

## Section 14.01.008 – Definitions

*Child care center* (~~intermediate~~) means a facility other than the residence of the director, owner, or operator of the facility (~~including nonresidential structures~~) which provides custodial care and supervision for less than 24 hours a day to children under 14 years of age ~~for between seven and 12 children~~, excluding foster and group homes. ~~The facility must contain a minimum 150 square feet of floor area for each child.~~

- Rationale: We have 2 definitions for Child Care Center; (intermediate) and (large) with them being substantially similar except (intermediate) limited the operation to between 7 and 12 children. They we both permitted in the same zoning districts so having have 2 types of Child Care Centers was not necessary. This modification removes (intermediate) and renames (large) to just Child Care Center and removes the limits on the number of children. Those numbers are governed by State licensing requirements.

*Community Garden* means a single piece of land gardened and maintained collectively by a group of people. Community gardens utilize either individual or shared plots on private or public and while producing fruit, vegetables, and/or plants grown for their attractive appearance.

- Rationale: A resident had expressed an interest in starting a community garden, but our code did not provide a clear way to do that. This adds the definition and its use if further refined in later sections.

*Florist* means an establishment for the sale of flowers, ornamental plants and related supplies.

*Garden Center* means a retail operation where plants are propagated and grown to a desired age and sold to the general public along with related products. This use excludes wholesale production and distribution.

- Rationale: The addition of Florist and Garden Center go together. Our previous references to Florist in our code was a hybrid of a florist shop and a garden center depending on the zone it was located in. In Neighborhood Business and Light Commercial greenhouses were prohibited, while they were permitted in Medium and Heavy Commercial so essentially only a “florist” would locate in NB and C-1, while a florist similar to a garden center could locate in C-2 and C-3. This modification clarifies what a Florist is vs what a Garden Center as well as further refining those uses in later sections.

*Privacy fence* means a construction, ~~not considered a structure~~, which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height. ~~Fences placed in or over any easement or right-of-way shall be considered a structure.~~

- This change in the Privacy Fence better aligns the definition with our Subdivision Code that stipulates structures are not permitted in easements or rights-of-way unless they are necessary for the function of the easement or ROW so this change clarifies that a fence in an easement or ROW is a structure.

## Section 14.02.005 – Residential Land Use Table

(a) Land uses identified in Tables (b) and (c) with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a use is not listed or classification is otherwise required, the Development Services Director shall classify the use.

1. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
2. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in Section 14.02.006 of this Division.
3. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Chapter.
4. Uses Permitted with Conditions and authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted when authorized by a Specific Use Permit and have specific conditions provided in Section 14.02.006, unless modified by the Specific Use Permit.

Change 14.02.005(a) to 14.02.005(b)

Change 14.02.005(b) to 14.02.005(c)

- Rationale: Section (a) clarifies what the letter designations in our Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

Child Care Center (small) “C/S” in A, SF-E, SF-1, SF-2, TF, TH

- Rationale: Child Care Center (small) is a home-based daycare. It previously was only mentioned in the definitions section, so this adds it to the list of non-residential uses in residential districts. The requirements to operate one and the need for a specific use permit are unchanged.

Community Garden “C” in A, SF-E, SF-1, SF-2, TF, TH

- This adds Community Gardens as a permitted with conditions use to certain residential districts. The conditions are added in a later section. This would allow residents or an HOA to establish a community garden in their neighborhood without having to rezone the property.

**Section 14.02.006 Residential land use conditions table**

Agriculture – add Sales of agricultural products are prohibited from the property except sales in compliance with Texas Health and Safety Code Chapter 437

- This adds to the existing conditions for an agricultural operation on residential zoned property that sales of the products are prohibited unless allowed by State law. That State law reference is for Cottage Foods like baked goods that don't require time and temperature controls and can be manufactured and sold from a home-based business.

Child Care Center (small) - Maximum 6 children at any one time, including the operator's natural or adopted children under the age of 14, Minimum 150 square feet of floor area for each child, excluding storage areas, bathrooms, and other areas as determined by the director of development services

- This adds the conditions under which a home-based daycare be established (a specific use permit would also be required, and that SUP could modify these conditions).

Community Garden – Limited to 1 acre, Not permitted on a property with a dwelling unit, Sales of agricultural products are prohibited except from property zoned Agricultural

- This adds the conditions to a Community Garden that is established in a residential zoning district.

#### **Section 14.02.007 Residential Development Standards**

TH – Interior side setback: 0' attached, ~~15' detached~~ 10' detached

Exterior side setback to residential (4): ~~10'-0'~~ attached, 5' detached, ~~25'-15'~~ common lot

Rear setback to residential (4): 20', (15') common lot

Rear setback to non-residential (4): 25', (15') common lot

Maximum dwelling units: 1/single lot, 12/acre (common lot)

Maximum units per structure: 1 single lot, 6 (common lot)

MF-1: Front setback: 20', (15')

Streetside setback: 15', (15')

- Rationale: The setback standards for Townhome district, interior and exterior side, were incorrect and would not have produced the intended product. This clarifies and allows for the types of Townhome developments typically constructed. The Maximum Dwelling Units were also clarified to include that if single lots are platted that only 1 dwelling unit is allowed per lot and the Maximum units per structure is 1 on a single and 6 on a common lot.
- The modifications to MF-15 add streetscape yards (landscaping requirements)

#### **Section 14.02.017 – Non-Residential and Mixed-Use District Land Use Table**

- (a) Land uses identified in Tables (b) and (c) with the following designations shall be interpreted according to the provisions herein. If there is no designation found for a particular use in a specific zoning district, that use is not allowed within that zoning district. In the event that a

use is not listed or classification is otherwise required, the Development Services Director shall classify the use.

1. Permitted Uses: Uses noted with a “P” are permitted by right within the given district, provided that all other requirements applicable to the use within each section are met.
2. Uses Permitted with Conditions: Uses noted with a “C” are permitted by right within the given district provided that specific conditions are met. Specific conditions applicable to these certain uses are provided in Section 14.02.018 of this Division.
3. Uses Requiring a Specific Use Permit: Uses noted with an “S” require consideration of impacts associated with a particular location for the proposed use, in addition to the standards that otherwise apply to the use under this Chapter.
4. Uses Permitted with Conditions and authorized by a Specific Use Permit: Uses noted with a “C/S” are permitted when authorized by a Specific Use Permit and have specific conditions provided in Section 14.02.018, unless modified by the Specific Use Permit.

Change 14.02.017(a) to 14.02.017(b)

Change 14.02.017(b) to 14.02.017(c)

- Rationale: Section (a) clarifies what the letter designations in our Non-Residential Land Use Table mean; P = permitted, C = conditions, and S = specific use permit required. The current sections (a) and (b) are changed to (b) and (c).

### **Section 14.02.017(b) Non-Residential Uses in Non-Residential and Mixed-Use Zoning Districts**

Child Care Center (large) is replaced with Child Care Center

Community Garden “C” in OS, I-1, I-2, NB, DB, C-1

Game Rooms “C/S” in C-1, C-2, C-3, ~~IN-2~~

Pawnshop ~~“C/S”~~ “C” in C-2, C-3, IN-1

Pet Store “C” in NB, DB, C-1, C-2, C-3.

Semi-permanent food establishment “C” in C-1, C-2, C-3

- Rationale:
  - Child Care Center (large) name is just replaced with Child Care Center.
  - Community Garden is added a permitted use with conditions in Open Space, Institutional (small), Institutional (large), Neighborhood Business, Downtown Business, and Light Commercial. Conditions are added in a later section
  - Game Rooms are clarified to match what is in the Game Rooms Ordinance so they are permitted with conditions and specific use permits in Light Commercial but removed as a use in Light Industrial
  - Pawnshops used to required a specific use permit as well as have conditions on the use but State law does not allow a city to require a Pawnshops to have to

obtain specific use permits. The conditions on the use remain, like distance from other pawnshops, schools, and churches.

- Pet Stores were a defined use but not included in the list of permitted uses, so this adds them in Neighborhood Business, Downtown Business, Light, Medium and Heavy Commercial. Conditions on the use are added in a later section.
- Semi-permanent food establishments (food trucks) were not included in the list of permitted uses so this adds them in Light, Medium, and Heavy Commercial. Conditions on the use are added in a later section.

**Section 14.02.018 Non-Residential and Mixed-Use District Conditions.**

Light Commercial (C-1)	<ul style="list-style-type: none"> <li><del>● Uses be conducted entirely within an enclosed building except for delivery, gasoline sales, dining and patio areas associated with a restaurant, food and beverage sale use, and mobile food vendors.</del></li> <li>● Uses be conducted entirely within an enclosed building except for customary outdoor uses, as approved by the Development Services Director, on an area that is improved with concrete, asphalt, or another all-weather surface. All sales of merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors</li> </ul>
	<ul style="list-style-type: none"> <li>● Outdoor displays must be in accordance with section 14.02.049</li> </ul>
	<ul style="list-style-type: none"> <li>● Merchandise be new, first-hand and sold on premises, except for antique shops</li> </ul>
	<ul style="list-style-type: none"> <li>● Establishments located on property that is within 300 feet of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 12:00 a.m., except for commercial uses located on US Hwy 290.</li> </ul>

- Rationale: This change removes the strict requirements for what uses are allowed to have outdoor components and allows the Director of Development Services to determine the appropriateness. This change was mostly driven by the addition of Garden Centers as a permitted with conditions use in Light Commercial and the normal operations of that use include outdoor display/storage of plants and associated materials so rather than continually add what uses can have outdoor uses this change allows the Director to determine the appropriateness.

**Section 14.02.019 Non-residential and mixed-use land use conditions**

Community Garden – Limited to 1 acre, Can be a principle or accessory use, Sales of agricultural products are prohibited except from property with a temporary food establishment permit under Section 14.02.048(a)(1) or Section 14.02.048(a)(6)

Florist – ~~In neighborhood business (NB), downtown business (DB), and light commercial (C-1) greenhouses are prohibited, The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area, Stacked materials do not exceed the height of a screening fence, Where permitted, greenhouses are placed to the rear of the property.~~

Garden Center - The area containing accessory materials or products, e.g. soil, mulch, sod, fertilizers, etc. is screened from view of adjacent rights-of-way and properties by a fenced enclosure, Stacked materials do not exceed the height of a screen fence.

Pet Store – Sales of any animal, domestic or otherwise, requires a Commercial Sales Permit under Section 2.03.006

Semi-permanent food establishment – see Article 4.03 Peddlers, Solicitors, Food Vendors, Special Events and Outdoor Sales

- Rationale: These are the conditions on the uses that were added or modified in the previous sections in Non-residential districts.
  - Community Gardens allow the sale of agricultural products when a temporary use permit is granted for the sale of seasonal products or a farmers market permit.
  - Florist conditions are modified to just exclude greenhouses
  - Garden Center – the conditions that used to be on florists are moved to Garden Centers, but not the provision about where greenhouses are located
  - Pet Stores – added so concurrence with our Animal Control ordinance is adhered to
  - Semi-permanent food establishment – added so concurrence with our Vendor/Peddler ordinance is adhered to

### **Section 14.02.049(c) – Outdoor Storage and Display**

(c) *Outdoor Display.* Outdoor display is the display of items actively for sale and shall adhere to the following standards:

(1) Outdoor display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane.

(2) Outdoor display shall not extend into public right-of-way or onto adjacent property and must be kept within 15 feet of the principle structure. This distance requirement does not apply to [vehicle rental or garden centers](#).

(3) Outdoor display shall be displayed in a neat and orderly manner and maintained in a clean, litter free manner.

(4) Outdoor display may not be located on the roof of any structure.

(5) The outdoor display area shall not exceed ten percent of the square footage of the principle structure or 500 square feet, whichever is less with the following exceptions:

(A) Outdoor home accessory sales are exempt from this requirement

(B) Passenger vehicle rental. Outdoor display of passenger vehicles for rent is exempt from this requirement. This does not include vehicles used for moving.

(C) Moving vehicle rental. Rental of vehicles used for moving goods, personal or commercial, are limited to a maximum of eight parking spaces.

(D) Garden Centers are exempt from this requirement.

(6) All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located outdoors.

(7) The maximum height of merchandise shall not exceed four feet except for vehicle rental and garden centers where retail plants can be displayed above four feet.

(8) Outdoor display is not required to be screened except accessory materials or products, e.g. soil, mulch, sod, fertilizers, etc. associated with a garden center.

(9) Automotive parts and accessories shall not remain outdoors for more than 12 consecutive hours or will otherwise be required to follow the standards for outdoor storage.

- Rationale: This changes to the outdoor display and storage are meant to allow for Garden Center uses in the ways they traditionally operate their businesses with much of the product being in outdoor or partially covered areas.

#### **Section 14.02.061(b)(1) Single Family Detached and Two-Family**

(D) The principle dwelling shall have at least a fully enclosed two car garage. The garage may be attached or detached.

(i) New housing development must avoid front elevations resulting in a streetscape dominated by the sight of garage doors.

(ii) ~~A front-loading garage, or the area including the garage door and four feet around the garage door, whichever is wider, may occupy no more than 50 percent of the house linear frontage, and may protrude no more than six feet from the longest front wall.~~ A front-loading garage, or the area including the garage door and four feet around the garage door, may protrude no more than six feet from the longest front wall.

(iii) A front-loading garage, or the area including the garage door and four feet around the garage door, whichever is wider, may occupy no more than 65 percent

of the house linear frontage. Garage door areas that occupy 50 percent or less shall include one element from the following list. Garage door areas that occupy between 51 percent and 65 percent shall contain at least three elements from the following list.

- a. Integrated trim or banding around the garage door
  - b. Garage door relief detailing, including windows
  - c. Decorative hardware including hinges and handles
  - d. Single garage doors with a minimum 10” separation
  - e. Architectural roof above the garage
  - f. Other elements as approved by the Building Official
- Rationale: Garage door percentages had been capped at 50% to limit the visual impact of garage doors on the streetscape. This amendment allows them to go up to 65% but adds architectural elements; 1 if the garage door percentage is 50% or lower and 3 elements if it's 51% - 65% and provides a list of elements. This provides more flexibility in design while maintain the intent of the code.

#### **Section 14.05.002(b)(8) Procedures**

~~(8) Expiration. If development equal to at least 25 percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least 50 percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a planned unit development tract or lot within two years after the date of approval, such approval shall expire; and may only be renewed after application is made therefor, notice is given and public hearings are held by the commission and city council to evaluate the appropriateness of the previously authorized planned development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.~~

#### **(b)(8) – Reserved**

- Rationale: Our zoning procedures for a Planned Unit Development (PUD) had included a section on the PUD zoning expiring after it had been approved by P&Z and Council but before plats or improvements had been constructed. Zoning entitlements cannot expire once approved so this section has been completely removed.