

**DISCUSSION ON AMENDING
SECTION 14.02.152(f)
OF THE CITY'S CODE OF ORDINANCES**

Sect. 14.02.152(f)

Planning and zoning commission consideration and report. The planning and zoning commission, after conducting a public hearing on a request to change a zoning regulation or boundary request, shall report its recommendations on the zoning said request to the city council for its consideration. In its report, the planning and zoning commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. Every proposal which is recommended favorably by the planning and zoning commission shall automatically be forwarded to the city council for public hearing and consideration. When the planning and zoning commission determines that the proposal should be denied, it shall report the same to the city council and the applicant and state the reason(s) for the denial to City Council and applicant. A hearing before the city council shall be set on an application recommended for denial only when an appeal is filed by the applicant with the city administrator or his or her designated administrative official, provided the appeal is requested within 15 days of the planning and zoning commission's decision. to either approve or deny the request and shall state the reason for its recommendation. Should the recommendation be to deny the request, an affirmative vote of at least three-fourths of all of the City Council members is required to overrule said recommendation.

City Attorney Lowry indicated the above Section of the City's Code of Ordinances needs to be amended to come into conformance with Chapter 211 Municipal Zoning Authority of the Texas Local Government Code (TLGC). The appeal process triggered by a Planning and Zoning Commission denial of a request to change a zoning regulation or boundary isn't included in Chapter 211. Section 211.006(f) of the TLGC does include the following option for giving more weight to a decision by the P&Z to deny a request: *The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.*

The proposed change to Section 14.02.153(f) of the City's Code of Ordinance, as red-lined above, removes the appeal process, but adds the requirement that a three-fourths vote of the City Council is required to overrule a P&Z recommendation to deny a change to zoning regulations or boundaries.

Definitions:

For the purpose of this Ordinance, certain words and term are hereby defined, not all Schedule of Uses are defined, but the Use Type should be self-explanatory. If a Use Type is not defined , then no deviation from the exact wording of the Type is allowed without permission by Planning & Zoning or City Council. Words used in the singular shall include the plural and the plural include the singular, the word "shall" is mandatory and not discretionary, the word "building" shall include the word "Structure", the word "lot" shall include the word "plot", and the term "used for" shall include the meaning "designed for" or "intended for. " Such words and terms are as follows:

1. Accessory building or use: One which: a. Is subordinate to and serves a principal building or building use; and b. Is subordinate in area, extent, or purpose to the principal building or principal use served; and c. Contributes to the comfort, convenience, and necessity of occupancy of the principal building or principal use served; and Is located on the same building lot as the principal use served.
Airport or landing field, Heliport, and aircraft hanger
Ambulance Dispatch Station
Ammonia Manufacturing
Amusement, commercial (indoor): An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.
Amusement, commercial (indoor): An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.
Animal Shelter
Apartment/Apartment Building: (A building that contains) room or suite of rooms indented, designed or occupied as a home, residence by a single family, individual or group of individuals living together as a single housekeeping unit
Apparel, Garment & Textile Manufacturing
Appliance Manufacturing
Arcade: A public place of business where 50% or more of the gross sales are derived from amusement machines. The term "amusement machine" shall mean every machine of any kind of character whatsoever, when the machine is capable of use or operation for amusement, other than for the purpose of vending merchandise, music, or a service such as telephone service, laundry service and the like. Included in the description of amusement machines are video games, pinball machines, miniature sports machines, and all other machines which designed for challenge, entertainment or pleasure.
Artificial Limb Manufacturing
Asphalt Batching Plant: A facility, permanent or temporary, which mixes asphalt or cement with various aggregates and water in large quantities for transport elsewhere.
Assisted Living Facility, Nursing Home, or Rest Home: A private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease, or injury.
Athletic Field or Stadium: land or a building that allows community members and organized sporting events and teams to practice and play various sports. Also allows other civic, community,

athletic, educational, cultural, and commercial activities to take place on property.
Athletic Fitness Club:
Auction House: a firm that conducts the public sale of property in which properties, animals, or items of merchandise are sold to the highest bidder.
Auditorium or Amphitheater: <u>An open</u> , partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.
Auto & Motorcycle Sales Lot: An open area or lot used for the display or sale of automobiles or motorcycles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or motorcycles for sale or keeping of used car parts or junk on the premises.
Auto Inspection Station
Auto Paint and Body Shop: <u>an establishment</u> for the repair and/or painting of motor vehicle bodies but does not include facilities for the sale of fuels, lubricants, or automotive accessories, or for mechanical or electrical repairs.
Auto parts sales (indoor): Auto parts store means a retail establishment that sells new automobile parts, tires, and accessories. May also install minor parts.
Auto Repair Garage: <u>Automotive Repair Shop</u> means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539. Exceptions do apply for SIC codes 5013, 5014, and 5541. For SIC code 5013, if the business has no outside storage of any recycled oil or other hazardous substances, it is not included. For SIC code 5014, if the business does not engage in any repair work, it is not included. For SIC code 5541, if the business does not engage in any onsite repair work, it is not included.
AUTOMATED TELLER MACHINES: <u>Automated Teller Machines (ATM):</u> <u>machines that</u> dispense currency prompted by a customer's own credit or debit card that are not affixed to any gaming device and are not considered gaming devices.
Automobile, trailer, light truck, tool rental: Auto, Light Truck, Tool Rental: A facility where automobiles, light weight trucks, speciality tools can be rented for short term use upon agreement of payment terms.
Bakeries (Wholesale/Commercial): Bakeries (Wholesale/Commercial): establishment that is primarily engaged in the manufacture, for sale at wholesale or retail, of fresh or frozen bread, bread-type rolls, or dry bakery products, including biscuits, crackers, or cookies, in which the products are made using yeast leavening.
Bakery or Confectionery (Retail): <u>means an</u> establishment or any part of an establishment that manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, or other similar products, or candy, including but not limited to chocolate confectionery or sugar confectionery
Bank or Financial Institution
Bed & Breakfast Accommodation (Residential Home): A property with an existing structure as of December 1, 1993, that is designed for and occupied as a one-family residence providing overnight accommodations to transient guests. The structure serves as the primary residence or homestead of its owner-operator with the bed and breakfast home considered to be an accessory use and not the primary use of the property. The person who owns the property must also be the operator of the establishment.
Bleach Manufacturing
Boarding (rooming) house: A dwelling with at least one common exterior entrance where separate sleeping rooms are available for rent for a period of seven consecutive days or

longer to persons for compensation, pursuant to previous arrangements, and excluding hotels or motels. The owner, agent or rental manager may or may not reside within the dwelling.
Boat Sales
boat storage
Bookbinding and publishing
bottling plant
Bowling Alley
box manufacturing
Brewery/Microbrewery: premises where beer is manufactured and includes every place therein where beer is stored or wherefrom it is issued. A Brewery is a larger manufacturer producing packaged and key products for mass distribution across a region or the nation. Typically would produce several hundred truckloads daily. A microbrewery is a smaller enterprise where product is served onsite or for a local distribution.
Brick & Tile Manufacturing
Building Materials Sales, Lumber Yard or Monument Sales: A business which stocks building materials, such as fencing, wire, bricks, cement and lumber, for use in building construction and landscaping.
Bus Stop: An open location where buses may stop for a short duration for passengers to embark or disembark from the bus
Bus Terminal: premises for the storage or parking of buses or the loading or unloading of passengers, excluding public transportation service offered by a public entity.
BUS/TRUCK PARKING OR STORAGE
Cabinet/Carpentry Shop: A building and/or premises used for the design and construction of cabinets, shelves and similar structures for subsequent sales, installation and use in homes, businesses and offices.
Cabins or two-four unit cabins
Cable TV Lines
canning operation
Car Wash: A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.
Carnival or circus (temporary): A Circus is an event that can be held outdoors or in a large area where people perform for a crowd and may include animals as part of their act. A Carnival usually has amusement rides and various vender stalls selling a wide variety of products and entertaining shows.
Carpentry Shop
carpet manufacturing
Cemetery or Mausoleum

Chemical Storage or Manufacturing
Child Care Center or facility: A facility that provides care or supervision for children who are not related by blood, marriage or adoption to the owner or operator of the facility for less than 24 hours a day for more than 12 children under the age of 14, whether or not the facility is operated for profit or charges for the services it offers.
Child Day Care (Home): facility, sometimes referred to as a registered family home, that regularly provides care in the caretaker's own residence for not more than 6 children under the age of 14 years, excluding the caretaker's own children. When more than 6 children are kept in the home, it shall be considered as either a group day care home or child care center. Must comply with all city, state and federal laws.
Chlorine Manufacturing:
Christmas Tree Sales
Church, rectory, or other places of worship including church operated day-care facilities, and pres-schools
CIVIC AND SOCIAL ORGANIZATIONS: A society or association organized for the pursuit of some common objective by working together in a brotherly union
Cleaning plant (Laundry)
Cold Storage Plant
College, University or Professional Schools
Community Center: A building used primarily for the social or recreational activities serving the city, neighborhood or apartment complex.
Community Garden: A shared garden space managed by a public or nonprofit organization, a neighborhood association, person or group of individuals in the community, to grow plants and harvest food or ornamental crops for use by those cultivating the land and their households.
Concrete Batching Plant
Concrete Product Casting Plant
Condominium: See definition of townhouse
CONTRACTOR YARD OUTSIDE STORAGE
Convalescence Center: Any building or structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age. Must meet all state qualifications for this type of facility. This definition does not include any facility that is used for the rehabilitation of persons from drug, alcohol or similar type substance addictions.
Country Club: : An area of land containing either a golf course or tennis courts, or both, and a clubhouse and which is available to members only. Country clubs may contain adjunct facilities such as private club, dining room, swimming pool, and other similar recreational or service facilities.
Creosote Manufacturing
Day-Care (Commercial)

Distillation Plant
Distribution - General (BB)
Distribution - General Class B Wholesaler (X)
Distribution - Wholesale's (W)
Distribution Center - Large
Distribution Center - Small
Dormitories
Drug and Alcohol Rehabilitation Center
Electrical generating plant/SUBSTATIONS
Electrical Sales & Service
Employment Agency
Envelope Manufacturing
Event Center/Rental Hall
Exterminator
Fairgrounds or Rodeo
Farm Implement Sales
Farmers Market/Produce Stand
Feed Store (No animal sales)
Feed store with animal sales
Fertilizer Manufacturing
Fiberglass Manufacturing
Fire Station
Firewood Sales
Fireworks Manufacturing
Flea Market (inside)
Flea Market (outside)
Food Bank
Food Processing
Foundry
Four family dwelling
Fraternal Organizations, lodge, civic club
Freight Terminal, Motor

Freight Terminal, Train
Funeral Homes and Mortuaries
Furniture Manufacturing
Furrier
Game Hall
Garage or lot, parking (Commercial)
Garage or lot, parking (Private)
Garage or lot, parking (Public)
Gas Line (6in or larger)
Gas regulating/gate station
Glass Manufacturing
Glue Manufacturing
Go-Cart Track
Golf , miniature
Golf Course (Private)
Golf Course (Public)
Golf Driving Range
GOVERNMENT FACILITIES
Granary or Gin
GREASE TRAP & DRAIN VACUUM SERVICE
Group day care home
Group home/Community Home
Guest house or quarters
Gun Shooting Range (indoor)
Gunsmith Shop
Gypsum Manufacturing
Halfway house
Hatchery (poultry), egg farm, feed lot
Heating/AC sales & service
Heavy Equipment Sales
Heavy Machinery sales and storage
Heliport

Home Occupation (Home Based Business)
Hospital
Hotel, Motel, or Inn
Ice Cream Plant/Ice Plant/Creamery
incinerators
Independent Living Facility (Retirement Community)
Industrialized housing
Insecticide, Pesticide Processing
JUNK YARD/SALVAGE YARD
Laboratories (Medical, dental, science)
LANDSCAPING SERVICES
Lawnmower, Lawn Equipment, Small Motors Sales & Service
Light Fabrication Plant
Lithographic Shop
Livestock Auction
Local Utility line or utility distribution lines, telephone exchange (no garage or shop)
Locksmith Shop
Machine Shop
Manufactured home
Manufactured Home Park
Manufactured Homes Sales Lot, Mobil Home Sales & Display
Manufacturers - Brewers (BW)
Manufacturers - Distiller & Rectifiers (D)
Manufacturers - Winery (G)
Marble Manufacturing
Massage Establishment
MATERIAL RECYCLING CENTER
Mattress Manufacturing
Meat Processing Plant
metal casting, foundry or fabrication plant
metal stamping, dyeing, shearing or punching
Microwave Tower/Telecommunication Antenna/Telecommunication Tower and Stealth Telecommunication Tower

Mimeograph or letter shop
Mini-Warehouse
Mining, Quarrying, Dredging or Excavation
Mobil Food Vendor
MOBILE COLLECTION & REDEMPTION CENTER
Monument Works
Motor freight terminal
Movie Theater (Indoor)
Movie Theater (Outdoor)
Package Store - offsite consumption (P)
Park or Playground (Public)
Pawnshops
Personal Services - Spa, Tanning, Massage Therapy, Permanent Makeup, Beauty, & Barber Shop
Pet grooming shop
Pickle Ball/Racquet Ball/Tennis Court (private)
Pickle Ball/Racquet Ball/Tennis Court (public)
Plant Nurseries
Plastic Product Manufacturing
Playfield or stadium (Public)
Playfield or stadium (Public)
plumbing sales & service
Police Station
pool or billiard hall
portable building or shed sales lot
Post Office
Pottery Manufacturing
Poultry Processing Plant
Print Center - Commercial
PRISON, JAIL OR OTHER CORRECTIONAL INSTITUTION
Private Club (N)
Private Club Exemption (NE)
Private Club Malt & Wine Only (NB)

Private Street Development
Probation or Parole Office
Professional - title and abstract office
Professional Office - Field Office or Real Estate Sales Office
Professional Offices - General
Professional Offices - Insurance, Lawyer, Title Company, Business Office
Professional Offices - Medical, Dental, Science, Clinic
Professional Offices - Optical Clinic or Office
Psychic/Paranormal Readings
Public building (shop or yard)
Racing: Animal, Automotive, other
Radio & Television Tower
Radio or TV broadcast studio
Radio Transmitting Station
Railroad Freight Terminal
Railroad team truck
Railroad track or right-of-way
Railroad Yard
Ranch, Farm, Orchard or Truck Garden
Recreational Area (Private)
Recreational Area (Public)
Recreational vehicle
Recreational vehicle sales
recreational vehicle storage
Recycling Collection Facility
Refuse Transfer Station
Religious Camp
Rendering Plant
restaurant kiosk
restaurant or café (inside)
Restaurant or cafeteria (carry-out only)
Restaurant or cafeteria (drive-in/thru service)

Retail Dealers - On Premise (BE)
Retail - Dealers - Off Premise (BF)
Retail - Mixed Beverage (MB) on premise
RETAIL - Wine & Malt Bev Retailers (BG) On and Off Premise
Retail - Wine & Malt Bev Retailers (BQ) Off Premise
Retirement center
Rock Crushing Plant
Salvage Yard
Sanatorium
Service station or motor vehicle fuel sales
Sewage treatment plant
Sewer Lift Station
Sexually oriented business
Sheet Metal Shop
Shipping containers for residential use
Shop Large - Other (3000sqft more or chains)
Shop, Large Retail - Furniture
Shop, Large Retail - Groceries
Shop, Large Retail - Pet store, kennel, animal boarding (Outside Runs)
Shop, Small - Bait Shop
Shop, Small - Butcher
Shop, Small - Hardware (paint, plumbing and related sales)
Shop, Small - Jewelry
Shop, Small - Laundry or dry-cleaning
Shop, Small Retail - Antique, Art
Shop, Small Retail - Appliance Repair
Shop, Small Retail - Bicycle Sales & Repair
Shop, Small Retail - Dry Cleaning, Laundry and pressing
Shop, Small Retail - Florist or Plant Center
Shop, Small Retail - Framing, Art
Shop, Small Retail - Groceries
Shop, Small Retail - Handcrafted Furniture

Shop, Small Retail - Homegoods Rental Store
Shop, Small Retail - Leather Goods, Tack
Shop, Small Retail - Pet store, kennel, animal boarding (no outside runs)
Shop, Small Retail - Seamstress, Tailor
Shop, Small Retail - Sign Shop
Shop, Small Retail - Smoke, Tobacco, Vape
Shop, Small Retail - Sporting Goods
Shop, Small Retail - Thrift, Second Hand, Consignment
Shop, Small Retail - Tool & Equipment Rental
Shop, Small Retail - Video
shopping center or mall
Short Term Rental (Airbnb & VRBO)
Short Term Rental Accommodation
Single family dwelling
skating rink
Smelter Plant
snow cone stand
Stable, commercial
Stable, private
stockyards or slaughterhouse
storage, non accessory outside
Store, Large Retail - All Types
Store, Small Retail - Appliance
Store, Small Retail - Art Supply, Office Supplies, Newsstand, Books, Camera
Store, Small Retail - Audio, TV, Electronics, Computers
Store, Small Retail - Carpet, Flooring
Store, Small Retail - Clothing, Apparel, Shoes, Accessories
Store, Small Retail - Department or Discount
Store, Small Retail - Drug Store or Pharmacy
Store, Small Retail - General Store or Convenience Store
Store, Small Retail - Gift or Novelty Shop
Store, Small Retail - Hobby

Store, Small Retail - Other
Studio, Small Retail - Photography Studio, Recording Studio, Music, Art, Health, etc
Swimming pool /hot tub, tennis, etc (public)
Swimming pool /hot tub, tennis,etc (Private)
Tattoo Parlor or Body Piercing
Taxi or Shuttle Service Business Office with Parking
taxidermist
Telephone Poles & Lines
Temporary Construction Office
Textile & Apparel Manufacturing
Three family dwelling
Tire recapping
tire sales & repair
Townhouse
Trailer camp or park
Travel Agent
TRUCK DRIVING SCHOOLS
Truck Fueling Station
Truck sales, storage, or repair
Truck Stop
truck wash
Two family dwelling
UNDERGROUND BULK STORAGE
Upholstery Shop
Utility business office
Utility mains and lines
Utility shop or yard
Utility substation or regulation station
Veterinarian (no outside runs)
Veterinarian (outside runs)
veterinary hospital
VINEYARD

washeteria (self service)
Water pump station
Water storage tank
Water treatment plant
Water well
Wholesale establishments
WILDLIFE AREA
Wine Only Package Store (Q)
YOUTH CAMPS

NOTES TO SCHEDULE OF USES:

- (1) ALLOWED WITH MINI-WAREHOUSE ONLY
- (2) HOME OCCUPATIONS ARE PERMITTED WHEN IN ACCORDANCE WITH SECTION 14.02.103. HOME OCCUPATIONS NOT SPECIFICALLY PERMITTED IN SECTION 14.02.103 MAY BE PERMITTED ONLY WITH A SPECIFIC USE PERMIT. HOME OCCUPANTATIONS DO NOT ALLOW FOR CUSTOMER VISITATIONS OR 2 OR MORE EMPLOYEES WORKING FROM THE HOME.
- (3) ALLOWED FOR A PERIOD OF ONE YEAR OR UNTIL THE DEVELOPMENT IS SOLD OUT, WHICHEVER IS LONGER
- (4) NOT ALLOWED IN THE CONFINES OF THE GLEN ROSE HISTORIC DISTRICT OR WITHIN 500 FEET OF ANY HISTORICAL PROPERTY, SCHOOL, PARK OR DAY CARE FACILITY.
- (5) RESIDENTIAL LIVING QUARTERS ARE ALLOWED AS MIXED USE WITHIN THE SAME BUILDING AS THE COMMERCIAL USE PROVIDED IT REPRESENTS NO MORE THAN 50% OF THE TOTAL FLOOR AREA OF THE DEVELOPMENT AND MUST NOT BE STOREFRONT OR FIRST FLOOR (IF A SECOND FLOOR IS AVAILABLE). THIS IS FOR BUSINESS OWNERS OR BUSINESS MANAGERS RESIDENCE ONLY. NO PARKING OF RECREATIONAL VEHICLES OF ANY KIND WILL BE AUTHORIZED. UP TO TWO (2) PERSONAL TRANSPORTATION VEHICLES WILL BE ALLOWED IN THE EXISTING DOWNTOWN PARKING.
- (6) RESIDENTIAL LIVING QUARTERS ARE ALLOWED AS MIXED USE IN A DIFFERENT BUILDING IF THE PROPERTY HAS MORE THAN 3 BUILDING ON PREMISE AND IS OVER 3 ACRES IN TOTAL PLAT. THIS IS FOR BUSINESS OWNERS OR BUSINESS MANAGERS RESIDENCE ONLY. THIS RESIDENCE MAY NOT BE RENTED TO ANY PERSONS NOT AFFILIATED AS MANAGEMENT IN THE BUSINESS.
- (7) ALLOWED ONLY WITHIN A BEAUTY SALON / SPA (FULL SERVICE) PROVIDING A MINIMUM OF TWO (2) OF THE SERVICE CATEGORIES LISTED UNDER ITS DEFINITION, FOR A MINIMUM TOTAL OF THREE (3) SERVICES ARE OFFERED.
- (8) KIOSK IS PERMITTED FOR A LIMITED TIME PERIOD NOT TO EXCEED 30 DAYS WITH PROPERTY OWNER PERMISSION. THIS IS FOR WALK UP TRAFFIC ONLY AND DRIVE THRU IS NOT PERMITTED. ALL STATE, CITY, COUNTY HEALTH, FIRE, SAFETY REGULATIONS MUST BE MET ALONG WITH ALL PERMITS REQUIRED.
- (9) ALCOHOL SALES ARE PERMITTED
 - a. The measurement of the distance between the place where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line across intersection, or as otherwise permitted by state law.
 - b. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - i. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

- ii. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(10) Recreational Vehicle Storage is permitted in the back yard of a private single family home for an unlimited amount of time. This is for storage purposes only and may not be connected to sewer or water lines or in use for housing for any length of time while in storage. It is recommended that the RV be stored on a non-porous surface and should follow the accessory building setbacks per Ordinance _____. The Recreational Vehicle may be used in for loading and unloading or short-term parking in the driveway for no more than 72 hours.

(11) Private Street Development may occur in community developments that request it with their preliminary and final plats and must be approved by City Council. The development must maintain reserves to provide all utility and street maintenance required, no city funds will be available for street or utility repairs. The city retains the right to provide law enforcement within the community.