

CITY OF DRIPPING SPRINGS

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 30: ZONING: EXHIBIT A: ZONING ORDINANCE AND APPENDIX E: ZONING USE REGULATIONS (CHARTS) FOR ACCESSORY DWELLING UNITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

**WHEREAS,** the City desires to regulate the development of accessory dwelling units as to size, location, and height; and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, a city may establish zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare; and

**WHEREAS,** the City has found the regulation of accessory dwelling units to be in the best interest of promoting comfortable enjoyment of residential neighborhoods; and

**WHEREAS,** the City seeks to amend the Zoning Ordinance as it relates to accessory dwelling units to establish additional regulations for these units; and

**WHEREAS,** the proposed zoning amendment has been reviewed by City staff, including the City's Land Planner, with the consensus being that the proposed changes are consistent with best planning practices and consistent with the Comprehensive Plan; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on February 22, 2022 to consider the proposed amendment and the Planning and Zoning Commission recommended \_\_\_\_\_ of the proposed change; and

**WHEREAS,** after public hearing held by the City Council on March 1, 2022 the City Council voted to \_\_\_\_\_ the recommendation of the Planning and Zoning Commission; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that it is necessary and proper for the protection of the welfare, health, peace, temperance, and safety of the City of Dripping Springs to adopt an ordinance amending regulations of accessory dwelling units.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, THAT:**

### **1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **2. ENACTMENT**

Chapter 30, Exhibit “A” Zoning Ordinance and Appendix “E” Zoning Use Regulations of the Dripping Springs Code of Ordinances are hereby amended to read in accordance with *Attachment “A”* and which are attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Additions to the Ordinance text are underlined and highlighted and deletions are struck-through.

### **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

### **7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) to \_\_\_\_ (*abstentions*) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

*by:* \_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

## ATTACHMENT "A"

### CHAPTER 30: ZONING

#### EXHIBIT A: ZONING ORDINANCE

##### Section 1: General Provisions

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##### 1.6 Definitions

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Accessory dwelling: An ancillary dwelling secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate standalone structure. Except for accessory dwelling units in zoning district or districts that allow accessory dwelling units to be the primary living space. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant. Also, an accessory dwelling unit can include an ancillary dwelling space that is on-site with another use as specifically allowed within certain zoning districts.

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##### Section 5. DEVELOPMENT STANDARDS AND USE REGULATIONS

##### F. Accessory Dwelling Units

##### 5.50 Purpose.

Standards for controlling accessory dwelling units are set forth to ensure that accessory dwelling units are ancillary to primary living spaces or other uses and are appropriate within the various zoning districts in which they are allowed. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property owners and by occupants of neighboring residential dwellings, while providing opportunities for accessory dwelling units.

##### 5.51 Definitions.

(a) Accessory dwelling: An ancillary dwelling space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate standalone structure. Also, an accessory dwelling unit can include an ancillary dwelling space that is on-site with another use as specifically allowed within certain zoning districts.

(b) Attached Unit: A dwelling unit that is either wholly enclosed within the primary structure or shares at least one full wall with the primary structure. Attached units do not include units attached by an open-aired breezeway or other minimally attached method. Whether a unit is attached or detached is a determination made by the Planning Director at the time of application for an accessory dwelling unit.

(c) Detached Unit: A dwelling unit that is entirely detached from the primary structure or that is minimally attached in a way so the ADU does not share one full wall with the primary structure

(d) Livable Area: The interior floor area of a dwelling, including stairways, halls, and closets, but excluding porches, garages, breezeways, or carports.

### **5.52 Permitted Districts.**

Limited to those districts listed in the City’s zoning ordinance with allowed in the land use zoning chart. Each lot is only permitted one ADU.

### **5.53 Special provisions.**

#### **5.53.1 Height Regulations**

- (a) Attached Units: except as provided in this subsection, all height regulations for the zoning district apply including specific height regulations for attached units included in the zoning district regulations.
- (b) Detached Units: building height for detached units shall not exceed the height of the lot’s existing primary dwelling unit except as described below:
  - i. ADUs located above a detached vehicle parking garage may exceed the height of the lot’s existing primary dwelling unit. However, the overall height of the detached garage and ADU cannot exceed 30 feet.

#### **5.53.2 Location**

- (a) Except as provided in this subsection, the side and rear yard setback regulations of the underlying zoning remain in effect.
- (b) Detached ADUs must maintain a minimum 10-foot buffer between the ADU and the primary structure.
- (c) An ADU may not be located in front of a primary structure and must be located behind the halfway point of the depth of the primary structure.

### **5.53.3 Parking**

A minimum of one parking space, in addition to any required parking spaces for the primary structure or other uses, is required.

### **5.53.4 Building and Development Standards**

(a) Site Plan: A site plan indicating the exact location of the proposed ADU must accompany any building permit application or waiver/variance application for an ADU

(b) Elevations: Elevation details for the proposed ADU must accompany any building permit application or waiver/variance application for an ADU

### **5.53.5 ADU Size**

The livable area of an ADU shall not exceed either:

(a) 1,200 square feet; or

(b) 50% the square footage of the livable area of the main house.

## **5.54 Waiver for Accessory Dwelling Unit Standards**

(a) An application for a waiver shall be submitted concurrently with the submission for a building permit.

(b) The application shall fully state in writing the grounds for the application, and all of the facts relied upon by the applicant. The application for the waiver must be submitted not less than 30 days prior to the P&Z meeting at which the request will be considered.

(c) The Planning and Zoning Commission may grant a waiver to authorize deviation from a regulation within this Section, accessory dwelling units, if in the opinion of the Planning and Zoning Commission, the ADU:

(1) Will not adversely affect neighboring properties;

(2) Will not be contrary to the public interest; and

(3) is consistent with the design of the primary structure.

(c) The decision of the Planning and Zoning Commission is final.

**APPENDIX E. – ZONING USE REGULATIONS (CHARTS)**

RESIDENTIAL	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Accessory Bldg./Structure (Nonresidential)							P	P	P	P	P	P	P		
Accessory Bldg./Structure (Residential)	P	P	P	P	P	P					P				
<b>Accessory Dwelling Unit</b>	<b>P</b>	<b>C</b> <b>P</b>	<b>C</b> <b>P</b>								<b>P</b>		<b>P</b>		
Caretaker's/Guard Residence	P	P	P								P				
Community or Group Home	C	C	C	C	C						P				
Duplex/Two-Family				P	P	P	P	P	P		P				
Garage Residential Conversion	P	P	C	C							P				
Garden Home/Townhome					P	P	P	P	P		P				
Home Occupation	P	P	P	P	P	P	P	P	P		P				
HUD-Code Manufactured Home	C			C	C	C					X				
Living Quarters on Site with a Business							P	P	P	P	P				
Multiple-Family Dwelling						P	P	P	P		P				
Residential Loft							P	P	P		P				
Rooming/Boarding House						P		P			P				
Single-Family Dwelling, Detached	P	P	P	P	P	P					P				
Single-Family Industrialized Housing	P	P	P	P	P	P					P				
Swimming Pool, Private	P	P	P	P	P	P	P	P	P		P				

*SECTION 3. ZONING DISTRICTS*

**3.1. Zoning districts established.**

3.1.1. The City of Dripping Springs, Texas, is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as follows:

*Zoning District Name*

AG	Agriculture (min. 2 acres)
SF-1	Single-Family Residential — Low Density (min. 1 acre)
SF-2	Single-Family Residential — Moderate Density (min. ½ acre)
SF-4	Two-Family Residential — Duplex
SF-5	Single-Family Attached Residential — Town Home
MF	Multifamily Residential
MH	Manufactured Home
O	Office
LR	Local Retail
GR	General Retail
CS	Commercial Services
I	Industrial
H	Historic
GUI	Government, Utility, Institutional
PR	Public Recreation
PP	Public Park or Preserve
PD	Planned Development

3.1.2. A summary of the area regulations for the zoning districts is included in appendix B.

3.1.3. Certain terms and definitions used within this chapter can be found in section 5. Definitions specifically applicable to particular sections are contained within the section.

3.1.4. Limited cumulative zoning: Less intense uses shall be allowed within more intense districts that are zoned residential or commercial. For example, any use zoned AG through GR will be allowed in the CS zoning category, but only industrial uses are allowed in the industrial zoning district. Less intense uses constructed in more intense district shall conform to the regulations that correlate with the corresponding use category that is proposed to be used on the property.

3.1.5. A conversion chart explaining the disposition of the prior zoning districts to those designated under this chapter is provided in the appendices.



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## 3.2. Agriculture district (AG).

3.2.1. Description : The AG, agriculture district is designed to permit the use of land for the ranching, propagation and cultivation of crops, small-scale horticultural enterprises, and similar uses. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is initially zoned agriculture. It is anticipated that some portion of agriculturally zoned land may eventually be rezoned to another zoning classification in the future.

3.2.2. Permitted uses : Those uses listed for the AG, agricultural district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right, or conditionally permitted uses, respectively.

3.2.3. Height regulations.

- (a) Main building : Maximum of 40 feet for the main building or house.
- (b) Accessory buildings : Maximum 40 feet for accessory buildings, including detached garage/~~accessory dwelling units.~~
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations including accessory dwelling unit regulations.

3.2.4. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: Two acres.
  - (2) Minimum lot width: 100 feet.
  - (3) Minimum lot depth: 150 feet.
- (b) Size of yards :
  - (1) Minimum front yard: 50 feet.
  - (2) Minimum side yard: Ten percent of the lot width, not to exceed 30 feet; 25 feet from a street right-of-way for a corner lot.
  - (3) Minimum rear yard: 50 feet for the main building and any accessory building(s); ten feet from a main building to an accessory building.
- (c) Impervious cover: 30 percent.

3.2.5. Special requirements :

- (a) On-site dwellings : Recreational vehicles, manufactured homes, mobile homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, recreational vehicles, boats and trailers etc.). Cultivation equipment may be stored outside.

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- (c) Side-entry garages : Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
  - (d) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
  - (e) Nonresidential uses : Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, group home, etc.) in the agriculture district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
  - (f) Temporary buildings : There shall be no permanent use of temporary facilities or buildings. A use shall be deemed permanent after the use has been in existence on the same lot for a period of at least six months.
  - (g) Other regulations : Refer to section 5, Development Standards and Use Regulations.

### **3.3. Single-family residential district—Low density (SF-1).**

- 3.3.1. Description : The SF-1, single-family residential district is intended to provide for development of low-density, detached, single-family residences on lots of at least one acre in size.
- 3.3.2. Permitted uses : Those uses listed for the SF-1 District or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- 3.3.3. Height regulations :
  - (a) Main building(s) : Maximum two and one-half stories, or 40 feet for the main building or house, whichever is less.
  - (b) Accessory building(s) : Maximum 25 feet for other accessory buildings, including a detached garage ~~or accessory dwelling units.~~
  - (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations including accessory dwelling unit regulations.
- 3.3.4. Area regulations :
  - (a) Size of lots : Minimum lot area: One acre (43,560 square feet).
  - (b) Size of yards :
    - (1) Minimum front yard: 25 feet.
    - (2) Minimum side yard: Total of 40 feet combining both side yards with a minimum of 15 feet on either side.
    - (3) Minimum rear yard: 25 feet.
  - (c) Impervious coverage: 30 percent.
- 3.3.5. Special requirements :

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- (a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
  - (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, recreational vehicles, boats and trailers, etc.).
  - (c) Side-entry garages : Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
  - (d) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
  - (e) Nonresidential uses : Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.) in the SF-1 District. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
  - (f) Temporary facilities : There shall be no permanent use of temporary buildings.
  - (g) Other regulations : Refer to section 5, Development Standards and Use Regulations.

### **3.4. Single-family residential district—Moderate density (SF-2).**

- 3.4.1. Description : The SF-2, single-family residential district is intended to provide for development of primarily moderate-density detached, single-family residences on lots of at least ½ acre in size.
- 3.4.2. Permitted uses : Those uses listed for the SF-2 district or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- 3.4.3. Height regulations :
  - (a) Main building(s) : Maximum two and one-half stories, or 40 feet whichever is less, for the main building or house.
  - (b) Accessory building(s) : Maximum 25 feet for other accessory buildings, including a detached garage ~~or accessory dwelling units.~~
  - (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations including accessory dwelling unit regulations.
- 3.4.4. Area regulations :
  - (a) Size of lots : Minimum lot area: One-half acre.
  - (b) Size of yards :
    - (1) Minimum front yard : Minimum 25 feet.
    - (2) Minimum side yard: Minimum 15 feet.
    - (3) Minimum rear yard: Minimum 25 feet from the main building.

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- (c) Impervious cover: 40 percent.

3.4.5. Special requirements :

- (a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (c) Side-entry garages : Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- (d) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
- (e) Nonresidential uses : Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.) in the SF-2 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
- (f) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
- (g) Other regulations : Refer to section 5, Development Standards and Use Regulations.
- (h) OSSFs : On-site sewage facilities (OSSFs) are prohibited in this district on lots of less than three-quarters of an acre.

(Ordinance 1220.10, adopted 9/12/06)

**3.5. Single-family residential—Town center (SF-3).**

3.5.1. Description : The SF-3, single-family residential district is intended to promote stable, quality, detached-occupancy residential development on individual lots at increased densities. Individual ownership of each lot is encouraged. This district provides a "buffer" or transition district between lower density residential areas and multiple-family or nonresidential areas or major thoroughfares.

3.5.2. Permitted uses : Those uses listed in the city's zoning ordinance for the GR district or any less intense residential district.

3.5.3. Height regulations :

- (a) Main building(s) height: Maximum two and one-half stories, or 40 feet for the main building or house, whichever is less.
- (b) Accessory building(s) height: Maximum 15 feet for accessory buildings, including a detached garage ~~or accessory dwelling units.~~

3.5.4. Area regulations :

- (a) Size of lots :

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- (1) Minimum lot area: 3,500 square feet.
  - (2) Minimum lot width: 35 feet.
  - (b) Size of yard setbacks :
    - (1) Minimum front yard setback: Ten feet.
    - (2) Minimum side yard setback: Five feet; corner lots, seven and one-half feet from the street right-of-way.
    - (3) Minimum rear yard setback: Ten feet.
    - (4) Minimum setback for garage door from alley: Ten feet.
    - (5) Minimum setback for garage door from front curb or sidewalk: 25 feet.
    - (6) Minimum setback for accessory building: Five feet; no accessory buildings or structures are permitted in any front street yard.
  - (c) Maximum total impervious coverage : 65 percent.
  - (d) Minimum width of residential building : 25 feet.
  - (e) Maximum height of fence within street yard : Three feet, all fences shall provide a finished face to abutting streets.
  - (f) Maximum height of fence outside of street yard : Six feet; all fences shall provide a finished face to abutting streets and these fence shall not conflict with sight triangles at intersections or obstruct views from adjacent driveways.

3.5.5. Special requirements :

- (a) Separate utilities : All utilities shall be provided separately to each unit within the SF-3 district so that each unit is individually metered.
- (b) Maintenance for common areas : A property owners' association is required for continued maintenance of common land and/or facilities.
- (c) Garage space required : The elimination of a garage space by enclosing the garage with a stationary building wall is prohibited.
- (d) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (e) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (f) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city's building code.
- (g) Nonresidential uses : Site plan approval shall be required for any nonresidential use, including a school, church, child-care center, group home, or private recreation facility, in the SF-3 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.

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- (h) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (i) Special purpose nonresidential lots : These lots, including, but not limited to landscape lots and utility lots, are exempt from regulations described in these SF-3 districts (see plat for use notes).

(Ordinance 1220.98, adopted 11/10/15)

### **3.6. Two-family residential—Duplex (SF-4).**

3.6.1. Description : The SF-4, two-family residential district is intended to provide for development of detached, two-family residence structures on moderate size lots of at least 10,000 square feet in size.

3.6.2. Permitted uses : Those uses listed for the SF-4 district or any less intense residential district on the zoning use charts as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

3.6.3. Height regulations :

- (a) Main building(s) : Maximum two and one-half stories, or 40 feet, whichever is less, for the main building or house.
- (b) Accessory building(s) : Maximum 25 feet for other accessory buildings, including a detached garage ~~or accessory dwelling units~~.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.6.4. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: 10,000 square feet.
  - (2) Minimum lot width: 70 feet.
  - (3) Minimum lot depth: 100 feet.
- (b) Size of yards :
  - (1) Minimum front yard: Minimum 20 feet.
  - (2) Minimum side yard: Minimum ten feet; 15 feet from a street right-of-way for a corner lot.
  - (3) Minimum rear yard: Minimum 20 feet for the main building.
- (c) Impervious cover : 50 percent.
- (d) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.6.5. Special requirements :

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- (a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
  - (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
  - (c) Side-entry garages : Two-family residential structures with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
  - (d) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
  - (e) Nonresidential uses : Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.) in the SF-4 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
  - (f) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (g) Other regulations : Refer to section 5, Development Standards and Use Regulations.

### **3.7. Single-family attached residential district (SF-5) garden home.**

- 3.7.1. General purpose and description : The SF-5, single-family attached residential district is intended to promote stable, quality, attached-occupancy residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the comprehensive plan, may provide a "buffer" or transition district between lower density residential areas and multiple-family or nonresidential areas or major thoroughfares.
- 3.7.2. Permitted uses : Those uses listed for the SF-5 district or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- 3.7.3. Height regulations :
  - (a) Main building(s) : Maximum two and one-half stories, or 40 feet for the main building or house, whichever is less.
  - (b) Accessory building(s) : Maximum 25 feet for accessory buildings, including a detached garage ~~or accessory dwelling units.~~
  - (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.
- 3.7.4. Area regulations :
  - (a) Size of lots :
    - (1) Minimum lot area: 2,500 square feet.

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- (2) Minimum lot width: 30 feet.
  - (b) Size of yards:
    - (1) Minimum front yard: 15 feet.
    - (2) Minimum side yard:
      - a. Single-family attached dwellings are not required to have a side yard, with the exception of a minimum 15-foot side yard adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least 15 feet apart. The required side yards shall be designated upon a plat approved by the city council.
      - b. A complex of attached single-family dwellings shall have a minimum length of three dwelling units, and shall not exceed 200 feet in length or the width of six attached units, whichever is less.
      - c. Minimum rear yard: 20 feet for the main building.
  - (c) Impervious coverage : 80 percent.
  - (d) Other : Refer to section 5.

3.7.5. Special Requirements :

- (a) Separate utilities : All utilities shall be provided separately to each unit within an SF-5 district so that each unit is individually metered.
- (b) Useable open space requirement : All single-family attached developments shall provide usable open space at the ratio and criteria as specified below. Except as provided herein, any SF-5 subdivision shall provide useable open space which equals or exceeds 20 percent of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for an SF-5 development if it contains 20 or fewer units.
- (c) Maintenance for common areas : A property owners' association is required for continued maintenance of common land and/or facilities.
- (d) Garage space required : The elimination of a garage space by enclosing the garage with a stationary building wall is prohibited.
- (e) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (f) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (g) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
- (h) Nonresidential uses : Site plan approval shall be required for any nonresidential use, including a school, church, child-care center, group home, or private recreation facility,



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in the SF-5 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.

- (i) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
- (j) Other regulations : Refer to section 5, Development Standards and Use Regulations.

### **3.8. Multiple-family residential district (MF).**

3.8.1. Description : The MF, multiple-family residential district is an attached residential district intended to provide the highest residential density, that being of 24 dwelling units per acre. The principal permitted land uses will include low-rise apartment dwellings and garden homes. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

3.8.2. Permitted uses : Those uses listed for the MF district or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

3.8.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less, for the main building(s).
- (b) Accessory building(s) : Twenty-five feet for accessory buildings.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.8.4. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: 1,815 square feet per dwelling unit, not to exceed 24 dwelling units per acre, calculated on gross acreage. The minimum lot size shall be 20,000 square feet.
  - (2) Minimum lot width: 60 feet.
- (b) Size of yards :
  - (1) Minimum front yard: 30 feet; all areas adjacent to a street shall be deemed front yards. See section 5 for any additional setback requirements.
  - (2) Minimum side yard: 15 feet; 45 feet when building is in excess of one-story in height and adjacent to a single-family zoning district.
  - (3) Minimum rear yard: 25 feet; 45 feet when the building is in excess of one-story and adjacent to a single-family zoning district.
- (c) Building separation :

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- (1) One-story buildings: 20 feet for buildings with or without openings.
  - (2) Two-story buildings (or a two-story building adjacent to a one-story building), 20 feet, for buildings with or without openings.
- (d) Impervious cover : 60 percent total, including main buildings and accessory buildings.
  - (e) Housing affordability : It is a policy of the city council of Dripping Springs to encourage the development of affordable housing within the jurisdiction. Accordingly, for multifamily projects which take their principal access from major arterials or state or federal highways, and which are served by the public wastewater system, the following shall apply when calculating units per acre:

Efficiency units of 550 square feet or less shall count as half units toward the units-per-acre count, and may comprise up to 20 percent of the total of units in the project.

#### 3.8.5. Refuse :

- (a) Location : Every multiple-family dwelling unit shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travelway. The refuse facility shall be located on the same premises as the living units. The designation of off-site refuse facilities is prohibited. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than 80 feet to any adjacent lot that is platted or used for residential dwellings.
- (b) Screening : Each refuse facility shall be screened on three sides from the view of a person(s) standing at ground level on the site or immediately adjoining property. Said screening [shall] consist of a solid screening device constructed of materials approved by the city administrator and not less than six feet in height, or by an enclosure within a building. A gate on the fourth side is optional. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

#### 3.8.6. Usable open space :

- (a) Each lot or parcel of land which is used for multifamily residences shall provide on the same lot or parcel of land a minimum of 300 square feet of useable open space per unit.
- (b) Covered or underground easements with useable open space may be included as part of the recommended open space.
- (c) Areas occupied by enclosed buildings (except gazebos and pavilions), street and alley right-of-way and/or easements, drives, parking and drainage channels may not be included in calculating useable open space.
- (d) Areas occupied by overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.

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- (e) Useable open space channels must be a minimum of 15 feet wide and have no slope greater than ten percent.
  - (f) At the time of site plan approval, the P&Z may recommend, and the city council may allow, full or partial credit for open areas that exceed the ten percent maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area.
  - (g) Credit for off-site open space : At the time of site plan approval, the P&Z may recommend, and the city council may allow, up to one-third of the required open space to be satisfied by off-site dedicated open space that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the city council. The guidelines below may assist in considering if credit is appropriate:
    - (1) Adjacency: Is at least 15 percent of the MF development's boundary adjacent to the parkland or other open space.
    - (2) Accessibility: Are there defined pedestrian connections between the development and the parkland or other open space.
    - (3) Usability: Is the parkland or other open space immediately adjacent to the development suitable for use as parkland and accessible by residents?
    - (4) Design integration: Does the design of the development provide a significant visual and pedestrian connection to the park or other open space?
  - (h) Special requirements :
    - (1) Single-family units: Single-family units constructed in this district shall conform to the regulations that correlate with the appropriate residential category that is proposed to be used on the property.
    - (2) On-site dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
    - (3) Open storage: Open storage is prohibited.
    - (4) Units near fire lanes: The front door of each dwelling unit shall be no more than 150 feet from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
    - (5) Access to a parking area: A paved walkway shall connect the front door of each ground floor unit to a parking area.
    - (6) Length of buildings: Buildings shall not exceed 200 feet in length.
    - (7) Oversize parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

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- (8) Signage: All buildings containing residential units shall provide signage that clearly identifies the numbers (addresses) of the units within each building. Signage shall be visible from entrances into the complex or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, or emergency personnel. All signs must comply with all other applicable regulations.
  - (9) Lighting: All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas, and shall comply with the city's lighting ordinance.
  - (10) Swimming pools: Swimming pools shall be constructed and enclosed in accordance with the city building code.
  - (11) Nonresidential uses: Site plan approval shall be required for any nonresidential use, such as a school, church, child-care center, group home, or private recreation facility, in the MF district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
  - (12) Temporary facilities: There shall be no permanent use of temporary facilities or buildings.
  - (13) Other regulations: Refer to section 5, Development Standards and Use Regulations.

(Ordinance 1220.10, adopted 9/12/06)

### **3.9. Office district (O).**

3.9.1. Description : The O, office district is established to create a district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting building heights to one or two stories, and by utilizing buffering and landscaping requirements. Buildings in this district should be compatible with and similar in scale to residential uses and adjacent property. Bed-and-breakfasts should also be permitted.

3.9.2. Permitted uses : Those uses listed for the O, office district and single-family four (SF-4), single-family five (SF-5), and multifamily residential (MF) uses in appendix E> (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

(Ordinance 1210.19, adopted 6/10/14)

3.9.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less.
- (b) Accessory building(s) : Maximum one story, or 25 feet for accessory buildings.

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- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.9.4. Area regulations :

(a) Size of lots :

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum lot width: 50 feet.
- (3) Minimum lot depth: 100 feet.

(b) Size of yards :

[(1)—(3) Reserved.]

- (4) Minimum front yard: 15 feet; all yards adjacent to a street shall be considered a front yard (see section 5 for any additional setback requirements).
  - (5) Minimum side yard: Ten feet; fifteen feet adjacent to a public street or residential lot.
  - (6) Minimum rear yard: Ten feet.
  - (7) Adjacent to a single-family district: Any office use that is located adjacent to (and not across an right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by 30 feet.
- (c) Impervious cover : 60 percent total, including main buildings and accessory buildings.
  - (d) Gross floor area : The gross floor area for each nonresidential structure shall not exceed 40,000 square feet per building.

3.9.5. Landscaping requirements : Refer to city's landscaping ordinance.

3.9.6. Special district requirements :

- (a) Building facade review : Building facade (elevation) plans shall be submitted during the site development process in compliance with any approved exterior design standards enacted by the city.
- (b) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- (c) Open storage : Open storage is prohibited.
- (d) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
- (e) Other regulations : Refer to section 5, Development Standards and Use Regulations.
- (f) Banks and savings and loan associations are restricted to one per intersection or shared access driveway.

(Ordinance 1220.10, adopted 9/12/06; Ordinance 1220.41, adopted 12/9/08)

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### 3.10. Local retail district (LR).

3.10.1. Description : The LR, local retail district is established to provide areas for low intensity, specialized retail sales that are intended to service local neighborhoods, citizens, and visitors of the city. Bed-and-breakfasts are permitted within local retail districts. General, office, regional commercial, or commercial services uses should not be permitted.

3.10.2. Permitted uses : Those uses listed for the LR district or any less intense commercial district and single-family four (SF-4), single-family five (SF-5), and multifamily residential (MF) uses in appendix E (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

(Ordinance 1210.19, adopted 6/10/14)

3.10.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less.
- (b) Accessory building(s) : Maximum one story, or 25 feet for accessory buildings.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.10.4. Area regulations :

- (a) Size of lot :
  - (1) Minimum lot area: 5,000 square feet.
  - (2) Minimum lot width: 50 feet.
  - (3) Minimum lot depth: 100 feet.
- (b) Size of yards :
  - (1) Minimum front yard: 15 feet; all yards adjacent to a street shall be considered a front yard. See section 5 for any additional setback requirements.
  - (2) Minimum side yard: Ten feet; 15 feet adjacent to a public street or residential lot.
  - (3) Interior side yards: When retail uses are platted adjacent to other retail uses and are integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the city's building code and allows for connectivity.
  - (4) Minimum rear yard: Ten feet.
  - (5) Adjacent to a single-family district: Any neighborhood service use that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by 30 feet.
- (c) Impervious cover : 60 percent total, including main buildings and accessory buildings.
- (d) Gross floor area for nonresidential structures : The gross floor area for each building shall be 40,000 square feet per building.

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- (e) Outside display : Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
    - (1) Outside display areas shall not be placed or located more than 30 feet from the main building.
    - (2) Outside display areas shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
    - (3) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
    - (4) Outside display areas shall not extend into public right-of-way or onto adjacent property.
    - (5) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
  - (f) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
  - (g) Open storage : Open storage is prohibited.
  - (h) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (i) Other regulations : Refer to section 5, Development Standards and Use Regulations.

(Ordinance 1220.10, adopted 9/12/06)

### **3.11. General retail district (GR).**

3.11.1. Description : The GR, general retail district is established to provide areas for retail facilities that are larger than those generally located in the local retail district, such as large grocery stores, book stores, and the like. Areas zoned for general retail should have convenient regional access via major thoroughfares, such as U.S. Highway 290 or Ranch Road 12, and major collector streets are primary locational considerations. Hotel/motel uses, community scale retail, and bed-and-breakfasts are permitted within general retail districts. Office uses, commercial services, and industrial uses shall not be permitted.

3.11.2. Permitted uses : Those uses listed for the GR, general retail district or any less intense commercial district and single-family four (SF-4), single-family five (SF-5), and multifamily residential (MF) uses in appendix E (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

(Ordinance 1210.19, adopted 6/10/14)

3.11.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less.

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- (b) Accessory building(s) : Maximum one story, or 25 feet for accessory buildings.
  - (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.11.4. Area regulations :

- (a) Size of lot :
  - (1) Minimum lot area: 20 thousand square feet.
  - (2) Minimum lot width: 100 feet.
  - (3) Minimum lot depth: 150 feet.
- (b) Size of yards :
  - (1) Minimum front yard: 25 feet; all yards adjacent to a street shall be considered a front yard. See section 5 for any additional setback requirements.
  - (2) Minimum side yard: 25 feet; 25 feet adjacent to a public street or residential lot.
  - (3) Interior side yards: When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the city's building code.
  - (4) Minimum rear yard: 25 feet.
  - (5) Adjacent to a single-family district: Any retail use that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable residential district property line by 40 feet.
- (c) Impervious cover : 60 percent total, including main buildings and accessory buildings.
- (d) Gross floor area for nonresidential structures : The gross floor area for each building shall not exceed 60,000 square feet per building.
- (e) Minimum building separation for nonresidential structures : There shall be a minimum 80 feet separation between structures, or a minimum separation as required by the City's Fire Code (if any), whichever is greater.
- (f) Open storage : Open storage is limited to a maximum of five percent of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of section 5. Open storage cannot be visible from any public street or adjacent property.
- (g) Outside display :
  - (1) Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following.
  - (2) Outside display areas shall not be placed or located more than 30 feet from the main building.



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- (3) Outside display areas shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
  - (4) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  - (5) Outside display areas shall not extend into public right-of-way or onto adjacent property.
  - (6) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
  - (h) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
  - (i) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (j) Other regulations : Refer to section 5, Development Standards and Use Regulations.

(Ordinance 1220.10, adopted 9/12/06)

### **3.12. Commercial services district (CS).**

3.12.1. Description : The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of nonresidential uses within the city.

3.12.2. Permitted uses : Those uses listed for the CS, commercial services district or any less intense commercial district in appendix E (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

(Ordinance 1210.19, adopted 6/10/14)

3.12.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less.
- (b) Accessory building(s) : Maximum one story, or 25 feet for accessory buildings.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.12.4. Area regulations :

- (a) Size of lot :

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- (1) Minimum lot area: 8,000 square feet.
  - (2) Minimum lot width: 80 feet.
  - (3) Minimum lot depth: 100 feet.
- (b) Size of yards :
- (1) Minimum front yard: 25 feet; all yards adjacent to a street shall be considered a front yard. See section 5 for any additional setback requirements.
  - (2) Minimum side yard: 15 feet; 25 feet adjacent to a public street or residential lot.
  - (3) Minimum rear yard: 25 feet.
  - (4) Adjacent to a single-family district: Any commercial use that is located adjacent to (and not across the street from) any single-family zoning district shall be set back from the applicable residential district property line by 60 feet.
- (c) Impervious cover : 70 percent total, including main buildings and accessory buildings.
- (d) Gross floor area for nonresidential structures : The gross floor area for each building shall not exceed 50,000 square feet per building.

#### 3.12.5. Special Requirements :

- (a) Outside display : Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
- (1) Outside display areas shall not be placed or located more than 30 feet from the main building.
  - (2) Outside display areas shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
  - (3) Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  - (4) Outside display areas shall not extend into public right-of-way or onto adjacent property.
  - (5) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (b) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- (c) Open storage : Open storage is limited to a maximum of five percent of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of section 5. They cannot be visible from any public street or adjacent property.

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- (d) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (e) Other regulations : Refer to section 5, Development Standards and Use Regulations.

### **3.13. Industrial district (I).**

3.13.1. Description : The industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, research and development, wholesaling and service operations which do not typically depend upon frequent customer or client visits and may include employment centers for the local workforce.

3.13.2. Permitted uses : Those uses listed for the industrial district in the use charts as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

3.13.3. Height regulations :

- (a) Main building(s) : Maximum two stories, or 40 feet, whichever is less.
- (b) Accessory building(s) : Maximum one story, or 25 feet for accessory buildings.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.13.4. Area regulations :

(a) Size of lot :

- (1) Minimum lot area: 20,000 square feet.
- (2) Minimum lot width: 80 feet.
- (3) Minimum lot depth: 100 feet.

(b) Size of yards :

- (1) Minimum front yard: 60 feet; all yards adjacent to a street shall be considered a front yard. See section 5 for any additional setback requirements.
- (2) Minimum side yard: 15 feet; 50 feet adjacent to a public street or residential lot.
- (3) Minimum rear yard: 25 feet; 50 feet adjacent to a public street or residential lot.
- (4) Adjacent to a single-family district: Any industrial use that is over one story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable property line by 60 feet.

3.13.5. Impervious coverage : 70 percent total, including main buildings and accessory buildings.

3.13.6. Gross floor area for nonresidential structures : The gross floor area for each building shall not exceed 50,000 square feet per building. Owners seeking larger buildings or more impervious cover may request creation of a planned development district (PDD).

3.13.7. Special requirements :

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- (a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
  - (b) Open storage : Open storage shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of section 5. They cannot be visible from any public street or adjacent property.
  - (c) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.
  - (d) Other regulations : Refer to section 5, Development Standards and Use Regulations.

(Ordinance 1220.10, adopted 9/12/06)

### **3.14. Government/utility/institutional (GUI).**

3.14.1. Description : The GUI, government/utility/institutional district is intended to provide for the siting of government buildings of the state, county, city or federal governments. It is also intended to provide classification for public utility installations, EMS stations, fire stations, health care facilities, schools and churches, without regard to public or private ownership. This zoning classification may, with city council approval, be applied to properties situated anywhere within the city limits.

3.14.2. Permitted uses : Those uses defined as public services, government facilities or schools and churches on the zoning use charts are authorized uses permitted by right.

3.14.3. Height regulations :

- (a) Main building(s) : Maximum two and one-half stories, or 40 feet, whichever is less, for the main building or house.
- (b) Accessory building(s) : Maximum 25 feet for other accessory buildings, including a detached garage.
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations **including accessory dwelling unit regulations.**
- (d) Accessory dwelling(s) : **Maximum two stories, or 30 feet, whichever is less.**

3.14.4. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: 7,000 square feet.
  - (2) Minimum lot width: 70 feet.
  - (3) Minimum lot depth: 100 feet.
- (b) Size of yards :
  - (1) Minimum front yard: Minimum 20 feet.

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(2) Minimum side yard: Minimum ten feet; or 20 feet from a property zoned SF-5 or more restrictive.

(3) Minimum rear yard: Minimum 20 feet for the main building.

(c) Impervious cover : 50 percent.

3.14.5. Special requirements :

(a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site purposes.

(b) Open storage : Open storage is prohibited unless permitted by conditional use permit.

(c) Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.).

(d) Other regulations : Refer to section 5, Development Standards and Use Regulations.

(e) Accessory dwelling : An accessory dwelling is allowed in this zoning district and may be a primary living space that is secondary to a primary nonresidential use so long as the use otherwise meets the definition of accessory dwelling.

(Ordinance 2019-44, adopted 12/10/19; Ord. No. 2021-01 , § 2, 1-12-2021)

**3.15. Public recreation (PR).**

3.15.1. Description : The PR, public recreation district is intended to provide for development of active recreational uses which are available to the general public, such as sports fields, concert pavilions, outdoor movie theaters, swimming pools, footrace and bicycle race tracks and assembly venues.

3.15.2. Permitted uses : Those uses listed for the PR district on the zoning use charts as "P" or "C" in appendix C [appendix E] are authorized uses permitted by right or conditionally permitted uses, respectively.

3.15.3. Height regulations :

(a) Main building(s) : Maximum two and one-half stories, or 40 feet for the main building or house.

(b) Accessory building(s) : Maximum 25 feet for other accessory buildings, including a detached garage ~~or accessory dwelling units.~~

(c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.15.4. Area regulations :

(a) Size of lots :

(1) Minimum lot area: 8,000 square feet.

(2) Minimum lot width: 50 feet.

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- (3) Minimum lot depth: 100 feet.
  - (b) Size of yards :
    - (1) Minimum front yard: Minimum 20 feet.
    - (2) Minimum side yard: Minimum ten feet; 20 feet from a street right-of-way for a corner lot.
    - (3) Minimum rear yard: Minimum 20 feet for the main building.
  - (c) Impervious cover : 50 percent.

3.15.5. Special requirements :

- (a) On-site dwellings : Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (c) Facilities classified under PR, public recreation zoning may be owned by the city (public), private entities, or private community clubs and foundations. If owned by a private entity or community club or foundation, the owner shall present for city council approval a comprehensive maintenance and upkeep plan for the property.
- (d) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
- (e) Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.).
- (f) Other regulations : Refer to section 5, Development Standards and Use Regulations.

**3.16. Public park or preserve (PP).**

3.16.1. Description : The PP, public park or preserve district, is intended to provide for development of park facilities within the city of a passive nature for recreational and visitation. Certain properties assigned this zoning classification may provide family and group recreation activities, such as picnic grounds, refreshment kiosks, hiking trails, bicycle paths, small game facilities and children's recreation installations. Properties devoted to such uses shall be classified "Park" at the time of approval of the zoning.

3.16.2. Other properties may be designated for more passive uses, limited to hiking, nature trails, birding, and other low-impact activities. These properties shall be classified "Preserve" at the time of the approval of the zoning.

(Ordinance 1220.10, adopted 9/12/06)

3.16.3. Permitted uses : Those uses listed for the PP district on the zoning use charts as "P" are authorized uses permitted by right. In addition, park accessory uses are allowed as addressed in this section.

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- (a) Park accessory uses : Park accessory uses are those uses commonly associated with the use of public parks, operations, maintenance, and other support activities. These uses, as defined, shall be permitted by right. These uses shall include, but not limited to, community centers, senior centers, nature centers, dog off leash areas, parks and community services administration offices, playgrounds, camp sites, hike and bike trails, observatory, park maintenance workshop and storage facilities, community gardens, bird facilities, and other uses as approved by the city.

(Ordinance 2020-01, adopted 1/14/20)

3.16.4. Height regulations :

- (a) Main and accessory building(s) : Maximum one story, or 18 feet for any service or maintenance building, subject to city approval of location of such structure.
- (b) Refer to section 5, Development Standards and Use Regulations for other regulations.

3.16.5. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: 5,000 square feet.
  - (2) Minimum lot width: N/A.
  - (3) Minimum lot depth: N/A.
- (b) Size of yards :
  - (1) Minimum front yard: N/A.
  - (2) Minimum side yard: N/A.
  - (3) Minimum rear yard: N/A.
- (c) Impervious cover : Three percent by main building and accessory buildings.

3.16.6. Special requirements :

- (a) On-site dwellings : There shall be no on-site dwellings of any kind on property zoned PP.
- (b) Open storage : Open storage is prohibited.
- (c) Temporary facilities : There shall be no permanent use of temporary facilities or buildings, unless approved pursuant to a conditional use permit (CUP) following a recommendation by the parks and recreation commission after considering the following factors:
  - (1) Aesthetic quality;
  - (2) Necessity;
  - (3) Use of facility for sports equipment storage or a locker room; and
  - (4) Compliance with the federal Americans with Disabilities Act.

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### 3.17. Conditional use permit (CUP).

3.17.1. Description : A conditional use is a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the conditional use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of additional standards and conditions. This subsection sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

3.17.2. CUP required : No conditional use shall be established and no building permit or certificate of occupancy (C.O.) may be issued for any use designated by this chapter as a conditional use within a zoning district until a conditional use permit is issued by the city. An application for a CUP shall be accompanied by a site plan prepared in the manner described in this chapter. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in section 3.17.6.

3.17.3. Status of conditionally permitted uses : The following general rules apply to all conditional uses:

- (a) The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
- (b) Approval of a CUP shall authorize only the particular use for which the specific CUP is issued.
- (c) No use authorized by a CUP shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new CUP in accordance with the procedures set forth in this section.
- (d) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city code of Ordinances, or any permits required by regional, state and federal agencies.

3.17.4. Application for CUP:

- (a) Application requirements : An application for a CUP may be submitted by the property owner or by the property owner's designated representative to the city. The application shall be accompanied by a site plan prepared in accordance with the requirements of this chapter. If a zoning amendment is required or requested in writing, such application shall accompany the application for a CUP.
- (b) Subdivision approval : If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a CUP. Approval of the CUP shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the CUP shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.



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3.17.5. Procedures for CUPs :

- (a) P&Z Recommendation : Upon receipt of the recommendation from the city administrator, the P&Z shall conduct a public hearing in order to formulate its recommendations to the city council on the CUP application. Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the city council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.
- (b) City council action : The city council shall be the final decision-maker on applications for CUPs. Following a public hearing, and in consideration of the P&Z's recommendations, the city council shall approve, modify or deny the proposal for a CUP. If the appropriateness of the use cannot be assured at the location, the application for CUP shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

3.17.6. Standards : Factors for consideration: When considering applications for a CUP, the P&Z and the city council shall evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Decisions shall be rendered on the basis of the site plan and other information submitted. The P&Z and the city council shall specifically consider the extent to which:

- (a) The proposed use at the specified location is consistent with the policies embodied in the comprehensive plan;
- (b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (c) The proposed use meets all supplemental standards specifically applicable to the use, as established in the development standards, section 5;
- (d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:
  - (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - (2) Off-street parking areas, loading areas, and pavement type;
  - (3) Refuse and service areas;
  - (4) Utilities with reference to location, availability, and compatibility;
  - (5) Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;

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- (6) Control of signs, if any;
  - (7) Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - (8) Required yards and open space;
  - (9) Height and bulk of structures;
  - (10) Hours of operation;
  - (11) Exterior construction material, building design, and building facade treatment;
  - (12) Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and
  - (13) Provision for pedestrian access/amenities/areas;
- (e) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,
  - (f) Noise;
  - (g) Odors; and
  - (h) Dust.

3.17.7. Conditions : In approving the application, the P&Z may recommend and the city council may impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section. Any conditions imposed shall be set forth in the motion approving the conditional use, and shall be incorporated into or noted on the site plan for final approval. The city administrator shall verify that the site plan incorporates all conditions set forth in the conditional use, and shall sign the plan to indicate final approval. The city shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.

3.17.8. Prohibition on waivers and special exceptions : Conditions imposed upon a particular CUP shall not be waived by the board of adjustment. In conformity with the authority of the city council to authorize conditional uses, the city council may waive or modify specific standards otherwise made applicable to the use by this chapter, to secure the general objectives of this section, provided.

3.17.9. Expiration, extension and termination : The expiration, extension and termination of a CUP shall be governed by the following rules:

- (a) A CUP may be approved for a term not to exceed two years.
- (b) CUPs for existing uses and/or structures shall automatically renew for successive two year periods unless an objection is raised by the city administrator based on either:
  - (1) A history of poor code compliance; or
  - (2) A revision to the comprehensive plan that renders the CUP incompatible.

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- (c) CUPs for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and occupation commenced within two years of the date the CUP was approved.
  - (d) Extension of CUP : If a CUP expires, or if the requisites of subsection (c) above are not met, two extensions of six months each in length may be granted, unless otherwise specified by ordinance. If no request for extension of a CUP is submitted, then the CUP shall be null and void.
  - (e) Determination of extension : In determining whether to grant a request for extension of a CUP, the city council shall take into account the following factors:
    - (1) Reasons for the lapse;
    - (2) Ability of the property owner to comply with any conditions attached to the original approval;
    - (3) Extent to which development regulations would apply to the plan at that point in time;
    - (4) History of code compliance at the premises;
    - (5) Consistency of the CUP with the current comprehensive plan.

The city council shall either extend the CUP or deny the request, in which instance the originally approved CUP shall be deemed null and void. The property owner may thereafter submit a new plan application for rezoning or a CUP, and shall conform to the regulations then in effect.

Revocation : The city administrator may revoke a CUP for failure to comply with municipal regulations and the conditions placed on the use.

3.17.10. Amendment : No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the CUP and approved site plan are amended accordingly.

3.17.11. Other regulations : The BOA shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any CUP.

3.17.12. Use regulations : Uses allowed by CUP are specified in appendix C [appendix E] (Use Charts).

3.17.13. Transferability : A CUP is issued to a specific person or entity, and as such is nontransferable. A CUP is personal to a particular applicant. It does not run with the land. Subsequent purchasers or tenants seeking to continue the conditional use on the premises may apply for a new CUP.

3.17.14. Ag Ed Short Form CUP approval :

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- (a) The city council seeks to promote youth education programs, particularly those furthering activities related to farming, ranching, and animal husbandry.
  - (b) The city council finds that FFA and 4-H Club programs are vital educational opportunities for the city's youth and an important link to the city's rural way of life.
  - (c) The city council has determined that the typical standards for receipt of a conditional use permit for domestic farm animals can be unduly burdensome for participants in FFA and 4-H programs; and
  - (d) The process for application and receipt of a CUP for domestic farm animals shall be abbreviated for educational agricultural programs:
    - (1) Definitions : Agricultural educational programs ("Ag Ed Programs") shall mean any activity organized by an accredited school system or nonprofit organization serving children. Examples of Ag Ed Programs include the Future Farmers of America (FFA) and the 4-H Club.
    - (2) Qualified applicant : Only primary or secondary school students enrolled in an, or members of, an Ag Ed Program are qualified to apply for Ag Ed Short Form approval for a CUP. To be qualified, an applicant must be precluded from boarding the applicant's livestock at the school's facility.
    - (3) Applications : Applicants for Educational Short Form Approval of a CUP for Domestic Farm Animals shall include written verification from the Ag Ed Program. The verification must be on letterhead signed by an adult supervisor of the Ag Ed Program. The verification must also attest to the fact that the livestock school's facility is full and lacks the capacity to accommodate the applicant's animal. Both the applicant's parental guardian and the owner of the property subject to the CUP must submit a letter with the application accepting financial responsibility and legal liability for the animal.
    - (4) Approvals : CUP applications submitted to the city by qualified applicants shall be reviewed by the city administrator.
    - (5) Fees : Qualified applicants are exempt from payment of any administrative fees otherwise assessed for CUPs.
    - (6) Appeals : Decisions of the city administrator may be appealed to the BOA. Petitions for appeal must be submitted to the city in writing within 20 days of the administrator's decision.
    - (7) Duration : A CUP granted through the Ag Ed Short Form process provided by this section shall expire seven months after issuance. The city administrator shall have the authority to extend the SUP [CUP] for an additional period of two months upon receipt by the city of a written application for an extension by a qualified applicant.

3.17.15. Custom cabinet and woodworking :

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- (a) The city council recognizes the value of artisanship and workmanship that is incorporated into architectural woodworking.
  - (b) The city council seeks to ensure that potential adverse externalities generated by commercial woodworking are limited and mitigated so not to cause public health problems or negatively impact neighboring properties.
  - (c) Applications for a CUP for a custom cabinet and woodworking shop must include written verification that the entity is sufficiently constructed and equipped to prevent the off-site migration of the following nuisances:
    - (1) Noise;
    - (2) Dust;
    - (3) Debris; and
    - (4) Odors.
  - (d) All outdoor storage must be fenced and screened from view from public roadways.

3.17.16. Manufactured housing : In addition to the requirements of subsections 3.17 and 3.18 of this chapter applications for a CUP for HUD-Code manufactured homes or for a manufactured housing community must comply with the city's manufactured housing ordinance.

3.17.17. Private gaming club :

- (a) The city council finds that this conditional use is generally permissible in the approved districts, but the city council seeks to ensure that potential adverse effects generated by recreational activities are responsibly managed and minimized.
- (b) In addition to meeting the standards for a conditional use permit established in this section, the applicant for a private gaming club conditional use permit must also demonstrate:
  - (1) The private gaming club shall operate no later than 10:00 p.m. on weekdays and 11:00 p.m. on weekends;
  - (2) The private gaming club shall be sufficiently constructed to prevent the off-site migration of noise; and
  - (3) The private gaming club shall not be a "gambling place" nor shall any "gambling" be conducted on the premises as both are defined by chapter 47 of the Texas Penal Code.

(Ordinance 1220.10, adopted 9/12/06; Ordinance 1350.02, § 2, adopted 3/9/10; Ordinance 1220.97, adopted 10/14/14; Ordinance 2019-41, adopted 11/12/19; Ordinance 2020-01, adopted 1/14/20)

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### 3.18. Manufactured housing (MH).

3.18.1. Description : The MH, manufactured housing district is intended to provide for single-family residential development in accordance with the manufactured housing ordinance.

3.18.2. Permitted uses : Those uses listed for the MH district or any less intense residential district on the zoning use charts as "P" or "C" in Appendix C are authorized uses permitted by right or conditionally permitted uses, respectively.

3.18.3. Height regulations :

- (a) Main building(s) : Maximum one story, or 20 feet for the main building or house, whichever is less.
- (b) Accessory building(s) : Maximum 20 feet for other accessory buildings, including a detached garage ~~or accessory dwelling units.~~
- (c) Other : Refer to section 5, Development Standards and Use Regulations for other regulations.

3.18.4. Area regulations :

- (a) Size of lots :
  - (1) Minimum lot area: 10,000 square feet for lots with public sanitary sewer; 0.75 acres with OSSF.
  - (2) Minimum lot width: 70 feet.
  - (3) Minimum lot depth: 100 feet.
- (b) Size of yards :
  - (1) Minimum front yard: Minimum 20 feet.
  - (2) Minimum side yard: Minimum 15 feet on each side.
  - (3) Minimum rear yard: Minimum 20 feet for the main building.
- (c) Impervious cover : 50 percent.

3.18.5. Special requirements :

- (a) On-site dwellings : Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes. For definitions of these terms, look to the manufactured housing ordinance.
- (b) Open storage : Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- (c) Swimming pools : Swimming pools shall be constructed and enclosed in accordance with the city building code.
- (d) Site plan approval shall be required for any nonresidential use (such as a school, church, childcare center, private recreation facility, etc.).

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- (e) Other regulations : Refer to section 5, Development Standards and Use Regulations.
  - (f) Temporary facilities : There shall be no permanent use of temporary facilities or buildings.

(Ordinance 1350.02, §§ 3, 4, adopted 3/9/10)

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## 5.6. Parking based on use.

In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

### 5.6.1. Residential :

- (a) Single-family residential including SF-1, SF-2, SF-3 and SF-4 : Two per dwelling unit.
- (b) Single-family attached residential—Town home including SF-5 : Two per dwelling unit. All off-street parking in this district shall not face a public street; nor shall garages or spaces be permitted in any street yard.

(c) Accessory Dwelling Unit: One per accessory dwelling unit.

### ~~(e)~~(d) Multifamily residential :

- (1) Efficiency: One space.
- (2) One bedroom: One and one-half spaces.
- (3) Two bedrooms: Two spaces.
- (4) Two + bedrooms: Two and one-half spaces.

Plus an added five percent of the total number of required spaces for the development.

### 5.6.2. Commercial :

- (1) Automobile parts sales (indoors): One space per 500 square feet of indoor floor area plus one space for each 2,000 square feet of outside sales area.
- (2) Automobile sales or service: See motor vehicle sales.
- (3) Bank, savings and loan, or similar institution: One space per 200 square feet of gross floor area in addition to required stacking spaces.
- (4) Bed and breakfast facility: One space per guest room in addition to the requirements for a normal residential use.
- (5) Bowling alley or center: Six parking spaces for each alley or lane.
- (6) Bus or truck repair, storage area, or garage: One space for each 500 square feet of floor area and repair garage with a minimum of five spaces.
- (7) Business or professional office (general): One space per 300 square feet of gross floor area except as otherwise specified herein.
- (8) Carwash (self serve): One space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; Carwash (full service): One space per 150 square feet of floor area in addition to the required stacking spaces.
- (9) Church, rectory, or other place of worship: One parking space for each three seats in the main auditorium/sanctuary.
- (10) College or university: One space per three day students (based upon maximum occupancy and/or enrollment numbers).
- (11) Commercial amusement (indoor): One space per 100 square feet of gross floor area, or as follows:
  - (a) Racquetball or handball courts: Three spaces for each court.
  - (b) Indoor tennis courts: Six spaces for each court.



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- (c) Gymnasium, skating rinks, and martial arts schools: One space for each three seats at a maximum seating capacity (based upon maximum occupancy), plus one space for each 200 square feet.
  - (d) Swimming pool: One space for each 100 square feet of gross water surface and deck area.
  - (e) Weight lifting or exercise areas: One space for each 100 square feet.
  - (f) Indoor jogging or running tracks: One space for each 100 linear feet.
  - (g) Motion picture theaters (which do not include live performances): a) one space per three and one-half seats for single-screen theaters; b) one space per five seats for motion picture theaters with two or more screens.
  - (h) Amusement center: One space for each game table and one space for each amusement device.
  - (i) All areas for subsidiary uses not listed above or in other parts of this [sic]
  - (j) Section (such as restaurants, office, etc.), shall be calculated in [accordance] with the minimum specified for those individual uses.
- (12) Commercial amusement (outdoor): Ten spaces plus one space for each 500 square feet over 5,000 square feet of building and recreational area.
  - (13) Commercial use: One space per 250 square feet of floor area.
  - (14) Community center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.
  - (15) Convenience store (with gasoline pumps): One space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
  - (16) Dance/aerobics studio, or assembly/exhibition hall without fixed seats: One parking space for each 100 square feet of floor area.
  - (17) Day nursery: One space per ten pupils (based upon maximum occupancy and/or licensing capacity), plus one space per teacher, plus one space for each bus or van.
  - (18) Defensive driving school/class: One space for each classroom seat.
  - (19) Fraternity, sorority or dormitory: One parking space for each two beds on campus, and one and one-half spaces for each two beds in off-campus projects.
  - (20) Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000 square feet.
  - (21) Gasoline station: One space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
  - (22) Golf course: Four parking spaces per hole or green plus requirements for retail, office, and clubhouse areas and one space per each two employees.
  - (23) Golf driving range: One and one-half spaces for each driving tee.

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- (24) Health club, health spa or exercise club: One space per 150 square feet of floor area.
  - (25) Hospital: One space for each two beds or examination room, whichever is applicable; plus one space for every two employees during periods of full occupancy.
  - (26) Hotel or motel: One space per room plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.
    - (a) One and one-half spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
    - (b) Two spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
    - (c) One space for every two employees during peak (i.e., busiest) time periods when the hotel/motel is fully occupied.
  - (27) Industrial (light) uses: One space for each 1,000 square feet of floor area.
  - (28) Institutions of a philanthropic nature: Ten spaces plus one space for each employee.
  - (29) Learning center with one parking space for each 100 square feet of floor area.
  - (30) Library or museum: Ten spaces plus one space for every 300 square feet.
  - (31) Lodge or fraternal organization: One space per 200 square feet.
  - (32) Lumber yard/home improvement center: One space per 400 square feet display area, plus one space per 1,000 square feet of warehouse.
  - (33) Machinery or heavy equipment sales: One space per 500 square feet of gross floor area.
  - (34) Mobile home/mobile home park: Two spaces for each mobile home unit, plus visitor/supplemental parking in accordance with subsection (See also manufactured home ordinance), plus additional spaces as required herein for accessory uses.
  - (35) Manufacturing, processing or repairing: One space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater.
  - (36) Medical or dental office: One space per 200 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
  - (37) Mini-warehouse: Four spaces per establishment plus one additional space per 10,000 square feet of storage area.
  - (38) Mortuary or funeral home: One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary, whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
  - (39) Motor vehicle sales and new or used car lots: One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors), plus one parking space per service/towing vehicle to be stored on-site.
  - (40) Nursing home, convalescent home, or home for the aged: One space per six beds; plus one parking space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one space for every two employees at full occupancy.
  - (41) Office (administrative or professional): One space for each 300 square feet of floor area.
  - (42) Outdoor display: One space for each 600 square feet of open sales/display area.

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- (43) Places of public assembly not listed: One space for each three seats provided.
  - (44) Real estate office: One space for each 200 square feet.
  - (45) Restaurant, private club, nightclub, cafe or similar recreation or amusement establishment: One parking space for each 100 square feet of seating/waiting area, or one space for every three seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities.
  - (46) Retail or personal service establishment, except as otherwise specified herein: One space per 200 square feet of gross floor area in addition to any required stacking spaces for drive-through facilities.
  - (47) Retirement housing for the elderly (independent living): One and one-half spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses as defined for those uses.
  - (48) Rooming or boarding house: One parking space for each sleeping room, plus one parking space for each host resident or employee during maximum (i.e., peak) shift.
  - (49) Sanitarium or similar institution: One parking space for each six beds, plus one parking space for every two employees at maximum (i.e., peak) shift and full occupancy.
  - (50) School, elementary (grades K—6): One parking space for each 15 students (design capacity).
  - (51) School, secondary or middle (grades 7—8): One parking space for each 12 students (design capacity).
  - (52) School, high school (grades 9—12): One space for each three students, faculty and staff (design capacity).
  - (53) Storage or warehousing: One space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater.
  - (54) Telemarketing: One space for each 250 square feet of space.
  - (55) Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium): One parking space for each three seats or bench seating spaces (see section 5.1.7.B [5.7.2]).
  - (56) Truck stops: One truck parking space for each 10,000 square feet of site area plus one vehicle parking space per 200 square feet of building area.
  - (57) Veterinarian clinic: One space per 300 square feet of gross floor space.
  - (58) Warehouse or wholesale type uses: One space for 5,000 square feet of gross floor area.

5.6.3. Mercer Street Historic District parking :

- (1) Fee-in-lieu of parking spaces :
  - (a) Within the Mercer Street Historic District, (as delineated within chapter 30, Zoning, exhibit a, zoning ordinance, section 4, Overlay Districts, division 3, Historic Overlay Districts), a property owner who is unable to provide the required number of parking spaces for a non-residential uses may request to pay a fee in-lieu to the City of Dripping Springs Downtown Parking Fund for each parking space that is not provided, if the request for reduced parking meets the criteria contained herein. Payments to the fund will be on a per unprovided parking space basis as set out in appendix A, fee schedule, of the city's Code of Ordinances. Payments to the downtown parking fund will be used for the sole purpose of constructing, maintaining, and improving public parking on public property within the Mercer Street Historic District, or in an area adjacent to the Mercer Street Historic District, including but not limited to on-street parking, public parking lots, and public parking garages.

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- (b) When an existing building is: (1) converted to another use; or (2) has the gross floor area within the existing building perimeter enlarged, rehabilitated, or remodeled, without enlarging the building perimeter/footprint/gross floor area, then the building conversion or improvement shall not require additional off-street parking, so long as the existing off-street parking spaces utilized by said building are maintained.
  - (c) For new commercial/retail buildings or expanded building gross floor area within the Mercer Street Historic District boundary, the expanded building area shall provide 75 percent of the off-street parking requirements as listed in the parking based on use within the zoning ordinance. An expansion of a patio to allow for additional outdoor seating shall not constitute an increase in gross floor area, or as expanding the footprint of the existing structure, and shall not be required to provide additional parking.
  - (d) If a structure is completely demolished, and where a new building is constructed, then the property owner shall only be required to provide additional parking for the increase in overall gross floor area created by the new construction.
  - (e) Where additional parking is required, then the applicant/property owner shall provide a detailed plan demonstrating how the site meets the city's parking standards, as amended herein for the Mercer Street Historic District, or pay the fee-in-lieu, as adopted in accordance with appendix A, fee schedule, for the necessary number of parking spaces to serve the site. The fee is required to be paid prior to site plan approval, or prior to certificate of occupancy issuance, whichever comes first.
  - (f) Residential and hotel type uses shall not be eligible to pay the fee-in-lieu, nor are they allowed the reduced off-street parking requirements unless the city administrator approves the fee-in-lieu based on the site and requested use. The city administrator may require a parking study, engineering studies, or other applicable information in order to determine whether the fee-in-lieu should be approved prior to approving the applicants request for fee-in-lieu for residential/hotel type uses.
  - (g) With the exception of approved special exceptions related to the location of parking described in section 5.7.8 below, no new parking special exceptions, alternative parking plans, or joint-use agreements shall be granted within the Mercer Street Historic District, all properties shall comply with the amended parking requirements found herein, either by providing the required number of spaces, paying the fee-in-lieu as outlined in appendix A, fee schedule, or a combination of the two. Nothing in this subsection shall affect existing parking special exceptions, alternative parking plans, or joint-use agreements.
  - (h) Any parking special exceptions, alternative parking plans, or joint-use agreements that were approved prior to the adoption of this ordinance shall be required to comply with all requirements set forth by the Board of Adjustment or other body at the time the request was approved.

(Ordinance 1220.10, adopted 9/12/06; Ordinance 2020-27, adopted 6/9/20)