

CHAPTER 14

ZONING

ARTICLE 14.100 INTENT, PURPOSE AND GENERAL REQUIREMENTS^{i*}

Sec. 14.101 Interpretation Purpose and Conflict

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall govern. (1987 Code of Ordinances, Chapter 11, Section 1A)

Sec. 14.102 Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the official zoning map accompanying and made a part of this article, the following rules shall apply:

- (1) Streets and Alleys. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the official zoning map are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
- (2) Lot Lines. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the official zoning map are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- (3) Unsubdivided Property. In unsubdivided property, the district boundary lines on the official zoning map shall be determined by use of the scale contained on such map, unless dimensions are shown.

(1987 Code of Ordinances, Chapter 11, Section 1B)

ARTICLE 14.200 DEFINITIONS

Sec. 14.201 General

For the purpose of these regulations certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word “building” includes the word “structure;” the word “shall” is mandatory, and not directory.

(1987 Code of Ordinances, Chapter 11, Section 2A)

Sec. 14.202 Definition of Words and Terms

Accessory Building or Use. A subordinate building on the same lot, or a portion of the main building the use of which is clearly incidental to that of the main building; or a use customarily incidental to the main use of the property.

Alley. A way which affords only a secondary means of access to abutting property.

Antique Store. An establishment offering for sale, within a building articles such as glass, china, furniture or similar furnishings and decorations which have values and significance as a result of age, design, or sentiment.

Apartment. A room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit.

Apartment House. See *Dwelling, Multiple*.

Apartment Hotel. An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Automobile Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk is permitted on the premises.

(1987 Code of Ordinances, Chapter 11, Section 2B)

Amusement Machine. Any kind of machine or device operated by or with a coin, metal slug, token, or check that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure or is operated for any purpose, other than for dispensing only merchandise, music, or service. The term includes a marble machine, marble table machine, marble shooting machine, miniature racetrack machine, miniature football machine, miniature golf machine, miniature bowling machine, billiard or pool game, or machine or device that dispenses merchandise or commodities or plays music in connection with or in addition to dispensing skill or pleasure; the term does not include any amusement machine designed

exclusively for a child or otherwise prohibited by this chapter. (An “amusement machine” pursuant to this definition is the same as a “skill or pleasure coin-operated machine” pursuant to Texas Occupations Code Section 2153.002(9), as amended.)

Amusement Machine Establishment. For purposes of this zoning ordinance, any structure or part of a structure where amusement machines are present and maintained as the primary use. For the purpose of this definition, “primary use” means 51% or more of the gross floor area of the portion of the structure being used (not to include any area of a structure being used as restroom facilities, storage, or for other purposes not open to the public or customers).

(Ordinance 692 adopted 7/9/02)

Basement. A story below the first story as hereinafter defined. See *Story*.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the director of public works shall determine the outline of the block.

Board of Adjustment. The board, as established in Article 14.700, Administration and Enforcement.

Boarding House or Lodging House. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Hobby. An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed in said shop, studio, or work room are not sold either on or off the premises, and provided that such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

Home Occupation. Any occupation which is customarily incidental to the main use of the premises as a dwelling place, and is conducted by a member of a family residing in the dwelling, and in connection with which there is kept no stock in trade nor commodity to be sold upon the premises; provided that no person is employed other than a member of the immediate family, residing on the premises; provided further that no mechanical equipment shall be used which will be obnoxious or offensive by reason of vibrations, noise, odor, dust, smoke, or fumes. Home occupations may include an office of a physician, surgeon, dentist, artist, etc. The operation of beauty culture schools, beauty parlors, barbershops, or dancing schools shall not be considered home occupations.

Hospital, General. An institution providing in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institution are such related facilities as laboratories, outpatient departments, educational facilities, food services, and staff offices.

Hospital, Long Term. An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long term hospitals include homes for alcoholic, narcotic, or psychiatric patients and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twelve (12) sleeping rooms usually occupied singly and no provision is made for cooking in any individual room or apartment.

HUD-Code Manufactured Home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems.

Industrialized Housing (Modular Homes). A residential structure that is designed for the use and occupancy of one (1) or more families, that is constructed in one (1) or more modules or constructed using one (1) or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site, and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structures that are in excess of three (3) stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean or apply to: (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) and any ready-built home which is constructed so the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Junk. Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, subject to being dismantled for junk.

Kennel. Any building, lot or premises on or in which four (4) or more dogs or cats [at least eight (8) weeks of age] are kept, or any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received.

Kindergarten. A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the

curriculum.

Landscaping. Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees and palms, and non-living durable material commonly used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.

Lot. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under these regulations, and having its principal frontage upon a street or officially approved place.

Lot, Corner. A lot situated at the junction of two (2) or more streets. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the city plan commission.

Lot, Interior. A lot, the side line of which does not abut on any street.

Lot, Depth. The mean horizontal distance from the front street line to the rear line.

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

Lot of Record. A lot which is part of a subdivision, a map of which has been recorded in the office of the County Clerk of Tarrant County.

Lot, Through. An interior lot having frontages on two (2) streets. Such through lot shall provide a front yard on each street.

Lot Width. The mean horizontal distance between the side lines measured at right angles to the depth.

Manufactured Housing. Manufactured housing shall contain both mobile homes and HUD-code manufactured homes as defined herein.

Masonry Materials. Consist of brick, stone, or if approved, concrete block, either precast or reinforced concrete material, tile, or materials of equal characteristics.

Mini Warehouse Storage Facility (Indoor Storage Only). A commercial facility consisting of a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods or wares. The rented space shall be for private use only.

Mini Warehouse Storage Facility (with outdoor storage). An industrial facility consisting of a building or group of buildings and outdoor paved parking surfaces for outdoor storage in a controlled access and fenced compound. The buildings may contain varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. The outdoor paved parking surfaces may be utilized for the storage of recreational vehicles, cars, boats and other items typically stored outdoors. The rented space shall

be for private use only.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling abode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems.

Motel. A building or group of buildings, not more than two (2) stories in height, containing individual sleeping or living units, specially designed for the convenience of transient motorists, and arranged so that the autos are parked adjacent to the individual rooms by the guests themselves.

Nonconforming Use, Building, or Yard. A use, building or yard existing legally at the time of the passage of this article, or future amendment, which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this article, or future amendment, which does not conform to the regulations of the district in which it is situated shall be considered an illegal use, building or yard.

Nursing and Care Home. An institution providing meals and resident care and services for persons who are generally admitted for periods of time exceeding thirty (30) days. Such service includes custodial or attendant care, but may or may not provide for routine and regular medical and nursing services. Nursing and care home include homes for the aged, and convalescent and rest homes.

Off-Street. Off the right-of-way of a public street or place.

Parking Area, Public. An open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Area, Semi-Public. An open area other than a street, alley, or place, for temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals, and noncommercial clubs.

Parking Space. A minimum off-street parking space for passenger automobiles shall be considered to be nine (9) feet in width and eighteen (18) feet in length, not including maneuvering space.

Philanthropic or Eleemosynary Institutions. An organized body or society for promoting a charitable; benevolent, or educational objective, and the buildings for carrying on the work of such an organization. This shall include a community center (public), welfare or health center.

Place. An open unoccupied space other than a street or alley permanently reserved as the

principal means of access to abutting property.

Planned Development. Development of land which is under unified control and is planned and developed as a whole single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required by this article for other zoning districts.

Planning and Zoning Commission. The agency created by ordinance of the city council as an advisory body on zoning platting and other matters over which it is given authority pursuant to the state law, city charter and ordinance.

Private Club. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Servants' Quarters. An accessory building located on the same lot or grounds with the main building, and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile. Utility services to servants quarters shall be supplied through meters serving the main building.

Site Plan. A detailed line drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Stable, Private. An accessory building for the keeping of horses, or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Public. A stable, other than a private or riding stable.

Stable, Riding. A structure in which horses or mules used for pleasure riding or driving are housed, boarded, or kept for hire, including a riding track.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, or the average elevation of the finished grade along the front of the building where it is set back from the street.

Street, Private. A private thoroughfare which affords principal means of access to abutting property.

Street, Public. A public thoroughfare which affords principal means of access to abutting property.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including but not limited to advertising signs, billboards and poster panels; but exclusive of customary fences or boundary or retaining walls, sidewalks and curbs.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Terminal; Motor Freight. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Used Automobile Junk Area. An open area other than a street, alley or place, used to the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

Yard. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, Front. A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

Yard, Side. A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

Zoning Administrator. The official, or his designee, appointed by the city manager or his/her designee to enforce and administer the terms of this article. The individual whose decisions and interpretations are appealed to the board of adjustment.

(1987 Code of Ordinances, Chapter 11, Section 2B)

ARTICLE 14.300 ESTABLISHMENT OF DISTRICTS

Sec. 14.301 District Classifications

In order to regulate and redistrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and determine the area of yards and other open spaces and to regulate and limit the density of

population, the city is hereby divided into districts of which there shall be nine (9), known as:

- (1) One-Family District, or District “SF-1”
- (2) Moderate Density District, or Districts “MD”
- (3) Planned Multi-family District, or District “P-MF”
- (4) Manufactured Housing District, or District “MH”
- (5) Commercial District, or District “C”
- (6) Planned Commercial District, or District “P-C”
- (7) Industrial District, or District “I”
- (8) Planned Industrial District, or District “PI”
- (9) Mixed Planned Development District or District “M-PD”

(1987 Code of Ordinances, Chapter 11, Section 3A)

Sec. 14.302 Comparable Zoning District Classifications:

(a) District Comparison. Zoning districts established by the immediate prior zoning ordinance have been either replaced with or amended as the following zoning districts. As listed, the new districts shall be considered as being comparable to the immediate prior district. The purpose, designation, and area requirements shall be deemed to be unchanged unless otherwise revised by this article.

<u>Prior Zoning District</u>	<u>New Zoning District</u>
“A,” One Family District	“SF-1,” Single-Family District
None	“MD,” Moderate Density District
None	“MH” Manufactured Housing District
“C,” Commercial District	“C,” Commercial District
“I,” Industrial District	“I,” Industrial District
“B,” Planned Multi-Family District	“P-MF,” Planned Multi-Family District
“C-P,” Planned Commercial District	“P-C,” Planned Commercial District
“I-P,” Planned Industrial District	“P-I,” Planned Industrial District
None	“M-PD,” Mixed Planned Development District

(b) All land areas designated as being “A,” One family district, on the zoning map shall now be known as SF-1, Single-family District.

(c) All land areas designated as being “B,” Planned Multi-Family District, on the zoning map shall now be known as “P-MF,” Planned Multi-family District

(d) All land areas designated as being “C-P,” Planned Commercial district, on the zoning map shall now be known as “P-C,” Planned Commercial District

(e) All land areas designated as being “I-P,” Planned Industrial district, on the zoning map shall now be known as “P-I,” Planned Industrial District.

(1987 Code of Ordinances, Chapter 11, Section 3B)

Sec. 14.303 General Provisions

Except as hereinafter provided:

- (1) Land Use. No building shall be erected, reconstructed, altered, enlarged, or maintained nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
- (2) Height and Bulk of Buildings. No building shall be erected, reconstructed, altered, enlarged or maintained to exceed the height, size, or bulk limit herein established for the district in which such building is located.
- (3) Yards. No lot area shall be so reduced or diminished that the yards or other spaces shall be smaller than prescribed by these regulations, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
- (4) Plat Requirements. No building permit shall be issued by the city for the construction or placing of, and no person shall construct or place, any building on any lot, tract or parcel of land unless the lot, tract or parcel of land upon which each such structure is to be located, is a lot of record provided that these regulations shall not prohibit the issuance of a building permit for the construction or placing of any dwelling, located on any tract of land set apart, delineated or defined by a metes and bounds description and recorded in the plat records of Tarrant County, Texas, prior to the effective date of this article, and shown on a plat, giving an accurate location of such tract relative to any existing recorded addition or subdivision, when the only structure (with its permitted appurtenances) which is located, or to be located thereon, faces or fronts upon a public thoroughfare.
- (5) Building Permit Denial. No building permit shall be issued by the city for the erection or placing of any dwelling on a lot, the width or street frontage of which has been decreased from the width or street frontage as originally platted or as replatted and recorded in the plat records of Tarrant County, Texas, nor shall a building permit be issued for the erection or placing of any dwelling on the rear yard of any corner lot situated in Districts SF-1, P-MF, MD or MH.
- (6) Building Permit. A building permit may be issued by the city for the construction or placing of a dwelling on a lot or tract of land composed of portions of two (2) or more lots as same appear upon the map thereof as recorded in the deed records of Tarrant County, Texas, only when such lot or tract has a street frontage of not less than the

street frontage of any lot in the same block.

- (7) Compliance. No yard or other space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or space for any other building; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- (8) Location. Every building hereafter erected shall be located on a lot of record and in no case shall there be more than one (1) building on one (1) lot, except as otherwise provided in this article.

(1987 Code of Ordinances, Chapter 11, Section 3C)

ARTICLE 14.400 ZONING DISTRICT MAP

Sec. 14.401 Generally

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of these regulations, being designated as the “official zoning map,” and said maps and all the notations, references and other information shown thereon is hereby adopted and shall be as much a part of these regulations as if the matters and information set forth by said map were all fully described herein. (1987 Code of Ordinances, Chapter 11, Section 4A)

Sec. 14.402 Adopted

Original, official, and identical copies of the official zoning map are hereby adopted bearing the signature of the Mayor and the attestation of the city manager or his/her designee and shall be filed and maintained as follows:

- (1) One copy shall be filed with the city manager or his/her designee and retained as the original record and shall not be changed in any manner.
- (2) One reproducible copy shall be filed with the city manager or his/her designee and shall be the official zoning map and shall be maintained by posting thereon all changes and subsequent amendments hereafter made by the city council.
- (3) One copy shall be filed with the city engineer and shall be maintained by posting thereon all changes and subsequent amendments.
- (4) Other sectional maps for interpretation purposes may be made as shall be approved by resolution by the city council.
- (5) Reproductions for information purposes may from time to time be made of the

official zoning map.

- (6) The official zoning map is subject to public inspection in the office of the city manager or his/her designee.

(1987 Code of Ordinances, Chapter 11, Section 4B)

ARTICLE 14.500 DISTRICT REGULATIONS

Sec. 14.501 “SF-1” - Single-Family District

(a) Purpose. The purpose of the “SF-1” – Single-Family District is to allow single-family detached dwellings on lots of not less than five thousand (5,000) square feet, together with the allowed accessory uses, in order to promote low population densities within integral neighborhood units.

(b) Uses Generally. In the “SF-1,” no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, enlarged, or maintained unless otherwise provided in these regulations, except for one (1) or more of the following uses:

- (1) Single-family dwellings.
- (2) Churches.
- (3) Public schools, elementary and high.
- (4) Museums, libraries, parks, playgrounds or community centers owned and operated by the city.
- (5) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
- (6) Uses customarily incident to any of the above uses when situated in the same dwelling, when not involving the conduct of a business or industry, but including home occupation. The furnishing of board or lodging for not more than four (4) persons in a dwelling occupied as a private residence shall be considered an accessory use, provided no window or other display or sign is used to advertise such use.
- (7) Hobby shops, as an accessory use.
- (8) An unilluminated nameplate for each family not exceeding one (1) square foot in area, containing the name and occupation of the occupant of the premises, provided the nameplate is attached flatwise to the building; and unilluminated signs not

exceeding twelve (12) square feet in area pertaining to the sale or rental of property on which they are located, provided, however, that no advertising sign of any other character shall be permitted in any Single-Family District.

(c) Accessory Uses. Detached accessory buildings, not exceeding one (1) story in height, including private garage, private stable or servants' quarters, when located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line; provided that if the accessory building is located within the "required" rear yard, a five (5) foot setback from all lot lines is required. A garage shall provide space for not more than one (1) motor vehicle for each two thousand, five hundred (2,500) square feet of lot area. A stable shall provide for not more than one (1) horse or mule for each twenty thousand (20,000) square feet of lot area. A servants' quarters shall be occupied only by servants employed on the premises. The utility services to servants' quarters shall be metered through the same meters as those serving the main building on the premises. No detached accessory building shall exceed the height of the main building. The board of adjustment may approve as a special exception an accessory building which exceeds the height limitation herein for accessory buildings which inherently require a greater height, such as detached garages for motor homes; provided that no such accessory structure shall exceed the maximum height allowed in this zoning district. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

(d) Height Regulations. No building shall exceed thirty-five (35) feet or two (2) stories in height.

(e) Area Regulations.

(1) Front Yard Not less than twenty-five (25) feet.

(1987 Code of Ordinances, Chapter 11, Section 5A)

(2) Side Yard:

 Interior Lot Not less than five (5) feet.

 Corner Lot Not less than five (5) feet.

 Not less than twenty (20) feet on the side of the lot adjacent to a side street, measured from the nearest edge of the curb or pavement on the side street, or when there is no curb or pavement, the side lot line.

(Ordinance 762 adopted 10/19/04)

(3) Lot Area per Family At least five thousand (5,000) square feet per family.

(4) Width of Lot Not less than sixty (60) feet.

(f) Landscaping. No requirements.

(1987 Code of Ordinances, Chapter 11, Section 5A)

(g) Parking Regulations. The following parking regulations shall apply:

- (1) A minimum of two off-street parking spaces per dwelling unit located behind the front building line; provided, however, that at least one parking space shall be located within a private garage.
- (2) Parking spaces and any adjoining private driveways shall be constructed of an improved monolithic surface of concrete or asphalt or other paved surface approved by the building official. The paved surface shall be two inches (2") or more in thickness and shall not exceed one-half inch (1/2") in height above the adjacent unpaved surface. On nonconforming lots without paved parking spaces and driveways, the parking spaces and driveways shall only be located perpendicular to the curb cut or drive approach or in the rear yard as authorized by Subsection (g)(4), and may not encroach into any portion of the remaining front yard. (See Diagram 1-A)

Editor's note—Diagram 1–A has not been printed and is attached to Ordinance 776 on file in the office of the city secretary.

- (3) All vehicles shall be driven and parked so as to completely rest upon a paved surface. On nonconforming lots without paved parking spaces and driveways, all vehicles shall be driven and parked so as to completely rest upon the unpaved parking spaces or driveway as provided in this section, or in the side yard adjacent thereto. (See Diagram 1–B)

Editor's note—Diagram 1–B has not been printed and is attached to Ordinance 776 on file in the office of the city secretary.

- (4) All vehicles parked or stored in the required rear yard of a structure must be placed behind a screening partition of fencing materials or dense vegetation so as to obscure the vehicle from view from a public street or public right-of-way. In addition, the parking or storage area and driveway (from the curb cut or drive approach to the parking or storage area) must be constructed of paved monolithic concrete or asphalt or other paved surface approved by the building official.

(Ordinance 776, sec. 1, adopted 4/12/05)

Sec. 14.502 “MD” - Moderate Density District

(a) Purpose. The “MD” - Moderate Density District is intended to provide areas for moderately high density development of duplex or single-family attached dwelling units which are constructed at an approximate density of nine (9) units per acre.

(b) Uses, Generally. In the “MD” District no building or land shall be used and no building shall be here after erected, reconstructed, altered, enlarged, or maintained unless otherwise provided in these regulations, except for one (1) or more of the following uses.

- (1) Duplex dwelling unit.
- (2) Single-family attached dwelling unit.
- (3) Churches.
- (4) Public schools, elementary and high.
- (5) Museums, libraries, parks, playgrounds or community centers owned and operated by the city.
- (6) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
- (7) Uses customarily incident to any of the above uses when situated in the same dwelling, when not involving the conduct of a business or industry, but including home occupation. The furnishing of board or lodging for not more than four (4) persons in a dwelling occupied as a private residence shall be considered an accessory use, provided no window or other display or sign is used to advertise such use.
- (8) Hobby shops, as an accessory use.
- (9) An unilluminated nameplate for each family not exceeding one (1) square foot in area, containing the name and occupation of the occupant of the premises, provided the nameplate is attached flatwise to the building; and unilluminated signs not exceeding twelve (12) square feet in area pertaining to the sale or rental of property on which they are located, provided, however, that no advertising sign of any other character shall be permitted in any MD-Moderate Density District.

(c) Accessory Uses. Detached accessory buildings, not exceeding one (1) story in height, including private garage, private stable or servants’ quarters, when located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line; provided that if the accessory building is located within the “required” rear yard, a five (5) foot setback from all lot lines is required. A garage shall provide space for not more than one (1) motor vehicle for each two thousand five hundred (2,500) square feet of lot area. A stable shall provide for not more than one (1) horse or mule for each twenty thousand (20,000) square feet of lot area. Servants quarters shall be occupied only by servants employed on the premises. The utility services to servants quarters shall be metered through the same meters as those serving the main building on the premises. No detached accessory building shall

exceed the height of the main building. The board of adjustment may approve as a special exception an accessory building which exceeds the height limitation herein for accessory buildings which inherently require a greater height, such as detached garages for motor homes; provided that no such accessory structure shall exceed the maximum height allowed in this zoning district. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

(d) Height Regulations. No building shall exceed thirty-five (35) feet or two (2) stories in height.

(e) Area Regulations.

- (1) Front Yard Not less than twenty-five (25) feet
- (2) Side Yard Not less than five (5) feet.
- (3) Lot Area per Family At least four thousand (4,000) square feet per family

(f) Landscaping. No requirements.

(g) Parking. Two on-site parking spaces for each unit.

(1987 Code of Ordinances, Chapter 11, Section 5B)

Sec. 14.503 “MH” - Manufactured Housing District

(a) Purpose. The purpose of the “MH”- Manufactured Housing district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes and industrialized housing in the city within designated subdivisions. (This does not include mobile homes as defined in this article). The “MH” District is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the “MH” District. No HUD-Code Manufactured Home shall be allowed on any parcel or lot except on parcels or lots within the “MH” District.

(b) HUD-Code Manufactured Home/Industrialized Housing Subdivision. Land within the “MH” District shall be developed as a HUD-Code manufactured home or industrialized housing subdivision. Lots within the “MH” District will be sold to private individuals in strict conformance with the terms and conditions under which the manufactured home or industrialized housing subdivision was approved by the city council. All roadways within a HUD-Code manufactured home or industrialized housing subdivision shall be dedicated to the public. Private interior drives must be approved by the city council. Land zoned “MH” which is not developed as a HUD-Code manufactured home or industrialized housing Subdivision may be developed as “SF-1,” so long as it is developed in accordance with the regulations of the “SF-1” district. In such case HUD-Code manufactured homes will not be permitted.

(Ordinance 706 adopted 1/14/03)

(c) Uses Generally. In the “MH” District no building or land shall be used and no building shall be installed, erected, reconstructed, altered, maintained, enlarged, converted to any use except for one (1) or more of the following uses:

- (1) Manufactured housing dwelling.
- (2) Single-family dwellings.
- (3) Churches.
- (4) Public schools, elementary and high.
- (5) Museums, libraries, parks, playgrounds or community centers owned and operated by the city.
- (6) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.
- (7) Accessory uses customarily incident to any of the above uses when situated in the same dwelling, when not involving the conduct of a business or industry, but including home occupation. The furnishing of board or lodging for not more than four (4) persons in a dwelling occupied as a private residence shall be considered an accessory use, provided no window or other display or sign is used to advertise such use.
- (8) Hobby shops, as an accessory use.
- (9) An unilluminated nameplate for each family not exceeding one (1) square foot in area, containing the name and occupation of the occupant of the premises, provided the nameplate is attached flatwise to the building; and unilluminated signs not exceeding twelve (12) square feet in area pertaining to the sale or rental of property on which they are located, provided, however, that no advertising sign of any other character shall be permitted in any residential district.

(d) Site Plan Requirements. All properties within this district shall be contiguous and shall be totally developed under a unified site plan. No application for a building permit for the construction of a building shall be approved unless a site plan has been approved meeting the conditions provided in Section 14.602.

(e) Height Regulations. No building shall exceed twenty-five (25) feet, or one (1) story in height.

(f) Area Regulations. The following minimum standards shall be required, measured from

property lines:

- (1) District Area Requirement The minimum of one-half (1/2) acre
- (2) Front Yard Not less than twenty-five (25) feet
- (3) Side Yard Not less than five (5) feet
- (4) Lot Area per Family At least three (3) times larger than the manufactured home to be placed thereon and no less than three thousand (3,000) square feet in area.
- (5) Minimum Clearance Twenty (20) feet between manufactured homes and fifteen (15) feet between any manufactured home and the district boundary that does not abut upon a public street. Where the district abuts upon a public street, twenty-five (25) feet of minimum clearance shall be maintained between the manufactured home and the public street.

(g) Landscaping Requirements. No requirements

(h) Development and Installation Standards.

- (1) HUD-Code manufactured homes and industrialized homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation or footing and piers, all in accordance with manufacturer's specifications.
- (2) HUD-Code manufactured homes must have a minimum of an eighteen inch crawl space left under all homes.
- (3) A concrete, or asphalt surface with good drainage shall cover the area where a home is to be sited.
- (4) Each HUD-Code Manufactured home site shall have a slab or patio not less than twenty feet in length and six feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
- (5) HUD-Code manufactured homes shall have permanent steps installed at all exits.
- (6) Skirting shall be securely attached between the HUD-Code Manufactured home and the ground on all sides within thirty days of home installation. Skirting materials shall consist of materials which are compatible with design of the home and enhance its appearance. Unpainted or untreated corrugated metal, screen or wire, or lattice type

skirting is prohibited.

- (7) Construction, siting, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each HUD-Code Manufactured Home shall have affixed a seal of the appropriate federal or state department.
- (8) Sanitation, fire protection and underground utility services shall be provided to each lot in accordance with the city ordinances and regulations.
- (9) Ingress and egress to the property shall be provided in accordance with the requirements of the city ordinance standards and regulations.
- (10) When private drives are provided, drainage and garbage collection right-of-way, fire lanes and utility easements shall be provided as required by the city. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service.
- (11) Soil conditions, groundwater level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.
- (12) Any structural alteration or modification of a HUD-Code manufactured home or industrialized home after it is placed on the site must be approved by the building official of the city. All structural additions shall comply with the city's building codes and ordinances.
 - (i) Interior Streets and Walkways. Internal streets, no-parking signs, and streets name signs shall be privately owned, built, and maintained, unless dedicated to and accepted by the city. Streets shall be designed for safety and convenient access to all manufactured home spaces and in accordance with the general design standards of the city's development regulations.
 - (j) Off-Street Parking. Off-street parking shall be provided in accordance with the provisions of Section 14.603, and all other applicable ordinances of the city.
 - (k) Screening. A solid, opaque screening wall or fence of not less than six (6) feet in height, shall be provided along all perimeter property lines of a HUD-Code manufactured home and industrialized housing subdivision which do not abut a dedicated street, as indicated on the site plan. Said screening wall or fence shall be of a decorative masonry construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the city council. However any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.
 - (l) Water and Sewer. Each HUD-Code manufactured home or industrialized home space or lot shall be served by water and sanitary sewer. Engineering plans for water and sanitary sewer shall

be submitted for review by the city council, at the time of site plan approval. Water and Sewer must be in compliance with the city's building regulations.

(m) Drainage. Engineering plans for drainage shall be submitted for review by the city council at the time of site plan approval. All applicable requirements of the city shall be complied with.

(n) HUD-Code Manufactured Home or Industrialized Housing Sales. HUD-Code manufactured home or industrialized housing subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis.

(1987 Code of Ordinances, Chapter 11, Section 5C)

Sec. 14.504 "C" Commercial District

(a) Purpose. The purpose of the "C" Commercial District is to provide locations for general commercial uses representing various types of retail shopping, businesses, and service facilities that serve that community or regional area.

(b) Uses, Generally. In the "C" District, no building or land shall be used, and no buildings shall be hereafter erected, reconstructed, or altered or enlarged, unless otherwise provided in these regulations, except for one (1) or more of the following uses.

- (1) Auto parking areas, for passenger cars only.
- (2) Barber and beauty shops.
- (3) Book or stationery stores, or newsstands.
- (4) Churches.
- (5) Cleaning, pressing and laundry collection offices.
- (6) Custom dressmaking or millinery shops.
- (7) Doctors' and dentists' offices, clinics or medical, surgical or dental laboratories.
- (8) Offices.
- (9) Parks.
- (10) Photograph, portrait or camera shops and photo finishing.
- (11) Public schools, elementary and high.
- (12) Signs and billboards on the ground are prohibited, but signs maybe erected on

buildings, provided they are fastened flat against the wall, or erected on the roof. Signs on the roof shall not extend beyond the building wall, nor shall any sign have a height of more than ten (10) feet.

Any person wishing to construct a sign that does not conform with the terms of these regulations must make a special application for approval of the planning and zoning commission.

In approving or disapproving a sign the city zoning commission shall take into consideration the height, size, structure, site and proximity to public streets and other structures. The said commission is empowered to deny an application for a sign with flashing light or lights if the height of the sign, its proximity to public streets and the size or color of the flashing portion of the sign would so resemble a traffic signal, an ambulance signal or emergency signal of the police or fire department as to cause confusion in the mind of a reasonably prudent motorist. The commission is empowered to deny the application or change the nature of the sign if the elements of consideration above, in the particular case, would make the proposed sign one that would in reasonable probability confuse a reasonable prudent motorist.

- (13) Studios of artists.
- (14) Antique shops.
- (15) Auditoriums, theaters, moving picture shows, having a seating capacity for not more than one thousand, five hundred (1,500) people.
- (16) Automobile, motorcycle, or trailer sales, or sales or rental areas, provided vehicles are in good operating condition, and no repairs are made on the premises.
- (17) Bakeries, provided that the floor area does not exceed three thousand (3,000) square feet.
- (18) Banks.
- (19) Baths, turkish and similar massage and health treatments.
- (20) Bicycles, and bicycle repair shops.
- (21) Bird stores, pet shops, taxidermists shops and aquariums.
- (22) Blueprinting or photostatting.
- (23) Business colleges, or private schools operated as a commercial enterprise.
- (24) Caterer or wedding service.

- (25) Christmas tree sales.
- (26) Cigar or tobacco stores.
- (27) Cleaning, dyeing and pressing works, laundry and washaterias, provided that the floor area does not exceed three thousand (3,000) square feet for separate or combined uses.
- (28) Confectionery stores.
- (29) Dancing schools.
- (30) Day nursery.
- (31) Delicatessen shops.
- (32) Department stores.
- (33) Dog and cat hospitals, or small animal hospitals, if conducted wholly within a completely sound proofed and air conditioned building, provided that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.
- (34) Drive-in businesses, where car service is given, including refreshment stands, cafes, restaurants, food stores, and similar activities.
- (35) Drug stores.
- (36) Dry goods and notions stores.
- (37) Duplicating service, printing by mimeographing, multigraphing, and offset printing, provided that the floor area does not exceed two thousand (2,000) square feet.
- (38) Electrical and gas appliance and supply sales, electrical and gas repair and installation services when limited to small shops, the principal business of which is a neighborhood service.
- (39) Filling stations, gasoline, oil, washing, greasing and accessories; not including motor, fender, or body repairs; provided that they comply with other ordinances of the city.
- (40) Florist or gift shops.
- (41) Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping.
- (42) Garages, storage only.

- (43) Hardware, paint and wall paper stores.
- (44) Household and office furniture, furnishings and appliances.
- (45) Ice storage houses having not more than seven and one-half (7 1/2) tons capacity.
- (46) Jewelry stores, optical goods.
- (47) Liquor stores or package stores.
- (48) Miniature golf courses and driving tees.
- (49) Mortuaries, funeral homes and undertakers.
- (50) Museums.
- (51) Nursery yards or buildings for retail sales, provided that all incidental equipment and supplies, including fertilizer and empty containers are kept within a building.
- (52) Offices.
- (53) Piano stores, musical instruments and supplies.
- (54) Plumbing and heating appliances and supply sales, and plumbing and heating repairs and installation services, when limited to small shops, the principal business of which is a neighborhood service.
- (55) Radio and television sales and servicing.
- (56) Restaurants, tea rooms and cafeterias or cafes.
- (57) Retail stores, businesses or shops for custom work or the manufacture of articles to be sold at retail on the premises, excluding coal and wood yards, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one machine, provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the entire building or the equivalent of the ground floor area thereof, and provided further that such manufacturing use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- (58) Shoe-shine parlors.
- (59) Commercial swimming pools, subject to the following conditions:
 - (A) Such swimming pool shall not exceed five thousand (5,000) square feet in area,

measured at the scum gutter.

- (B) No pool shall be closer than one hundred (100) feet from a dwelling district.
- (C) The area of all accessory buildings shall not exceed fifty percent (50%) of the pool area, with a minimum of six hundred (600) square feet allowable.
- (D) Off-street parking spaces shall be provided in the minimum ratio of one (1) off-street parking space to each two hundred (200) square feet of pool area or fraction thereof, and the parking arrangement shall have the approval of the city traffic engineer.

(60) Tailor, clothing or wearing apparel shops.

(61) Variety stores.

(62) Accessory building and uses customarily incident to any of the above uses, including air conditioning, ice and refrigerating plants purely incidental to a main activity permitted on the premises. No accessory use shall be construed to permit the keeping of articles or material in the open or on the outside of the building.

(63) Pawnshops.

(c) Height Regulations. Not to exceed three (3) stories in height, or forty-five (45) feet.

(d) Area Regulations.

(1) Front Yard. At least thirty (30) feet, except in cases existing buildings are in the same block; in such cases, the minimum front yard shall be an average of the existing buildings in the block.

(2) Rear Yard. At least ten (10) feet, except where the rear of the lot of the commercial districts abuts on a dwelling district, and, in such case, there shall be at least fifteen (15) feet.

(3) Side Yard. At least three (3) feet, except where the side of the lot of the commercial district abuts a dwelling district; in such case, the side yard shall be at least five (5) feet.

(4) Width of Lot. The lot shall be at least fifty (50) feet in width.

(e) Landscaping. See Article 14.600.

(f) Parking. See Article 14.600.

(g) Site Plan. Prior to issuance of a building permit, a site plan, in accordance with Section

14.602 will be required. The site plan shall be approved by the city council upon recommendation by the planning and zoning commission.

(h) Public Hearing Required. A public hearing in accordance with Section 14.703 shall be required for all “C” applications or site plans.

(1987 Code of Ordinances, Chapter 11, Section 5D)

Sec. 14.505 “I” Industrial District

(a) Purpose. The “I” Industrial District is intended to permit a range of assembly, warehousing and service type manufacturing and wholesale uses.

(b) Uses, Generally. In the “I” District, no building or land shall be used, and no building shall be hereafter erected, reconstructed, altered, maintained or enlarged, unless otherwise provided in these regulations, except for one or more of the following uses:

- (1) Manufacture of basket materials, bicycles, cowboy boots, boxes, caskets, shoes, and textile fabrics.
- (2) Stamping, dyeing, shearing or punching metal, not exceeding one-eighth (1/8) inch in thickness.
- (3) Accessory uses, buildings and use customarily incidental to all permitted uses.
- (4) Amusement or baseball parks.
- (5) Churches.
- (6) Public schools, elementary and high.
- (7) Parks.
- (8) Storage yards. (All storage yards must be fenced with solid fence, excluding sheet metal of any type.)
- (9) Candy, canning or preserving factories.
- (10) Carpet and rug cleaning.
- (11) Cleaning, dyeing, pressing works, laundry and washaterias.
- (12) Cold storage plants.
- (13) Contractor’s plants or storage yards, provided a six (6) foot solid fence, excluding sheet iron or sheet aluminum,, is erected.

- (14) Furniture repair, within building.
- (15) Heavy equipment sales and auction yard.
- (16) Lumber yards, provided a six (6) foot solid fence, excluding sheet iron or sheet aluminum, is erected.
- (17) Machine shops, provided power not to exceed ten (10) horsepower is employed in the operation of any one machine.
- (18) Manufacture of products from aluminum, brass, bronze, copper, steel, tin or other metals and from bone, leather, paper, rubber, shell, wire, or wood of any kind, provided power not to exceed fifty (50) horsepower is employed in the operation of any one machine.
- (19) Manufacture of artificial flowers, ornaments, awnings, tents and bags, bleaching, cleaning or polishing preparations, boats (small) twenty-eight (28) feet or less in length, brooms or brushes, buttons and novelties, canvas products, clothing, suits, dresses for wholesale trade; food products, syrups, fruit juices, extracts, drugs or medicine, furniture, gas or electric fixtures, ice cream, mattresses or their renovation; peanut and pecan products, potato chips, radio and television sets, signs, including electric; provided power not in excess of fifty (50) horsepower is employed in the operation of any one machine.
- (20) Meat processing (no slaughtering).
- (21) Mini-warehouse storage facility (with outdoor storage).
- (22) Pattern shops.
- (23) Printing, lithographing, book binding, newspapers and publishing.
- (24) Sheet metal shops using sheet metal of sixteen (16) gauge, or thinner.
- (25) Spray painting or paint mixing.
- (26) Terminal, motor freight on approval of the building official, after a recommendation by the city traffic engineer, and provided that such motor freight terminals shall meet the following requirements:
 - (A) A traffic flow plan approved by the city traffic engineer, based on an accurate plot plan drawn to scale. The applicant shall prepare and submit the plot plan to the city traffic engineer.
 - (B) Loading, parking and maneuvering space shall be entirely on private property.

(C) The operation of any such motor freight terminal shall be no less than two hundred feet (200) from an “SF- I,” “MD,” “MH,” “P-W,” “C,” or “P-C” District.

(27) Accessory buildings and uses customarily incidental to the above.

(c) Height Regulations.

(d) Area Regulations.

(1) Front Yard At least thirty (30) feet, except in cases where existing buildings are in the same block; in such cases, the minimum front yard shall be an average of the existing buildings in the block.

(2) Rear Yard At least ten (10) feet, except where the rear of the commercial lot abuts on a dwelling district, and, in such case, there shall be at least fifteen (15) feet.

(3) Side Yard At least three (3) feet, except where the side of a commercial lot abuts a dwelling district; in such case, the side yard shall be at least five (5) feet.

(4) Width of Lot The lot shall be at least fifty (50) feet in width.

(e) Landscaping Regulations. Article 14.600.

(f) Parking. Article 14.600.

(1987 Code of Ordinances, Chapter 11, Section 5E)

Sec. 14.506 “P-MF” Planned Multi-Family District

(a) Purpose. The “P-MF” Planned Multi-Family District is established to provide adequate space and site diversification for multi-family apartments where the maximum density does not exceed twelve (12) units per gross acre. The “P-MF” District should be characterized by landscaping and open space and should be convenient to major thoroughfares and arterial streets. A planned development approval process is utilized in this district to provide for quality multi-family developments which are compatible with surrounding properties.

(b) Planned Development Uses. In a “P-MF” District, no land shall be used and no building shall be hereafter erected, reconstructed, altered, maintained or enlarged, unless otherwise provided in these regulations.

(1) Multi-family dwellings.

(c) Accessory Uses. Any accessory use permitted within the residential districts of the city shall be permitted as accessory uses in the “P-MF” District.

(d) Conditions for Planned Multi-Family Developments. “P-MF” District shall be considered appropriate where the following conditions prevail:

- (1) The project utilizes innovative land development concepts and is consistent with the comprehensive land use plan and the goals and objectives of the city;
- (2) Dwelling units are situated such that an appreciable amount of land for open space is available and is integrated throughout the planned development;
- (3) The project utilizes an innovative approach in lot configuration and mixture of multi-family housing types;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional single-family projects; or
- (5) The project provides a compatible transition between adjacent existing conventional single-family residential projects and provides a compatible transition for the extension of future conventional single-family projects into adjacent undeveloped areas.

(e) Density, Area, and Height Regulations. In approving the “P-MF” District, the city council shall, after recommendation by the planning and zoning commission, specify density, area, height, screening, parking, landscaping, and other regulations as may be required in subsection (i), development plan. Such standards shall be indicated on the development plan and shall be made a part of the article.

(f) Ownership. An application for approval of a development plan or site plan under the Planned Multi-Family District regulations may be filed by a person having a legal interest in the property. In order to ensure unified planning and development of the property, the applicant shall provide evidence, in a form satisfactory to the city, prior to final approval of the development plan or site plan that the property is held in single ownership or is under single control. Land shall be deemed to be held in single ownership or under single control if it is in joint tenancy, tenancy in common, a partnership, a trust, or a joint venture, or persons having a legal interest in the property. The development plan or site plan shall be filed in the name(s) of the record owner(s) of the property, which shall be included in the application.

(g) Development Schedule.

- (1) An application for a Planned Multi-Family District shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, when adopted and approved by the city council, shall become

part of the Planned Multi-Family Regulations and shall be adhered to by the owner, developer, and their assigns or successors in interest.

- (2) The city shall require the owner/developer of the planned development to submit a written report on a regular basis to the planning and zoning commission. Said written report shall describe the progress achieved towards the development schedule. However, upon request by the owner/developer, the planning and zoning commission may, for good cause shown by the owner/developer, recommend to the city council that the development schedule be extended or revised as may be indicated by the facts of the case.
- (3) In the event that the owner/developer neglects to provide a written report, as established and agreed to in the planned development, or if the owner/developer neglects to initiate any progress, the city may initiate proceedings to rezone the property to a zoning district deemed appropriate. However, no rezoning effort shall be initiated by the city prior to making an official inquiry of the owner/developer regarding the status of the planned development.

(h) Platting Requirements. No application for a building permit for the construction of a building or structure shall be approved unless the property on which proposed improvements are planned has been platted. Said plat must meet all the requirements of the city, and have been approved by the city council and recorded in the official records of the County in which the property is located.

(i) Development Plan. An application for a “P-C” district shall include and be accompanied by a development plan, which shall become a part of the amending ordinance. The development plan shall include the following information:

- (1) A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.
- (2) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.
- (3) A designation of the maximum building coverage of the site shall be indicated upon the development plan. General footprints of building shall be indicated showing the approximate position and sizes of any proposed structures.

- (4) Landscaping and screening shall be provided as required in Article 14.600 and shall be indicated on the development plan.
- (5) Any other development and protective requirements considered necessary to protect the health, safety and general welfare, and to create a reasonable transition to and protection from property adjacent to a “P-MF” District.
- (6) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.

(j) Site Plan. Prior to issuance of a building permit, a site plan, in accordance with Section 14.602 will be required. The site plan shall be approved by the city council upon recommendation by the planning and zoning commission. The site plan may be submitted concurrently with the development plan. If the development plan and the site plan are submitted separately, a separate public hearing and action shall be required for both submittals.

(k) Public Hearing Required. A public hearing in accordance with Section 14.703 shall be required for all “P-MF” applications or site plans.

(1987 Code of Ordinances, Chapter 11, Section 5F)

Sec. 14.507 “P-C” Planned Commercial District

(a) Purpose. The purpose of the “P-C” Planned Commercial District is to develop retail space and commercial uses. A planned development approval process is utilized in this district. This provides a method for the coordination of retail, office, hotel, commercial, and similar uses. A “P-C” Planned Commercial District may include a combination of different commercial types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

(b) Planned Commercial Development Uses. In a “P-C” Planned Commercial District, no land shall be used and no building shall be hereafter erected, reconstructed, altered, maintained or enlarged, except for those retail, office, hotel, commercial or similar uses which are specifically approved by the city council for that site. The approved uses may be for an entire class-of uses, such as general retail, or for specific types of uses, such as a fast food restaurant.

(c) Accessory Uses. Any accessory use permitted within the commercial districts of the city shall be permitted as accessory uses to a principal use in the “P-C” Planned Commercial District.

(d) Conditions for Planned Commercial Developments. The “P-C” Planned Commercial District shall be considered appropriate where the following conditions prevail:

- (1) The project utilizes innovative land development concepts and is consistent with the comprehensive land use plan and the goals and objectives of the city;

- (2) The project utilizes an innovative approach in lot configuration and mixture of commercial type uses;
- (3) Commercial uses are situated such that an appreciable amount of land is available for open space or joint use as parking space and is integrated throughout the planned development;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional commercial projects;
- (5) The project provides a compatible transition between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas; or
- (6) The project is located adjacent to Highway 199/ Jacksboro Highway.

(e) Preexisting Uses. Any use lawfully existing and in operation in a “P-C” Planned Commercial District on the effective date of this article shall be considered to be a nonconforming use and may be continued or changed to a similar use provided that no changes are made in the density, area, height, screening, parking, landscaping or other development criteria applicable to the site without prior approval of a development plan by the city council.

(f) Use Designations. Prior to the issuance of a building permit or certificate of occupancy for a new use in a “P-C” Planned Commercial District, a use designation must be approved by the city council following a recommendation of the planning and zoning commission. The approval of a use designation shall be considered to be a change in zoning which must be approved by ordinance following the notice and public hearing requirements of Section 14.703. All applications for a use designation which will require new construction or a change in the development criteria applicable to the site shall include a development plan as required by subsection (j) below and a site plan as required by subsection (k) below, or a combined and abbreviated development and site plan as permitted by subsection (l) below.

(g) Density, Area, and Height Regulations. In approving a “P-C” Planned Commercial District or a use designation in a “P-C” Planned Commercial District, the city council shall specify density, area, height, screening, parking, landscaping, and other development criteria as may be required in subsection (j), development plan. Such standards shall be indicated on the development plan and shall be made a part of the article. No property located in a “P-C” Planned Commercial District shall be modified as to density, area, height, screening, parking, landscaping, or other development criteria unless a development plan containing such revised development criteria is approved.

(h) Ownership. An application for approval of a use designation, development plan or site plan in the “P-C” Planned Commercial District may be filed by a person having a legal interest in the property. The application shall be filed in the name(s) of the record owner(s) of the site, which shall be included in the application. The applicant shall provide evidence, in a form satisfactory

to the city attorney, prior to final approval, that the applicant has the authority to file the application on behalf of all owners of the site.

(1987 Code of Ordinances, Chapter 11, Section 56)

(i) Development Schedule.

- (1) An application for a use designation for new construction or construction that increases the floor area of the principal structure(s) shall be accompanied by a development schedule specifically indicating the dates on which construction is expected to begin and on which particular phases of construction will be completed. The development schedule, if adopted and approved by the city council, shall become part of the planned commercial regulations and shall be adhered to by the owner, developer, and their assigns or successors in interest. Failure to adhere to the approved development schedule shall be a violation punishable under Section 14.709 of this chapter.
- (2) The city shall require the owner/developer of the planned development to submit a written report on a regular basis to the planning and zoning commission. Said written report shall describe the progress achieved towards the development schedule. However, upon request by the owner/developer, the planning and zoning commission may, for good cause shown by the owner/developer, recommend to the city council that the development schedule be extended or revised as may be indicated by the facts of the case.
- (3) In the event that the owner/developer neglects to provide a written report, as established and agreed to in the planned development, or if the owner/developer neglects to initiate any progress, the city may initiate proceedings to rezone the property and/or rescind the use designation on the property. However, no rezoning effort shall be initiated by the city prior to making an official inquiry of the owner/developer regarding the status of the planned development.
- (4) If construction has commenced and the owner/developer has failed to adhere to the timelines set forth in the development plan, the city may compel the owner/developer to remove any unfinished structure from the property. If the owner/developer fails to remove the structure, the city may remove it and recover its costs from the owner/developer.

(Ordinance 775, sec. 1, adopted 12/14/04)

(j) Development Plan Requirement. An application for a “P-C” Planned Commercial District, or approval of a use designation in a “P-C” Planned Commercial District, which will require new construction which increases the floor area of the principal structure(s) shall include and be accompanied by a development plan, which shall become a part of the amending ordinance. The development plan shall include the following information:

- (1) A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.
- (2) Where multiple types of commercial land uses are proposed, a land use plan delineating the specific areas to be devoted to various commercial uses shall be required.
- (3) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.
- (4) A designation of the maximum building coverage of the site shall be indicated upon the development plan. General foot print of buildings shall be indicated showing the approximate position and sizes of any proposed structures.
- (5) Landscaping and screening shall be provided as required in Article 14.600 and shall be indicated on the development plan.
- (6) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.

Except as provided in subsection (m), any amendment to a development plan must be approved by ordinance following the notice and public hearing requirements of Section 14.703.

(k) Site Plan Requirement. Prior to issuance of a building permit, for new construction which increases the floor area of the principal structure(s) or construction that changes the development criteria for the site, a site plan, in accordance with Section 14.602, will be required. The site plan shall be approved by the city council upon recommendation by the planning and zoning commission. The site plan may be submitted concurrently with the development plan. If the development plan and the site plan are submitted separately, a separate public hearing and action shall be required for both submittals.

(l) Combined and Abbreviated Development and Site Plan Submittal. If application is made for a new use designation in a “P-C” Planned Development District on a site which contains existing improvements which are not proposed to be enlarged, the following combined and abbreviated development and site plan shall be permitted in place of a development plan.

- (1) Combined and abbreviated development and site plan shall contain the following: A scale drawing showing existing building and proposed use designations, easements, points of ingress and egress from existing public streets, the arrangement and provision of off-street parking and off-street loading, and the location of landscaping and screening provided on site. These items shall be shown on an accurate survey of the boundary of the lot. All of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.
- (2) A combined and abbreviated development and site plan must be approved by ordinance following the notice and public hearing requirements of Section 14.703.

(m) Administrative Approval of Development Plan and Site Plan. A development plan and site plan may be approved by the city administrator without the approval of the city council and planning and zoning commission if said application is located within an existing structure and: (1) does not increase the floor area of the existing structure; and (2) does not change the existing use on the site. The city administrator may, for any reason, elect to present the development plan or site plan to the planning and zoning commission and city council for approval.

(n) Platting Requirements. No application for a building permit for the construction of a building or structure shall be approved unless the property on which the proposed improvements are planned has been platted. The plat must meet all the requirements of the city, and must have been approved by the city council and recorded in the official records of Tarrant County.

(1987 Code of Ordinances, Chapter 11, Section 5G)

Sec. 14.508 “P-I” Planned Industrial District

(a) Purpose. The purpose of the “P-I” Planned Industrial District is to provide a mechanism to achieve industrial development which will contribute to the diversification of the city’s economic base in a manner consistent with the land use plan. The district is to allow development with a compatible mixture of industrial land uses not provided for in other industrial districts in accordance with a specific plan of development. The regulations are intended to provide a method for protecting adjacent development from adverse impacts associated with economic development while promoting efficient and economic land use arrangements. (1987 Code of Ordinances, Chapter 11, Section 5H)

(b) Planned Industrial Development Uses. In a “P-I” Planned Industrial District, no land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, except for those retail, office, hotel, commercial or similar uses which are specifically approved by the city council for that site. The approved uses may be for an entire class of uses, such as general retail, or for specific types of uses, such as a fast food restaurant. Amusement machine establishments may be approved by the council in a “P-I” District, provided that no amusement machine establishment may be located within 300 feet of a church, school, or hospital, measured from property line to property line. (Ordinance 692 adopted 7/9/02)

(c) Accessory Uses. Any accessory use permitted within the industrial districts of the city shall be permitted as accessory uses to a principal use in the “P-I” Planned Industrial District.

(d) Conditions for Planned Industrial Developments. The “P-I” District shall be considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the comprehensive land use plan and the goals and objectives of the city;
- (2) The project utilizes an innovative approach in lot configuration and mixture of industrial type uses;
- (3) Industrial uses are situated such that an appreciable amount of land is available for open space or joint use as parking space and is integrated throughout the planned development;
- (4) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional industrial projects; or
- (5) The project provides a compatible transition between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas.

(e) Preexisting Uses. Any use lawfully existing and in operation in a “P-I” Planned Industrial District on the effective date of this article shall be considered to be a nonconforming use and may be continued or changed to a similar use provided that no changes are made in the density, area, height, screening, parking, landscaping or other development criteria applicable to the site without prior approval of a development plan by the city council.

(f) Use Designations. Prior to the issuance of a building permit or certificate of occupancy for a new use in a “P-I” Planned Industrial District, a use designation must be approved by the city council following a recommendation of the planning and zoning commission. The approval of a use designation shall be considered to be a change in zoning which must be approved by ordinance following the notice and public hearing requirements of Section 14.703 of this article. All applications for a use designation which will require new construction or a change in the development criteria applicable to the site shall include a development plan as required by subsection (j) and a site plan as required by subsection (k), or a combined and abbreviated development and site plan as permitted by subsection (l).

(g) Density, Area, and Height Regulations. In approving a “P-I” Planned Industrial District or a use designation in a “P-I” Planned Industrial District, the city council shall specify density, area, height, screening, parking, landscaping, and other development criteria as may be required in subsection (j), development plan. Such standards shall be indicated on the development plan and shall be made a part of the article. No property located in a “P-I” Planned Industrial District shall be modified as to density, area, height, screening, parking, landscaping, or other

development criteria unless a development plan containing such revised development criteria is approved.

(h) Ownership. An application for approval of a use designation, development plan or site plan in the “P-I” Planned Industrial District may be filed by a person having a legal interest in the property. The application shall be filed in the name(s) of the record owner(s) of the site, which shall be included in the application. The applicant shall provide evidence, in a form satisfactory to the city attorney, prior to final approval, that the applicant has the authority to file the application on behalf of all owners of the site.

(i) Development Schedule.

- (1) An application for a use designation for new construction or construction that increases the floor area of the principal structure(s) shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the city council, shall become part of the Planned Industrial Ordinance and shall be adhered to by the owner, developer, and their assigns or successors in interest.
- (2) The city shall require the owner/developer of the planned development to submit a written report on a regular basis to the planning and zoning commission. Said written report shall describe the progress achieved towards the development schedule. However, upon request by the owner/developer, the planning and zoning commission may, for good cause shown by the owner/developer, recommend to the city council that the development schedule be extended or revised as may be indicated by the facts of the case.
- (3) In the event that the owner/developer neglects to provide a written report, as established and agreed to in the planned development, or if the owner/developer neglects to initiate any progress, the city may initiate proceedings to rezone the property to a zoning district deemed appropriate. However, no rezoning effort shall be initiated by the city prior to making an official inquiry of the owner/developer regarding the status of the planned development.

(j) Development Plan Requirement. An application for a “P-I” Planned Industrial District, or approval of a use designation in a “P-I” Planned Industrial District which will require new construction which increases the floor area of the principal structure(s) or a change in the development criteria applicable to the site shall include and be accompanied by a development plan, which shall become a part of the amending ordinance. The development plan shall include the following information:

- (1) A scale drawing showing any proposed public or private streets and alleys, building sites or building lots, any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes, the points of ingress and egress from existing public streets on an

accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.

- (2) Where multiple types of industrial land uses are proposed, a land use plan delineating the specific areas to be devoted to various industrial uses shall be required.
- (3) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.
- (4) A designation of the maximum building coverage of the site shall be indicated upon the development plan. General foot print of buildings shall be indicated showing the approximate position and sizes of any proposed structures.
- (5) Landscaping and screening shall be provided as required in Article 14.600 and shall be indicated on the development plan.
- (6) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.
- (7) Except as provided in subsection (m), any amendment to a development plan must be approved by ordinance following notice and public hearing requirements of Section 14.703.

(k) Site Plan Requirement. Prior to issuance of a building permit, for new construction or construction which increases the floor area of the principal structure(s), a site plan, in accordance with Section 14.602, will be required. The site plan shall be approved by the city council upon recommendation by the planning and zoning commission. The site plan may be submitted concurrently with the development plan. If the development plan and the site plan are submitted separately, a separate public hearing and action shall be required for both submittals.

(l) Combined and Abbreviated Development and Site Plan Submittal. If application is made for a new use designation in a "P-I" Planned Commercial District on a site which contains existing improvements which are not proposed to be enlarged, the following combined and abbreviated development and site plan shall be permitted in place of a development plan:

- (1) Combined and abbreviated development and site plan shall contain the following: A scale drawing showing existing building and proposed use designations, easements, points of ingress and egress from existing public streets, the arrangement and provision of off-street parking and off-street loading, and the location of landscaping and screening provided on site. These items shall be shown on an accurate survey of

the boundary of the lot. All of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.

- (2) A combined and abbreviated development and site plan must be approved by ordinance following notice and public hearing requirements of Section 14.703.

(m) Administrative Approval of Development Plan and Site Plan. A development plan and site plan may be approved by the city administrator without the approval of the city council and planning and zoning commission if said application is located within an existing structure and: (1) does not increase the floor area of the existing structure; and (2) does not change the existing use on the site. The city administrator may, for any reason, elect to present the development plan or site plan to the planning and zoning commission and city council for approval.

(n) Platting Requirements. No application for a building permit for the construction of a building or structure shall be approved unless the property on which the proposed improvements are planned has been platted. The plat must meet all the requirements of the city, and must have been approved by the city council and recorded in the official records of Tarrant County.

(1987 Code of Ordinances, Chapter 11, Section 5H)

Sec. 14.509 “M-PD” Mixed Planned Development District Regulations

(a) Purpose. The purpose of the Mixed Planned Development District is to encourage creative development of the land, provide locations for well planned comprehensive developments, and provide for variety and flexibility in the development patterns of the city which promote the health, safety, morals and general welfare of the community. A Mixed Planned Development District (M-PD) may include a combination of different dwelling types and/or a variety of residential and nonresidential land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

(b) Planned Development Uses. In a “M-PD” Mixed Planned Development District, no land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, except for those retail, office, hotel, commercial or similar uses which are specifically approved by the city council for that site. The approved uses may be for an entire class of uses, such as general retail, or for specific types of uses, such as a fast food restaurant.

(c) Accessory Uses. Any accessory use permitted within the residential and commercial districts of the city shall be permitted as accessory uses to a primary use in the “M-PD” Mixed Planned Development District.

(d) Conditions for a Mixed Residential and Nonresidential Planned Developments. Mixed Planned Developments shall be considered appropriate where the following conditions prevail:

- (1) The project utilized innovative land development concepts and is consistent with the comprehensive land use plan and the goals and objectives of the city;

- (2) Dwelling units are situated such that an appreciable amount of land for open space is available and is integrated throughout the planned development; so as to permit a developer to collect the density and reflect a development plan that incorporates the aggregate total number of dwelling units into the overall development plan;
- (3) The project utilizes an innovative approach in lot configuration and mixture of residential housing types;
- (4) Higher densities than conventional single-family projects of the same acreage is achievable with appropriate buffering between existing conventional single-family developments and increased open space;
- (5) Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking and public access space and is integrated throughout the planned development;
- (6) Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional residential and nonresidential projects; or
- (7) The project provides a compatible transition, which may include buffer yards, thoroughfares, or transitional uses, whichever is appropriate, between adjacent existing single-family residential projects and provides a compatible transition for the extension of future single-family projects into adjacent undeveloped areas.

(e) Preexisting Uses. Any use lawfully existing and in operation in a “M-PD” Mixed planned development District on the effective date of this article shall be considered to be a nonconforming use and may be continued or changed to a similar use provided that no changes are made in the density, area, height, screening, parking, landscaping or other development criteria applicable to the site without prior approval of a development plan by the city council.

(f) Use Designations. Prior to the issuance of a building permit or certificate of occupancy for a new use in a “M-PD” Mixed Planned Development District, a use designation must be approved by the city council following a recommendation of the planning and zoning commission. The approval of a use designation shall be considered to be a change in zoning which must be approved by ordinance following the notice and public hearing requirements of Section 14.703 of this article. All applications for a use designation which will require new construction or a change in the development criteria applicable to the site shall include a development plan as required by subsection (j) and a site plan as required by subsection (k), or a combined and abbreviated development and site plan as permitted by subsection (l).

(g) Density, Area, and Height Regulations. In approving a “M-PD” District or a use designation in a “M-PD” Mixed Planned Development District, the city council shall specify density, area, height, screening, parking, landscaping, and other development criteria as may be required in subsection (j), development plan. Such standards shall be indicated on the

development plan and shall be made a part of the article. No property located in a “M-PD” Mixed Planned Development District shall be modified as to density, area, height, screening, parking, landscaping or other development criteria unless a development plan containing such revised development criteria is approved.

(h) Ownership. An application for approval of a use designation, development plan or site plan in the “M-PD” Mixed Planned Development District may be filed by a person having a legal interest in the property. The application shall be filed in the name(s) of the record owner(s) of the site, which shall be included in the application. The applicant shall provide evidence, in a form satisfactory to the city attorney, prior to final approval, that the applicant has the authority to file the application on behalf of all owners of the site.

(i) Development Schedule.

- (1) An application for a use designation for new construction or construction that increases the floor area of the principal structure(s) shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the city council, shall become part of the Mixed Planned Development Ordinance and shall be adhered to by the owner, developer, and their assigns or successors in interest.
- (2) The city shall require the owner/developer of the planned development to submit a written report on a regular basis to the planning and zoning commission. Said written report shall describe the progress achieved towards the development schedule. However, upon request by the owner/developer, the planning and zoning commission may, for good cause shown by the owner/developer, recommend to the city council that the development schedule be extended or revised as may be indicated by the facts of the case.
- (3) In the event that the owner/developer neglects to provide a written report, as established and agreed to in the planned development, or if the owner/developer neglects to initiate any progress, the city may initiate proceedings to rezone the property to a zoning district deemed appropriate. However, no rezoning effort shall be initiated by the city prior to making an official inquiry of the owner/developer regarding the status of the planned development.

(j) Development Plan Requirement. An application for a “M-PD” Mixed Planned Development District, or approval of a use designation in a “M-PD” Mixed Planned Development District which will require new construction which increases the floor area of the principal structure(s) or a change in the development criteria applicable to the site shall include and be accompanied by a Development plan, which shall become a part of the amending regulations. The development plan shall include the following information:

- (1) A scale drawing showing any proposed public or private streets and alleys, building sites or building lots, any areas proposed for dedication or reserved as parks,

parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes, the point of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.

- (2) Where multiple types of commercial land uses are proposed, a land use plan delineating the specific areas to be devoted to various commercial uses shall be required.
- (3) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.
- (4) A designation of the maximum building coverage of the site shall be indicated upon the development plan. General foot print of buildings shall be indicated showing the approximate position and sizes of any proposed structures.
- (5) Landscaping and screening shall be provided as required in Article 14.600 and shall be indicated on the development plan.
- (6) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.
- (7) Except as provided in subsection (m), any amendment to a development plan must be approved by ordinance following the notice and public hearing requirements of Section 14.703.

(k) Site Plan Requirement. Prior to issuance of a building permit, for new construction or construction which increases the floor area of the principal structure(s) or construction that changes the development criteria for the site, a site plan, in accordance with Section 14.602, will be required. The site plan shall be approved by the city council upon recommendation by the planning and zoning commission. The site plan may be submitted concurrently with the development plan. If the development plan and the site plan are submitted separately, a separate public hearing and action shall be required for both submittals.

(l) Combined and Abbreviated Development and Site Plan Submittal. If application is made for a new use designation in a “M-PD” Mixed Planned Development District on a site which contains existing improvements which are not proposed to be enlarged, the following combined and abbreviated development and site plan shall be permitted in place of a development plan:

- (1) Combined and abbreviated development and site plan shall contain the following: A

scale drawing showing existing building and proposed use designations, easements, points of ingress and egress from existing public streets, the arrangement and provision of off-street parking and off-street loading, and the location of landscaping and screening provided on site. These items shall be shown on an accurate survey of the boundary of the lot. All of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the city administrator and interpretation by the building inspector.

- (2) A combined and abbreviated development and site plan must be approved by ordinance following the notice and public hearing requirements of Section 14.703.

(m) Administrative Approval of Development Plan and Site Plan. A development plan and site plan may be approved by the city administrator without the approval of the city council and planning and zoning commission if said application is located within an existing structure and: (1) does not increase the floor area of the existing structure; and (2) does not change the existing use on the site. The city administrator may, for any reason, elect to present the development plan or site plan to the planning and zoning commission and city council for approval.

(n) Platting Requirements. No application for a building permit for the construction of a building or structure shall be approved unless the property on which the proposed improvements are planned has been platted. The plat must meet all the requirements of the city, and must have been approved by the city council and recorded in the official records of the Tarrant County.

(1987 Code of Ordinances, Chapter 11, Section 5I)

Sec. 14.510 Uses Permitted in Each Zoning District

Notwithstanding anything to the contrary contained in this section, the following uses shall be permitted as a matter of right in each zoning district, including each planned development zoning district, without specific approval of the city council:

- (1) Gas well drilling and operations.

(Ordinance 852 adopted 1/9/07)

ARTICLE 14.600 SUPPLEMENTARY REGULATIONS

Sec. 14.601 Nonconforming Uses

(a) Purpose and Intent. Within the districts established by this article, there may exist buildings or uses of land and buildings which were lawful before this article was passed or amended, but which would be prohibited, regulated or restricted under the terms of this section or future amendments. Such nonconforming buildings or uses of land and buildings may be continued although they do not conform with the provisions of this section, subject to the limitations and conditions set forth in this section. Such nonconforming uses are declared by this section to be

incompatible with permitted uses in the districts involved.

With due regard for the property rights of the persons affected when considered in light of the public welfare, the character of the area surrounding the nonconforming use and the conservation and preservation of surrounding properties and their values, it is the declared purpose of this article that nonconforming uses be eliminated and be required to conform to the regulations prescribed in this section.

(b) Building on Nonconforming Lots of Record. In any district, buildings may be erected on any single lot of record, provided there is access to such buildings from a street and the lot is in the same ownership as recorded on the effective date of this section. This provision shall apply even though the lot fails to meet the minimum requirements for area, width, or depth for the district in which it is located; however, all other requirements shall still apply. All buildings constructed on nonconforming lots of record shall meet all development regulations in the district unless proper variances are granted by the board of adjustment. No building shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner or his/her agent shall replat the property into a single lot.

(c) Nonconforming Buildings. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is brought into conformity with the provisions of this article.

(d) Nonconforming Use of Buildings. A nonconforming use of a building shall not be increased or enlarged and no occupancy of additional buildings or land by a nonconforming uses shall be permitted, except that a nonconforming use of a building may be extended throughout any parts of the building which were manifestly arranged or designed for such use and which were owned or leased by the owner of the nonconforming use on the effective date of this article, provided no structural alterations, except those required by law or ordinance, are made, and provided further that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The board of adjustments shall have the authority to permit an extension of a building which is nonconforming as to uses not to exceed twenty-five percent (25%) of the existing floor area, subject to the development regulations applicable in the zoning district.

(e) Nonconforming Use of Land. A nonconforming use of land may not be expanded or extended beyond the area of land actually being occupied by the use at the time it becomes nonconforming, except to provide off-street loading or off-street parking space facilities. Notwithstanding the above, the board of adjustment may permit an expansion of a nonconforming use of land on a lot of record not to exceed twenty-five percent (25%) of the existing area of the land actually being occupied by the nonconforming use, subject to the development regulations applicable to the zoning district.

(f) Discontinuance or Abandonment.

- (1) A nonconforming use, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this article.

Discontinuance or abandonment shall be defined as follows:

- (A) When land used for a nonconforming use shall cease to be used in a bona fide manner for the nonconforming use for sixty (60) consecutive calendar days.
 - (B) When a building designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of six (6) consecutive calendar months.
 - (C) When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of three (3) consecutive calendar months.
 - (D) When land or a building used only on a seasonal basis is not used in a bona fide manner as a nonconforming use during such season.
- (2) Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the above time periods.
- (3) Upon evidence of hardship, the board of adjustment shall have the power to extend the time limits in subsection (A) not to exceed one (1) year.
- (g) Destruction of Nonconforming Use.
- (1) If a nonconforming building or a building occupied by a nonconforming use is destroyed by fire, the elements or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of this article unless the destruction amount is less than fifty percent (50%) of its fair market value at the time of destruction.
 - (2) If the destruction is greater than fifty percent (50%) and less than total, the board of adjustment may, after a public hearing, authorize repair, taking into consideration the property owner's circumstances and the effect on surrounding properties.
 - (3) Upon submission by the owner of sufficient evidence to prove that the destruction amounts to less than fifty percent (50%) of the total value of the entire nonconforming use and that the destroyed building or structure constituted an integral part of the nonconforming use without which the nonconforming use cannot be profitably operated, the board of adjustment may permit the reconstruction of such destroyed building or buildings under conditions which reasonably allow the owner to recoup his original investment.
 - (4) Notwithstanding anything herein to the contrary, a single-family residence which is destroyed shall be permitted to be reconstructed without board of adjustment approval regardless of the extent of destruction, provided that the construction complies with

all current building codes and is commenced within six (6) months of the date of destruction. The failure of the owner to start such reconstruction within six (6) months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this article.

- (5) If the owner of a nonconforming use fails to begin reconstruction of the destroyed building (when permitted to do so by the terms of this article) within six (6) months of the date of destruction or approval by the board of adjustment, the nonconforming building or use shall be deemed to be discontinued or abandoned as provided in subsection (f) above.

(1987 Code of Ordinances, Chapter 11, Section 6A)

- (6) Notwithstanding anything herein to the contrary, the owner of a manufactured home that has been destroyed by fire or natural disaster, may replace the manufactured home, provided that the installation complies with all applicable state or local regulations and the owner applies for a permit and commences installation within six (6) months of the date of destruction. The failure of the owner to start such installation within six (6) months shall forfeit the owner's right to replace the manufactured home except in conformance with this article. In this subsection (6), the terms "fire" and "natural disaster" shall have the same meanings as the identical terms in Section 1201.008(f) of the Texas Occupations Code. (Ordinance 873, sec. 1, adopted 11/13/07)

(h) Registration of Nonconforming Uses. The owner of any nonconforming use shall register said nonconforming use with the code enforcement department within six (6) months of the effective date of this article. Registration shall be confirmed by the issuance of a "certificate of occupancy – nonconforming," which shall be considered legal evidence of the existence of the nonconforming use. The zoning administrator shall maintain on file for the city all "certificates of occupancy nonconforming." After six (6) months from the effective date of this article, the board of adjustment shall have the authority to direct the city to issue a "certificate of occupancy – nonconforming," upon presentation of evidence adequate to satisfy the board that a building or land were lawful uses before this article was passed or amended. A pending request to the board of adjustment shall be sufficient defense against enforcement of fees for violation of the article. In the event that the owner of a nonconforming use does not register the use as required, there shall be a rebuttable presumption that the nonconforming use was not legally existing on the effective date of this article, and the nonconforming use shall be deemed illegal and a violation of this article.

(i) Additional Limitations and Provisions Regarding Nonconforming Uses.

- (1) A nonconforming use or building, if changed to a conforming use or building, may not be changed back to a nonconforming use or building.
- (2) No nonconforming accessory use or structure shall continue after the principal use or structure shall have ceased or terminated unless the accessory use or structure shall

thereafter conform to the provisions of the zoning district in which it is located.

- (3) Nothing contained in this article shall require any change in the plans, construction or designated use of a building or land development project for which a building permit was lawfully issued no more than six (6) months prior to the adoption or amendment of this article, provided, that such construction shall have been started at the time such use became nonconforming and shall have been diligently prosecuted to completion.
- (4) The foregoing provisions of this article shall also apply to uses made nonconforming by subsequent amendments to the zoning regulations or by annexation into the city limits of the city.
- (5) Any use which is permitted as a special exception use by the board of adjustment shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions placed on the special exception by the board of adjustment.
- (6) The board of adjustment shall, from time to time, on its own motion, or upon cause presented by interested persons, inquire into the existence, continuation or maintenance of any nonconforming use within the city. The board of adjustment may take specific action to abate, remove, limit or terminate any nonconforming use or building under reasonable guidelines as set forth in Section 14.702. The concurring vote of four members of the board shall be necessary to take such action.

(1987 Code of Ordinances, Chapter 11, Section 6A)

(j) Replacement of Manufactured Home by Owner.

- (1) Notwithstanding anything herein to the contrary, the owner of a manufactured home that occupies a lot within the city may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space as the prior manufactured home, and provided that the installation complies with all applicable state or local regulations and the owner applies for a permit and commences installation within six (6) months of the date of removal. The failure of the owner to start such installation within six (6) months shall forfeit the owner's right to replace the manufactured home except in conformance with this article.
- (2) Replacement of a manufactured home in accordance with this subsection (j) is limited to a single replacement.

(Ordinance 873, sec. 2, adopted 11/13/07)

Sec. 14.602 Site Plan Requirements

Whenever a site plan is required by this article, such site plan must conform to the requirements

of this section. Except as otherwise provided herein, all site plans must be approved by the city council after recommendation of the planning and zoning commission.

- (1) Requirement Prior to Building Permit. When required by this article, a site plan must be approved prior to issuance of a building permit by the city.
- (2) Changes to the Site Plan. Changes to the site plan shall be processed in the same manner as the original approved site plan.
 - (A) Except as otherwise provided, any site plan that is amended shall require approval of the city council after review by the planning and zoning commission.
 - (B) Changes to the site plan which will affect the use of the land shall require either an amendment to a PD or a rezoning of property, whichever applies, and shall require the appropriate public hearings.
 - (C) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent property, do not alter the uses permitted, do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the city manager or his/her designee. An aggrieved party may appeal the decision of the city manager or his/her designee to the zoning board of adjustment in accordance with the provisions of this section.
- (3) Council Approval. City council approval of a site plan that accompanies a zoning change request shall become part of the amended ordinance. Hearings held by the council for consideration of approval of such zoning change and accompanying site plan shall be conducted in accordance with the provisions of Section 14.703.
- (4) Compliance with City Design Standards. The site plan must comply with design standards, policies, and any design criteria deemed necessary by the city council to protect the safety, health, and welfare of the city.
- (5) Site Plan Contents. The site plan shall contain, where applicable, the information listed below and any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the planning and zoning commission, the city council and the staff personnel required to enforce and interpret this section.
 - (A) The location of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 100 feet.
 - (B) Lighting and/or fencing and/or screening of yards and setback areas and proposed changes.

- (C) Design of ingress and egress.
- (D) Off-street parking and loading facilities, and calculations showing how the quantities were obtained.
- (E) Height of all structures.
- (F) Proposed uses.
- (G) Landscape plan.
- (H) The location, general size, and type of all major trees or closely grouped trees may be shown in general grouping if necessary.
- (I) The location and type of all signs, including lighting and heights.
- (J) Elevation drawings if requested by staff, planning and zoning commission, or city council.
- (K) Street names on proposed streets.
- (L) Proposed water, wastewater collection, and storm sewer lines; proposed grading and drainage patterns.
- (M) Engineering drawings of all improvements to be dedicated to the city, if the property is not to be final platted or if engineering drawings have not been previously submitted for the site. If the property is to be final platted, these may be provided at that time.
- (N) Utility and drainage easements for dedicated infrastructure, if required.
- (O) Such additional terms and conditions, including design standards, as the planning and zoning commission and the city council deem necessary.

(1987 Code of Ordinances, Chapter 11, Section 6B)

Sec. 14.603 Vehicle Parking Regulations

(a) Purpose. Except hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract or on an immediately contiguous lot or tract, or on a lot or tract within 150 feet of such building or structure, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this article need not provide vehicle parking as hereinafter set forth provided such use is not expanded and that no existing vehicle parking in connection with said uses at the effective date of this article may be reduced below the minimum

number of spaces as hereinafter required.

(b) General Regulations. In the “SF-I,” “MD,” “C,” and “I” zoning districts the minimum off-street parking spaces for all permitted uses shall be as listed in subsection (c) below. Where parking spaces result from the computation of requirements, the requirement shall be construed to be that the fractional space will be treated as another full parking space required.

(c) Schedule of Minimum Number of Parking Spaces.

	<u>Use</u>	<u>Number of Spaces</u>	<u>Required for Each</u>	<u>Additional Requirements</u>
(1)	Single-Family Residential District	2	Dwelling Unit	
(2)	Duplex, Triplex, Quad Residential District	2	Dwelling Unit	
(3)	Multiple Family Residential	2	Dwelling Unit	
(4)	Manufactured Housing	2	Dwelling Unit	150 sq. ft. of additional area for each 2 units for common area for storage of boats and trailers and visitor parking
(5)	Bank, Savings and Loan or similar financial establishment	5	per 1000 sq. ft. floor area	
(6)	Bowling Alley	4	per lane	
(7)	Clinics or Dr. Office	5	per 1000 sq. ft. floor area	
(8)	Churches	1	each 4 seats sanctuary	Up to 90% may be on adj. lot if owner signs an agreement with the church to use his lot during church services

(9)	Commercial Amusement	10	plus 1 space for	each 100 sq. ft. floor area over 1000 sq. ft.
(10)	Convalescent Home, Hospital (Chronic Care), Home for the Aged	10	plus 1 space for each 4 beds	
(11)	Gasoline Service Station	5	each 1000 sq. ft. floor space minimum of 4 spaces	
(12)	Golf Course	2.5	per hole (minimum)	
(13)	High School, College or University	1	per classroom, laboratory or instruction area plus one space for each 3 students	
(14)	Hospital (Acute Care)	1	for each 2 beds plus 1 space for each 3 staff members	
(15)	Hotel or Motel	5	plus 1 per each room, unit, or guest accommodation (additional space required for restaurants and related facilities)	
(16)	Institution (Philanthropic)	10	plus 1 for each employee	
(17)	Library or Museum	10	plus 1 per 300 sq. ft. floor area	
(18)	Manufacturing, Processing or Repairing	1	per 2 employees or per 1000 sq. ft. floor area, whichever is	

			greater	
(19)	Office, general	5	per 1000 sq. ft. floor area	
(20)	Recreational, private or commercial area of building (other than listed)	5	per 1000 sq. ft. floor area	
(21)	Restaurant or Cafeteria	1	for each 2 seats under maximum seating	
(22)	Retail /Personal Service	5	per 1000 sq. ft. floor area	
(23)	Furniture and Appliance Stores	5	per 1000 sq. ft. floor area	
(24)	Schools, Elementary or Junior High	1	per classroom plus 1 for each 3 seats in any auditorium, gymnasium or other assembly place	
(25)	Storage or Warehousing	1	for each 2 employees or per 1000 sq. ft. whichever is greater	
(26)	Theaters, meeting rooms, places of public assembly	1	for each 4 seats	
(27)	Shopping Center or Mall	5	for each 1000 sq. ft. floor area	If less than 2 then parking must be calculated for each business
(28)	Motor Vehicle Service	5	per 1000 sq. ft. of floor area	
(29)	Beauty and Barber Shop	5	per 1000 sq. ft. of floor area	

(d) Handicapped Parking Requirements. In each parking facility in the MF, MH, C, 1, and PD districts a portion of the total parking shall be specifically designated, located, and reserved for vehicles licensed for use by the handicapped. These spaces will be provided according to the following schedule:

<u>Total Spaces in Lot</u>	<u>No. of Required Handicapped Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	2% of total

- (1) Location. Such parking spaces shall be located on an accessible circulation route and as near as is reasonably possible to the primary entities to the building or facility. In separate parking structure, lots or basement garages parking spaces shall be located on the shortest possible circulation route. In addition, the parking spaces shall be located in proximity to the accessible point of ingress including elevators and there shall be an accessible route from the point of egress to the nearest primary entrance into the building or facility.
- (2) Additional Requirements. One in every eight accessible spaces, but not less than one, shall be served by an access aisle eight (8), feet wide minimum and shall be designated “van accessible.”

(e) Minimum Dimensions for Off-Street Parking.

- (1) The design and dimensions of off-street parking shall be in accordance with the following table of minimum dimensions.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Maneuvering Space</u>
90 degree	9 feet	18 feet	24 feet
60 degree	9 feet	20.1 feet	20 feet
45 degree	9 feet	19.1 feet	18 feet

- (2) When off-street parking facilities are provided adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
 - (3) Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required by this article, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.
- (f) Special Off-Street Parking Requirements.
- (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.
 - (2) In the Residential Districts, no parking space, garage or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer, van, recreational vehicle, or boat exceeding one and one half (1 1/2) ton capacity.
 - (3) In the residential districts a boat or recreational vehicle (RV) may be parked or stored on the residential premises of the owner provided that such boat or RV is.
 - (A) Parked on a permanently paved surface when parked in the side yards;
 - (B) not parked beside a structure in the required side yards;
 - (C) not parked within three (3) feet of the rear or side property lines when parked in the rear of a structure;
 - (D) not used for sleeping quarters for more than seven (7) days or nights within any 6 month period;
 - (E) not parked over the front property line or in the right-of-way except when used in conformance to subsection (d). For corner lots the RV may not be parked within 15 feet of the property line corner formed by the intersecting street.
 - (4) Floor area of structures devoted to off-street parking of vehicles shall be excluded in the computing of off-street parking requirements.
 - (5) Private access drives to parking lots to serve nonresidential uses shall not be through residential districts.
- (g) Parking Requirements for New or Unlisted Uses. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.

(1987 Code of Ordinances, Chapter 11, Section 6C)

Sec. 14.604 Landscaping

(a) Purpose.

- (1) This section establishes landscaping requirements in zoning districts C, I, P-MF, P-C, P-I and M-PD to enhance the community's ecological, environmental, and aesthetic qualities and beautification efforts.
- (2) It is the intent of this section to reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment.
- (3) It is also the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city.

(b) Landscape Installation Required.

- (1) No building permit shall be issued after the effective date of this article for the construction of any new building in zoning districts C, I, P-MF, P-C, P-I and M-PD unless a landscaping plan has been approved in accordance with this article. Except as otherwise provided in this article, a minimum of twenty percent (20%) of the total area of the lot on which the new building is constructed shall be landscaped. This 20% requirement may be reduced by as much as fifty percent (50%) through the application of credits granted in the manner described in subsection (e) below.
- (2) The landscaping requirements in this article shall not apply to any lot for which a site plan, plot plan or landscaping plan has previously been approved by the city in conjunction with zoning or other development approval, provided that no substantive revisions are made to such approved plan.

If only a portion of a large tract or lot is being developed, twenty percent (20%) of the area being developed, as determined by the building official according to the submitted site plan, will be required to be landscaped.

(c) Landscaping Plan Required.

- (1) A landscaping plan shall be submitted to the city for approval. The landscape plan may be submitted as a part of the site plan.
- (2) The landscape plan shall contain the following information:
 - (A) minimum scale of one inch equals 50 feet;

- (B) location of all trees to be preserved; method of preservation during the construction phase of development shall be approved by the director of parks and recreation.
- (C) location of all plants and landscaping material to be used including paving benches, screens, fountains, statues, or other landscape features;
- (D) species of all plant material to be used;
- (E) size of all plant material to be used;
- (F) spacing of plant material where appropriate;
- (G) layout and description of irrigation, sprinkler or water system, including placement of water sources;
- (H) description of maintenance provisions of the landscape plan;
- (I) persons responsible for the preparation of the landscape plan.

(d) Locational Criteria.

- (1) Not less than forty (40) percent of the total landscaping required by this article shall be located in the designated front yard.
- (2) All landscape material shall comply with visibility requirements of the city Code of Ordinances.

(e) Credits Toward Landscaping Requirements. Credits toward the landscaping requirements set forth in subsection (b) above may be granted in the following manner:

<u>Additional Enhancement</u>	<u>Credit</u>
(1) Three inch tree (trunk diameter measured 12" above grade)	200 sq. ft.
(2) Six inch tree (trunk diameter measured 12" above grade)	400 sq. ft.
(3) Ten, one (1) gallon shrubs	100 sq. ft.
(4) Twenty ,five square feet flower bed	100 sq. ft.

- (A) In no instance shall the total amount of landscaping on a lot be reduced through credits by more than fifty (50) percent of the landscaped area required by this

article.

- (B) A flower bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition, in order to be considered for credit calculations at least 80% of the prepared area must be covered with flowering plant material at the time of peak growth.

(f) Installation and Maintenance.

- (1) All required landscaped area shall be permanently landscaped with living plant material, and shall have either an irrigation system installed or shall be accessible to a bibcock, faucet, or other water source on the same lot or parcel. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this article.
- (2) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- (3) All plant materials shall be main lined in a healthy and growing condition as is appropriate for the season of the year.
- (4) Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period, with a one time extension not exceeding six (6) months being provided upon approval of the city administrator or his designee.

(g) Certificate of Occupancy.

- (1) All landscaping shall be completed and installed in accordance with the approved landscape plan within six (6) months of a certificate of occupancy being granted. A one time extension not to exceed six (6) months may be granted upon approval of the building official or his designee.
- (2) If these requirements have not been satisfied within the six (6) month period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this article and shall be subject to the penalties established herein.

(h) Nonconforming Uses and/or Structures. All uses that are in existence at the time of the adoption of this section, which do not meet the landscaping requirements provided herein, will be considered as being legal nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to Section 14.602 of the city zoning ordinance, unless otherwise provided for in this section.

(i) Modification, Variances and Appeal.

- (1) Modifications. Whenever there are practical difficulties involved in complying with the provisions of this article relating to landscaping such as the presence of existing facilities or unusual topography, the city administrator may grant modifications in

individual cases, provided he shall first find that a special individual circumstance makes strict compliance with this article impractical; that the modification is in conformity with the intent and purpose of this article; and that the proposed modification is at least the equivalent of the requirements prescribed by this article. Such modification may only be made upon written application filed with the city administrator and the details of any action granting the modification shall be recorded and entered into the files of the city. In order to be considered for a modification, the applicant shall provide to the city manager or his designee an alternative landscape plan for review and approval. The landscape plan must illustrate a plan to landscape as much area as available and shall provide for irrigation of landscaped areas and a phasing schedule for completing the landscaping. All landscaping improvements must be approved by the city administrator or his designee.

- (2) Variances and Appeals. Any applicant who desires a variance or elimination of the requirements herein or who desires to appeal a decision of the city administrator shall file a written appeal with the city administrator for consideration by the city council. Such appeal shall be accompanied by adequate graphic reproductions a written summary of the request and justification for the request. The city council shall have the authority to grant an interpretation or variance to the requirements of this article if it determines that a literal enforcement of the regulations will create an unnecessary hardship or practical difficulty in the development of the property, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the intent and purpose of this article. The decision of the city council shall be final.

(1987 Code of Ordinances, Chapter 11, Section 6D)

Sec. 14.605 Temporary Uses and Events

(a) Purpose. Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety and general welfare of the city. Temporary uses and special events are allowed only as enumerated in this article.

(b) Permitted Temporary Uses and Special Events. The permissible temporary uses and special events, the conditions of use and the zoning districts wherein the uses are permitted are:

- (1) Temporary outdoor sales and on property zoned C, I, P-C, P-I or M-PD by the existing occupants of existing businesses of such properties, may be permitted by the city administrator or his/her designee upon the application and granting of a temporary use permit.
- (2) No temporary building, tent or similar structure shall be erected in any required setbacks or designated easements. Tents shall conform to the Uniform Fire Code. No tent or similar structure shall be erected without first obtaining a permit. No

temporary building shall be moved on any lot, tract, or parcel of land without first obtaining a permit. No business shall be conducted from temporary building, tent, or similar structure until all inspections have been completed to the satisfaction of the city. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises. All temporary building, tents, or similar structures shall be removed from the property at the end of the permitted period of operation.

- (3) In no event shall temporary uses be allowed for more than ninety (90) consecutive days or more than once per year for any lot, parcel or tract of land. There will be no extension of the 90 days. All sales shall meet the special conditions, if any, imposed by the city administrator or his/her designee and/or the fire marshal for the protection of the public interest and the welfare of the community.
- (4) The temporary outdoor sale of Christmas trees may be permitted on those properties zoned C, I, P-C, P-I, or M-PD for a period of forty (40) days prior to Christmas Day. Hours of operation will be from 8:00 a.m. to 10:00 p.m., seven (7) days a week. The city administrator or his/her designee may issue a permit for such sale when he/she finds that there is available adequate off-street parking area, either improved or unimproved, and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. The city administrator or his/her designee shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the city administrator's or his/her designee's decision, the sponsor may appeal the requested use to the city council. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4th following Christmas.
- (5) Carnivals, circuses and special fundraising events sponsored by a public entity, civic or non-profit organization located within the city may be allowed as a temporary use for a period not exceeding seven (7) consecutive days. Except for churches and public or semi-public school sponsored events on their property, such events shall be on a site containing not less than two acres in a nonresidential zoning district. Except for churches, public or semi-public schools, only one permit for a carnival, circus or special fundraising event shall be issued to the same civic or non-profit organization within a 180 day period. Adequate parking and sanitary facilities shall be made available to the satisfaction of the city administrator or his/her designee. The city administrator or his/her designee shall establish the terms and conditions for the temporary use at the time of approval. In the event that an applicant is dissatisfied with the city administrator's or his/her designee's decision, the applicant may appeal the requested use to the city council.
- (6) The temporary sale of snow cones may be permitted on those properties zoned C, I, P-C, P-I or M-PD for a period April 1 to September 30. Hours of operation are from 10:00 a.m. to 10:00 p.m. The city administrator or his/her designee may issue a

permit for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the city administrator or his/her, and that location and layout of drives, parking areas, lighting and sale signs will not constitute a hazard to public travel on the abutting public street. All structures, stands, trash, signs, lighting, or anything associated with the temporary use shall be removed at the end of the period of permitted use.

- (7) The temporary sales of pumpkins may be permitted on those properties zoned C, I, P-C, P-I, or M-PD for a period of forty (40) days between the months of October and November. Hours of operation are from 8:00 a.m. to 10:00 p.m. The city administrator or his/her designees shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the administrator's or his/her designee's decision, the sponsor may appeal the requested use to the city council. All pumpkins, stands, structures, trash, signs, lighting, or anything associated with the temporary use shall be removed at the end of the period of permitted use.

(c) Temporary Uses Not Permitted. The outdoor sale of furniture, home furnishings, clothes, plants, flowers, pottery, statues, decorative items, paintings, toys, papers or magazines, vehicles, farm and garden equipment, tools, fencing lumber, building supplies, animals, livestock, or foods and drink, except as noted, or any other activity that the city administrator or his/her designees find appropriate. (Ordinance No. 580 of May 13, 1999)

(1987 Code of Ordinances, Chapter 11, Section 6E)

Sec. 14.606 Masonry Requirement

- (a) Masonry material will consist of brick, stone, tile, rock, stucco, cement, concrete tile wall or, if approved by city council, concrete block, or other masonry materials of similar characteristics.
- (b) In general, unless specifically provided below, the masonry requirements set forth shall be applicable to all residential and nonresidential districts.
- (1) Residential. All exterior wall surface of all permanent structures shall consist of 75% masonry. Exterior wall surface is the area between the wall corners, extending from the finished floor level of the foundation to the door or window header height of the first floor, whichever is greater. The calculation of the minimum masonry requirements will not include windows, doors, glass construction materials, or sidewalk or walkway covers.
 - (2) Nonresidential. All exterior wall surface of all permanent structures shall consist of 75% masonry. Exterior wall surface is the area between the wall corners, extending from the finished floor level of the foundation to the door or window header height of the top floor, whichever is greater. This requirement shall apply to all of the minimum masonry requirements will not include windows, doors, glass construction materials, or sidewalk or walkway covers.
 - (3) Any enlargement of an existing permanent residential or nonresidential structure shall match percentage of masonry on the adjacent surface of the existing permanent residential or nonresidential structure.
 - (4) Any one-story detached accessory building in SF-1 Single-Family Residential zoning, used as a tool/storage shed of less than 120 square feet does not require a building permit and will not have to meet the minimum masonry requirement. Any permanent one story detached accessory building of 120 square feet or more in SF-1 Single-Family Residential zoning, that is used for storage will not have to meet the minimum masonry requirement, as long as new materials, including factory finished/painted steel and all materials used in residential construction are used in the construction. A permanent accessory building cannot meet or exceed the total square footage of the primary structure/residence, nor have a height exceeding the primary structure/residence. All detached accessory buildings not in SF-1 Single-Family Residential zoning shall meet the minimum masonry requirements.
 - (5) In case of damage of more than 50% to a nonconforming structure the owner can apply for a variance of the masonry requirement to the city council.

(1987 Code of Ordinances, Chapter 11, Section 6F)

Sec. 14.607 Telecommunications Towers and Antennas

(a) Purpose. The purpose of this article is to:

- (1) establish regulations for the siting of towers and antennas;
- (2) minimize the total number of towers throughout the community;
- (3) encourage the joint use of new and existing tower sites;
- (4) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (5) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- (6) encourage using existing facilities as primary option sites for new antennas; and
- (7) enhance the ability of the providers of telecommunications services to provide services to the community quickly, effectively, and efficiently.

(b) Definitions. As used in this section:

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending or receiving or electromagnetic waves.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

City Council. The city council of the city.

Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

Monopole. A support structure for an antenna composed of a single spire; guide wires shall not be permitted upon such structures.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and similar structures.

(c) Applicability.

- (1) Generally. The requirements of this article govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified

for the zoning district in which the tower or antenna is to be located.

(2) Exemptions. Except for the requirements below, this section does not apply to:

- (A) antennas or towers located on property owned, leased, or otherwise controlled by the city; provided, a license or lease authorizing the antenna or tower has been approved by the city council;
- (B) amateur radio and TV antennas, including ham radio and CB's; however, commercial use shall not be permitted, and the height of the antenna shall not be more than 10 feet higher than the building it is attached to;
- (C) a tower or antenna for which a permit has been properly issued prior to the effective date of this article, which is referred to in this article as a "preexisting tower" or "preexisting antenna;" or

(d) Site Plan.

(1) Requirement. An approval for constructing any telecommunications tower or antenna shall require submission of a site plan to the city council.

(2) Factors Considered in Approving Site Plan. In addition to the factors listed in subsection (e)(1), the city council shall consider the following factors in determining whether to approve a site plan:

- (A) Height of the proposed tower;
- (B) Capability of the tower to structurally accommodate the number of shared users proposed by the applicant as certified by a licensed professional engineer;
- (C) Proximity of the tower to residential structures and residential district boundaries;
- (D) Nature of uses on adjacent and nearby properties;
- (E) Surrounding topography;
- (F) Surrounding tree coverage and foliage;
- (G) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (H) Proposed ingress and egress;
- (I) Availability of suitable existing towers and other structures as discussed in subsection (e)(1); and

(J) Compliance with this article and other applicable ordinances of the city.

When approving a site plan, the city council may impose conditions to the extent the city council concludes that conditions are necessary to minimize any adverse effects of the proposed tower antenna or adjoining properties. The city council may also waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the purposes of this article are better served thereby.

- (3) Written Report Upon Denial of Site Plan. The city shall document in writing any denial of a site plan to place, construct, or modify personal wireless service facilities, stating the reason for denial and including substantial evidence that supports the denial.

(e) Requirements for the Installation of Towers and Antennas.

- (1) Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - (A) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (B) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (C) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna.
 - (E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (F) Other limiting factors that render existing towers and structures unsuitable.
- (2) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers:
 - (A) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - (B) Towers, guys, and accessway facilities must satisfy the minimum zoning district setback requirements.
 - (C) Towers over 90 feet in height shall not be located within one-quarter of a mile from any existing tower that is over 90 feet in height. Distances shall be measured in a straight line between the nearest points on the bases of the towers.
 - (D) Only one tower shall be permitted upon each platted lot.

The city council may reduce the setbacks and separation requirements if the purposes

of this article would be better served thereby.

- (3) Height Restrictions. A tower must meet the following height and usage criteria:
 - (A) for a single user, a tower may be no higher than 90 feet in height;
 - (B) for two users, a tower may be no higher than 120 feet in height; and
 - (C) for three or more users, a tower may be no higher than 150 feet in height.
- (4) Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
- (5) Landscaping. The following requirements shall govern the landscaping surrounding towers:
 - (A) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (B) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (C) Existing mature tree growth and natural land forms on the site shall be presented to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- (6) Visual Characteristics.
 - (A) Towers shall be maintained with either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - (B) At a tower site, the design of the buildings related structures shall, to the extent possible, be maintained with materials, color, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (C) If an antenna is installed on a 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 unobtrusive as possible.
 - (D) Towers shall not be artificially lighted, 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 views.

(E) Advertisement signs, flags, and banners shall be prohibited from towers.

(7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FM, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If applicable federal standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring the towers and antennas into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(8) Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall construct and maintain the tower in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electric Industries Association, as amended from time to time. If upon inspection the city concludes that a tower fails to comply with those codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with the standards. If the owner fails to bring the tower into compliance within 30 days, the city may remove the tower at the owner's expense.

(f) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the antenna or tower shall remove it within 90 days of receipt of notice from the city notifying the owner of the abandonment. If the antenna or tower is not removed within the 90 days, the city may remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall become effective until all users cease using the tower.

(1987 Code of Ordinances, Chapter 11, Section 6H)

Sec. 14.608 Carports

(a) Intent. It is the intent of the city council that carports be allowed in single-family residential zoning districts subject to the regulations and requirements set forth in this section. Carports are expressly prohibited in any zoning districts of the city with the exception of SF-1.

(b) For purposes of this section, a carport is a structure that is not enclosed by any covering on at least three sides and that serves the purpose of providing cover for off-street parking of private vehicles of the residents of a single-family dwelling. In order to be permitted in an SF-1 zoning district, a carport shall meet the following requirements:

- (1) A side yard shall be required, and shall be a minimum of five feet (5') in width from the property line. No carport shall be adjacent to a public or private street.
- (2) A front yard setback for carports shall be a minimum of ten feet (10') from the back of the curb; but in no case shall any portion of the carport project beyond the property line or easement.
- (3) No carport shall exceed four hundred fifty square feet (450 sq. ft.) in roofed area.
- (4) No carport shall contain an open-sided area that is in excess of ten feet (10') in height.
- (5) The supporting structural elements in the outside perimeter of the roofed area shall be constructed of 14-gauge or thicker aluminum or steel and conventional wood framed construction meeting the requirements of the City Building Code as adopted by the City of Lake Worth.
- (6) For carports with metal roofs, the roof material shall consist of 26-gauge or thicker aluminum or steel with proper protection by paint or other materials to prevent corrosion and oxidation, or by composition shingles applied over approved decking. Corrugated metal and all-fiberglass panels are expressly prohibited.

(c) Fees. The construction of carports shall be subject to all building permit fees and requirements established by the City of Lake Worth.

(Ordinance 875 adopted 12/11/07)

Sec. 14.609 Developments Across City Boundaries

(a) Purpose. The requirements of this section are designed to provide for the orderly development of retail facilities that are located both within and outside the city limits of the city and that have primary or secondary access to a roadway with the city.

(b) In addition to other parking regulations that apply, parking for a retail facility is permitted only as an accessory use, and is allowed only when immediately adjacent to a retail facility that is located within the corporate limits of the city.

(c) No access shall be allowed from a retail facility located within an adjacent city to a public street within the city until a traffic impact analysis is submitted for approval by the city council showing that the public street is designed and constructed in accordance with the currently approved master thoroughfare plan and the city's development policies, procedures and standards, and that such public street is designed to accommodate any traffic generated by the retail facility.

(d) The requirements of this section may be waived by the city council where the retail facility is to be developed pursuant to an interlocal agreement which places development controls on the

facility that adequately address traffic impact issues on adjacent public streets and otherwise protect the public health, safety and welfare.

(Ordinance 778, sec. 1, adopted 12/14/04)

ARTICLE 14.700 ADMINISTRATION AND ENFORCEMENT

Sec. 14.701 Planning and Zoning Commission

(a) Creation and Purpose. A planning and zoning commission is hereby created in order to accomplish the following purposes:

- (1) To identify community needs and to advise the city council of the short range effect of these needs on the total development of the city;
- (2) To recommend achievable community goals for long-range planning and development of the city;
- (3) To recommend achievable plans, programs and policies that will aid the entire community in achieving defined goals; and
- (4) To help the public understand the plans, programs and polices adopted by the city council so that concerned citizens can conduct private activities in harmony with these plans, programs and policies.

(1987 Code of Ordinances, Chapter 11, Section 7A)

(b) Membership and Appointment.

- (1) The planning and zoning commission shall be composed of seven (7) qualified electors of the city. The city council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning and an availability to prepare for and attend meetings. In addition, all appointees shall have resided in the city for at least three (3) years prior to appointment. It is the intent of the city council that members shall, by reason of diversity of their individual occupation, constitute a commission which is broadly representative of the community. A member of the planning and zoning commission shall not serve simultaneously as a member of the board of adjustment. (Ordinance 896, sec. 1, adopted 10/14/08)
- (2) Upon passage of this article, the city council shall immediately appoint members of the planning and zoning commission. Upon appointment of the new members, all previous appointments to the planning and zoning commission shall become null and void.

(c) Terms of Office. The members of the commission shall be identified by place numbers one (1) through seven (7). Upon initial appointment pursuant to this article, members in the odd-numbered places shall be appointed to serve terms expiring October 1, 1995, and members appointed to the even number places shall serve terms expiring October 1, 1996. Thereafter, the terms of office for said members shall be two (2) years beginning on October 1st of the year of appointment. The odd-numbered places shall expire in the odd-numbered years and the even-numbered places shall expire in the even-numbered years. Commission members may be appointed to succeed themselves. Vacancies shall be filled for the unexpired terms. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

(d) Organization.

- (1) The commission shall hold an organizational meeting in October of each year and shall elect a chairperson and vice-chairperson from among its members. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules and procedures and shall keep a record of its proceedings consistent with the provisions of this article and the requirements of law.
- (2) Any member of the commission who misses three consecutive meetings without commission approval shall be deemed to have vacated his commission membership. The city council, upon receiving certification of three consecutive absences, shall fill the vacancy for the expired term. The commission shall enter into its minutes a statement either approving or disapproving a given members' absence. Six disapproved absences in any twelve (12) month period shall be deemed as grounds for removal from said commission by the city council.

(e) Duties and Powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:

- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and the city.
- (2) Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- (3) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan and hold public hearings and make recommendations to the city council relating to the creation, implementation and amendment of zoning regulations and districts as provided in Chapter 211 of the Texas Local Government Code and the city charter.

- (4) Exercise all the powers of a commission as to approval or disapproval of plans, plats or replats and the vacation of plans, plats and replats as set out in Chapter 212 of the Texas Local Government Code and the city charter.
 - (5) Study and recommend the location, extension and planning of public rights-of-way, parks or other public places, and the vacating or closing of same.
 - (6) Study and recommend the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances.
 - (7) Study and recommend the design, alteration, location or relocation of works of art which are, or may become, property of the city.
 - (8) Initiate, in the name of the city, for consideration at public hearings, all proposals:
 - (A) for the opening, vacating or closing of public rights-of-way, parks or other public places;
 - (B) for the original zoning of annexed areas; and
 - (C) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
 - (9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the city.
 - (10) Each October, submit a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year attendance records of all members and the identity of commission officers.
 - (11) Prepare and recommend to the city council a five year capital improvement plan.
 - (12) Prepare and recommend to the city council a city annexation policy and update same periodically.
 - (13) At the direction of the city council, study, hold public hearings and submit reports on any topics pertaining to planning, zoning and development that the council deems appropriate.
 - (14) Conduct an ongoing assessment program pertaining to the planning, zoning and development ordinances of the city, recommending to the city council all necessary changes and updates to said ordinance.
- (f) Meetings and Quorum. A quorum for the conduct of business shall consist of four (4)

members of the commission. The members of the commission shall regularly attend meetings, public hearings and work sessions of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties. The members shall comply with all statutory time limits and public notice requirements and all meetings of the commission shall be held in compliance with the Texas Open Meetings Act.

(1987 Code of Ordinances, Chapter 11, Section 7A)

Sec. 14.702 Board of Adjustment

(a) Appointment. There is hereby created a board of adjustment consisting of five (5) members who shall be appointed by the city council. In addition, the city council shall appoint two (2) alternate members who shall serve in the absence of one (1) or more regular members. It is the declared policy of the city council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, understanding of zoning and planning and availability to prepare for and attend meetings. In addition, all appointees shall have resided in the city for at least three (3) years prior to appointment. A member of the board of adjustment shall not serve simultaneously as a member of the planning and zoning commission. Regular members shall be appointed to places numbered one (1) through five (5) and alternate members shall be appointed to places numbered six (6) and seven (7). Upon initial appointment pursuant to this section, members in the odd-numbered places shall be appointed to serve terms expiring October 1, 1995, and members appointed to the even-numbered places shall serve terms expiring October 1, 1996. Thereafter, the terms of office of said members shall be two (2) years beginning on October 1st of the year of appointment. The odd-numbered places shall expire in the odd-numbered years and the even-numbered places shall expire in the even-numbered years. Board members may be appointed to succeed themselves. (Ordinance 896, sec. 2, adopted 10/14/08)

(b) Removal and Vacancies. Members and alternates of the board of adjustment may be removed from office by the city council for cause upon written charges and after public hearing. After initial appointment of the regular members and alternates, all vacancies occurring on the board shall be filled by the city council for the unexpired term.

(c) Proceedings of the Board.

- (1) The board of adjustment shall hold an organizational meeting in October of each year. The members of the board of adjustment, including alternative members, shall elect a chairperson and vice-chairperson from among its members. The board of adjustment shall adopt rules of procedure to govern its proceedings; provided, however, that such rules are not inconsistent with this article or state statute. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson may administer oaths and compel the attendance of witnesses.
- (2) All cases before the board of adjustment shall be heard by a minimum of four (4) members. All meetings of the board of adjustment shall be open to the public and

shall be held in compliance with the Texas Open Meetings Act. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its decisions and other official actions, all of which shall be filed in the office of the city manager or his/her designee and kept as a public record.

- (3) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to grant any variance or special exception to this article or to decide in favor of the applicant on any other matter upon which the board is required to pass under this article.

(d) Notice and Hearing.

- (1) The board of adjustment shall fix a reasonable time for the hearing of any appeal, variance, special exception, or other matter which the board of adjustment is authorized to review hereunder, give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person or by attorney or agent. The notice provided in this article shall be given by publication in the official city newspaper stating the time and place of such hearing, which shall not be earlier than ten (10) days from the day of the publication, and in addition thereto, the board of adjustment shall mail notices of the hearing to the petitioner and, the owners of the property lying within two hundred feet (200') of any point of the lot or portion thereof for which a variance, exception or other action relating only to a specific property is proposed, and to all other persons deemed by the board of adjustment to be affected by the appeal. Such owners and persons shall be determined according to the current tax rolls of the city and substantial compliance therewith shall be deemed sufficient; provided, however, that the deposition of such written notice in the mail by the board of adjustment shall be deemed sufficient compliance with this requirement.
- (2) Any special exceptions approved by the board of adjustment, under the provisions of this section shall authorize the issuance of a building permit for a period of ninety (90) days from the date of the favorable action of the board, unless the board in its minutes shall at the time grant a longer period or unless an extension is granted by the board. If a building permit shall not have been issued within the ninety (90) days or any other period as the board of adjustment may specifically grant, the special exception shall be deemed waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to the board of adjustment in accordance with the rules and regulations regarding appeals.
- (3) The same appeal to the board of adjustment shall not be allowed on the same piece of property prior to the expiration of one (1) year from a denial by the board of adjustment of any appeal unless the denial was made without prejudice or unless other property in the same zoned areas shall have, within such one (1) year period, been altered or changed by ruling of the board of adjustment, in which case such

change of circumstance shall permit the filing of a subsequent appeal, but such appeal shall be considered on its own merits as in all other cases.

(e) Powers. The board of adjustment shall have the following powers:

- (1) Variations. The board of adjustment may authorize a variance from the height and area regulations and other development regulations in this article when, in its opinion, undue hardship or practical difficulty will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to protect the public interest and property in the vicinity. No variance shall be granted unless the board finds:
 - (A) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article deprive the applicant of reasonable use of his land;
 - (B) The special circumstances or conditions do not result from the actions of the applicant;
 - (C) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (D) The granting of the variance will not be detrimental to the public health, safety, or injurious to other property in the vicinity; and
 - (E) The granting of the variance will not have the effect of preventing the orderly development of other land in the vicinity in accordance with the provisions of this article.

Such findings of the board, together with the specific facts upon which they are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variations 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 applicant, standing alone, shall not be deemed to constitute undue hardship. In making its findings, the board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

- (2) Special Exception. The board of adjustment may permit a special exception when such use or development is specifically authorized by this article in reaching its decision, the board of adjustment shall not approve a special exception unless it shall determine that the requested exception will establish only those uses permitted under this article; that the location of the proposed activities and improvements are clearly defined on a site plan filed by the applicant, and that the exception will be wholly

compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements and conditions as the board of adjustment finds to be necessary to protect and maintain the stability of adjacent properties.

(3) Appeals of Decisions of Zoning Administrator.

(A) All questions of interpretation, enforcement or applicability of this article shall first be presented to the zoning administrator and such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator. Appeals to the board of adjustment may be taken by any person aggrieved by any decision or action of the zoning administrator regarding the interpretation, enforcement or applicability of this article. Such appeal shall be taken within sixty (60) days after the decision has been rendered, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment with the papers constituting the record upon which action appealed from was taken.

(B) An appeal shall stay all preceding of the action appealed from unless the zoning administrator certifies to the board of adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by a court of record on application, after notice to the zoning administrator, for due cause shown.

(C) In exercising its power under this provision, the board of adjustment may in conformity with the provisions of Chapter 211, Texas Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made and shall have all the powers of the officer from whom the appeal is taken, and may require such conditions and safeguards as the board finds necessary to preserve the spirit and intent of this article.

(4) Nonconforming Uses. After a public hearing, the board of adjustment may require the discontinuance of nonconforming uses under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article.

(f) Classification of New and Unlisted Uses.

(1) It is recognized that new types of land may develop and forms of land uses not anticipated herein or clearly covered herein may be the basis of a request for zoning in the city.

- (2) In order to provide for such changes and contingencies, an interpretation of the article as to which zoning district such uses are permitted in and under what conditions shall first be made by the zoning administrator. In rendering his interpretation, the zoning administrator shall consider the nature and characteristics of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine in his opinion which zoning district or districts such use should be listed in.
- (3) The decision of the zoning administrator may be appealed to the board of adjustment under the provisions of subsection (e)(3) above.

(g) Waiver of Mandatory Yard and Setback Requirements. The board of adjustment may approve a waiver of up to fifteen (15) percent of any required yard area or setback without following the notice and hearing requirements of subsection (d) above. The board of adjustment may in its discretion delegate to the zoning administrator its authority under this provision for all or a portion of the fifteen (15) percent area or setback waiver when such a waiver is necessary due to a surveying or construction error in the placement of the original foundation or site improvement. The zoning administrator shall not be authorized to approve a waiver under this section until the board of adjustment shall have issued a written decision outlining the terms and conditions under which these waivers may be granted.

(h) Termination of Approval. Any variance or special exception shall terminate automatically when the specified period of the variance or special exception has expired or the use has been abandoned. In addition where any condition under which a variance or special exception has been granted appears to have been violated, the board of adjustment may hold a public hearing to determine whether or not the approval previously granted should be terminated.

(1987 Code of Ordinances, Chapter 11, Section 7B)

(i) [Reserved for Future Use.] (Ordinance 860, sec. 1, adopted 5/8/07)

(j) Limitations on Power. The listed conditions required to exist on any matter on which the board of adjustment is authorized to consider under this article shall be construed as limitations on the powers of the board to act. Nothing herein shall be construed to empower the board of adjustment to effect changes in the zoning districts established by this article or the uses permitted therein.

(k) Grievances. Any person or persons jointly or separately, aggrieved by any decision of the board of adjustment, or any taxpayer or any of officer, department or board of the city may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days of the questioned decision of the board of adjustment, and not thereafter, and shall comply in all respects with the requirements set forth in Section 211.011 of the Texas Local Government Code.

(1987 Code of Ordinances, Chapter 11, Section 7B)

Sec. 14.703 Public Hearings

(a) Requirements For Public Hearing.

- (1) The city planning and zoning commission shall hold a public hearing on any application for amendment, supplement, or change in zoning classification prior to making its recommendation and report to the city council.
- (2) Written notice of all public hearings before the city planning and zoning commission, on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing, by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved city tax roll.

(b) Notice of Public Hearing. A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change in zoning classification. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the city. Such hearing may be held jointly with the hearing before the city planning and zoning commission required pursuant to Section 14.706.

(c) Zoning Changes That Do Not Affect Specific Property. These changes are usually associated with textual changes. When any proposed amendment, supplement, or change of zoning map or text of this zoning chapter does not affect the land use character or zoning classification of specific property, notice of public hearing of the planning and zoning commission shall be given by publication in a newspaper of general circulation in the city without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than fifteen (15) days prior to the public hearing.

(1987 Code of Ordinances, Chapter 11, Section 7C)

Sec. 14.704 Certificate of Occupancy

(a) Vacant Land. No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter created, reconstructed, altered or enlarged shall be occupied or used until a certificate of occupancy shall have been issued by the building official.

(b) Certificate of Occupancy for a Building. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same has been made in writing to the building official after the erection, reconstruction, alteration or enlargement of such building or part thereof shall have been completed in conformity with provisions of these regulations. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the building inspector for a period of time not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by these regulations, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupant. Requests for certificate of occupancy for any change in the use of a building shall be made in writing at least ten (10) days in advance of such change and shall be issued within three (3) days after such request if the new use is in conformity with the provisions of these regulations.

(c) Certificate of Occupancy for a Legal Nonconforming Use. A certificate of occupancy shall be required for all legal nonconforming uses. Application for certificate of occupancy for such nonconforming uses shall be filed within six (6) months from the effective date of these regulations, accompanied by affidavits of proof that such nonconforming uses were not established in violation of these regulations, or any previous zoning ordinance.

(d) Certificate of Occupancy. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this article. A record of all certificates shall be kept on file in the office of the city manager or his/her designee, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(e) Permit for Excavation. No permit for excavation for any building shall be issued before application has been made for building permit.

(1987 Code of Ordinances, Chapter 11, Section 7D)

Sec. 14.705 Permits

All applications for building permits shall be accompanied by a drawing or plat, in duplicate, showing the lot, the location of the building on the lot, accurate dimensions of building and lot and such other information as may be necessary to provide the enforcement of these regulations. This plat shall be prepared after the lot has been staked by a competent surveyor. A careful record of the original copy of such applications and plats shall be kept in the office of the building inspector, and the duplicate copy shall be at the building at all times during construction. (1987 Code of Ordinances, Chapter 11, Section 7E)

Sec. 14.706 Changes and Amendments

(a) Persons or Bodies That May Request Changes of Amendments.

- (1) Any person, corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the city council for a change or amendment to the provisions of the article, or the planning and zoning commission may, on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this article shall bear the signature of the owners of all property within the area of request.
- (2) The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement, or change, the city council shall submit the same to the planning and zoning commission for its recommendation and report.

(b) Procedure.

- (1) The planning and zoning commission shall hold public hearing on any application for amendment, supplement, or change prior to making its recommendation and report to the city council. Written notice of all public hearings before the planning and zoning commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before

the date set for hearing by depositing a notice, properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last city tax roll.

- (2) A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the city.
- (3) If such proposed amendment, supplement, or change has been denied by the planning and zoning commission, or if a protest against such proposed amendment, supplement or change has been filed with the city manager or his/her designee, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or those immediately adjacent to and extending two hundred (200) feet therefrom, such amendment shall not become effective except by a three-fourths (3/4) vote of the members of the city council.

(1987 Code of Ordinances, Chapter 11, Section 7F)

Sec. 14.707 Repeal

This section shall be cumulative of all provisions of ordinances and the Code of the city, except where the provisions of this article are in direct conflict with the provisions of such ordinances, they are hereby repealed. Ordinance No. 106, as amended, is hereby repealed in its entirety. (1987 Code of Ordinances, Chapter 11, Section 7G)

Sec. 14.708 Separability Clause

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the city council without the incorporation in this article of any such unconstitutional phrase, clause, sentence, paragraph or section. (1987 Code of Ordinances, Chapter 11, Section 7H)

Sec. 14.709 Penalties for Violation

(a) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined in accordance with the general penalty provision set forth in Section 1.109 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other persons who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein

provided.

(c) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctions and civil penalties.

(1987 Code of Ordinances, Chapter 11, Section 7I)

Sec. 14.710 Savings Clause

All rights and remedies of the city are expressly saved as to any and all violations of the provisions of Ordinance No. 106, as amended, codified as Chapter 11 of the Revised Code of Ordinance of the city (1987), as amended, or any other ordinances affecting zoning and land use which have accrued at the time of the effective date of this article; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances and code, same shall not be affected by this article but may be prosecuted until final disposition by the courts. (1987 Code of Ordinances, Chapter 11, Section 7J)

Sec. 14.711 Publication in Pamphlet Form

The city manager or his/her designee of the city is hereby authorized to publish this article in book or pamphlet form for general distribution among the public, and the operative provisions of this article as so published shall be admissible in evidence in all courts without further proof than the production thereof. (1987 Code of Ordinances, Chapter 11, Section 7K)

Sec. 14.712 Publication in the Official Newspaper

The city manager or his/her designee of the city is hereby directed to publish in the official newspaper of the city, the caption, penalty clause, publication clause, and effective date clause of this article two (2) days as authorized by Section 52.013 of the Local Government Code. (1987 Code of Ordinances, Chapter 11, Section 7L)

Sec. 14.713 Effective Date

This section shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained. (1987 Code of Ordinances, Chapter 11, Section 7M)

Sec. 14.714 Fee Schedule

The city council shall, by resolution, establish a schedule containing the fees and charges for permits, zoning change requests, zoning board of adjustment proceedings and any other matters pertaining to this chapter. The schedule of fees and charges may be altered or amended only by action of the city council. (Ordinance 860, sec. 2, adopted 5/8/07)

ARTICLE 14.800 MEACHAM FIELD JOINT AIRPORT ZONING BOARD^{ii*}

Sec. 14.801 Board Created; Powers and Duties

There is hereby created a joint airport zoning board, to be known as the Meacham Field Joint Airport Zoning Board, which shall have the powers and exercise the duties set forth in the Airport Zoning Act, Article 46e, as amended, Revised Civil Statutes of Texas. (1987 Code of Ordinances, Chapter 11, Section 8A)

Sec. 14.802 Membership

(a) The Meacham Field Joint Airport Zoning Board shall consist of seventeen (17) members:

- (1) Two (2) to be appointed by the city council of Blue Mound;
- (2) Two (2) to be appointed by the city council of Fort Worth;
- (3) Two (2) to be appointed by the city council of Haslet;
- (4) Two (2) to be appointed by the city council of Lake Worth;
- (5) Two (2) to be appointed by the city council of River Oaks;
- (6) Two (2) to be appointed by the city council of Saginaw;
- (7) Two (2) to be appointed by the city council of Sansom Park;
- (8) Two (2) to be appointed by the Commissioners Court of Tarrant County; and

(b) The seventeenth (17th) member shall be elected by a majority of the members so appointed and said seventeenth (17th) member shall serve as chairman of the Meacham Field Joint Airport Zoning Board.

(1987 Code of Ordinances, Chapter 11, Section 8B)

ARTICLE 14.900 HISTORICAL PRESERVATION COMMISSION

Sec. 14.901 Creation and Appointment

(a) There is hereby created the historical preservation commission to be composed of seven (7) members who either own property in the city or have resided in the city for at least twelve (12) months prior to their appointment.

(b) The city council shall appoint members who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, at least one member shall be a practicing professional from the

field of historic preservation architecture or from a related field such as landscape architecture, urban planning, real estate or law. If necessary to find a member who meets these qualifications, the city council may waive the requirement that the member own property or reside in the city.

(c) All historical preservation commission members, regardless of background, shall have a demonstrated interest in historic preservation and planning within the city.

Sec. 14.902 Term of Office

Historical preservation commission members shall serve for a term of two years. Newly appointed members shall be installed at the first regular meeting after their appointment. The members shall serve in places numbered 1 through 7. Members appointed in odd-numbered places shall serve terms which expire October 1 of odd-numbered years. Members appointed to even-numbered places shall serve terms which expire on October 1 of even-numbered years. Members may serve more than one term.

Sec. 14.903 Organization

The chairman and vice-chairman of the historical preservation commission shall be elected by and from the members of the historical preservation commission. The historical preservation commission shall meet as often as business requires which will typically be the 4th Tuesday of every month at 6:30 p.m. Special meetings may be called at any time by the chairman or on the written request of any two historical preservation commission members.

Sec. 14.904 Meetings and Quorum

Four members of the historical preservation commission shall constitute a quorum for the conduct of business. Four affirmative votes shall be required to decide any issue before the historical preservation commission. The members of the historical preservation commission shall regularly attend the meetings of the historical preservation commission and shall serve without compensation. The historical preservation commission shall keep written minutes of each meeting to be filed in the office of the city secretary.

Sec. 14.905 Attendance Reports

(a) Each month a report shall be submitted to the city council showing the cumulative attendance of each member of the historical preservation commission, with notation of members who have been absent from three consecutive meetings.

(b) Any member of the commission who misses three consecutive meetings without commission approval shall be deemed to have vacated his commission membership. The city council, upon receiving certification of three consecutive absences, shall fill the vacancy of the unexpired term. The commission shall enter into its minutes a statement either approving or disapproving a given member's absence. Six unapproved absences in any twelve-month period shall be deemed as grounds for removal from said commission by the city council.

Sec. 14.906 Definitions

In this article, the following words shall have the following meaning:

Historic Landmark. Any site, individual building, structure or object designated by ordinance of the city council that is worthy of rehabilitation, restoration and/or preservation for its historic, cultural and/or architectural significance to the city.

Historic Preservation District. An area of the city designated by ordinance of the city council which possesses within definable geographic boundaries, a significant concentration, linkage or continuity of sites, buildings or structures united historically or aesthetically by plan or physical development.

Preservation. The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Sec. 14.907 Duties

The historical preservation commission is authorized to perform the following duties:

- (1) Prepare rules and procedures to carry out the business of the historical preservation commission, to be approved by the city council.
- (2) Make recommendations to the city council concerning the following:
 - (A) Development of a survey and inventory of historic landmarks;
 - (B) Criteria and procedures for the designation of historic landmarks and the delineation of historic preservation districts;
 - (C) Design standards and guidelines relating to development and construction criteria for historic landmarks and historic preservation districts;
 - (D) Amendments to city codes and ordinances to accomplish the preservation of historic landmarks and historic preservation districts;
 - (E) Criteria for recognizing the owners of designated historic landmarks or properties within a designated historic preservation district by means of certificates, plaques or markers;
 - (F) Utilization of state, federal or private funds to promote the preservation of historic landmarks and historic preservation districts within the city;
 - (G) Methods to increase public awareness of the value of historic preservation

through public education programs; and

- (H) Creation of incentive programs to promote the rehabilitation of historic landmarks and historic preservation districts.
- (3) Make recommendations to the city council concerning development of a preservation plan to be included in the city's comprehensive land use plan, which preservation plan would contain the following elements:
- (A) A general description of architectural forms and styles found in the city and/or historic preservation districts in the city;
 - (B) A survey of historic landmarks, as amended and revised;
 - (C) Criteria to be used in selecting, identifying, preserving and prioritizing historic landmarks and historic preservation districts;
 - (D) Priorities among the sites of various historic landmarks and conflicting land uses and recommendations on how to resolve conflicts between such competing land uses; and
 - (E) Steps to coordinate efforts by city departments and other public and private groups regarding implementation of historic preservation.

(Ordinance 834 adopted 6/20/06)

ARTICLE 14.1000 HISTORIC LANDMARKS

Sec. 14.1001 Purpose

It is recognized that the city represents the unique confluence of time, land, and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This article has been established to provide for the protection, enhancement, and perpetuation of landmarks of historical and cultural importance and significance. It also proposes to promote the economic, cultural, educational and general welfare of the public.

Sec. 14.1002 Definitions

The following words, when used in this article, shall take precedence and shall have the meaning respectively ascribed to them in this section, unless the context of this article clearly indicates otherwise. Words that are not defined in this article shall have the meaning as defined by the city.

Alteration. Any change to the exterior of a building, structure, object or site. Alteration shall

include, but is not limited to, changing roofing or siding materials; changing, elimination, or adding exterior doors, door frames, windows, window frames, shutters, fences, railings, columns, beams, walls, porches, steps, porte-cocheres, balconies, or ornamentation, or the dismantling, moving or removing any exterior feature. Alteration does not include routine maintenance or repair.

Architectural Design Guidelines. Any design guidelines and/or construction standards approved by the city council and, where applicable, the Secretary of the Interior's standards for the rehabilitation of historic buildings so long as said standards are not inconsistent with those adopted by the city council.

Certificate of Appropriateness. A current and valid permit issued by the building official, the historic preservation commission or the zoning board of adjustment, as applicable, which approves the issuance of a building permit for construction, alteration, rehabilitation, restoration relocation or demolition required by this article.

City Council. The city council of the City of Lake Worth.

Commission. The Lake Worth Historic Preservation Commission.

Designated. The formal recognition by the city council of a building, structure, object, or site as historically, architecturally, culturally or archaeologically significant to the city, state, nation or region.

Economic Hardship.

- (1) A property is incapable of earning a reasonable economic return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable economic return on the property; and
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Exterior Feature. An element of the architectural character and general arrangement of the external portion of a building, structure or object, including building material that is visible from a public right-of-way.

Historic Landmark. Any site, individual building, structure, or object designated by ordinance of the city council that is worthy of rehabilitation, restoration and/or preservation for its historic, cultural and/or architectural significance to the city.

Nonresidential. Property that shall not be used for residential purposes under the zoning ordinance of the city.

Preservation. The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It shall include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Residential. Property that may be used for residential purposes under the zoning ordinance of the city.

Routine Maintenance and Repair. This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property. Routine maintenance and repair includes, but is not limited to the following:

- (1) The reapplication of paint that is the same or similar as an existing color;
- (2) Minor repair using the same or similar material and design as the original;
- (3) Repair or replacement of roof using the same materials or materials of like or similar material, design and shape;
- (4) The process of cleaning (including but not limited to low-pressure water blasting and stripping, and sandblasting and high-pressure water blasting); and
- (5) Replacement of windows and doors with those of like or similar design and shape.

Sec. 14.1003 Designation of Historic Landmarks

A historic landmark shall be voluntarily designated as follows:

- (1) Nomination of Historic Landmark.
 - (A) Nomination for historic landmark designation shall be voluntary and made to the commission on forms provided by the commission. The nomination shall be submitted to the commission by the owner of record of the nominated property.
 - (B) Any proposal to designate a historic landmark shall be reviewed by the commission. The commission shall recommend to the planning and zoning commission designation of buildings, structures or objects as historic landmarks and the public rights-of-way in and surrounding them, by adopting zoning overlay districts designated as “H” on the city’s official zoning maps pursuant to procedures incorporated into the city’s zoning ordinance.
- (2) Criteria. The following criteria shall be considered when determining whether a nominated property is eligible for consideration.
 - (A) Significance in history, architecture, archeology and/or culture;

- (B) Association with events that have made a significant contribution to the patterns of local, regional, state or national history;
 - (C) Association with the lives of persons significant in our past;
 - (D) Embodiment of the distinctive characteristics of a type, period or method of construction;
 - (E) Representative work of a master designer, builder or craftsman; or
 - (F) An established and familiar visual feature of the city.
- (3) Historic Preservation Commission Hearing.
- (A) A residential property shall be designated as a historic landmark only upon the request of the property owner that the property be nominated for such designation.
 - (B) The commission shall nominate a nonresidential building, site, or structure for the purpose of designating it as a historic landmark.
 - (C) Property owners of a proposed historic landmark shall be notified prior to the commission hearing on the recommended designation. At the commission's public hearing, owners, interested parties, and technical experts shall present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
 - (D) Within sixty (60) days from receipt of the nomination, the commission shall conduct a public meeting and forward a recommendation to the planning and zoning commission stating that the nomination does or does not meet the criteria for designation.
 - (E) The recommendation to the planning and zoning commission shall be accompanied by a report prepared by the commission stating the significance or lack of significance of the nominated property and its relationship to the criteria as set forth in subsection (2) above.
 - (F) The commission shall solicit and receive input from the owner(s) of the nominated property, interested parties and technical experts. Testimony and documentary evidence received by the commission will become part of the report to the planning and zoning commission regarding the designation as a landmark.
 - (G) The designation as a historic landmark does not obligate the property owner to improve, alter, or change a property. However, owners of designated property

shall comply with the provisions of this article and all other city ordinances.

- (4) Planning and Zoning Commission Public Hearing. The planning and zoning commission shall give notice and conduct its meeting on the proposed designation within sixty (60) days of receipt of the recommendation from the historic preservation commission. The planning and zoning commission shall give published and mailed notice to owners of the proposed historic landmark and those within two hundred (200) feet of the proposed historic landmark, such notice to be given, not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation in the city. The planning and zoning commission shall conduct its public hearing and make a recommendation to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city.
- (5) City Council Public Hearing.
 - (A) The city council shall schedule a hearing on the commission's recommendation to be held within sixty (60) days of receipt of the recommendation of the planning and zoning commission. The city council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the city.
 - (B) The city council shall designate the historic landmark by ordinance or reject the nomination of the historic landmark.
- (6) Automatic Eligibility. Designated Recorded Texas Historic Landmarks and/or properties listed in the National Register of Historic Places shall be automatically eligible for designation as a historic landmark upon processing of a nomination application by the owner of the property or structure.
- (7) Recording. Upon designation of a historic landmark, the city council shall cause the designation to be recorded in the official real property records of the county and with the county appraisal district.
- (8) Historic Markers. The commission shall be responsible for determining the material, size, shape, color and design of historical markers for historic landmarks designated by the commission.
- (9) Relation of Historic Landmark Designation to Base Zoning District.
 - (A) Designation of a building, structure, or object by the city council as a historic landmark is intended as a zoning overlay which supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined and controlled by the use regulations set forth for the

primary zoning district classification for the property.

- (B) The height of structures and the minimum dimensions of lots and yards shall be determined by the regulations set forth for the underlying primary zoning district classification.
- (C) If there is any conflict between the provisions of this subsection and any other provision of the zoning ordinance, the most restrictive regulation shall apply in the absence of a specific directive to the contrary.
- (D) If there is any conflict between the adopted design guidelines and any provision of this subsection, the most restrictive regulation shall apply.

(10) Removal of Historic Designation. The city council shall remove the historic designation from a property if requested in writing by the owner.

Sec. 14.1004 Certificate of Appropriateness

(a) When Required. A person shall not alter a historic landmark without first obtaining a certificate of appropriateness in accordance with this subsection.

(b) Routine Maintenance. A certificate of appropriateness is not required for routine maintenance.

(c) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation (refer to Section 4 “Penalty Clause” of Ordinance 881).

(d) Application. An application for a certificate of appropriateness must be submitted to the building official. The application must include complete documentation of the proposed work. While there is no fee for the certificate of appropriateness, this section shall not affect fee(s) that may be due under any other provision(s) of this code. Within 10 business days after submission of an application, the applicant shall be notified in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the commission and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the building official. The applicant may consult with the building official before and after the submission of an application.

(e) Architectural Design Guidelines. In considering an application for a certificate of appropriateness, the building official shall be guided by the architectural design guidelines.

(f) Building Official’s Determination of Procedure. If the building official determines that the scope of work falls outside the scope [of the] architectural design guidelines, the certificate of appropriateness shall be denied.

(g) Appeal. The applicant may appeal the building official's decision by submitting to the building official a written request for appeal within ten (10) business days of the decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the commission as set forth in Section 14.1006.

Sec. 14.1005 Routine Maintenance Work Review Procedure

Routine maintenance work identified below does not require a certificate of appropriateness:

- (1) The reapplication of paint that is the same as an existing color, or the application of paint that is a color that is consistent with architectural design guidelines;
- (2) Minor repair using the same material and design as the original;
- (3) Repair or replacement of roof using materials which reflect the composition, design, color, texture and other visual qualities of the materials being replaced;
- (4) The process of cleaning (including but not limited to low-pressure water blasting and stripping, and sandblasting and high pressure water blasting); and
- (5) Replacement of windows and doors with those of like or similar design and shape.

Sec. 14.1006 Certificate of Appropriateness Review Procedure

(a) Appeal to Commission. When the building official has determined that a proposed certificate of appropriateness contains work that is outside the scope of the architectural design guidelines and has rejected it, the applicant may appeal to the commission for review.

(b) Public Hearing. Within 60 calendar days after a complete application is filed, the commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the certificate of appropriateness and forward its decision to the city manager. The commission may approve a certificate of appropriateness for work that does not strictly comply with this article upon a finding that the proposed work is historically accurate, is consistent with the spirit and intent of the architectural design guidelines and that the proposed work will not adversely affect the historic character of the historic landmark. The commission may impose conditions on the certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The building official shall immediately notify the applicant of the commission's action. The commission's decision must be in writing and, if the decision is to deny the certificate of appropriateness, with or without prejudice, the writing must state the reasons why the certificate of appropriateness is denied.

(c) Standard for Approval. The commission must grant the application if it determines that:

- (1) The proposed work is consistent with architectural design guidelines;

- (2) The proposed work will not have an adverse effect on the historic landmark; and
 - (3) The proposed work will not have an adverse effect on the future preservation, maintenance and use of the historic landmark.
- (d) Issuance. If a certificate of appropriateness has been approved by the commission:
- (1) The building official shall issue the certificate of appropriateness to the applicant; and
 - (2) If all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.
- (e) Reapplication. If a final decision is reached denying a certificate of appropriateness, no further applications may be considered for the subject matter of the denied certificate of appropriateness for one year from the date of the final decision unless:
- (1) The certificate of appropriateness has been denied without prejudice; or
 - (2) The commission waives the time limitation because the commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the commission is required to grant the request for waiver of the time limitation.
- (f) Termination. After the work authorized by the certificate of appropriateness is commenced, the applicant must complete the approved work within 180 calendar days. The building official may, in writing, authorize an extension of the certificate of appropriateness for a period not to exceed 180 calendar days upon written request by the applicant.
- (g) Revocation. The building official may, in writing, revoke a certificate of appropriateness if:
- (1) The certificate of appropriateness was issued on the basis of incorrect information supplied;
 - (2) The certificate of appropriateness was issued in violation of the architectural design guidelines, the comprehensive zoning ordinance, or building codes;
 - (3) The work is not performed in accordance with the certificate of appropriateness, the comprehensive zoning ordinance, or building codes; or
 - (4) The applicant has suspended or abandoned the work for a period greater than 180 calendar days.
- (h) Amendments to a Certificate of Appropriateness. A certificate of appropriateness may be amended by submitting an application for amendment to the building official. The application shall then be subject to the standard certificate of appropriateness review procedure.

(i) Emergency Procedure. If a historic landmark is damaged and it is determined that the structure is a public safety hazard or will suffer additional damage without immediate repair, the property owner may temporarily protect the structure. In such a case, the property owner shall apply for a certificate of appropriateness within 10 business days of the occurrence which caused the damage. The protection authorized under this subsection must not permanently alter the architectural features of the structure.

Sec. 14.1007 Demolition by Neglect

No owner or person with an interest in a designated historic landmark shall permit the property to fall into a serious state of disrepair, such that the result of such deterioration of any exterior architectural feature would produce a detrimental effect upon the character of the landmark itself. Such deteriorated condition shall include:

- (1) Deterioration of exterior walls or other vertical supports;
- (2) Deterioration of roofs or other horizontal members;
- (3) Deterioration of exterior chimneys;
- (4) Deterioration or crumbling of exterior stucco or mortar;
- (5) Ineffective waterproof of exterior walls, roof, or foundation, including broken windows or doors; or
- (6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

Sec. 14.1008 Economic Hardship Application Procedure

(a) After receiving a written notification from the building official of the denial of a certificate of appropriateness, an applicant may commence the hardship process.

(b) When a claim of economic hardship is made due to the effect of this article, the owner must prove that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable economic return; and
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(c) The applicant shall consult in good faith with the building official, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the commission.

(d) The commission shall hold a public hearing on the application within sixty (60) days (calendar days are assumed unless otherwise stated) from the date the application is received by the building official. Following the hearing, the commission has thirty (30) days in which to prepare a written recommendation. In the event that the commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.

(e) All decisions of the commission shall be in writing. A copy shall be sent to the applicant by certified mail and a copy filed with the city secretary's office for public inspection. The commission's decision shall state the reasons for granting or denying the hardship application.

Sec. 14.1009 Appeal to the Zoning Board of Adjustment

Any party who disagrees with a decision of the commission may appeal a final decision of that commission to the zoning board of adjustment ("ZBA") by submitting a written request for appeal within 10 business days following the entry of the decision from which appeal is taken. The ZBA shall place the item upon its formal agenda and will consider the record of the hearing before the commission and any evidence or information offered by interested parties prior to ruling on the appeal. The ZBA may affirm the decision of the commission, reverse the decision of the commission or modify the decision of the commission, but it may not grant a variance to the requirements of this article. The decision of the ZBA shall be final.

Sec. 14.1010 Enforcement

(a) In the event a certificate of appropriateness is required under the terms of this article, no building permit shall be issued until the certificate of appropriateness has been issued. The certificate of appropriateness shall be in addition to and not in lieu of any building permit required by the city.

(b) All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the building official or other official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.

(c) The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Section 315.006 of the Texas Local Government Code and Section 442.016 of the Texas Government Code.

(Ordinance 881 adopted 4/8/08)

Sec. 14.1011 Tax Incentives

(a) Historical Assessed Value Exemption (Residential and Nonresidential).

- (1) Historic landmarks shall only be eligible for an assessed value exemption during the initial year of designation as a historic landmark. The assessed value exemption of twenty-five (25) percent of the assessed value of the property shall not exceed twenty-five thousand dollars (\$25,000.00), and shall be based on meeting all of the following criteria:
 - (A) The designation for a historic landmark shall be approved prior to applying for any other assessed value exemption.
 - (B) All modifications or expansions are completed pursuant to the issuance of certificate(s) of appropriateness.
 - (C) The historic landmark is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission, or has been designated by the city as a historically significant site in accordance with the Texas Property Tax Code.
 - (D) The historic landmark must adhere to all city ordinances.
 - (E) The assessed value exemption shall be applicable only in the first year of designation.
- (2) To be eligible for the historical assessed value exemption, the owner of the historic resource must make application. Failure to apply for exemption will result in the loss of exemption for the appropriate tax year.

(b) Residential Tax Incentive Program.

- (1) Eligible residential historic landmarks shall be entitled to a reinvestment tax incentive of twenty-five (25) percent of the assessed value for restorations amounting to one thousand two hundred fifty dollars (\$1,250.00) or more based on meeting all of the following criteria:
 - (A) Designation as a historic landmark must be in place prior to any application for the reinvestment tax incentive.
 - (B) No restoration that has been started or completed prior to designation can be included in the request for the reinvestment tax incentive.
 - (C) All modifications or expansions are completed pursuant to the issuance of

certificates of appropriateness provided for in Section 14.1004 above.

- (D) The residential historic landmark is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission, or has been designated by the city as an historically significant site in accordance with the Texas Property Tax Code.
 - (E) The residential historic landmark must adhere to all city ordinances.
- (2) Each property owner who desires to apply for an historic reinvestment tax incentive shall apply for said incentive on or before March 15 of the year the tax incentive is to be granted. The incentive, if granted, shall be applicable for only one (1) year. Subsequent incentives for additional projects must be applied for each year. Application shall be made on the official form provided by the city.

(c) Nonresidential Tax Incentive Programs. Historic landmarks which are nonresidential and which are listed on the National Register of Historic Places, or Recorded as a Texas Historic Landmark or State Archaeological Landmark by the Texas Historical Commission or which are designated as historical and appear on the historic district map maintained by the commission, shall be eligible for historic reinvestment tax incentives upon the terms and conditions contained herein.

- (1) Eligible nonresidential historic landmarks shall be entitled to a reinvestment tax incentive of twenty five (25) percent of the assessed value for restorations amounting to one thousand two hundred fifty dollars (\$1,250.00) or more. Investments eligible for this incentive shall be those made for:
 - (A) Structural repairs and improvements.
 - (B) Electrical repairs and improvements.
 - (C) Plumbing repairs and improvements.
 - (D) Mechanical repairs and improvements.
 - (E) Interior repairs and improvements, incidental to above repairs and improvements.
 - (F) Exterior restoration.
- (2) Before any of the eligible investments are made, the building official shall be consulted. If the building official deems a certificate of appropriateness necessary, the standard rules for its procedure shall apply.
- (3) Investments in personal property shall not be eligible for the reinvestment tax

incentive. Each property owner who desires to apply for an historic reinvestment tax incentive for a nonresidential historic landmark shall apply for said incentive on or before March 15 of the year the tax incentive is to be granted. The incentive, if granted, shall be applicable for only one (1) year. Subsequent incentives for additional projects must be applied for each year. Application shall be made on the official form provided by the city.

- (4) In addition to the above requirements, each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed time frame. If facade restoration is contemplated, the project must comply with architectural design guidelines. In the absence of architectural design guidelines, the project must comply with the Secretary of the Interior's standards. Prior to beginning the reinvestment project, the property owner shall apply for and receive approval of a certificate of appropriateness provided for in Section 14.1004 above.
- (5) The commission (and the zoning board of adjustment, where applicable) must approve all contemplated reinvestment projects via a certificate of appropriateness. The applicant must secure all city permits and most secure periodic city inspection of the project to insure proper completion of the project.

(Ordinance 885 adopted 10/14/08)

Sec. 14.1012 Tax Incentive Application and Approval Process

- (a) Prior to filing an application for a historic landmark tax incentive with the building official, the applicant shall:
 - (1) Certify to the building official that the subject property is a designated historic landmark.
 - (2) Certify to the building official that the tax incentive request is for a project that has received a certificate of appropriateness.
 - (3) Certify to the building official that the project for which the applicant wishes to receive a tax incentive has been completed.
- (b) An application for a tax incentive shall be initiated by the owner of the subject property or by his or her agent, by completion of the appropriate application forms provided by the building official. The application shall include all receipts for the cost of the project as well as an affidavit affirming that all information on the application is correct and the receipts presented are for the cost of the project. Said application shall be received by the building official at least twenty (20) days prior to a public meeting by the commission.
- (c) No fees shall be required either upon filing of the application or upon approval or disapproval by the commission.

(d) The building official shall prepare a report for the commission delineating the contents of the application, an assessment as to whether the project was completed as put forth in the certificate of appropriateness and other materials deemed useful by the commission in performing its duties.

(e) The commission shall hold a public meeting on all requests for tax incentives. Said meeting shall not be scheduled until the completed application form is submitted.

(f) At the public meeting, the commission shall determine, from the data submitted by the applicant and the information provided by the building official, if the completed project is substantially in compliance with the certificate of appropriateness. If the commission finds that additional information relative to the pending application is necessary for its review, the commission shall postpone the public meeting on an application until such information is provided.

(g) The commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the commission deems necessary to bring the project into compliance with the approved certificate of appropriateness. The commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this article, where the applicant has not obtained a certificate of appropriateness, or where the applicant has not substantially complied with the requirements imposed on a certificate of appropriateness.

(h) Effective Date. Upon approval by the commission of an application for a historic landmark tax incentive, the building official shall, within ten (10) working days of said decision, notify the county appraisal district. The appraisal district shall reduce the taxes for the historic landmark in accordance with the provisions herein and as indicated by the approved application.

(Ordinance 881 adopted 4/8/08)

^{i*} State Law reference—Planning and zoning, generally, V.T.C.A., Local Government Code, Chapters 211, 212, 371.

^{ii*} State Law reference—Airport Zoning Act, V.T.C.A., Local Government Code, Sec. 241.001, et seq.