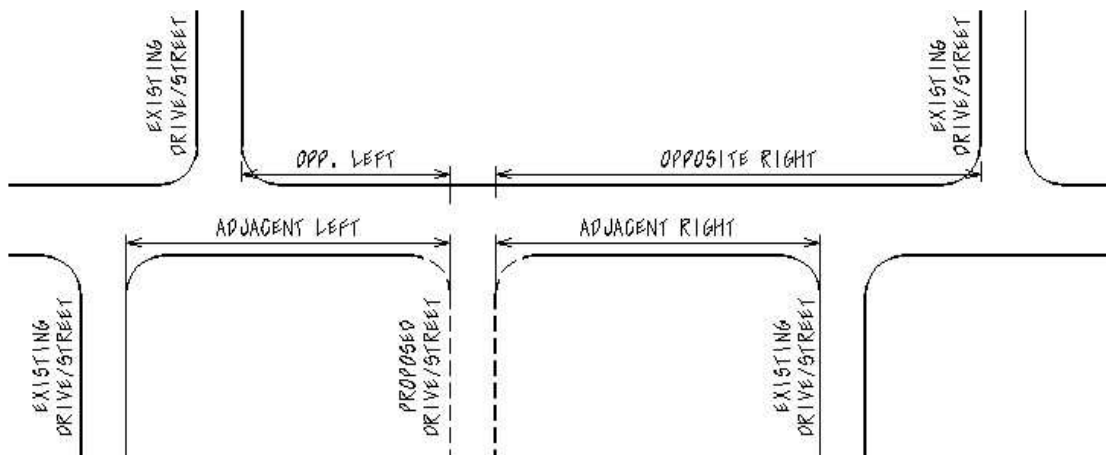
- (1) Nonresidential parking areas shall be designed to not allow backing of vehicles into a public street.
- (2) Access facilities shall be located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic. To ensure this, the site development review committee may require a traffic study be performed.
- (3) The property owner shall do all work and pay all costs in connection with the construction of access driveways and their appurtenances on the right-of-way.
- (4) Temporary or permanent nonpublic all-weather drive surfaces will be required at the beginning of construction for emergency access or turnaround for emergency vehicles. The minimum standards for this surface shall consist of four inches of limestone base with a one-course seal coat in accordance with the city standards and specifications.
- (5) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (6) Access to TxDOT facilities shall also comply with all TxDOT standards.
- (7) No single-family dwelling, townhouse, or duplex unit may take direct access to arterial streets or collector streets if the property can be accessed by a local street. If it can only be accessed by an arterial or collector street, then adequate maneuvering space must be provided, as vehicles will not be allowed to back directly into these streets.
- (8) Access from a nonresidential development to a local street shall be discouraged when the primary use of the local street is access to and from residences.

(b) Driveway design. All connections shall meet the following standards, as noted on the drawing below for clarification:

- (1) Adjacent left, adjacent right, and opposite right corner clearance and commercial driveway spacing is determined by the functional classification of the street as follows (where raised medians are present, the spacings can be reduced by 20 percent):
 - a. Major arterials, 275 feet.
 - b. Minor arterials, 230 feet.
 - c. Collectors, 185 feet.
 - d. Locals, 150 feet.

- (2) Opposite left corner clearance and commercial driveway spacing is determined by the functional classification of the street as follows (where raised medians are present, the spacings can be reduced by 20 percent):
 - a. Major arterials, 125 feet.
 - b. Minor arterials, 125 feet.
 - c. Collectors, 90 feet.
 - d. Locals, 75 feet.

- (3) Single-family residence, duplex, and townhouse driveway spacing are exempt from the functional classification, and shall maintain 30 feet of corner clearance.



- (4) In the event that a particular parcel or parcels lack sufficient thoroughfare

frontage to maintain the desirable spacing, the landowner have one of three options:

a. In cases where a property owner desires multiple access points that do not meet minimum spacing requirements, or when the property owner requests access to a street other than the one approved by the site development review committee, they may seek a variance from the planning and zoning commission for minimum spacing, number, and/or location. Staff shall include in its report a recommendation from the site development review committee.

b. The adjacent landowners may agree to establish a common driveway. Common driveways shall meet the standards set forth herein. Approval shall be conditional upon submittal of a perpetual joint use agreement which complies with the requirements set forth in this article.

c. In cases where a property cannot meet the desirable spacing and currently has no improved access to the site, the city will not deny the property owner an access point. However, the access must be located in such a place to minimize safety concerns.

(5) Specifications for construction of access aprons shall be equal to or exceed the specifications for the existing street and be in accordance with the rules, regulations and standards for subdivision construction in the city.

(6) Driveways shall be designed to drain so that street drainage is contained within the street, storm sewer or appropriate drainageway in order to ensure protection to the private property. Typically, this is achieved by constructing the drive such that the elevation of the driveway at the property line is at least as high as the top of curb.

(c) *Minimum curb return radius standards.* Minimum curb return radius standards (measured face-to-face) in accordance with AASHTO design standards:

(1) Single-family residential, 2 feet.

(2) Multifamily residential, 15 feet.

(3) Commercial, 25 feet.

(4) Industrial, 25 feet.

(d) *One-way access standards (width):*

(1) Single-family residential, 12--25 feet.

(2) Multifamily residential, 15--24 feet.

(3) Commercial, 15--29 feet.

(4) Industrial, 15--29 feet.

(e) *Two-way access standards (width):*

(1) Single-family residential, 12--25 feet.

(2) Multifamily residential, 25--40 feet.

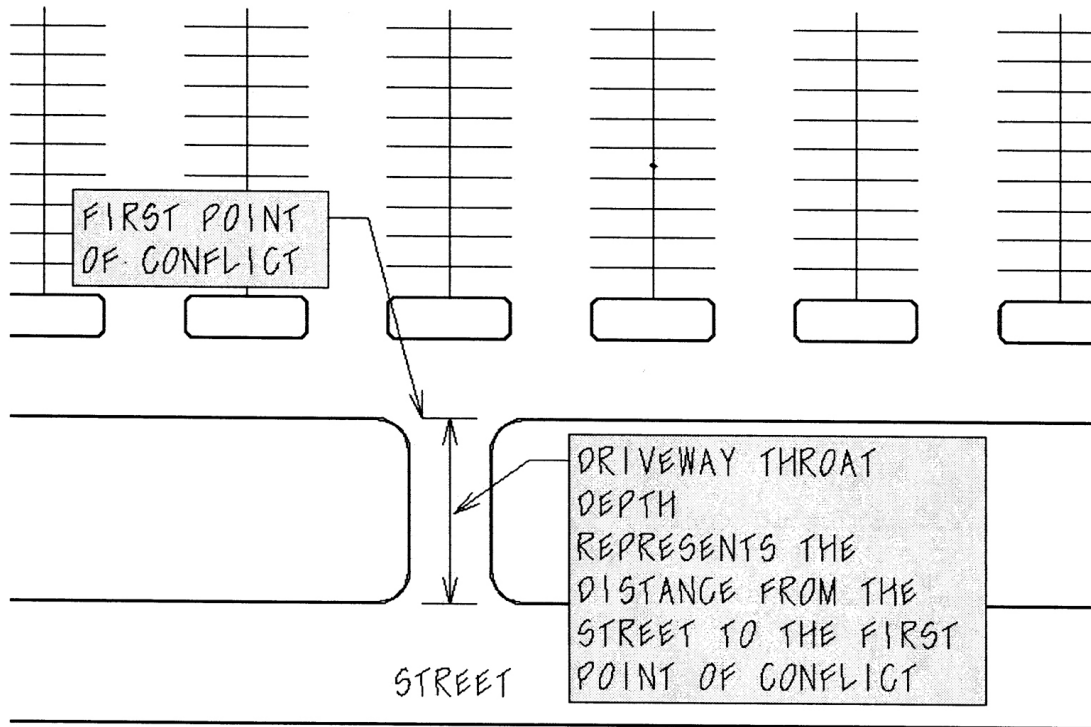
(3) Commercial, 25--50 feet.

(4) Industrial, 30-foot minimum.

(f) *Throat depth:*

	Unsignalized	Signalized
Major Arterial:		
(1 lane in, 1 lane out)	50'	75'
(1 lane in, 2 lanes out)	50'	75'
(2 lanes in, 3 lanes out)	N/A	200'
(2 lanes in, 4 lanes out)	N/A	300'

Minor Arterial:		
(1 lane in, 1 lane out)	50'	75'
(1 lane in, 2 lanes out)	50'	75'
Collector	30'	50'

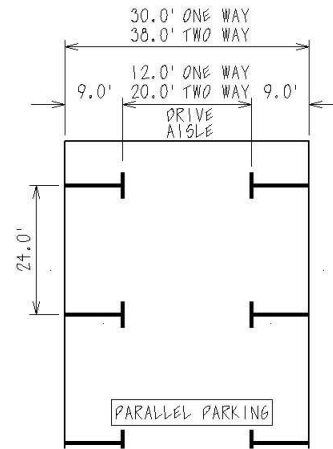
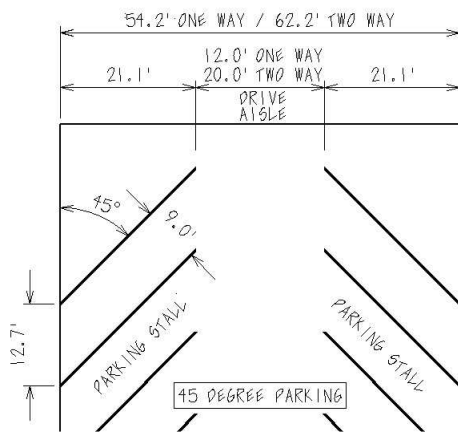
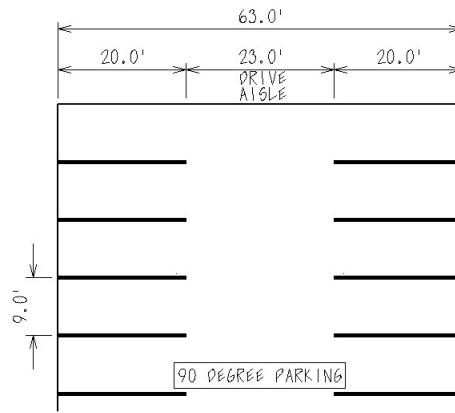
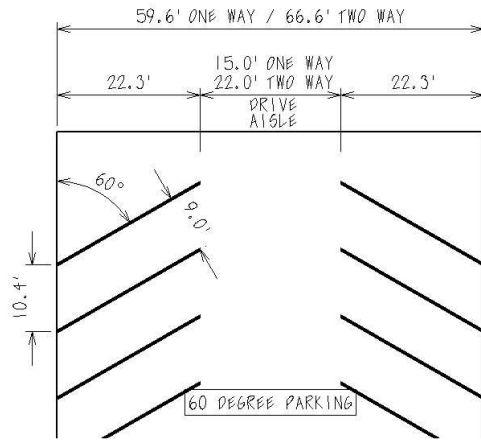


Section 62-297. Parking and circulation.

(a) *General principles.*

- (1) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development. The minimum parking requirements herein specified are considered minimum requirements and shall be exceeded where usage, experience or design information makes such increase appropriate.
- (2) Required off-street parking areas shall not be used for the commercial sale, repair, dismantling, servicing, storage or display of vehicles, equipment, materials, supplies or merchandise.

- (3) Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.
 - (4) All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. The maneuvering area thereto shall be located entirely upon private property, except that the unobstructed width of an abutting alley may be considered for maneuvering area.
 - (5) All off-street parking spaces and accompanying maneuvering areas specifically designed for vehicles with a wheel base of passenger car design standard shall have an all-weather surface. The all-weather surface shall be composed of asphalt or Portland cement pavement or a penetration surface so as to provide a durable, dustless surface. All off-street parking spaces and accompanying maneuvering areas specifically designed for vehicles with a wheel base greater than passenger car design standards may be composed of gravel. All off-street parking areas shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading, parking and storage of vehicles.
 - (6) No requirement set forth in this article shall be construed to prevent collective utilization of any off-street parking facility for two or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the particular individual uses computed separately in accordance with the applicable regulations for off-street parking spaces.
- (b) *Parking area design.* The design of 45-degree, 60-degree, 90-degree, and parallel parking areas shall conform to the standards shown below. These requirements are measured from wall-to-wall. An 18-foot paved space (90-degree only) may be utilized where the space abuts a landscaped island with a minimum depth of four feet. An 18-foot space may also be used when adjacent to a sidewalk provided that the minimum width of the sidewalk is six feet.



(c) *Striping and marking.* All striping for parking stalls shall be a minimum of four inches wide of white safety traffic paint designated for such use. All other markings required to designate crosswalks, directional arrows, fire lanes, handicap spaces, or service areas shall be in compliance with the Texas Manual on Uniform Traffic Control Devices.

(d) *Handicap parking and access.* All handicap parking spaces and access shall be in accordance with the Texas Accessibility Standards.

(e) *End islands.* An end island shall be required at the end of each parking row. The island shall have raised curbing not less than six inches in height and encompass an area of not less than 180 square feet for single parking row end islands or 360 square feet for double single row end islands.

(f) *Dividers.* Bay dividers shall be provided in order to prevent uncontrolled movement across parking areas, to separate the parking area from the adjacent property, and to increase the safety of individuals using the lot. Dividers shall be provided on every other parking row and conform to one of the following standards:

- (1) Wheel stops shall be made of concrete and/or approved materials not less than

six inches in height and six feet in length and shall be anchored and placed in the center of each parking stall 2 1/2 feet behind the front of the parking space.

- (2) Raised dividers shall have raised six-inch curbing and be a minimum of five feet in width measured from face of curb to face of curb and tie in with the end island.
- (3) Raised dividers that are landscaped shall have raised six-inch curbing and be a minimum of seven feet in width and tie in to the end island.

(g) *Traffic control signs.* All traffic control signs required for the site shall meet the standards established in the Texas Manual on Uniform Traffic Control Devices.

(h) *Off-site parking.* All parking spaces required by this article shall be located on the same property as the structure they serve, except where an enlargement or change in use increases the required number of spaces. In such cases, off-site parking may be allowed and must conform to the following standards:

- (1) The off-site parking area must be on adjacent property to the property served or within 100 feet of the structure they serve if not located on the property adjacent to the site.
- (2) Access to off-site parking shall not interfere with the normal movement of traffic along adjacent arterials or collectors, as specified in the major thoroughfare plan, nor as to endanger pedestrians moving between the parking area and the structure served. Off-site parking is not allowed in any area that would require a pedestrian to cross an arterial street.
- (3) To discourage the use of thoroughfares by circulating vehicles, provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems.
- (4) The off-site parking area shall remain in use as long as the parking requirement exists or until such time that adequate on-site parking is provided. In any case where required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney filed with the county and submitted with the application for site plan approval.

(i) *Amount of parking required.*

- (1) Rules for computing the parking requirement.

- a. Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole number.
- b. The parking space required for a use not specifically mentioned herein shall be the same as required for a similar use.
- c. A parking analysis shall be required for each development and shall be a part of the site plan submittal. It shall include the number of employees, number of parking spaces provided, number of spaces required with proper calculations, square footage of each structure and the use of each structure. When necessary, an additional traffic impact analysis may be required to determine the impacts of a development on the off-site public street system.

(2) Minimum parking requirements.

a. *Residential.**

***Note:** The single-family requirements only apply to new residential construction. Enclosure of a garage or a room addition would not be required to add parking if they can accommodate two vehicles in their driveway. In the case where only one space is provided, an additional space will be required or a variance must be obtained.

1. Single-family dwelling:

- (i) 1--2 bedrooms: 2 spaces required.
- (ii) 3--4 bedrooms: 3 spaces required.
- (iii) 5 or more bedrooms: 4 spaces required.

2. Duplex and quadruplex: 1 per bedroom.

3. Apartments: 1 per bedroom.

4. Boardinghouse: 2 spaces per dwelling unit, plus 1 for every 2 roomers.

5. Manufactured home park: see chapter 130, zoning.

6. Hotel or motel:

- (i) One per guestroom,
- (ii) One for every 400 square feet of public meeting space

b. *Institutional and special uses.*

1. Church: 1 per 2 seats in the sanctuary.
2. College or university: 1 per faculty and staff, plus 5 per resident and commuter student.
3. Public community, health, or welfare center: 1 per 250 square feet of gfa.
4. Day camp, kindergarten, or day nursery: 1 per 6 pupils, plus 1 per 2 staff members.
5. Fraternity or sorority house: 1 per residence, plus 1 for every 2 additional active members.
6. Hospital: 1.5 per bed.
7. Institution, religious, charitable, or philanthropic organizations: 1 per 200 square feet of gfa.
8. Trade schools, 1 per 200 square feet of gfa.
9. Nursing or convalescent homes: 1 per 5 beds, plus 1 for each day staff member.
10. Institutional home for the elderly: 1 per 5 residence units, plus 1 per each day staff member.
11. Residence home for the elderly: 1 per dwelling unit.
12. Place of public assembly: 1 per 50 square feet of gfa.
13. School, elementary: 1 per 20 students.
14. School, middle: 1 per 15 students.
15. School, high: 1 per 3 students.
16. Lodge or fraternal organization: 1 per 100 square feet of gfa.

c. *Food and beverage services.*

1. Drive-in, fast food, or take-out (service to auto): 8, plus 1 per 50 square feet of seating area

2. General restaurant or cafeteria (no service to auto): 1.25 per 100 square feet of gfa, plus spaces for banquet rooms
- d. *Office, professional, or financial uses.*
1. Bank or savings and loan office: 1 per 300 square feet of gfa.
 2. Clinic or doctor's office: 1 per 200 square feet of gfa.
 3. General office: 1 per 300 square feet of gfa.
 4. Dance, drama, or music studio: 1 per 200 square feet of gfa.
- e. *Personal service and retail uses.*
1. Personal service establishments: 1 per 200 square feet of gfa.
 2. Retail stores/shops in buildings: 1 per 250 square feet of gfa.
 3. Shopping centers: 1 per 200 square feet of gfa.
 4. Outdoor retail sales: 1 per 400 square feet of site area.
- f. *Recreation, social, and entertainment uses.*
1. Commercial amusements: 1 per 100 square feet of enclosed gfa.
 2. Bowling alley: 6 per lane.
 3. Theater: 1 per 5 seats.
 4. Night club: 1 per 100 square feet of gfa.
- g. *Motor vehicle and machinery uses.*
1. Carwash: 1 per 500 square feet of gfa.
 2. Automobile sales:
 - (i) 1 per 400 square feet enclosed space.
 - (ii) 1 per 2,000 square feet outside display area.
 3. Auto repair, garage, or shop: 1 per 200 square feet of gfa.

4. Machinery sales, repair--indoor: 1 per 500 square feet of gfa.
 5. Machinery sales, repair--outdoor: 1 per 2,000 square feet of gfa.
- h. *Storage, wholesale, and manufacturing uses.*
1. Brick or lumberyard: 1 per 2,000 square feet of site area.
 2. Storage of sand, gravel, petroleum products, etc.--outdoor: 1 per 2,000 square feet of site area.
 3. Wholesale or manufacturing operation: 1 per 1,000 square feet of gfa or 1 per each 2 employees on the larger shift.
 4. Warehouse and enclosed storage: 1 per 600 square feet of gfa.
 5. Mini-storage complex: 1 per 30 square feet of office area.

Sections 62-298--62-327. Reserved.

DIVISION 3. LOADING AND UNLOADING AREAS

Section 62-328. Location.

(a) Loading and unloading areas shall be located so as not to restrict or interfere with the normal movement of pedestrians and vehicles along streets, sidewalks or in parking areas. Driveway placement shall be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

(b) Areas designated for the loading and unloading of people shall be physically separate from areas designated for the loading and unloading of freight or goods not carried by people embarking/disembarking from a vehicle. Such physical separation will preclude use of a loading/unloading area by the other activity.

Section 62-329. Screening.

Loading and unloading areas shall be screened from parking areas and adjacent properties by a solid visual barrier not less than six feet in height. Loading and unloading areas for people are not required to be screened from parking areas and adjacent properties.

Section 62-330. Child care facilities.

Child care centers, kindergartens and other child care facilities shall be required to provide

a loading/unloading area, separate from the parking area and as close to the main entrance as possible. The loading/unloading area shall have one-way movement.

Section 62-331. Solid waste disposal.

(a) Dumpsters, when used, shall be placed on concrete dumpster pads six inches in thickness, 12 feet in width and ten feet in depth. The dumpster pad for a metal side loading container shall be nine feet in width and six feet in depth. A 300 or 90 gallon pad site shall be three feet in width and three feet in depth.

(b) The pad shall have a six-foot visual screen on three sides with the fourth side remaining open for access or be fitted with a gate matching the screening on the other three sides.

Sections 62-332--62-350. Reserved.

DIVISION 4. SIGHT DISTANCE REQUIREMENTS

Section 62-351. Sight obstruction standards for streets, alley corners and access points.

(a) Through adoption of this article, the city has adopted the sight distance standards and criteria as set forth in A Policy on Geometric Design of Highways and Streets developed by the American Association of State Highway and Transportation Officials, latest edition.

(b) It shall be unlawful for any person to place or maintain or cause or allow to be placed or maintained any plant, tree, fence, object or vehicle in such a position on a corner lot in the city such that a driver of a vehicle cannot see down the intersecting streets the distance specified in subsection (a) of this section.

(c) It shall be unlawful for any person to place or maintain within the sight distance triangle any plant or object having a height greater than 30 inches above the level of the center of the nearest abutting street. Further the area of clear vision shall continue to a height not less than 13 1/2 feet above the street level or to such height necessary to provide an unobstructed view of the intersection as specified in subsection (a) of this section.

Section 62-352. Obstruction of rights-of-way prohibited.

(a) It shall be unlawful for any person to place, maintain, permit or cause to be placed or maintained any tree, shrub, or plant of any kind or vehicle of any kind on or across public right-of-way as to:

- (1) Obstruct passage on or use of that area by the public.
- (2) Create a hazard to persons using the right-of-way.
- (3) Restrict drainage flow.

(b) All parts of any vehicles parked adjacent to a public street or other public right-of-way shall be parked entirely on private property, shall not extend into the public right-of-way and shall be in observance of sight obstruction standards. Curbs or guideposts shall be installed as necessary to prohibit vehicle parking in the public right-of-way.

Section 62-353. Sight obstruction standards for fire hydrants.

It shall be unlawful for any person to place or maintain any plant, tree, fence or object that would visually obstruct the location of a fire hydrant from the public right-of-way.
Sections 62-354--62-379. Reserved.

DIVISION 5. VARIANCES

Section 62-380. Granting.

(a) *Planning and zoning commission authorization.* The planning and zoning commission may authorize a variance from the regulations in this article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.

(b) *Conditions for granting.* No variance shall be granted unless the planning and zoning commission finds that all of the following are met:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;
- (2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area; and

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

(c) *Findings of planning and zoning commission.* Such findings of the planning and zoning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(d) *Requests to be in writing.* All requested variances from this article shall be made in writing at least ten working days prior to the date on which consideration is to be given by the planning and zoning commission. Submittal shall be made in the office of development services.

Section 62-381. Appeals.

(a) *Request; city council review.* If the applicant should disagree with the action of the planning and zoning commission, he or she may appeal the decision to the city council. The request for appeal must be made in writing within ten days of the planning and zoning commission's decision. Following the filing of a notice of appeal, the city council shall, within 30 days, conduct a review of the decision of the planning and zoning commission denying the requested variance. In its review of the decision of the planning and zoning commission to deny the requested variance, the city council shall utilize the criteria set forth in section 62-380.

(b) *Failure of city council to act.* An application for a variance is automatically granted if the city council does not act on the variance appeal before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive the time deadline established by this subsection.

Sections 62-382--62-405. Reserved.

ARTICLE VII. LANDSCAPING

DIVISION 1. GENERALLY

Section 62-406. Scope and purpose.

Landscaping is required of all development that requires a full site plan review except single-family, patio home, townhouse, and duplex uses.

Section 62-407. Application of article.

(a) The landscaping requirements of this article shall apply to all land located in the city and proposed for other than single-family or duplex development. Such landscaping requirements shall become applicable as to each individual lot at such time as an application for a building permit on such lot is made. All landscaping requirements under this article shall run with the land and their application shall apply to any owner or subsequent owner.

(b) Each phase of a phased project shall comply with the requirements of this article. The portion left for subsequent phases shall remain of developable size and quality. No certificate of occupancy for the current phase or no building permit shall be issued for a subsequent phase of a project until all requirements of this article have been met. In order to issue a certificate of occupancy on a project in which landscaping improvements are required, the developer may either install the landscaping to the approval of the city or submit a letter of credit. In addition to the letter of credit, the owner shall provide a letter granting the city the right to install the required landscaping.

(c) When the requirements of this article conflict with requirements of other provisions of this Code, this article shall prevail; provided however, that the provisions of this article shall be subordinate to regulations pertaining to traffic and pedestrian safety.

Sections 62-408--62-427. Reserved.

DIVISION 2. REQUIREMENTS

Section 62-428. Site plan requirements.

(a) When a full site plan review by the site development review committee and/or the planning and zoning commission is required, the site plan shall additionally contain the landscaping information listed below and also be referred to as the landscape plan:

- (1) The location, quantity, size, common name, and scientific name of proposed landscaping in proposed landscaped areas;
- (2) The location, quantity, size, common name, and scientific name of existing trees;

- (3) The location of the proposed irrigation system or hose connections; and
- (4) Information necessary for verifying whether the minimum required landscaping requirements have been met.

(b) The regulations in this article shall not apply to development located within the downtown district. All landscape and streetscapes shall be in accordance with the approved downtown master plan.

Section 62-429. Landscaping requirements.

(a) *Building site.*

(1) *Area requirements.*

a. An area equal to 15 percent of the developed area (building site) shall be required to be landscaped. A lot shall not exceed a total of 90 percent impervious lot coverage. The developed area shall include the main structure, any accessory structure, parking lots, equipment lots, and outside storage areas. Landscaping shall be located to the front and sides of the parcel in those portions of the developed area facing public rights-of-way. Where screening is required along a public street, landscaping shall be placed between the screening and the street. The combination of trees, shrubs, and groundcover shall be used in fulfilling the landscaping requirements. Where open storage of materials, commodities, or equipment permitted in the "I" industrial districts, encompass one acre or more, not including any structures, the area to be landscaped shall be reduced to five percent of the developed area. Landscaping shall be placed to the exterior of the screening fence, or be an integral part of the screening fence, and to the front and sides of the parcel in those portions of the developed area facing public rights-of way. The combination of trees, shrubs, and groundcover shall be used in fulfilling the landscaping requirements.

b. Not less than 50 percent of the area to be landscaped shall be planted in trees.

c. Not less than 50 percent of the trees planted in the area to be landscaped shall be canopy trees. Canopy trees shall include those species whose mature crown height is 30 feet or more in height. Noncanopy trees shall include those species whose mature crown height is at least 15 feet in height.

(2) *Trees.*

a. Trees to be planted shall be six feet or more in height and measure a

minimum of 1 1/2 inches in caliper when measured 12 inches from the base of the trunk or top of the ball. If smaller caliper trees are desired, 15 sf points shall be granted for each. This requirement also applies to all future building additions.

b. Existing trees used for landscape credit must have a minimum trunk diameter of 4 1/2 inches or larger and be in a healthy physical state. Should existing trees used for landscape credit die, they shall be replaced with new trees according to the requirements of subsection (a)(2)c of this section. Existing trees with a trunk diameter less than 4 1/2 inches may be given the same landscape credit as that given newly planted trees with similar characteristics.

c. Square feet of coverage shall be granted in the following amounts for container trees. If noncontainer trees are to be used, subtract 50 points.

1. Existing canopy trees protected during construction: 225 square feet.
2. Newly planted canopy trees, 1 1/2 inches to 3 inches: 200 square feet.
3. Newly planted canopy trees, greater than 3 inches: 350 square feet.
4. Existing noncanopy trees protected during construction: 100 square feet.
5. Newly planted noncanopy trees, 1 1/2 inches to 3 inches: 150 square feet.
6. Newly planted noncanopy trees, Greater than 3 inches: 225 square feet.

(3) *Shrubs and planting beds.*

- a. Less than 2 gallons, 5 square feet;
- b. 2 gallons--Up to 15 gallons, 10 square feet;
- c. 15 gallons and larger, 15 square feet;
- d. Planting beds used and maintained for the purpose of rotating live decorative planting materials shall be granted a credit of one square foot for each square foot of bedding area.

(4) *Grasses and groundcovers.* Complete coverage by grass, live groundcover, and/or nonvegetative groundcover approved by the city is required in those areas not covered by trees or shrubs. Ten square feet will be granted for every 100 square feet of grass or live groundcover. This amount shall not exceed 15 percent of the overall landscaping required.

(b) *Parking areas.*

(1) *Trees.* Trees are required for every parking lot end island regardless of the number of trees required by subsection (a)(1) of this section. Other appropriate landscape materials may replace trees in some parking islands. Substituted trees must be planted elsewhere on site. Trees to be planted shall be a minimum of two inches in caliper when measured 12 inches from the base of the trunk or top of the ball.

(2) *Shrubs, grasses, and live groundcovers.* The remainder of all parking lot islands shall be fully landscaped with shrubs, grass, live groundcovers, and/or nonvegetative groundcover approved by the city. When grass is used, 100 percent live grass groundcover and/or live groundcover is required, whether by solid sod overlay or preplanting and successful takeover of grass and/or planting of live groundcover. Any shrubs used shall constitute partial fulfillment of the requirements of subsection (a)(1) of this section.

(3) *Screening.* A decorative wall or landscaped earth berm at least two feet in height, or dense shrubbery having year-round foliage at least three feet in height, is required as a visual buffer along street frontages in the following circumstances:

- a. Where outdoor parking areas are located within 30 feet of any street right-of-way, except for driveway openings providing access from the street to the parking area.
- b. Where fuel pumps are located in any parking area, driveway, or maneuvering area between the principal building and any street.
- c. Where a vehicle drive-up window faces a street.

(c) *Freestanding on-premises signs.*

(1) Landscaping shall be provided for an area extending a minimum four linear feet in all directions from the support of all freestanding on-premises signage. In the event that the signage has more than one support, the landscaped area shall be extended between the supports at a width of not less than four feet. This landscaping shall constitute partial fulfillment of the requirements of subsection (a)(1) of this section.

(2) The landscaped area shall be composed of a minimum of 50 percent shrubs. The remainder of the landscaped area shall have 100 percent live grass groundcover and/or live groundcover whether by solid sod overlay or preplanting and successful takeover of grass and/or planting of live groundcover.

(d) *General.*

(1) Trees recommended for use in the Brazos Valley are identified on the tree species list and may be used to meet these requirements. Other species may be used upon review and approval of a landscape plan. Native species that conserve water and have reduced maintenance requirements are suggested for use in landscaping plans.

(2) All required landscaping shall be irrigated by either an underground sprinkler system, or hose attachment within 150 feet of all landscaping.

(3) All landscaping shall comply with the sight distance requirements as defined in article VI of this chapter.

(4) Parking of vehicles shall not be allowed on approved landscaped areas or on landscaped areas for projects which were built prior to this article. Parking of vehicles on landscaped areas shall be considered a violation of this article, subject to the general penalty provisions of this article.

(5) Artificial plant materials are prohibited.

(6) Landscaping plans utilizing special or unusual arrangements of plants and other landscaping materials as part of an overall site design, shall prepare an alternative landscape plan including reasons supporting the need for an alternative plan.

(7) Nonvegetative groundcovers permitted by this article may include but is not limited to washed gravel, bark mulches, lava rock, sand, rock, or other decorative covers used in landscaping.

(8) Credit may be given for landscaping placed in the public right-of-way only with the approval of the site review committee and, in the case of right-of-way controlled by the state, the approval of the state department of transportation. Landscaping placed in the public right-of-way shall conform to the provisions of article VI of this chapter regarding sight distance and not create a safety hazard.

(9) Variations to the requirements of this article may be approved if the landscape plan is sealed by a registered landscape architect. Such plans must show reasonable evidence that the requirements as set forth in this article were used as a guide.

Section 62-430. Redevelopment.

Any development existing, occupied, and in use at the time of passage of the ordinance from which this article is derived may continue to be so until such time the site undergoes a change of use, change of ownership, change of tenant, voluntary improvement, substantial reconstruction, conversion, structural alteration, relocation, or enlargement. At that time, an area equal to eight percent of the developed area (building site) shall be required to be landscaped. All square foot points shall follow section 62-429.

Section 62-431. Tree policy.

No trees other than those species listed as a noncanopy tree on the approved tree list may be planted under or within ten lateral feet of an overhead utility wire, or over or within five lateral feet of any public underground water line, sewer line, or other utility.

Section 62-432. Completion and extension.

(a) The city planner and/or his or her designee shall review all landscaping for compliance with this article and approve the landscape plan. Landscaping shall be completed in compliance with the plan before a certificate of occupancy is issued. In the event placement of landscaping materials is not practicable at the time the certificate of occupancy is requested, a placement schedule will be submitted for approval prior to issuance of the certificate of occupancy. Failure to meet the placement schedule and place the required landscaping materials as shown on the approved landscape plan shall constitute a violation of this section of the zoning ordinance subject to the general penalty found in section 1-14.

(b) Replacement of dead landscaping must occur within 90 days of notification. Replacement material must be of similar character as the dead landscaping. Failure to replace dead landscaping, as required by the zoning official, or his or her designee, shall constitute a violation of this article subject to the general penalty provided in section 1-14.

Sections 62-433--62-462. Reserved.

DIVISION 3. VARIANCES

Section 62-463. General.

(a) *Planning and zoning commission authorization.* The planning and zoning commission may authorize a variance from the regulations in this article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

(b) *Conditions for granting.* No variance shall be granted unless the planning and zoning commission finds that all of the following are met:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;
- (2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- (4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

(c) *Findings of planning and zoning commission.* Such findings of the planning and zoning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(d) *Request to be in writing; submission.* All requested variances from this article shall be made in writing at least ten working days prior to the date on which consideration is to be given by the planning and zoning commission. Submittal shall be made in the development services office.

Section 62-464. Appeals.

(a) *Deadline for appeal.* If the applicant should disagree with the action of the planning and zoning commission, he or she may appeal the decision to the city council. The request for appeal must be made in writing within ten days of the planning and zoning commission's decision.

(b) *City council review.* Following the filing of a notice of appeal, the city council shall, within 30 days, conduct a review of the decision of the planning and zoning commission denying the requested variance. In its review of the decision of the planning and zoning commission to deny the requested variance, the city council shall utilize the criteria set forth in section 62-463.

(c) *Failure of city council to act.* An application for a variance is automatically granted if

the city council does not act on the variance appeal before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive the time deadline established by this subsection.

Sections 62-465--62-481. Reserved.

DIVISION 4. TREE LIST

Section 62-482. Tree list.

The city tree list is as follows:

(1) *Canopy trees ("shade trees")*.

<i>Common Name</i>	<i>Botanical Name</i>
River Birch	Betula nigra
Pecan	Carya illinoensis
Southern Catalpa	Catalpa bignonioides
Hackberry	Celtis occidentalis
Ash	Fraxinus sp.
Eastern Red Cedar	Juniperus virginiana
Chinaberry	Melia azedarach
White Mulberry	Morus alba
Chinese Pistache	Pistacia chinensis
Sycamore	Platanus occidentalis
Cottonwood	Populus deltoides
'Bradford' Pear	Pyrus calleryana 'Bradford'
Bur Oak	Quercus macrocarpa
Water Oak	Quercus nigra
Willow Oak	Quercus phellos
Live Oak	Quercus virginiana
Weeping Willow	Salix babylonica
Chinese Tallow	Sapium sebiferum
Bald Cypress	Taxodium distichum
American Elm	Ulmus americana
Cedar Elm	Ulmus crassifolia
Lacebark Elm	Ulmus parvifolia
Chinese Elm	Ulmus pumilaa

a. Canopy trees ("shade trees") should achieve a mature crown height greater than 20 feet.

b. Other species not listed above may also satisfy canopy tree requirements. Any tree selected must be regionally acclimated and perform well under local conditions (e.g., soil, water, climate, etc.)

(2) Noncanopy trees ("ornamental trees").

<i>Common Name</i>	<i>Botanical Name</i>
Mimosa	<i>Albizia julibrissin</i>
Texas Buckeye	<i>Aesculus arguta</i>
Red Bud	<i>Cercis Canadensis</i>
Desert Willow	<i>Chilopsis linearis</i>
Possumhaw	<i>Ilex decidua</i>
Yaupon Holly (Tree Form)	<i>Ilex vomitoria</i>
Golden Raintree	<i>Koelreuteria sp.</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
'Little Gem' Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Crabapple	<i>Malus sp.</i>
Vitex (Chastetree)	<i>Vitex agnus-castus</i>

a. Noncanopy trees ("ornamental trees") should achieve a mature crown height less than 20 feet.

b. Other species not listed above may also satisfy noncanopy tree requirements. Any tree selected must be regionally acclimated and perform well under local conditions (e.g., soil, water, climate, etc.).

Sections 62-483--62-502. Reserved.

ARTICLE VIII. CORRIDOR OVERLAY STANDARDS

DIVISION 1. GENERALLY

Sections 62-503--62-527. Reserved.

DIVISION 2. WEST VILLA MARIA, FM 2818, AND FM 158 CORRIDOR OVERLAY DISTRICTS

Section 62-528. General purpose and description.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. The intent is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop.

Section 62-529. Lot and setback standards.

- (a) *Reference.* Refer to building setbacks and lot standards, article IV.
- (b) *Perimeter fencing.* Except for retaining walls required for soil stabilization and walls along the side or rear of lots, all fences and walls over three feet high shall be set back a specific number of feet from any street right-of-way line, or on private property a specific distance from the edge of the adjacent paved street surface.
- (c) *Off-street parking.* All off-street parking, maneuvering, and loading areas shall be set back from any street right-of-way line.
- (d) *Building and signage.* Building and signage shall not be permitted within setbacks.
- (e) *Impervious surfaces.* Buildings, parking areas, or other impervious surfaces, except for paved pedestrian or bicycle paths and recreational amenities such as picnic tables, shall not be located within the floodway portion of the 100-year floodplain or within 50 feet of the top of the bank, whichever is greater as determined by the city engineer or his or her designee, of existing water features (ponds, creek channels, or tributaries thereof) in the locations identified on the maps. Where the 50-foot setback from the top of the bank applies, it may be reduced to a minimum of 25 feet if additional landscaping is planted in the remaining setback area in an amount of square-foot credit, equivalent to the total square feet of area by which the setback is reduced.

Standard	West Villa Maria, FM 2818, FM 158
Off-street parking setback	25 feet
Building within setbacks	Not permitted
Signage within setbacks	Not permitted

Section 62-530. Landscape standards.

(a) *General.* A certain percentage, as prescribed by the table below, of the developed area (buildings, parking areas, and other impervious surfaces) of each lot shall be landscaped. Landscaping placed in the rear of the developed area not adjacent to a public right-of-way is not given credit toward meeting the minimum requirement.

(b) *Trees planted for landscape credit.* New trees planted for landscape credit shall be of a certain height and caliper, as prescribed by the table in subsection (d) of this section. New trees shall be a species recommended for the Brazos Valley, a minimum of which shall have year-round foliage (e.g. Yaupon Holly, Japanese Black Pine, Live Oak) or be a flowering deciduous species (e.g. Crepe Myrtle, Texas Redbud, Bradford Pear, Purple Leaf Plum).

(c) *Irrigation.* Installation of irrigation systems shall be required for all landscaped areas.

(d) *Landscape credit for shrubs.* Newly planted five-gallon or larger shrubs shall each be granted 20 square feet landscape credit.

Standard	West Villa Maria, FM 2818, FM 158
Landscaped lot	At least 17 percent
New landscaping	At least 8 feet in height, 2 1/2 inches in caliper, and a minimum of 75 percent having year-round foliage
Irrigation systems	Required
Landscape reserve	Not applicable

Section 62-531. Sign standards.

(a) *Roof signs.* Roof signs shall not extend above the highest point of the roof visible from the nearest street toward which the sign faces.

(b) *Moving signs.* Signs shall not have visible parts that move, swing, or rotate.

(c) *Automatic signs.* Except for permitted automatic changeable copy signs, signs having revolving, flashing, blinking, or traveling lights are prohibited.

(d) *Subdivision development signs.* In the AO, RD-5, RD-7, and MF districts, permitted subdivision or development identification signs shall not exceed a maximum height and size, as prescribed by the table in subsection (f) of this section. Landscaping is required around the base of freestanding sign support structures as provided in section 62-429.

(e) *Permitted signs in C1, C2, and I districts.* In the C1, C2, and I districts, permitted wall signs and freestanding signs shall not exceed a specified maximum size, and permitted freestanding signs shall not exceed a specified maximum height, as prescribed by the table below, where such maximum limits would be more restrictive than allowed by the sign ordinance.

(f) *Permitted signs in C3 district.* In the C3 district, permitted wall signs and freestanding signs shall not exceed a specified maximum size, and permitted freestanding signs shall not exceed a specified maximum height, as prescribed by the table below, where such maximum limits would be more restrictive than allowed by the sign ordinance.

Standard	District	West Villa Maria, FM 2818, FM 158
Signs	AO, RD-5, RD-7, MF	Maximum height of 5 feet and maximum size of 60 square feet
	C1, C2, I	Maximum height of 10 feet and maximum size of 150 square feet
	C3	Maximum height of 15 feet and maximum size of 200 square feet

Section 62-532. Access and off-street parking standards.

(a) *Direct access.* Direct access is prohibited onto the specified thoroughfares from single-family and duplex residential uses on lots of a maximum amount of frontage located within the corridor.

(b) *Driveways and loading access.* Driveways and loading areas, in addition to off-street parking and maneuvering areas, shall be paved with an all-weather surface of asphalt or

concrete. Where the driveway or parking area on a lot provides the sole vehicular access from the street to a nonresidential use on an abutting lot, the driving surface used for such purpose shall be steel-reinforced concrete.

(c) *Public sidewalks.* All public sidewalks along a specified thoroughfare shall be at least six feet wide.

(d) *Number of driveways.* The maximum number of driveways permitted for each lot shall not exceed the following limits, as prescribed by the table in subsection (f) of this section.

(e) *Corner clearance and driveway spacing.* The minimum corner clearance and driveway spacing determined by the functional classification of the street shall not be less than the limits described in section 62-296.

(f) *Parking rows.* The length of rows of parking spaces between end islands or peninsulas shall not exceed a certain number of feet and, in outdoor parking areas having spaces for more than a specified number of vehicles where such islands or peninsulas are required, the distance from any parking space to a landscaped end island or peninsula shall not exceed a certain number of feet, as prescribed by the following table.

Standard	West Villa Maria, FM 2818, FM 158
One access point	Lot frontages less than 200 feet
Two access points	Lot frontages of 201--400 feet
Three access points	Lot frontages of 401--600 feet
Four access points	Lot frontages greater than 600 feet
Parking rows	Maximum of 180 feet

Sections 62-533--62-557. Reserved.

DIVISION 3. SH 47 CORRIDOR OVERLAY DISTRICT

Section 62-558. General purpose and description.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. The intent is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable

place to live, work, and shop.

Section 62-559. Lot and setback standards.

- (a) *Reference.* Refer to building setbacks and lot standards, article IV of this chapter.
- (b) *Perimeter fencing.* Except for retaining walls required for soil stabilization and walls along the side or rear of lots, all fences and walls over three feet high shall be set back a specific number of feet from any street right-of-way line, or on private property a specific distance from the edge of the adjacent paved street surface, as prescribed in the table in subsection (e) of this section, whichever is less.
- (c) *Off-street parking.* All off-street parking, maneuvering, and loading areas shall be set back from any street right-of-way line.
- (d) *Building and signage.* Signage shall be permitted within setbacks.
- (e) *Impervious surfaces.* Buildings, parking areas, or other impervious surfaces, except for paved pedestrian or bicycle paths and recreational amenities such as picnic tables, shall not be located within the floodway portion of the 100-year floodplain or within 50 feet of the top of the bank, whichever is greater as determined by the city engineer or his or her designee, of existing water features (ponds, creek channels, or tributaries thereof) in the locations identified on the maps in section A.5. Where the 50-foot setback from the top of the bank applies, it may be reduced to a minimum of 25 feet if additional landscaping is planted in the remaining setback area in an amount of square-foot credit, equivalent to the total square feet of area by which the setback is reduced.

Standard	SH 47
Subdivision perimeter fencing setback along side or rear of lots	Along SH 47, at least 50 feet; along side streets 25 feet
Off-street parking setback	At least 50 feet
Building within setbacks	Not permitted
Signage within setbacks	Permitted

Editor's note: At the city's request the maps in section A.5, referred to in this section, are not set out herein, but are available for inspection in the city engineer's office.

Section 62-560. Landscape standards.

(a) *General.* A certain percentage, as prescribed by the table in subsection (e) of this section, of the developed area (buildings, parking areas, and other impervious surfaces) of each lot shall be landscaped. Landscaping placed in the rear of the developed area not adjacent to a public right-of-way is not given credit toward meeting the minimum requirement.

(b) *Trees planted for landscape credit.* New trees planted for landscape credit shall be of a certain height and caliper, as prescribed by the table in subsection (e) of this section. New trees shall be a species recommended for the Brazos Valley, a minimum of which shall have year-round foliage (e.g., Yaupon Holly, Japanese Black Pine, Live Oak) or be a flowering deciduous species (e.g. Crepe Myrtle, Texas Redbud, Bradford Pear, Purple Leaf Plum).

(c) *Irrigation.* Installation of irrigation systems shall be required for all landscaped areas.

(d) *Landscape credit for shrubs.* Newly planted five-gallon or larger shrubs shall each be granted 20 square feet landscape credit.

(e) *Landscape reserves.* A landscape reserve shall be in effect for the front, side, and rear for commercial, residential, and subdivision properties as existing trees with a four-inch caliper or greater shall be preserved.

Standard	SH 47
Landscaped lot	At least 17 percent
New landscaping	At least 8 feet in height, 2 1/2 inches in caliper
Irrigation systems	Required
Landscape reserve	Commercial reserves at least 40 foot front and 10 foot side and rear; residential reserves at least 40 foot front along Highway 47; subdivision reserves at least 40 foot front along Highway 47

Section 62-561. Sign standards.

(a) *Roof signs.* Roof signs shall not extend above the highest point of the roof visible from the nearest street toward which the sign faces.

(b) *Moving signs.* Signs shall not have visible parts that move, swing, or rotate.

(c) *Automatic signs.* Except for permitted automatic changeable copy signs, signs having revolving, flashing, blinking, or traveling lights are prohibited.

(d) *Subdivision development signs.* In the AO, RD-5, RD-7, and MF districts, permitted subdivision or development identification signs shall not exceed a maximum height and size, as prescribed by the table below. Landscaping is required around the base of freestanding sign support structures as provided in this chapter.

(e) *Permitted signs in C1, C2, and I districts.* In the C1, C2, and I districts, permitted wall signs and freestanding signs shall not exceed a specified maximum size, and permitted freestanding signs shall not exceed a specified maximum height, as prescribed in the table set out in subsection

(f) Of this section, where such maximum limits would be more restrictive than allowed by the sign ordinance.

(g) *Permitted signs in C3 district.* In the C3 district, permitted wall signs and freestanding signs shall not exceed a specified maximum size, and permitted freestanding signs shall not exceed a specified maximum height, as prescribed by the following table, where such maximum limits would be more restrictive than allowed by the sign ordinance.

Standard	District	SH 47
Signs	AO, RD-5, RD-7, MF	Maximum height of 5 feet and maximum size of 60 square feet
	C1, C2, I	Not to exceed 5 feet high by 8 feet long
	C3	Not to exceed 5 feet high by 8 feet long

Section 62-562. Access and off-street parking standards.

(a) *Direct access.* Direct access is prohibited onto the specified thoroughfares from single-family and duplex residential uses on lots of a maximum amount of frontage located within the corridor.

(b) *Driveways and loading access.* Driveways and loading areas, in addition to off-street parking and maneuvering areas, shall be paved with an all-weather surface of asphalt or concrete. Where the driveway or parking area on a lot provides the sole vehicular access from the street to a nonresidential use on an abutting lot, the driving surface used for such purpose shall be steel-reinforced concrete.

(c) *Public sidewalks.* All public sidewalks along a specified thoroughfare shall be at least six feet wide. Sidewalks within the Highway 47 Corridor will be allowed to locate in the setback and be designated to follow a meandering path.

(d) *Driveway and street corner spacing.* The minimum distance between driveways and street corners determined by the functional classification of the street shall not be less than the limits described by the table below.

(e) *Driveway spacing.* The minimum distance between driveways determined by the functional classification of the street shall not be less than the limits described by the table below.

(f) *Parking rows.* The length of rows of parking spaces between end islands or peninsulas shall not exceed a certain number of feet and, in outdoor parking areas having spaces for more than a specified number of vehicles where such islands or peninsulas are required, the distance from any parking space to a landscaped end island or peninsula shall not exceed a certain number of feet, as prescribed by the table below.

Standard	SH 47
Minimum distance between driveways and street corners	250 feet
Minimum distance between driveways	500 feet
Parking rows	Maximum of 360 feet

Section 62-563. Lighting standards.

(a) *General.* Unless otherwise expressly stated, the provisions of this section shall apply to all outdoor lighting except lights on lots containing single-family detached houses, public streetlights and the exempt outdoor recreational uses specified in the following subsection.

(b) *Exempt outdoor recreational use.* Because of their unique requirements for nighttime visibility and their limited hours of operation, schools and public parks and open space shall be exempt from the outdoor lighting standards of this section. Exempt outdoor recreational uses shall be subject to all other applicable requirements of this article and the following substandards.

(1) Exempt outdoor recreational uses shall not exceed a maximum permitted post height of 50 feet.

(2) Exempt outdoor recreational uses may exceed a total cutoff angle of 90 degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the property shall not exceed two footcandles.

(3) No flickering or flashing lights shall be permitted.

(4) Light sources or luminaries shall not be located within landscape areas except

on pedestrian walkways.

(5) Lights shall not be illuminated after 11:00 p.m.

(c) *Outdoor lighting levels.* Outdoor lighting shall not exceed the following levels.

(1) 0.50 footcandle at the property line if the subject property abuts a residential zoning district or a lot containing a residential use; or

(2) 1.00 footcandle at the property line if the subject property abuts a nonresidential zoning district or lot containing a nonresidential use or at the right-of-way line.

(d) *Heights of outdoor lighting.* Outdoor lighting shall not exceed the following heights.

(1) Light fixtures in parking lots shall not exceed a maximum height of 24 feet;

(2) Pedestrian walkway fixtures shall not exceed a maximum height of 12 feet.

Standard	SH 47
Outdoor recreational lighting post height	Maximum height of 50 feet
Total cutoff angle for outdoor recreational lighting	90 degrees
Maximum permitted illumination	2 footcandles
Parking lot fixtures	Maximum height of 24 feet
Pedestrian walkway fixtures	Maximum height of 12 feet

Section 62-564. Special restrictions for gasoline stations.

In cases where the underlying zoning district permits gasoline service stations and a station is proposed, the following restrictions shall apply.

(1) *Restricted activities.*

a. No major emergency auto repair.

b. No body, fender, or paintwork.

c. No sale or rental of vehicles.

d. All activities except those associated with fuel pumping must be conducted within an enclosed building.

e. Service bays and carwash bays shall be oriented to face away from any right-of-way. Where this is impossible, screening methods will be required.

(2) *Setbacks.* Refer to building setbacks and lot standards, article IV.

a. The main building shall conform to a minimum front, side, rear, and side street setback.

b. Fuel pumps shall conform to a minimum front, side, rear, and side street setback.

c. Canopies shall conform to a minimum front, side, rear, and side street setback of 15 feet.

(3) *Storage and display.*

a. No outside storage or display of merchandise.

b. Storage tanks must be located below grade.

c. No outside storage of vehicles.

d. Ice and vending machines must be enclosed in a building.

e. No additional advertising within view of the right-of-way.

(4) *Signs.*

a. Sign height shall be restricted by the provisions of section 62-595, but shall not exceed the height of the building.

b. One detached sign and two attached signs will be permitted.

c. No freestanding fuel price signage shall be permitted.

Sections 62-565--62-591. Reserved.

DIVISION 4. SOUTH COLLEGE CORRIDOR OVERLAY DISTRICT

Section 62-592. General purpose and description.

This district is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards, which may be more restrictive. The intent is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, which serve as major entrances to the community where higher development standards can effectively enhance the city's image as a desirable place to live, work, and shop.

Section 62-593. Lot and setback standards.

- (a) *Reference.* Refer to building setbacks and lot standards, article IV.
- (b) *Off-street parking.* All off-street parking, maneuvering, and loading areas within a "SC-B" zoning district shall be located to the rear of the property, behind any structures placed on the lot.
- (c) *Building and signage.* Signage shall be permitted within setbacks.
- (d) *Impervious surfaces.* Buildings, parking areas, or other impervious surfaces, except for paved pedestrian or bicycle paths and recreational amenities such as picnic tables, shall not be located within the floodway portion of the 100-year floodplain or within 50 feet of the top of the bank, whichever is greater as determined by the city engineer or his or her designee, of existing water features (ponds, creek channels, or tributaries thereof) in the locations identified on the maps in section A.5. Where the 50-foot setback from the top of the bank applies, it may be reduced to a minimum of 25 feet if additional landscaping is planted in the remaining setback area in an amount of square-foot credit, equivalent to the total square feet of area by which the setback is reduced.

Standard	South College
Off-street parking setback in SC-B	Located towards the rear, behind the main structure
Building within setbacks	Not permitted
Signage within setbacks	Permitted

Editor's note: At the city's request the maps in section A.5 are not set out herein, but are available for inspection in the city engineer's office.

Section 62-594. Landscape standards.

(a) *General.* A certain percentage, as prescribed by the table below, of the developed area (buildings, parking areas, and other impervious surfaces) of each lot shall be landscaped. Landscaping placed in the rear of the developed area not adjacent to a public right-of-way is not given credit toward meeting the minimum requirement.

(b) *Trees planted for landscape credit.* New trees planted for landscape credit shall be of a certain height and caliper, as prescribed by the table below. New trees shall be a species recommended for the Brazos Valley, a minimum of which shall have year-round foliage (e.g., Yaupon Holly, Japanese Black Pine, Live Oak) or be a flowering deciduous species (e.g. Crepe myrtle, Texas Redbud, Bradford Pear, Purple leaf Plum).

(c) *Irrigation.* Installation of irrigation systems shall be required for all landscaped areas.

(d) *Landscape credit for shrubs.* Newly planted five-gallon or larger shrubs shall each be granted 20 square foot landscape credit.

Standard	South College
Landscaped lot	At least 8 percent
New landscaping	At least 8 feet in height, 2 1/2 inches in caliper
Irrigation Systems	Required
Tree requirement	1 Live Oak per 50 feet of lot frontage will be required. These shall be spaced equally apart and placed within the first 3 feet of the front property line

Section 62-595. Sign standards.

(a) *Roof signs.* Roof signs shall not extend above the highest point of the roof visible from the nearest street toward which the sign faces.

(b) *Moving signs.* Signs shall not have visible parts that move, swing, or rotate.

(c) *Automatic signs.* Except for permitted automatic changeable copy signs, signs having revolving, flashing, blinking, or traveling lights are prohibited.

(d) *Permitted signs in SC-R and SC-B districts.* In the SC-R and SC-B districts, permitted wall signs and freestanding signs shall not exceed a specified maximum size, and permitted freestanding signs shall not exceed a specified maximum height, as prescribed by the table below, where such maximum limits would be more restrictive than allowed by chapter 98, signs.

Standard	District	South College
Signs	SC-B, SC-R	Maximum height of 5 feet and maximum size of 60 square feet

Section 62-596. Access and off-street parking standards.

(a) *Driveways and loading access.* Driveways and loading areas, in addition to off-street parking and maneuvering areas, shall be paved with an all-weather surface of asphalt or concrete. Where the driveway or parking area on a lot provides the sole vehicular access from the street to a nonresidential use on an abutting lot, the driving surface used for such purpose shall be steel-reinforced concrete.

(b) *Corner clearance and driveway spacing.* A joint access agreement may be required to provide a reduction in the driveway and street corner spacing. In the event joint access cannot be obtained, the minimum corner clearance and driveway spacing shall be determined by the functional classification of the street and shall not be less than the limits described in section 62-296. Residential driveways are exempt from this requirement.

(c) *Public sidewalks.* Public sidewalks will not be required for any portions of a lot that are directly adjacent to South College. Sidewalks will be required along all other curb and gutter streets.

Sections 62-597--62-625. Reserved.

DIVISION 5. VARIANCES

Section 62-626. Granting.

(a) *Planning and zoning commission authorization.* The planning and zoning commission may authorize a variance from the regulations in this article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest.

(b) *Conditions for granting.* No variance shall be granted unless the planning and zoning commission finds that all of the following are met:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;

(2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

(c) *Findings of planning and zoning commission.* Such findings of the planning and zoning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(d) *Request to be in writing; submission.* All requested variances from this article shall be made in writing at least ten working days prior to the date on which consideration is to be given by the planning and zoning commission. Submittal shall be made in the development services office.

Section 62-627. Appeals.

(a) *Request; time limit.* If the applicant should disagree with the action of the planning and zoning commission, he or she may appeal the decision to the city council. The request for appeal must be made in writing within ten days of the planning and zoning commission's decision.

(b) *Review by city council.* Following the filing of a notice of appeal, the city council shall, within 30 days, conduct a review of the decision of the planning and zoning commission denying the requested variance. In its review of the decision of the planning and zoning commission to deny the requested variance, the city council shall utilize the criteria set forth in section 62-626.

(c) *Failure of city council to act.* An application for a variance is automatically granted if the city council does not act on the variance appeal before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive the time deadline established by this subsection. Sections 62-628--62-657. Reserved.

ARTICLE IX. WIRELESS TELECOMMUNICATION FACILITIES*

***Cross references:** Wireless telecommunication facilities, § 130-35.

Section 62-658. 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:

Alteration shall mean any modification, replacement, or reconstruction that materially increases the height or any other dimension of a WTF.

Antenna shall mean any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

(1) Omni-directional antenna (also known as a "whip" antenna) transmits and receives radio frequency signals in a 360-degree radial pattern.

(2) Directional antenna (also known as a "panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.

(3) Parabolic antenna (also known as a "dish" antenna or satellite dish) is a bowl-shaped device for the reception and/or transmission of radio frequency signals in a specific directional pattern.

Attached wireless telecommunication facility shall mean a wireless telecommunication facility that is affixed to an existing structure that is not primarily used for the support or attachment of a wireless telecommunication facility and is not a normal component of such a facility.

Collocation shall mean when more than one wireless telecommunications provider shares a wireless telecommunications support structure.

Compound shall mean the fenced WTF area which may be a portion of a parcel or site, or the entire parcel or site.

Direct-to-home services shall mean the distribution or broadcasting or programming or services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite; examples are direct broadcast satellites (DBS), multichannel multipoint distribution system (MMDS), and television broadcast stations (TVBS).

Existing support structure shall mean any structure existing prior to the adoption of this article that currently supports or can support a wireless telecommunication facility.

FAA shall mean Federal Aviation Administration.

FCC shall mean Federal Communications Commission.

Height shall mean the distance measured from ground level at the base of a wireless telecommunication facility to the highest point on the facility including any antenna or related equipment.

Historic resource shall mean any district, structure or site designated as historically significant by any lawfully authorized local, state or federal historic preservation entity or governmental entity, including the city.

Intermediate facility shall mean a WTF measuring no more than 110 feet (or 33 meters) but greater than 35 feet (or 10.5 meters) in height.

Major facility shall mean a WTF measuring greater than 110 feet (or 33 meters) in height.

Minor facility shall mean a WTF measuring 35 feet (or 10.5 meters) or less in height (includes private or commercial ham radio operators, repeaters, whip, directional, or parabolic antennas or any other small antenna facility).

Related equipment shall mean all equipment or structures ancillary to the transmission and reception of voice and data via radio frequencies; such equipment or structures may include, but are not limited to, cable, conduit and connectors, cabinets, and fencing.

Service provider shall mean any company, corporation, alliance, individual or other legal entity that provides a wireless telecommunication service directly to the public for a fee or to such classes of users as to be effectively available directly to the public regardless of the facilities used; services include, but are not limited to portable phones, car phones, pagers, digital data transmission, or radio or television communications.

Stealth technology or *stealth facility* shall mean design technology that blends the WTF into the surrounding environment, so it is unrecognizable as a telecommunications facility; examples of stealth facilities include but are not limited to architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements such as church spires or window wall, and antenna structures designed to resemble light poles or flagpoles.

Support structure shall mean any structure that supports a wireless telecommunication facility; support structure types include, but are not limited to, any existing or newly constructed structure such as buildings, water towers, light poles, stanchions, monopoles, lattice towers, wood poles or guyed towers.

Transmission tower shall mean a wireless telecommunications support structure designed

primarily for the support and attachment of a wireless telecommunications facility. Transmission towers include:

- (1) *Monopole tower*. A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment.
- (2) *Lattice tower*. A self-supporting three- or four-sided, open, steel frame structure used to support telecommunications antenna and/or related equipment.
- (3) *Guyed tower* . An open, steel frame that requires wires and anchor bolts for support.

Wireless telecommunication facility (WTF) shall mean an unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas (e.g. omni-directional, panel/directional, or parabolic) and related equipment.

Section 62-659. WTF standards.

(a) *Height limitations.*

- (1) All WTFs are subject to the normal zoning height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a conditional use, the allowable height is determined through the review of the visual impact analysis, with the maximum permitted heights for WTFs being determined by the use categories.
- (2) In no case shall a proposed transmission tower exceed 200 feet within the city limits, except where a height variance is granted by the zoning board of adjustment to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating on a proposed site within the city limits.

(b) *Tower siting along major thoroughfares and gateways.* In an effort to preserve and protect the city's major thoroughfares and gateways into the city, this article places additional setbacks on WTFs potentially locating in or near these areas. The setback for these areas is determined by measuring from the centerline of the right-of-way of any highway, arterial, or collector on either side running along the length of the right-of-way. Refer to the WTF siting matrix (section 62-659). Exception: All direct-to-home services, citizen's band radio, and all stealth facilities.

(c) *Siting in overlay districts.* Certain, more intense WTFs are not allowed in the overlay districts where their presence would destroy or detract from the aesthetic beauty, historic significance, or safety and general welfare of the properties located therein. Some WTFs are allowed but must adhere to a stricter siting policy such as increased setbacks, distance

from nearby residential uses, or screening. Refer to the WTF siting matrix (section 62-659).
Exception: All direct-to-home services, citizen's band radio, and all stealth facilities.

(d) *Separation between towers.* The city desires to protect its natural beauty and skyline by limiting the number of towers per square mile. Densities for towers are calculated using the following:

(1) For minor facilities, towers shall be separated by a minimum of the height of the tower multiplied by 50.

(2) For intermediate facilities, towers shall be separated by a minimum of the height of the tower multiplied by 45.
























(3) For major facilities, towers shall be separated by a minimum of the height of the tower multiplied by 25.

Exception: Stealth facilities.

Wireless Telecommunication Facilities Siting Matrix

- ① Facility must be screened from public right-of-way per Section 23A.3.B.4
- ② latting is required for any WTF which must go through SDRC and is locating on unplatted or subdivided property that is under 5 acres.
- ③ Zoning Ordinance No. 756 requirements

Type of WTF	Review Processes ②					Siting			Zoning ③														
✓ = permitted use 🔍 = conditional use permit ✗ = not permitted	SDRC	CUP	WTF Registration	Historic Landmark Commission (only in historic districts)	Visual Impact Study (for CUP only)	Distance from nearest residential zone or structure	Separation Between Towers	Setback from centerline of R.O.W. for Major Thoroughfares, Intersections, or Gateways	A-O	RD-7	RD-5	MF	C1	C2	C3	I	MU-1	MU-2	Overlay Districts				
																			Downtown Historic District	Eastside Historic District	Corridor	Marina	Villa
Minor Facility -																							
a. new transmission tower ≤ 35 feet (10.5 meters) in height	Yes	Yes, in certain zones	Yes	Yes	Yes	35'	Height of tower X 50	Height of tower X 3	🔍	🔍	🔍	✓	✓	✓	✓	✓	🔍	🔍	🔍	✗	🔍		
b. parabolic antenna 1 meter or less	No	No	No	No	No	No	No	100'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	🔍①	🔍①		
c. parabolic antenna over 1 meter and under 2 meters	No	No	No	Yes	No	No	No	100'	🔍①	🔍①	🔍①	🔍①	🔍①	🔍①	✓	✓	🔍①	🔍①	🔍①	✗	🔍①		
d. omni-directional antenna (whip antenna) 6" in diameter or less and not extending 12' above support structure	No	No	No	No	No	No	No	100'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	🔍①	✓		
e. directional antenna 1 meter or less measured across the longest dimension	No	No	No	No	No	No	No	100'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	🔍①	✓		
f. direct-to-home service antenna and citizen's band radio	No	No	No	No	No	No	No	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
g. stealth facility ≤ 35 feet (10.5 meters) in height	Yes	No	Yes	Yes	No	No	No	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		

Type of WTF	Review Processes ②					Siting			Zoning ③												
	SDRC	CUP	WTF Registration	Historic Landmark Commission (only in historic districts)	Visual Impact Study (for CUP only)	Distance from nearest residential zone or structure	Separation Between Towers	Setback from centerline of R.O.W. for Major Thoroughfares, Intersections, or Gateways	A-O	RD-7	RD-5	MF	O	R	C	I	MU-1	MU-2	Overlay Districts		
																			Downtown Historic District	Eastside Historic District	Villa Maria Corridor
<p>✓ = permitted use  = conditional use permit ✗ = not permitted</p>																					
Intermediate Facility -																					
a. new transmission tower > 35 feet (10.5 meters) and ≤ 110 feet (33 meters) in height	Yes	Yes, in certain zones	Yes	Yes	Yes	Height of tower	Height of tower X 45	Height of tower X 3								✓				✗	
b. parabolic antenna over 2 meters	No	No	Yes	Yes	No	No	No	150'	 ⊕	 ⊕	 ⊕	 ⊕	 ⊕	 ⊕	 ⊕	✓	 ⊕	 ⊕	 ⊕	✗	 ⊕
c. omni-directional antenna (whip antenna) greater than 6" in diameter and/or extending 12' above support structure	No	No	Yes	Yes	No	No	No	150'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
d. directional antenna over 1 meter measured across the longest dimension	No	No	Yes	Yes	No	No	No	150'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
e. stealth facility > 35 feet (10.5 meters) and ≤ 110 feet (33 meters) in height	Yes	No	Yes	Yes	Yes	No	No	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Type of WTF	Review Processes ②					Siting			Zoning ③																
	SDRC	CUP	WTF Registration	Historic Landmark Commission (only in historic districts)	Visual Impact Study (for CUP only)	Distance from nearest residential zone or structure	Separation Between Towers	Setback from centerline of R.O.W. for Major Thoroughfares, Intersections, or Gateways	A-O	RD-7	RD-5	MF	C1	C2	C3	I	MU-1	MU-2	Overlay Districts						
Downtown Historic District																			Eastside Historic District	Villa Maria Corridor					
= permitted use = conditional use permit = not permitted																									
Major Facility-																									
a. new transmission tower > 110 feet (33 meters) and ≤ 200 feet in height	Yes		Yes	Yes	Yes	Height of tower	Height of tower X 25	Height of tower X 3																	
b. stealth facility > 110 feet (33 meters) and ≤ 200 feet in height	Yes	Yes	Yes	Yes	Yes	No	No	No																	

Section 62-660. Review processes.

(a) The planning and development services department has three review processes, which may apply to the development of WTFs:

(1) *Platting*. The normal platting requirements as required by the city subdivision ordinance and the Texas Local Government Code shall apply to WTFs.

(2) *WTF registration*. This process is required for certain minor use subcategories and all intermediate and major subcategories with the exception of direct-to-home services and citizen's band radio. The applicant can register by submitting the appropriate information to the planning services department. This information will be used to aid in long range planning.

(3) *Site development review committee (SDRC)*. The site development review committee is the main body overseeing site design and development for the city. They may implement any of the site-specific criteria set forth in this article in addition to other local government codes and ordinances.

(b) To make application for site review, the following is required:

(1) Completed application for site review and application fee submitted to the planning services department.

(2) A drawing and any supporting documents that identifies:

a. The location of existing applicant-owned wireless telecommunication facilities in the county;

b. The type and height of each existing facility;

c. The current proposed facility;

d. The type and height of the proposed facility;

e. At least three collocation alternatives to the applicant's own development along with proof of a genuine effort in collocating on or attaching to an existing support structure; a certified letter addressed to potential lessors is recommended in addition to evidence that demonstrates that no existing tower or support structure can accommodate the applicant's proposed WTF. Any of the following may be submitted as evidence:

1. No existing structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing structures are of insufficient height to meet applicant's engineering requirements.
3. Existing structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing structures, or the antenna on the existing structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing structure or to adapt an existing support structure for sharing are unreasonable. Costs exceeding those for new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing structures unsuitable. It is not necessary to reveal future plans or locations for additional proposed facilities. The plan will assist the city in understanding the need for any new wireless telecommunication facility, assess the land use impacts, and aid in comprehensive land use planning.

(3) Visual impact analysis; presented by one of two methods, photographs or drawings. In either case, four views or elevations shall be submitted looking toward the site (typically, north, south, east, and west) including site and the surrounding properties measured from the center point of the tower out to a distance equal to three times the height of the proposed tower. This drawing will depict a "skyline" view showing the entire height of the proposed tower and the surrounding structures, trees, or any other objects contributing to the skyline profile. The applicant shall draw the proposed tower directly on the photographs in black ink.

(4) Proof of compliance with FCC regulations.

(5) Notification of an impending environmental assessment required by the National Environmental Protection Agency (NEPA) and a copy when the assessment is completed (if applicable).

(6) A letter addressed to the city declaring an intent and willingness to build out a proposed tower to allow at least two other service providers.

(7) Copies of a site plan (the site plan is not the same as the WTF facility plan) as

per site development review committee requirements; including signature lines for both the owner of the WTF and/or the owner of the property indicating an agreement to remove the entire WTF and any related equipment within 60 days of abandonment. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer. Upon receipt of the above items, the site development review committee will process the application and review the site plan. Upon SDRC approval, and where a conditional use permit is required, the site plan will be forwarded along with a planning services staff recommendation to the planning and zoning commission for consideration.

Section 62-661. Site development criteria for WTFs.

The site development requirements for WTFs follow the normal standards for any other type of development according to the city's local code and ordinances. However some additional standards apply to these sites as follows:

(1) *Additional setbacks and separation requirements.* WTFs are not required to comply with the standard setbacks for each zoning district but shall comply with section 130-36, screening fence standards, which requires that a fence of certain height be setback from the street paving. Some additional setbacks or separation shall be required depending on the type of WTF and the potential location of that facility. Refer to the WTF siting matrix (section 62-659).

- a. To protect citizens in their homes, transmission towers shall be placed a tower height distance away from any residential structure or residential zone boundary.
- b. To minimize the number of towers per square mile, a tower shall be placed a minimum distance from all other towers.
- c. To protect city thoroughfares and gateways, a WTF shall be placed a specified distance from the centerline of such designated areas.
- d. To protect the architectural beauty and significance of certain overlay districts, certain WTFs shall be placed at or behind the imaginary front line of the most major (largest gfa) structure on site.

(2) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device.

(3) *Special aesthetic and lighting standards.*

- a. New transmission towers shall maintain a galvanized steel finish or be painted

in accordance with any applicable standards of the FAA.

b. The design of the related buildings and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facility to the natural setting and built environment.

c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusiveness as possible.

d. WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.

(4) *Landscaping and screening requirements.* The following requirements shall govern the landscaping and screening for a transmission tower or any parabolic antenna larger than two meters.

a. Tower compounds shall be landscaped with a buffer of plant materials that effectively screens the base of the WTF site from view of public right-of-way. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. A screening fence may be used in part to screen a WTF, but must be in addition to the required landscaping.

b. Certain parabolic dishes attached to the ground shall be screened from public right-of-way by a combination of siting at or behind the imaginary front line of the most major structure on site (largest in gross floor area) and landscaping a four feet wide strip between the dish and right-of-way. Refer to the WTF siting matrix (section 62-659).

c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, where towers are sited on large, wooded parcels, natural growth around the site perimeter may be a sufficient buffer.

d. It is the responsibility of the WTF owner to maintain any required landscaping.

(5) *Parking and access.* All proposed transmission towers shall provide a point of access from right-of-way which is in conformance with city driveway standards. No off-street parking is required.

Section 62-662. Abandonment.

Any WTF that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such a facility shall remove same within 60 days of receipt of notice from the city notifying the owner of such abandonment. If such facility is not removed within said 60 days, the city may remove such facility at the property owner's expense. If there are two or more users of a single WTF, then this provision shall not become effective until all users cease operations on the tower.

Sections 62-663--62-690. Reserved.

ARTICLE X. COMPLIANCE AND ENFORCEMENT

Section 62-691. Generally.

(a) *Court action.* On behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provision of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the city.

(b) *Notice of alleged violation.* Whenever the city manager or his or her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he or she shall give notice of such alleged violation to the person to whom the permit or license was issued, as herein provided. Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reason for its issue.
- (3) Allow a reasonable time for the performance of the act if required.
- (4) Be served upon the owner or his or her agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any method authorized or required by the laws of this state.
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section.

(c) *Reinspection.* At the end of such period as noted in subsection (b) above, the city manager or his or her designee shall reinspect the site and, if such conditions or practices have not been corrected they shall suspend any permits or certificates and give notice of such suspension, and such person shall cease activities.

Section 62-692. Penalties.

Any person violating any provision of this chapter, upon conviction, is punishable in accordance with section 1-14.