

City of Tomball

Unified Development Code

Public Hearings Draft | November 2025

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Article 1. General Provisions

1.01. Establishment

A. Title

This Unified Development Code of the City of Tomball, Texas shall be known as, and may be cited and referred to as, the "UDC".

B. Purpose

The purpose of this UDC is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the City of Tomball Comprehensive Plan, City of Tomball Parks, Recreation, and Trails System Master Plan, Tomball Livable Center Downtown Plan, and all other City-adopted plans and policies.

C. Authority

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically [Chapter 211](#) and [Chapter 212](#) of the Texas Local Government Code. These regulations are the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare.

D. Effective Date

The effective date of this UDC shall be **[Effective Date To Be Inserted Following Adoption]**.

E. Design Manual and Other Technical Resources

This UDC references a Design Manual that is maintained separately from this UDC. This UDC also references several other technical resources that apply within the City and ETJ, including (but not limited to) the City's Comprehensive Plan, and any other federal, state, or local law or regulations. These documents may be amended by the City as needed.

F. Conflicting Provisions

1. Conflict with State or Federal Regulations

If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

2. Conflict with Other City Regulations

If the provisions of the UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

3. Conflict with Private Agreements and Covenants

The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this UDC impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the UDC govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

G. Enforcement and Violations

In accordance with [Chapter 54 of the Texas Local Government Code](#), the City is authorized to enforce this UDC and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation.

1. Violations Related to Fire Safety, Zoning, or Public Health and Sanitation

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this UDC related to fire safety, zoning, or public health and sanitation shall be fined not more than \$2,000 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

2. All Other Violations

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of all other aspects of this UDC shall be fined not more than \$500 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

H. Vested Rights Request

1. Vested Rights Request

a. Any property owner who believes that they have obtained a vested right under [Chapter 245 of the Texas Local Government Code](#) shall submit to the City Secretary a letter explaining the factual and legal bases upon which the property owner relies in their contention that they have a particular vested right and, consequently, is exempt or not subject to a particular City order, regulation, ordinance, rule, expiration date, or other properly adopted requirement (hereinafter referred to collectively as "regulations").

b. Such written submission shall include, at a minimum, the following:

- i. The name, mailing address, phone number, and email address of the property owner (or the property owner's duly authorized agent);
- ii. Identification of the property for which the property owner claims a vested right;
- iii. Identification of the "project," as that term is defined in [Chapter 245 \(Sec. 245.001 \(3\)\) of the Texas Local Government Code](#);
- iv. Identification of the original application for the first permit in the series of permits required for the project, as described in [Chapter 245 \(Sec. 245.001\(1\) and 245.002\(a\) and \(b\)\) of the Texas Local Government Code](#);
- v. The date that the first permit in the series of permits required for the project was filed with the City;
- vi. A chronology of the history of the project, with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by [Chapter 245 \(Sec. 245.003\) of the Texas Local Government Code](#);
- vii. Identification of all City regulations in effect at the time the original application for the permit was filed that the owner contends are vested and the owner contends controls the approval, disapproval, or conditional approval of an application for a permit, pursuant to [Chapter 245 \(Sec. 245.002\(a\) and \(b\)\) of the Texas Local Government Code](#);
- viii. Identification of all City regulations that the property owner contends do not apply to the project due to the vested rights provided the property owner by [Chapter 245 of the Texas Local Government Code](#); and
- ix. Identification of all City regulations that the property owner contends would apply to the project that predate the regulations the property owner contends do not apply.

c. If a property owner contends that certain City regulations do not apply to the project, the property owner is expected to identify, with particularity, all requirements that the property owner contends do not apply.

Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the City may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

2. Vested Rights Determination

- a. The decision-maker for a vested rights determination is the same as the currently assigned decision-maker for the original application type.
- b. The City Manager and City Attorney shall also be notified of the request and shall provide a recommendation to the decision-maker.
- c. The decision-maker shall determine whether the relief requested shall be granted in whole or in part. The decision-maker's decision may be appealed in accordance with the provisions for the original application type.
- d. Prior to rendering their final determination, the decision-maker may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the claim is fully and completely understood by the decision-maker prior to a final determination being rendered.

3. Binding Determination

- a. The decision-maker's determination, if not appealed in accordance with the procedures outlined within the UDC, shall be immediately filed in the City's files related to the project and the determination shall be considered binding upon the City and the property owner for the duration of the project.
- b. Notwithstanding the binding nature of the City's final determination, the City and the property owner may, at any time, enter into a development agreement that, to the extent authorized by law, modifies the final determination and the applicable development regulations to be applied to the project.

I. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this UDC shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this UDC as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1.02. Approval Entities

A. City Council

1. Establishment

The Tomball City Charter within the Code of Ordinances establishes the provisions governing the City Council in [Article VI. The Tomball City Council](#).

2. Responsibilities

Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the City Council's major responsibilities within the UDC.

B. Planning and Zoning Commission

1. Establishment

The Tomball Code of Ordinances establishes the standards governing the Planning and Zoning Commission within [Article X \(Municipal Planning\), Sec. 10.01 of the City Charter](#).

2. Responsibilities

Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the Planning and Zoning Commission's major responsibilities within the UDC.

3. Powers and Duties

- a. The Planning and Zoning Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the state authorizing and granting cities the power of zoning and subdivision regulation as found in [Chapter 211](#) and [Chapter 212](#) of the Texas Local Government Code.
- b. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and other planning-related matters. The Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Commission shall also serve in an advisory capacity on any planning related items in the City and perform other duties as provided for by the City Charter.

4. Created; Membership; Officers; Rules and Bylaws

- a. There is created, in accordance with [Chapter 211 of the Texas Local Government Code](#), the Planning and Zoning Commission, hereafter sometimes referred to as the commission, which shall consist of five people residing within the City limits.
- b. Planning and Zoning Commission members shall be appointed by the City Council.
- c. All appointments to the Planning and Zoning Commission shall serve as a member of the Commission for a term of office of three years. Members may be reappointed with no limitation on the number of terms one member may serve. Upon adoption of the ordinance from which this UDC is derived, the City Council appoints the City Planning Commission members to serve as the Planning and Zoning Commission.
- d. Any vacancies on the Commission shall be filled via appointment by a simple majority vote of the City Council.
- e. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the

member's control, such as sickness of the member or someone within the member's immediate family, or if the Commission or the City Council approves the absences as excused. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.

- f. The members of the Planning and Zoning Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the City Council. If there have been no applications filed for review by the Commission, the Commission shall notify the chairperson and no meeting shall be required for that month.
 - g. The Planning and Zoning Commission shall elect a chairperson and a vice-chairperson from among the Commission membership, and each officer shall hold office for one year or until replaced by a simple majority vote of the full commission. The City Manager's designee shall serve as secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.
 - h. The Planning and Zoning Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:
 - i. Regular and special meetings, open to the public;
 - ii. A record of its proceedings, to be open for inspection by the public;
 - iii. Reporting to the City Council and the public, from time to time and annually; and
 - iv. Reviewing the comprehensive plan on a regular basis.
5. Parliamentary Procedure; Quorum; Voting

The Planning and Zoning Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

- a. Quorum

A quorum shall consist of a majority of the membership of the Planning and Zoning Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
 - b. Voting

All Planning and Zoning Commission members, including the chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.
 - c. Conflict of Interest

If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove themselves from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists. Refer to [Chapter 171 of the Texas Local Government Code](#), and any applicable City ethics policies or regulations.
6. Meetings; Public Record
- a. The Planning and Zoning Commission shall meet in the municipal building or in some other specified location as may be designated by the presiding chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month, except as described in 4.f above.
 - b. Meetings shall be conducted in accordance with the Open Meetings Law (refer to [Chapter 551 of the Texas Local Government Code](#)).

7. Procedure on Zoning Hearings

The procedure and process for zoning changes or amendments shall be in accordance with 2.02.B. Zoning Text or Map Amendments (Rezoning)..

8. Joint Meetings with the City Council

Whenever the City Council and the Planning and Zoning Commission are required by the laws of the state to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

C. Board of Adjustments

1. Creation

There is hereby created a Board of Adjustments, hereafter sometimes referred to as the Board, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of making Special Exceptions and Zoning Variances to the terms of **Article 2. Zoning Regulations** that are consistent with the general purpose and intent of this UDC. The Board shall be composed of members who are resident citizens of the City.

2. Responsibilities

Figure 1.02-1. Summary of Major Roles and Responsibilities provides a summary of the Board of Adjustments' major responsibilities within the UDC.

3. Members; Terms of Office

- a. The Board of Adjustments shall consist of five regular members, who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with [Sec. 211.008](#) through [Sec. 211.011](#) of the Texas Local Government Code.
- b. The City Council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular Board of Adjustments members on an alternating basis such that all alternate members have equal opportunities to serve on the Board. The Community Development Director shall determine which alternate will serve if an alternate is needed.
- c. Regular Board of Adjustments members and alternate members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs (e.g., in any two-year period, the terms of two regular members and at least one alternate member shall expire during one of those years, and the terms of three regular members and at least one alternate member shall expire during the second year).
- d. Any vacancies on the Board of Adjustments (both regular and alternate members) shall be filled for the unexpired terms via appointment by a simple majority vote of the full City Council for the remainder of the terms.
- e. Members of the Board of Adjustments may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. Absences may be excused by the Board or by the City Council.
- f. The members of the Board of Adjustments (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board.
- g. The Board of Adjustments shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as secretary to the Board, and shall keep minutes of all meetings held by the Board. The secretary shall also set up and maintain a separate file for each application for

hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the post office. All records and files provided for in this subsection shall be official records of the City. The secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the Building Official of each decision rendered by the Board in the conduct of its duties.

- h. The Board of Adjustments shall have the power to make the rules, regulations, and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council and the provisions of this section. The Board's rules, regulations and bylaws shall be subject to approval by City Council.
4. Meetings

Meetings of the Board of Adjustments shall be held at the call of the chairperson or Community Development Director and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings. Four members of the Board shall constitute a quorum for the conduct of business.
 5. Authority
 - a. The Board of Adjustments shall have the authority, subject to the standards established in [Chapter 211 \(Sec. 221.008 through 211.011\) of the Texas Local Government Code](#) and those established in this section, to exercise powers and to perform duties including the following:
 - i. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of **Article 2. Zoning Regulations**;
 - ii. Authorize, in specific cases, a Zoning Variance or Special Exception (see **2.02.I. Zoning Variances** and **2.02.J. Special Exceptions**) from the terms of **Article 2. Zoning Regulations** if the Zoning Variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the regulations would result in unnecessary hardship, and so that the spirit of **Article 2. Zoning Regulations** is observed and substantial justice is done; and
 - iii. Make interpretations on zoning district boundaries shown on the zoning map where uncertainty exists because physical features on the ground differ from those on the zoning map or where the rules in **2.03 Zoning Districts** do not apply or are ambiguous.
 - iv. Make determinations related nonconformities, as outlined in **2.01.E. Nonconformities**.
 - b. In exercising its authority under **1.02.C.5 Authority**, the Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the City Manager or their designee.
 - c. The concurring vote of at least four members of the Board of Adjustments is necessary to:
 - i. Reverse a zoning-related order, requirement, decision or determination of an administrative official (see **2.02.L. Zoning Appeals**);
 - ii. Decide in favor of an applicant on a matter on which the Board is required to review under this UDC;
 - iii. Authorize a Zoning Variance from a provision of **Article 2. Zoning Regulations** (see **2.02.I. Zoning Variances**); or
 - iv. Hear and decide Special Exceptions to a provision of **Article 2. Zoning Regulations** (see **2.02.J. Special Exceptions**).
 6. Limitations on Authority
 - a. The Board of Adjustments may not grant a Zoning Variance or Special Exception authorizing a use other than those permitted in the district for which the Zoning Variance or Special Exception is sought, except as specifically provided for in **Article 2. Zoning Regulations**.

- b. The Board of Adjustments shall have no power to grant or modify conditional use provisions authorized under **2.04. Permitted Uses and Use-Based Standards**.
 - c. The Board of Adjustments shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any Zoning Variances or Special Exceptions with respect to the subject property until final disposition of the zoning amendment by the Planning and Zoning Commission and the City Council.
 - d. The Board of Adjustments shall not grant a Zoning Variance or Special Exception for any parcel of property or portion thereof upon which a required site plan (refer to **2.02.G. Site Plans**) or any plat is pending review. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board.
7. Procedures
- a. Review and Report by the City
The Community Development Director shall visit the site where the proposed Zoning Variance or Special Exception will apply and the surrounding area, and shall report their findings to the Board of Adjustments.
 - b. Notice and Public Hearing
The Board of Adjustments shall hold a public hearing for consideration of the Zoning Variance or Special Exception request no later than 60 calendar days after the date the application for action, or an appeal, is filed. Notice shall be published in the official local newspaper before the 15th calendar day prior to the public hearing. Written notice of the public hearing for a Zoning Variance or Special Exception shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the 10th calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
 - c. Action by the Board of Adjustments
The Board of Adjustments shall not grant a Zoning Variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in **2.02.I. Zoning Variances** or **2.02.J. Special Exceptions** have been satisfied. The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance or Special Exception as are necessary to protect the public health, safety, convenience, and welfare. Violation of any such condition, limitation, or safeguard shall constitute a violation of this UDC.
 - d. Burden of Proof
The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance, a Special Exception, an appeal, or any other action in their favor by the Board of Adjustments.
 - e. Waiting Period
No appeal to the Board of Adjustments for the same or a related Zoning Variance or Special Exception on the same piece of property shall be allowed for a waiting period of 180 calendar days following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the 180 calendar day waiting period, been changed or acted upon by the Board or the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a Zoning Variance or Special Exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent Zoning Variance or Special Exception request. Any subsequent Zoning Variance or Special Exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

f. Timeliness of Application for Building Permit or Certificate of Occupancy

Upon a favorable Board of Adjustments action on a Zoning Variance or Special Exception request, the applicant shall apply for a Building Permit or a Certificate of Occupancy, as applicable to their particular situation, within 180 calendar days following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a Building Permit or Certificate of Occupancy, as applicable, within the 180-calendar-day timeframe, then the Zoning Variance or Special Exception shall be deemed to have expired, and all rights thereunder shall be terminated. Such termination shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as specified in this UDC for the original Zoning Variance or Special Exception request.

8. Finality of Decisions; Judicial Review; Final and Binding; Petition

All decisions of the Board of Adjustments are final and binding and may not be appealed to the City Council. However, any person aggrieved by a decision of the Board may present a verified petition to a court of appropriate jurisdiction that states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within 10 calendar days after the date the Board's decision is filed in the office of the secretary to the Board. Subject to the provisions of [Sec. 211.011 of the Texas Local Government Code](#), only a court with appropriate jurisdiction may reverse, affirm or modify a decision of the Board.

D. Summary of Approval Authorities

Figure 1.02-1. Summary of Major Roles and Responsibilities provides an overview of the primary approval responsibilities outlined in this UDC.

Figure 1.02-1. Summary of Major Roles and Responsibilities						
Section	Application/Plan Type	City Council	Planning and Zoning Commission	Board of Adjustments	Community Development Director	Other
Zoning-Related						
2.02.B	Zoning Map Amendments (Rezoning)	Decide*	Recommend*		Recommend	
2.02.C	Determining Zoning Upon Annexation	Decide*	Recommend*		Recommend	
2.02.D	Planned Developments (PD) Concept Plan	Decide*	Recommend*		Recommend	
2.02.E	Conditional Use Permits (CUPs) Concept Plan	Decide*	Recommend*		Recommend	
2.02.G	Site Plans				Decide**	
2.02.H	Building Permits and Certificates of Occupancy					Building Official Decision
2.02.I	Zoning Variances			Decide*	Recommend	
2.02.J	Special Exceptions			Decide*	Recommend	
2.02.K	Alternative Compliance				Decide	
2.02.L	Appeal of Zoning-Related Administrative Decisions			Decide*		
Subdivision-Related						
3.02.C	Preliminary Plat				Decide***	
3.02.D	Final Plat				Decide***	
3.02.E	Plat Vacations					Manner of Original Plat Approval
3.02.F	Right-of-Way Abandonment	Decide			Recommend	
3.02.H	Subdivision Waiver		Decide		Recommend	City Engineer Recommendation
3.03.B	Approval of Construction Plans					City Engineer Decision
3.03.C	Acceptance of Public Improvements					City Engineer Decision
Other						
1.03.D	UDC Amendments	Decide*	Recommend*		Recommend	

*Indicates a public hearing is required.

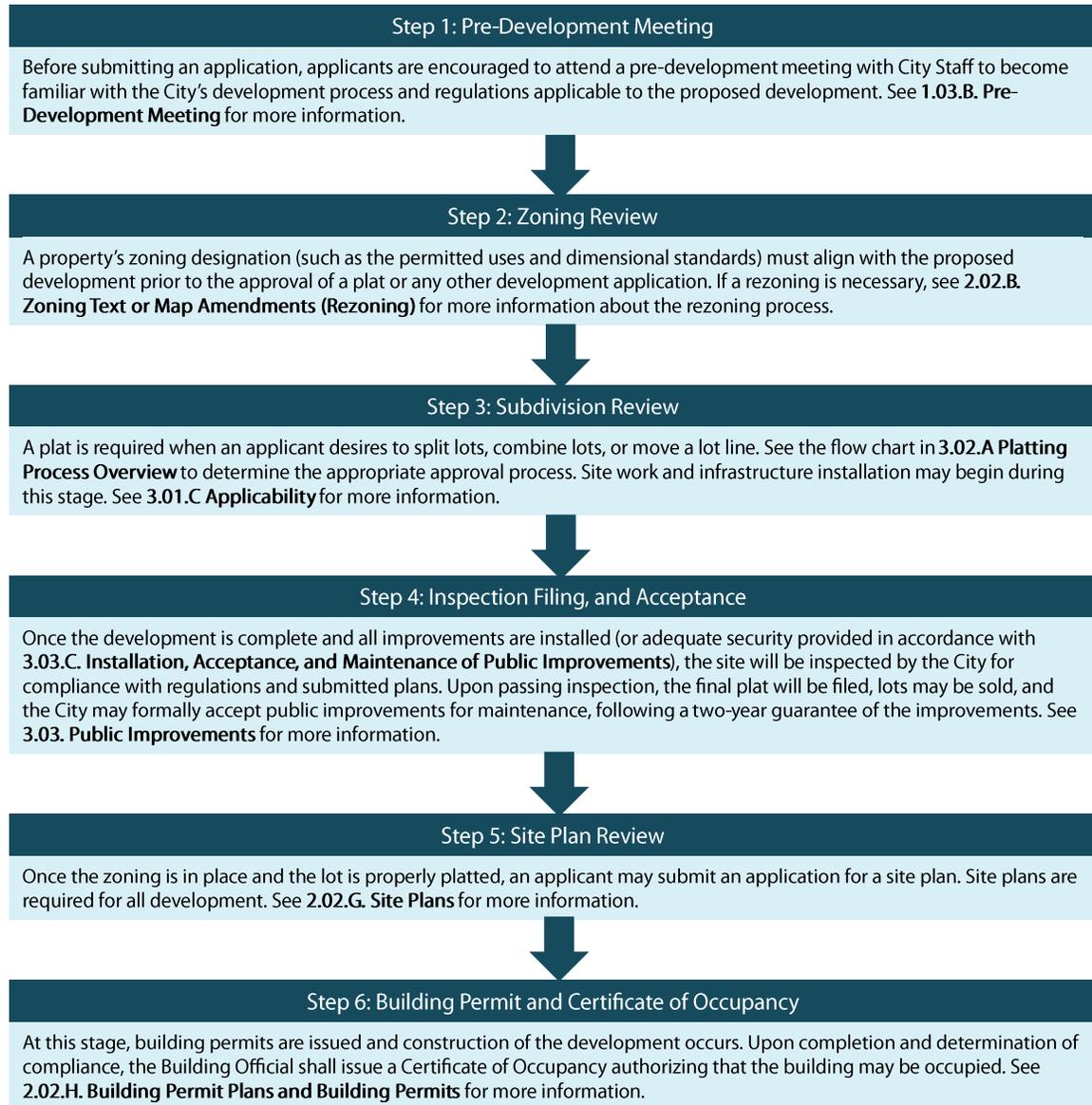
**Site Plan appeals are decided by the Planning and Zoning Commission.

***In accordance with **3.02.B. Plat Approval Authority**, any plat that requires a Subdivision Waiver must be approved by the Planning and Zoning Commission. The Director may also defer approval of a plat to the Commission for any reason.

1.03. Universal Procedures and Provisions

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections for more information.



B. Pre-Development Meeting

1. Purpose

- a. The pre-development meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.
- b. The pre-development meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.
- c. This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

- a. Prior to formal application for approval of any required plan, the applicant may wish to consult with the Community Development Director, the Building Official, the City Engineer, and any other pertinent City officials in order to become familiar with the City's development regulations and the development process.
- b. At the pre-development meeting, the developer may be represented by their land planner, engineer, surveyor, or other qualified professional.
- c. If such a meeting is desired, then the applicant shall sign a form or submit a letter stating the conference shall not establish vesting of property rights.
- d. The applicant is encouraged to bring any relevant site development information, such as a site plan, plat, or other documents to the meeting.

C. Application Processing

1. Initiation of Application

a. Initiation by Owner or Owner's Agent

- i. Unless provided by this UDC, an application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.
- ii. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.
- iii. The decision-maker may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

b. Initiation by City Manager

The City Manager can initiate any application authorized under this UDC.

2. Application Requirements

a. Application Contents

- i. The City is authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes. All application forms are available from the Community Development Department and/or on the City's website.
- ii. Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.
- iii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

- b. Application Fees
 - i. The City Council shall adopt a Fee Schedule, which may be amended from time to time for the purpose of recovering the administrative costs associated with development requests.
 - ii. Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
 - iii. Unless waived by City Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.
 - c. Applications shall be submitted to the Community Development Department, in accordance with the instructions indicated on the City's website.
3. Official Filing Date, Completeness of Application, and Expiration of Application

The following shall apply to any application (e.g., concept plan, building permit plan, site plan, plat) submitted in accordance with this UDC:

- a. Official Filing Date

The time period established by state law or this UDC for processing or deciding an application shall commence on the official filing date. The official filing date is the date that a complete application is received by the City.
- b. Determination of Completeness

Every plan application shall be subject to a Determination of Completeness within 10 business days by the Community Development Director for processing the application.

 - i. No required plan application shall be accepted by the Community Development Director for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC.
 - ii. The incompleteness of the plan application shall be grounds for denial of the application.
 - iii. A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.
 - iv. A Determination of Completeness shall be made by the Community Development Director in writing and delivered to the applicant no later than the 10th business day after the official filing date that the required plan application is submitted to the City.
 - (a) The applicant shall be notified within that 10-business-day period of the Determination of Completeness.
 - (b) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by this UDC.
 - (c) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **c. Expiration of Application** below) if the documents or other information is not provided.
 - (d) A required plan application shall be deemed complete on the 11th business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.
- c. Expiration of Application

The required plan application shall expire on the 45th calendar day after the date the application is filed if:

 - i. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the required plan application;

- ii. The City provides to the applicant, not later than the 10th business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
- iii. The applicant fails to provide the specified documents or other information within the time provided in the notification. If the required plan application is not completed by the 45th calendar day after the application is submitted to the responsible official, the required plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications.

d. Resubmittal

If the required plan application is resubmitted after a notification of incompleteness, the timeframe for a Determination of Completeness described in **1.03.C.3.b.iv** above shall begin on the date of the resubmittal of the required plan application.

4. Payment of All Indebtedness Attributable to the Subject Property

- a. No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations.
- b. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc., have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

D. Amendments to this UDC

1. Petitions for Amendments

- a. Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this UDC's text.
- b. The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose amendments for the City Council's consideration.

2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall provide a recommendation regarding proposed UDC amendments following a recommendation by the Community Development Director and a public hearing held in accordance with **2.02.B.3 Notice of a Public Hearing**.

3. City Council Decision

Following Planning and Zoning Commission recommendation, the City Council shall decide on proposed UDC amendments following a public hearing held in accordance with the City Clerk's typical time frames and processes.

4. Zoning Map Amendments

Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with [Chapter 211 of the Texas Local Government Code](#). See **2.02.B. Zoning Text or Map Amendments (Rezoning)** for more information.

E. Plan or Permit Validity and Expiration

1. Generally

- a. A Concept Plan, Site Plan, or Building Permit Plan shall be considered a "permit" as described in Texas Local Government Code Sec. 245.005.
- b. Any approved plan or permit shall be deemed expired two years from the date on which the plan or permit was originally approved if no progress has been made toward completion of the project.

2. Progress Benchmarks

The term "progress" shall be as defined based on Texas Local Government Code Sec. 245.005 as follows:

- a. Plans for construction and an application for a Building Permit for at least one of the buildings on the approved plan or permit are submitted within two years following approval of the plan or permit;
- b. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
- c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- d. Fiscal security is posted with the City to ensure the performance of an obligation required by the City; or
- e. Utility connection fees or impact fees for the project have been paid to the City.

3. Expiration

If one of the items listed in **1.03.E.2. Progress Benchmarks** above is not accomplished within the two-year period, then the approved plan or permit shall expire and shall become null and void.

4. Extension and Reinstatement Procedure
 - a. Prior to the lapse of approval for a plan or permit, the applicant may petition the City (in writing) to extend the plan or permit approval.
 - b. Such petition shall be granted approval or denial by the Community Development Director.
 - c. If no petition is submitted, then the plan or permit shall be deemed to have expired and shall become null and void. Any new request for plan or permit approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
 - d. In determining whether to grant a request for extension, the Community Development Director shall take into account:
 - i. The reasons for the lapse;
 - ii. The ability of the property owner to comply with any conditions attached to the original approval; and
 - iii. The extent to which development regulations would apply to the plan or permit at that point in time.

Article 2. Zoning Regulations

2.01. Zoning General Provisions

A. Title

These regulations of the City of Tomball, Texas, shall be known as and may be cited as the Zoning Regulations or Zoning Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 211, the zoning regulations and districts as established in this article have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals, and general welfare of the City. They have been designed to:

1. Lessen the congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Ensure adequate light and air;
4. Prevent the overcrowding of land and thus avoid undue concentration of population; and
5. Facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements.

They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

C. Applicability

This article shall apply to all land, buildings, structures, and appurtenances located within the City of Tomball.

D. Compliance Required

1. All land, buildings, structures or appurtenances thereon located within the City, which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per **1.01.G. Enforcement and Violations**. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
2. No uses shall be allowed that are prohibited by state or federal law or that operate in excess of state or federal environmental, pollution, or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission of Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency.
3. No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards, and/or open spaces shall be smaller than those required by this article, nor shall a part of a yard or other open space required by this article for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
4. Unless otherwise provided herein, no building shall hereafter be erected or altered:
 - a. To have narrower or smaller front, side, or rear yards than those required by this article;
 - b. To exceed the maximum height allowed by this article;

- c. To occupy a greater percentage of lot area than allowed by this article; or
- d. To accommodate or house a greater number of families than is specified within this article for the zoning district in which such building is located.

E. Nonconformities

1. Purpose

The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulations – also referred to as "legally nonconforming". While the regulations herein are intended to reasonably accommodate these nonconformities as they exist at the time of this UDC's effective date, the regulations also seek to reduce or eliminate these nonconformities over time.

2. Applicability

These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place. The provisions included in this section do not apply to illegal nonconformities.

3. Nonconforming Uses

- a. A legal nonconforming use is any lawful use of property that was allowed by the regulations in place at the time of its creation, but that does not conform to the regulations prescribed in **Section 2.04. Permitted Uses and Use-Based Standards**. For manufactured home parks, see **Section 2.05.G. Manufactured Homes/Recreational Vehicles**.
- b. A nonconforming use may remain, provided the footprint of the nonconforming use is not expanded. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive use.
 - i. A use is considered more restrictive if it reduces the intensity of the use, is more compatible with adjacent land uses, or decreases negative impacts.
 - ii. In the event that a nonconforming use of a building is changed to a nonconforming use of a higher or more restrictive zoning classification, it shall not later be reverted to a use in the former lower or less restrictive zoning classification.
- c. The right of a nonconforming use to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustments, be reasonably required for the protection of adjacent property.
- d. If a structure that is unintentionally totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established with specific authorization by the Board of Adjustments.
- e. If a nonconforming use is abandoned (see **2.01.E.6** below), any future use of the premises shall be in conformity with the provisions of this section, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed.
- f. Nonconforming Use of Land without a Structure
 - i. If there are no buildings or structures on the property associated with the nonconforming use, said use shall be discontinued within two (2) years from the effective date of these regulations, unless the Board of Adjustment declares the use legally nonconforming.
 - ii. A nonconforming use shall not be expanded or moved in whole or in part to any other portion of the lot or parcel on which it is located.
 - iii. No structure shall be erected in connection with said nonconforming use of land.

4. Nonconforming Lots
 - a. A legal nonconforming lot is a lot that does not meet the current dimensional requirements established in **Article 2. Zoning Regulations**.
 - b. Legally nonconforming lots are deemed conforming and may be developed. The Board of Adjustments may grant a Zoning Variance to modify dimensional and other development standards as needed to reasonably accommodate development.
5. Nonconforming Structures
 - a. A legal nonconforming structure is a structure that no longer meets the current dimensional requirements, building design requirements, or other requirements regarding the building.
 - b. A nonconforming structure may continue to be occupied and may be enlarged, repaired, or altered, provided such does not create an additional nonconformity or increase the degree of existing nonconformity.
 - c. If 50 percent or more of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the provisions of this UDC.
 - d. If less than 50 percent of the improvement's appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but any previously existing nonconformities shall not be increased or expanded, and provided that such reconstruction is completed within one year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Board of Adjustments.
 - e. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the provisions of this section.
 - f. Nothing in this section shall be construed to prohibit the upgrading, strengthening, repair, or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds 50 percent of the structure's appraised value, as determined by the County Appraisal District.
6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land
 - a. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this article, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.
 - b. A nonconforming use or structure shall be deemed abandoned in the following circumstances:
 - i. The use ceases to operate for a continuous period of 180 calendar days;
 - (a) Normal cessation of a use or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction shall not be included in calculating the period of discontinuance.
 - ii. The structure remains vacant for a continuous period of 180 calendar days with all or some of the utilities disconnected, or if utility payments are delinquent;
 - iii. In the case of a temporary use, the use is moved from the premises for any length of time; or
 - iv. A nonconforming use or structure shall not be deemed abandoned for a period of up to one year on properties that are for sale or lease, provided the owner is actively promoting the sale or lease and there is evidence of continual use of signs, advertising, or listings.

- c. Normal cessation of a use, or temporary discontinuance for purposes of maintenance and rebuilding after damage or destruction, as provided in this section, shall not be included in calculating the period of discontinuance.
- d. If the use of any lot, tract, or property that does not have a building on it and that is used for open/outdoor storage as of the effective date of this UDC (or amendment thereto) is made nonconforming by this UDC (or amendment thereto), then such storage use shall cease within 180 calendar days following the effective date of this UDC (or amendment thereto). The lot, tract, or property shall be cleaned and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or surrounding property owners.

7. Moving of Nonconforming Structure

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to **Article 3. Subdivision Regulations** as well as any approval processes required by this section.

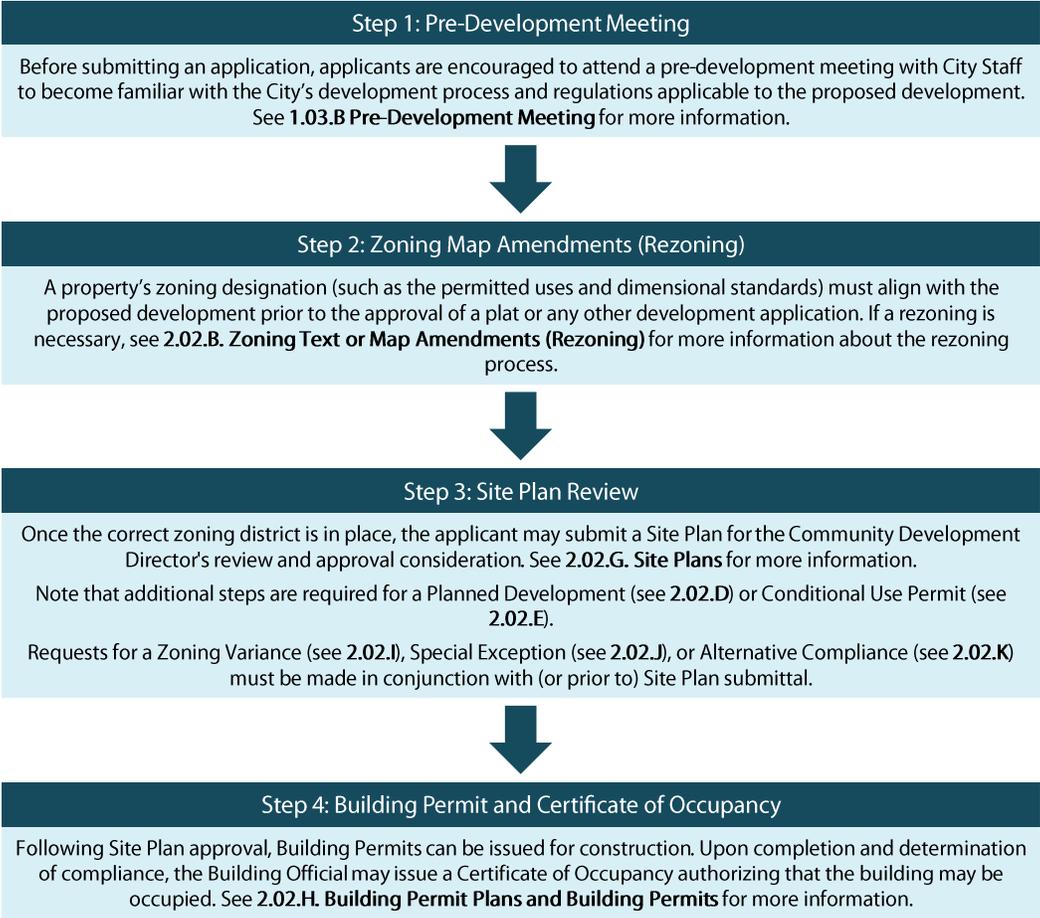
8. Right to Proceed Preserved

Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code [Chapter 43 \(Sec. 43.002\)](#) or Chapter 245 (Sec. 245.001 to Sec. 245.006).

2.02. Zoning Procedures

A. Zoning Process Overview

Figure 2.02-1. Zoning Process Overview



B. Zoning Text or Map Amendments (Rezoning)

1. Rezoning Generally

- a. The City declares the enactment of the code from which this article is derived governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in this article or in the boundaries of the zoning districts except:
 - i. To correct any error in the regulations or map;
 - ii. To recognize changed or changing conditions or circumstances in a particular locality;
 - iii. To recognize changes in technology, the style of living, or manner of conducting business; or
 - iv. To change the property to allow uses in accordance with the City's adopted comprehensive plan.

2. Application

- a. Each application for zoning, rezoning, or for a text amendment to a provision of this article shall be made in writing on an application form available in the Community Development Director's office.
- b. A complete application shall be delivered to the City at least 40 calendar days prior to the date of the public hearing before the Planning and Zoning Commission.

3. Notice of a Public Hearing

a. Public Hearing for Zoning Changes Involving a Map Amendment

For zoning and rezoning requests involving real property (including PD and CUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable state law (Texas Local Government Code Chapter 211).

i. Planning & Zoning Commission

- (a) Written notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within 300 feet of any property affected thereby, said written notice to be sent before the 10th calendar day prior to the date such hearing is held.
 - (i) Such notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
 - (ii) Alternatively, such notice may be delivered electronically in accordance with Sec. 211.020 of the Texas Local Government Code.
 - (iii) If written notice as required is not sent before the 10th calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met.
- (b) Before the 10th day before the hearing date, written notice of a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.
- (c) Not later than the 10th day before the hearing date and until City Council action, the City must post a sign on the property affected by the change; or a public right-of-way for a change initiated by the City that affects multiple properties.
 - (i) The notice sign must be at least 24 inches long by 48 inches wide.
 - (ii) Sign notice is not required for a proposed change in zoning classification that applies to the whole City.

ii. City Council

Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City and on the City's official website before the 15th calendar day prior to the date of the public hearing.

b. Public Hearing for Zoning Changes Involving Ordinance Text

For requests involving proposed changes to the text of **Article 2. Zoning Regulations**:

- i. Notice of the Planning and Zoning Commission hearing shall be posted before the meeting, in accordance with Texas Local Government Code Sec. 551.043.
- ii. Notice of the City Council hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City and on the City's official website before the 15th calendar day prior to the date of the public hearing.
- iii. Changes in the article text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require written notification to individual property owners.

c. Joint Public Hearings

The City Council may hold a joint public hearing on a zoning, rezoning, or zoning article text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission.

Notification for a joint public hearing shall be accomplished by publishing the purpose, time, and place of the joint public hearing in the official newspaper of the City before the 15th calendar day prior to the date of the public hearing. In accordance with Texas Local Government Code Sec. 211.007(d), the City Council shall prescribe any other necessary methods of notification for joint public hearings.

d. Additional Rules and Procedures Required by City Council

The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals. Knowledge of and adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

4. Additional Notice for Nonconforming Uses

Additional mailed notice may be required for zoning text or map amendments that result in the creation of a nonconforming use. See [Sec. 211.006.\(a-1\)](#) of the Texas Local Government Code for more information.

5. Failure To Appear

Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission and the City Council shall constitute sufficient grounds to table the application unless the Director is notified in writing by the applicant before notice of the hearing is posted. If the agenda item is tabled, the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

6. Criteria for Approval of a Zoning Change

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and the City as a whole;
- b. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
 - e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;
 - f. Any other factors that will substantially affect the public health, safety, morals, or general welfare; and
 - g. Whether the request is consistent with the comprehensive plan.
7. Planning and Zoning Commission Consideration and Recommendation
- a. **Accordance With Section 1.02.B. Planning and Zoning Commission**
The Planning and Zoning Commission shall function in accordance with section **1.02.B. Planning and Zoning Commission** and with applicable provisions in this UDC.
 - b. **Tabling of the Decision/Recommendation**
The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than 90 calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice to surrounding property owners shall not be required.
 - c. **Recommending Approval**
When the Planning and Zoning Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions for CUPs or PDs, or disapproval of the request. The request will then be forwarded to the City Council for public hearing (see **2.02.B.8.b** below). The Commission may recommend more restrictive uses, area requirements, restrictions, or a zoning district than was requested in the original application and included in the notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the notice be recommended.
 - d. **Recommending Denial**
If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Commission's chairperson shall inform the applicant of the right to receive reasons for the denial. The recommendation of denial will then be forwarded to the City Council for public hearing (see **2.02.B.8.b** below).
8. City Council Authority and Consideration
- a. **City Council Authority**
The City Council, after receiving a recommendation from the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or change the regulations of this article or the boundaries of the zoning districts on the zoning map.
 - b. **Applications Forwarded to the City Council**
After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in **2.02.B.8.a** above.
 - c. **City Council Action on Zoning, Rezoning, or Text Amendment Requests**
After a public hearing is held before the City Council regarding the zoning application, the City Council may:
 - i. Approve the request in whole or in part (if the City Council approves the request, then **2.02.B.8.e** below will apply);

- ii. Modify and approve the request for any more restrictive uses, area requirements, restrictions, or zoning district than was requested in the original application and included in the advertised and written notice. In no case, however, may a use, area requirement, or restriction that is considered less restrictive or a less restrictive zoning district than was requested in the original application and included in the advertised and written notice be approved;
 - iii. Deny the request;
 - iv. Table the application to a future meeting (and specifically cite the City Council meeting to which it is tabled); or
 - v. Refer the application back to the Planning and Zoning Commission for further study.
- d. Protests
- i. In accordance with Sec. 211.0061 of the TLGC, certain types of proposed zoning changes may be protested by property owners. There are two types of proposed changes identified in Sec. 211.0011 of the TLGC:
 - (a) Comprehensive Zoning Changes.

A proposed "comprehensive zoning change" means a proposal to:

 - (i) Change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts; or
 - (ii) Adopt a new zoning code or zoning map that would apply to the entire municipality; or
 - (iii) Adopt a zoning overlay district that would have the effect of allowing more residential development than allowed without the overlay and would include an area along a major roadway, highway, or transit corridor.

In accordance with Sec. 211.0061 of the TLGC, comprehensive zoning changes are not subject to protest procedures.
 - (b) Non-Comprehensive Zoning Changes.

A proposed "non-comprehensive zoning change" means a proposed change to a zoning boundary or regulation that does not meet the criteria of 3.c.i(1)-(3) above.
 - ii. A protest against a proposed non-comprehensive change to a zoning regulation or boundary, as described in (b) above must be written and signed by the owners of:
 - (a) At least 20 percent of the area of the lots or land covered by the proposed change;
 - (b) Except as provided by (c) below, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or
 - (c) At least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change:
 - (i) Has the effect of allowing more residential development than the existing zoning regulation or district boundary and
 - (ii) Does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.
 - iii. If a proposed change to a zoning regulation or boundary is protested in accordance with ii above, the proposed change must receive, in order to take effect, the affirmative vote of at least:
 - (a) Three-fourths of all members of the City Council, for a protest relating to a proposed change meeting the criteria of ii(a) or ii(b) above; or

(b) A majority of all members of the City Council for a protest relating to a proposed change meeting the criteria of **ii(c)** above.

e. Final Approval and Ordinance Adoption

Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the Community Development Director for the preparation of the amending ordinance. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the Director.

f. Resubmittal of a Zoning Application Following Denial

- i. If the City Council denies a request for a Zoning Map Amendment, no further applications for rezoning all or part of the property for 12 months from the date of the final decision unless a waiver is granted as provided below.
- ii. The applicant may request that the City Council waive the requirement stated above upon finding of changed conditions or significant new information. A City-initiated Zoning Map Amendment application shall not be limited by this waiting period.
- iii. If the waiver is granted and the applicant files a Zoning Map Amendment application before the expiration of the above waiting period, the application fee shall be 150 percent of the standard application fee.

9. Administration and Enforcement

a. Authority To Enforce the Article

The Community Development Director shall be authorized by the City Council to administer and enforce the provisions of this article. If the Community Development Director finds, upon their own personal observation, or upon receipt of a complaint, that the provisions of this article are being violated, they shall immediately investigate and, when necessary, give written notice to the persons responsible to cease or correct such violations immediately. Notice may be delivered in person or by certified mail to the violators or to any person owning, leasing, or occupying a property where the violation is occurring. The Director shall have the right to enter upon any business premises during regular business hours for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this article. The Director shall request permission from a residence owner to enter upon residential premises for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this article. If the owner of a residence refuses permission to make such inspection or if an inspection of a business is needed after hours or while not open to the public, then the City staff may work with the City Attorney to obtain a warrant or other legal authorization to make such inspections.

b. Stop Work Orders

Whenever any building or construction work is being done contrary to the provisions of this article, the Community Development Director shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, or by posting on the new construction itself and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided by this section shall constitute a violation of this Code, in accordance with **1.01.G. Enforcement and Violations**, and may incur penalties for such violation.

C. Zoning Upon Annexation

1. The Planning & Zoning Commission and City Council shall take action to assign zoning to newly annexed territory. If the proposed zoning district is not deemed appropriate, then action shall be taken to assign the Agricultural (AG) District to the annexed area.

2. Proceedings to establish zoning shall be undertaken concurrently with annexation procedures (i.e., notified at the same time, included on the same agenda, public hearings scheduled at the same time as annexation, etc.).
3. Zoning approval shall occur after approval of the annexation ordinance, and as a separate and distinct action by the Planning & Zoning Commission and City Council.
 - a. While Planning and Zoning Commission approval is not required for an annexation, the Commission's recommendation is needed to assign zoning to the annexed area. The Commission's zoning recommendation may be made prior to the annexation or at a joint meeting.

D. Planned Developments (PDs)

1. Purpose and Intent

- a. The PD Planned Development District is a zoning district and tool that accommodates planned combinations of uses, such as office parks, retail/commercial centers, or residential developments featuring a mix of housing options. These combinations can be planned, developed, or operated as integral land use units either by a single or multiple owners. PDs allow for new or innovative concepts in development not accommodated by other zoning districts. Its flexibility ensures compatibility of land uses and adapts to changing community needs, serving one or more of the following purposes:
 - i. To provide for a superior design on lots or buildings;
 - ii. To provide for increased recreation and open space opportunities for public use and enjoyment;
 - iii. To provide amenities or features that would be of special benefit to the property users or to the overall community;
 - iv. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
 - v. To protect or preserve existing historical buildings, structures, features, or places;
 - vi. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
 - vii. To meet or exceed the standards of this article.
- b. PDs are intended to promote innovative development that is consistent with the Comprehensive Plan and that otherwise cannot be accommodated by the UDC using existing mechanisms (e.g., Zoning Variances, Alternative Compliance). The PD process is not intended as a method to avoid the Code's standards.
- c. An applicant shall not be granted a deviation from the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to enhanced design, sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities, or other development features that implement the vision of the Comprehensive Plan.

2. Planned Development Creation

- a. The City Council, after a public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a PD Planned Development District in accordance with the provisions of this section and **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
- b. The granting of a PD is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
- c. The ordinance granting a PD Planned Development District shall include a statement as to the purpose and intent of the PD Planned Development District granted therein, as well as a general statement citing the reason for the PD Planned Development District request.

3. Approval Process

The review process for a planned development shall include up to three steps:

- a. Pre-development meeting with the Community Development Director (See **1.03.B. Pre-Development Meeting**);
- b. Adoption of an ordinance establishing the Planned Development District with a Concept Plan and development standards;
- c. Construction of project (after City approval of all other required plans and plats).

4. Concept Plan

An application for a PD shall be accompanied by a Concept Plan and development standards. See **2.02.F. Concept Plans** for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the PD approval process.

5. Supplemental Requirements

City staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

6. Base District Encouraged

Applicants are encouraged to select a zoning district as a base zoning district to regulate all uses and development standards not identified as being modified.

7. Permitted Uses

- a. A PD Planned Development District may be approved with any use or combination of uses allowed by this article.
- b. The uses permitted in any specific PD Planned Development District shall be enumerated in the ordinance establishing such district, along with any conditions or limitations deemed appropriate for the specified uses.

8. Area and Height Regulations

Each PD Planned Development District shall establish regulations deemed necessary and appropriate for the development of the property within the district and the protection of neighboring properties. For PDs that do not use a base district, these regulations may include, but are not limited to, the following:

- a. Front, side, and rear yard requirements;
- b. Minimum lot width, depth, and area requirements;
- c. Maximum lot coverage;
- d. Maximum building size and/or height;
- e. Landscaping, open space, and screening requirements;
- f. Off-street parking and loading requirements; and
- g. Signage requirements.

E. Conditional Use Permits (CUPs)

1. Purpose and Intent

a. Nature of Conditional Use

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 upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.

b. Permit Required

No conditional use shall be established and no Building Permit shall be issued for any use designated as a conditional use within any zoning district until a Conditional Use Permit (CUP) is approved and issued in accordance with the provisions of this section.

2. Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

- a. Only a use shown with a "C" in **2.04.A. Permitted Uses Generally** is eligible for a CUP. A use's eligibility for a CUP 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 CUP is issued.
- c. The granting of a CUP is considered a rezoning and requires notice and action in accordance with **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
- d. 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 and **2.02.B. Zoning Text or Map Amendments (Rezoning)**.
- e. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by this article, this UDC, and any permits that may be required by regional, state, or federal agencies.

3. Application for Conditional Use Permit

- a. An application for a CUP shall be accompanied by a concept plan prepared in accordance with the requirements of **2.2.5.5. Concept Plan** below.
- b. If a zoning district amendment is required or requested, such rezoning application shall accompany the application for a CUP.

4. Approval Process

The review process for a CUP shall include up to four steps:

- a. Pre-development meeting with the Community Development Director(See **1.03.B. Pre-Development Meeting**);
- b. Adoption of an ordinance granting a CUP with a Concept Plan; and
- c. Construction of project (after City approval of all required plans and plats).

5. Concept Plan

An application for a CUP shall be accompanied by a Concept Plan. See **2.02.F. Concept Plans** for the applicable requirements and approval process. The Concept Plan is reviewed and acted upon as part of the CUP approval process.

6. Standards for Approval of a CUP

a. Factors for Consideration

When considering applications for a Conditional Use Permit, the City shall, on the basis of the Concept Plan and other information submitted, 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. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted comprehensive plan.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in **2.04. Permitted Uses and Use-Based Standards**.
4. 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:
 - (a) 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;
 - (b) Off-street parking and loading areas;
 - (c) Refuse and service areas;
 - (d) Utilities with reference to location, availability, and compatibility;
 - (e) Screening and buffering features to minimize visual impacts, and/or setbacks from adjacent uses;
 - (f) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (g) Required yards and open space;
 - (h) Height and bulk of structure;
 - (i) Hours of operations;
 - (j) Building design; and
 - (k) 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.
5. 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.

b. Conditions

In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation) as are reasonably necessary to assure compliance with the standards, purpose, and intent of this section, and in accordance with the rezoning procedures in **2.02.B. Zoning Text or Map Amendments (Rezoning)**. Any conditions imposed shall be set forth in the ordinance approving the conditional use and shall be incorporated into or noted on the Concept Plan. The Community Development Director shall verify that the Concept Plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The City shall maintain a record of such approved conditional uses and related conditions attached thereto.

- c. Prohibition on Zoning Variance
 - i. The abovementioned additional conditions (i.e., standards of development for the CUP) do not require a Zoning Variance from the Board of Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the Board of Adjustments.
 - ii. The Board of Adjustments 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 Conditional Use Permit.

F. Concept Plans

1. Purpose

The purpose of a Concept Plan is to ensure that development projects comply with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

Submission and approval of a Concept Plan shall be required for all Conditional Use Permits (CUPs) and Planned Developments (PDs).

3. Building Permit and Certificate of Occupancy

a. A Concept Plan may be submitted in conjunction with a Building Permit application; however, no Building Permit shall be issued until a Concept Plan and all other required engineering/construction plans are first approved by the City.

b. No Certificate of Occupancy shall be issued until all construction and development conforms to the Concept Plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

The Concept Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Extent of Area to be Included in a Concept Plan

When the overall development project is to be developed in phases, the area included within the Concept Plan shall include only the portion of the overall property that is to be developed/constructed.

6. Procedures and Submission Requirements for Concept Plan Approval

All Concept Plans shall be prepared by a qualified civil engineer, land planner, architect, or surveyor. The Concept Plan shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Concept Plan applications.

7. Review and Approval of a Concept Plan

The approval process for a Concept Plan shall generally include review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

a. City Staff Review of Concept Plans

i. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, and the Building Official or their designees shall review the Concept Plan prior to the Concept Plan being forwarded to the Planning and Zoning Commission.

ii. Concept plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.

iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Concept Plan to the Director.

iv. The Director shall then submit the corrected plan to the Planning and Zoning Commission.

v. It should be noted that the Director shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

- b. Planning and Zoning Commission Review of Concept Plans
 - i. All Concept Plan applications shall be reviewed by the Planning and Zoning Commission.
 - ii. The Community Development Director shall schedule consideration of any concept plan application on the regular agenda of the Planning and Zoning Commission within 30 calendar days after the application is received.
 - iii. The Planning and Zoning Commission shall review the Concept Plan and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Concept Plan.
 - c. City Council Review of and Action on Concept Plans
 - i. All concept plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.
 - ii. The Community Development Director shall schedule consideration of the Concept Plan application on the regular agenda of the City Council.
 - iii. The City Council shall review the Concept Plan and shall approve, approve subject to certain conditions, or deny approval of the Concept Plan.
8. Revisions to the Approved Concept Plan
- a. Minor Revisions/Amendments
 - i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Concept Plan. In such cases, the Community Development Director shall have the authority to approve minor modifications to an approved Concept Plan. Such minor modifications shall be submitted on an amended Concept Plan, which must substantially conform to the previously approved Concept Plan.
 - ii. Submission materials and requirements for approval of an amended Concept Plan shall be as determined by the Director.
 - b. Major Revisions
 - i. In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in item a above, a revised Concept Plan must be resubmitted, reviewed, and approved by the Community Development Director. The Director shall have the authority to determine whether a revised Concept Plan warrants review and approval as outlined in this **2.02.F. Concept Plans**.
 - ii. Any proposed or existing building or land use that is newly established, enlarged, modified, structurally altered, or otherwise changed from the originally approved Concept Plan shall be deemed a major revision.
9. Concept Plan Validity and Expiration
- See **1.03.E. Plan or Permit Validity and Expiration**.

G. Site Plans

1. Purpose

The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to the commencement of construction.

2. Applicability

Submission and approval of a Site Plan shall be required for all development.

3. Building Permit and Certificate of Occupancy

- a. A Site Plan may be submitted in conjunction with a Building Permit application; however, no Building Permit shall be issued until a Site Plan, as required, and all other required engineering/plats/construction plans are first approved by the City.
- b. No Certificate of Occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City.

4. Effect of Review/Approval

The Site Plan shall be considered authorization to proceed with construction of the site provided all other required plans and City approvals are obtained (such as final plat, civil engineering plans, etc.).

5. Extent of Area That Should Be Included in a Site Plan

When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed. The Community Development Director may require a concept of the future phases to be submitted in conjunction with the Site Plan, but such plans are not part of the approval process and only to determine if the initial phases will work.

6. Procedures and Submission Requirements for Site Plan Approval

All Site Plans shall be prepared by a qualified civil engineer, land planner, architect and/or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of site plan applications.

7. Review and Approval of a Site Plan

a. City Staff Review of Site Plans

- i. Upon official submission of a complete application of a Site Plan for approval, the City shall review the application. Specifically, the Community Development Director, City Engineer, Fire Marshal, and the Building Official or their designees shall review the Site Plan for conformance to this and other adopted City ordinances. Determination of application completeness, notice to applicant of missing documents and information within 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with **1.03.C.3.c. Expiration of Application**.
- ii. Site Plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.
- iii. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site Plan to the Community Development Director.
- iv. The Community Development Director shall approve, approve with conditions, or deny the corrected plan.
- v. It should be noted that the Community Development Director shall deny the original plan application if the corrected version is not resubmitted within the prescribed time period.
- vi. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. Site Plan Appeal Process

- i. The applicant or property owner may appeal a denied Site Plan by the City staff to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Community Development Director no later than 10 calendar days after the date upon which staff denied the Site Plan.
- ii. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than 30 calendar days after the date upon which the notice of appeal was filed.
- iii. The applicant or property owner may appeal a denial of the appeal by the Planning and Zoning Commission to the City Council.
- iv. The City Council may affirm or reverse the decision of the Planning and Zoning Commission by a simple majority vote.
- v. The City Council may also, where appropriate, remand the Site Plan application back to the Planning and Zoning Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

8. Revisions to the Approved Site Plan

a. Minor Revisions/Amendments

- i. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Community Development Director, shall have the authority to approve minor modifications to an approved site plan. Such minor modifications shall be submitted on an amended Site Plan, which must substantially conform to the previously approved Site Plan.
- ii. Submission materials and requirements for approval of an amended Site Plan shall be as determined by the Director.

b. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments described above), a revised Site Plan must be resubmitted, reviewed, and approved by the Director. The Director shall have the authority to determine whether a revised Site Plan warrants review and approval as outlined in this **2.02.G. Site Plans**.

9. Site Plan Validity and Lapse

See **1.03.E. Plan or Permit Validity and Expiration**.

H. Building Permit Plans and Building Permits

1. Purpose

The purpose of a Building Permit is to ensure that development projects are in compliance with all applicable City ordinances and building codes prior to commencement of construction.

2. Applicability

- a. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Official.
- b. Building Permits are required for all structures in all zoning districts.
 - i. Exception: No Building Permit is required for construction of an accessory structure under 200 square feet in area.

3. Conformance with Regulations

- a. A Building Permit shall not be issued except in conformity with the provisions of this article, unless otherwise authorized by the Board of Adjustments in the form of a Zoning Variance or Special Exception

as provided in this article, or authorized to replace or expand a nonconforming structure in accordance with **2.01.E. Nonconformities**.

- b. A Building Permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with **Article 3. Subdivision Regulations**, all appropriate plans have been approved by the City, all applicable building codes and ordinances have been met, and all fees have been paid.
4. Building Permit Plan
- a. Building Permit Plans shall be submitted in conjunction with a Building Permit application.
 - b. If a Site Plan or Concept Plan is required, it shall be submitted and approved before issuance of a Building Permit.
 - c. Building Permit and Certificate of Occupancy
 - i. No Building Permit shall be issued until a Building Permit Plan, as required, and all other required engineering/construction plans are first approved by the City.
 - ii. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plan and engineering/construction plans, as approved by the City.
 - d. Extent of Area That Should Be Included in a Building Permit Plan

When the overall development project is to be developed in phases, the area included within the Building Permit Plan shall include only the portion of the overall property that is to be developed/constructed.
 - e. Procedures and Submission Requirements for Building Permit Plan Approval
 - i. All Building Permit Plans shall be prepared in accordance with the adopted building codes by a qualified civil engineer, land planner, architect, and/or surveyor, if required, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.).
 - ii. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.
 - f. Review and Approval of a Building Permit Plan
 - i. City Staff Review and Approval of Building Permit Plans
 - (a) Upon official submission of a Building Permit Plan and a complete application for a Building Permit, the Community Development Director, City Engineer, and the Building Official or their designees shall review the submittal. Determination of application completeness, notice in writing to the applicant of missing documents and information within 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with **1.03.C.3.c. Expiration of Application**.
 - (b) Building Permit Plans shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.
 - (c) Following City staff review, the Building Official shall approve, approve subject to certain conditions, or deny approval of the Building Permit.
 - ii. Building Permit Plan Appeal Process for Zoning Reasons
 - (a) The applicant or property owner may appeal the denial of a Building Permit Plan for not meeting the regulations contained in this article to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Building Official no later than 10 calendar days after the date upon which the Building Official denied the Building Permit. Appeals of denials of permits for not meeting the regulations contained in the adopted building codes shall be processed in accordance with the procedures contained in those codes.

- (b) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting not later than 60 calendar days after the date upon which the notice of appeal was filed.
- (c) The Planning and Zoning Commission may affirm or may change the decision of the Building Official by a simple majority vote.
- (d) The Planning and Zoning Commission may also, where appropriate, remand the Building Permit application back to the Building Official for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).

g. Revisions to the Approved Building Permit

i. Minor Revisions/Amendments

- (a) It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit. In such cases, the Building Official shall have the authority to approve minor modifications to an approved Building Permit. Such minor modifications shall be submitted on an amended Building Permit Plan, which shall substantially conform to the previously approved Building Permit Plan.
- (b) Submission materials and requirements for approval of an amended Building Permit shall be as determined by the Building Official.

ii. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in *i* above), a revised Building Permit must be resubmitted, reviewed, and approved by the Building Official. The Building Official shall have the authority to determine whether the proposed revisions constitute a minor or major revision.

h. Effect of Review/Approval

The Building Permit Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

5. Cancellation of Building Permit

If an applicant or their representatives fail to comply with an approved Building Permit and do not correct the issue after notice, the Building Permit will be void. The Building Official is authorized to revoke the permit with written notice, halting all work until compliance is achieved. Expiration of building permits shall be in accordance with the building codes of the City.

I. Zoning Variances

1. Generally

A Zoning Variance is the authority to depart from the application of areas, side yard, setback, height, and similar regulations to prevent unnecessary hardships.

2. Granting Authority

The Board of Adjustments may authorize a Zoning Variance from these regulations when, in its opinion, undue hardship will result from requiring compliance. Zoning Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured and that substantial justice may be done.

- a. In granting a Zoning Variance, the Board of Adjustments shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.
- b. In making the findings outlined in 2.02.I.3. **Public Notice** and Hearing Required below, the Board of Adjustments shall take into account:

- i. The nature of the proposed use of the land involved;
 - ii. Existing uses of land in the vicinity;
 - iii. The number of persons who will reside or work within the proposed use; and
 - iv. The probable effect such variance will have on traffic conditions and upon the public health, safety, convenience, and welfare of the community.
3. Public Notice and Hearing Required
No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with **1.02.C. Board of Adjustments**.
4. The Board of Adjustments may authorize in specific cases a variance from the terms of this Article 2. Zoning Regulations if:
 - a. The variance is not contrary to the public interest and,
 - b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and
 - c. So that the spirit of the ordinance is observed and substantial justice is done.
5. The Board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The City considers the structure to be a nonconforming structure.

J. Special Exceptions

1. Generally

A Special Exception is differentiated from a Zoning Variance by the following:

- a. A Special Exception does not require a finding of a hardship.
- b. Approval of a Special Exception by the Board of Adjustments is specifically provided for and defined in this section.

2. Requests

The Board of Adjustments may grant a Special Exception upon written request of the property owner.

3. Standards

The Board may grant a Special Exception in accordance with the following circumstances and/or standards:

- a. Modify, lessen, or waive the requirements of **2.05.B. Off-Street Parking and Loading** and **2.05.C. Landscaping** due to unique site constraints or conditions.
- b. Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the Special Exception deprives the property owner of substantially all use or economic value of the land.
- c. For existing single-family and duplex (two-family) structures that were legally constructed prior to the effective date of this UDC, the Board of Adjustments may authorize a Special Exception for any structure that was constructed over a setback line established by this article.

4. Conditions

In granting Special Exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this article.

K. Alternative Compliance

1. Purpose and Applicability

- a. Alternative Compliance allows City Staff to approve pre-authorized deviations to the requirements established within **2.05. Zoning Development Standards**. This tool reduces the need for Zoning Variances or Planned Developments by allowing for different standards that conform to the intent of the UDC and the Comprehensive Plan.
- b. Only the pre-authorized deviations contained within **2.05. Zoning Development Standards** are eligible.
- c. A request for Alternative Compliance may be submitted for review and approval with a Site Plan application (see **2.02.G. Site Plans**) or in a narrative format as part of the application submittal.
- d. Alternative Compliance requests must include references to specific sections within the UDC that allow for consideration of Alternative Compliance. Alternative Compliance requests shall not be granted unless the UDC identifies the standard as qualifying for Alternative Compliance.

2. Alternative Compliance Evaluation Criteria

The designated City Staff member may approve an Alternative Compliance standard if it meets all of the following:

- a. The proposed Alternative Compliance standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;
- b. The proposed Alternative Compliance standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and
- c. The proposed Alternative Compliance standard does not modify the land uses allowed in the zoning district in which the subject property is located.

L. Zoning Appeals

1. Appeals

a. Authority

In addition to the authorization of Zoning Variances and Special Exceptions from the terms of this article, the Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this article. The Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustments has the same authority as the Community Development Director or their designee.

b. Who May Appeal

Any of the following persons may appeal to the Board of Adjustments a decision made by an administrative official:

- i. A person directly aggrieved by the decision; or
- ii. Any officer, department, board, or bureau of the City affected by the decision.

c. Procedure For Appeal

- i. The appellant must file with the Community Development Director and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The notice of appeal shall be filed within 15 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustments all papers constituting the record of action that is appealed.
- ii. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustments or a court of appropriate jurisdiction on application, after notice to the official, if due cause is shown.
- iii. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustments shall decide the appeal within 30 calendar days after the written request (i.e., notice of appeal) was received.
- iv. The Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and may make the correct order, requirement, decision, or determination.

2.03. Zoning Districts

A. Establishment of Zoning Districts and Map

1. The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out in this article are delineated upon the Official Zoning Map of the City, which may also be cited as the zoning map, said map being adopted as a part of this article as fully as if the same were set forth herein in detail.
2. The Official Zoning Map shall be labeled the "Official Zoning Map of the City of Tomball, Texas" and shall be maintained as an electronic file in the office of the Community Development Director. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the Official Zoning Map.
3. The Community Development Director shall be responsible for the maintenance of the Map.

4. Zoning Districts Established

- a. The City is hereby divided into the following zoning districts. The use, height, area regulations, and other standards as set out in this article apply to each district. The districts established herein shall be known as:

Figure 2.03-1. Zoning Districts

Abbreviation	Zoning District Name
Residential Districts	
AG	Agricultural
SF-20	Single-Family Residential-20 (minimum 20,000-square-foot lots)
SF-9	Single-Family Residential-9 (minimum 9,000-square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500-square-foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000-square-foot lots)
D	Duplex (Two-Family) Residential
MF-1	Medium-Density Multifamily Residential
MF-2	Multifamily Residential
MHP	Manufactured Home Park
Nonresidential Districts	
O	Office
NR	Neighborhood Retail
GR	General Retail
C	Commercial
I	Industrial
Special Districts	
OT	Old Town District
PD	Planned Development

- b. A summary of the area regulations for the foregoing zoning districts is included in each district section.
- c. Certain terms and definitions used within this article can be found in **Article 5. Definitions**.
- d. Other requirements are contained within **2.05. Zoning Development Standards** of this article.

B. Zoning District Boundaries

The zoning district boundary lines shown on the Official Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the zoning district map, the following rules shall apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries shown as approximately following City limits shall be construed as following such City limits.
4. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
5. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.
6. Boundaries shown as parallel to, or extensions of, features described in subsections 1 through 5 above of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the approximate scale of the map and verified by a survey.
7. Whenever any street, alley, or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, any necessary zoning map amendments (i.e., rezonings to align with new lot lines) shall be conducted concurrently with the abandonment.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
9. Where physical features on the ground are at variance with information shown on the Official Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections 1 through 8 above, then the Board of Adjustments shall interpret the zoning district boundaries.

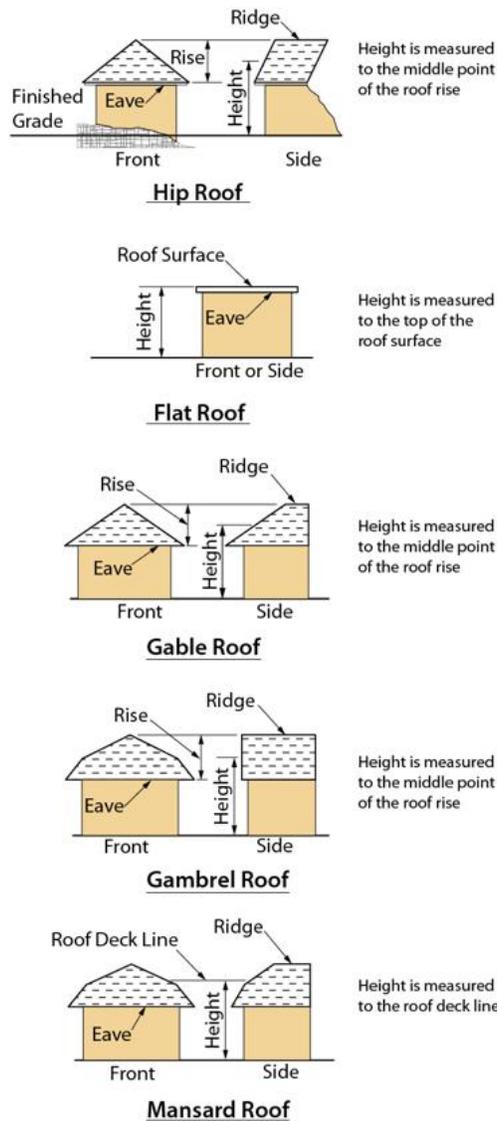
C. Dimensional Standards

1. Building Height

Building height shall be measured in accordance with **Figure 2.03-2. Measuring Building Height**.

- a. Exceptions: Cooling towers may extend for an additional height not to exceed 50 feet above the average grade line of the building. Water standpipes and tanks, church steeples, domes and spires, ornamental cupolas, City or school district buildings, and institutional buildings may be approved to exceed the height limit at the time the City reviews the applicable required plan.

Figure 2.03-2. Measuring Building Height

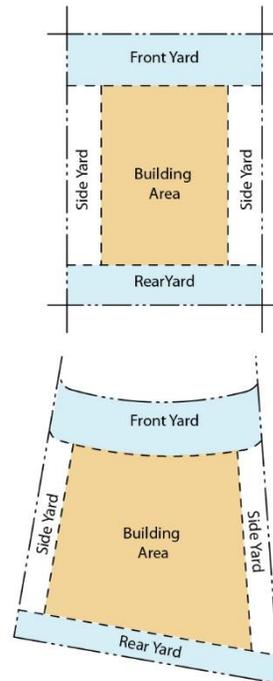


2. Setbacks and Lot Configurations

a. Measuring Yards

All yard measurements shall be made in accordance with **Figure 2.03-3. Measuring Yards**.

Figure 2.03-3. Measuring Yards



b. Configuration of Lots

Wherever possible, flag lots (i.e., lots with minimal or panhandle type frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. Also see **Article 3. Subdivision Regulations, 3.04.A. Lots and Blocks** for regulations pertaining to the configuration of lots.

c. Front Yards for Corner or Double-Frontage Lots

- i. Where lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets. See **Figure 2.03-4. Corner Lots** and **Figure 2.03-5. Double-Frontage Lots**.
 - (a) Exception: If a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed.
- ii. A single-family and duplex structure shall not face the side or rear yard.

Figure 2.03-4. Corner Lots

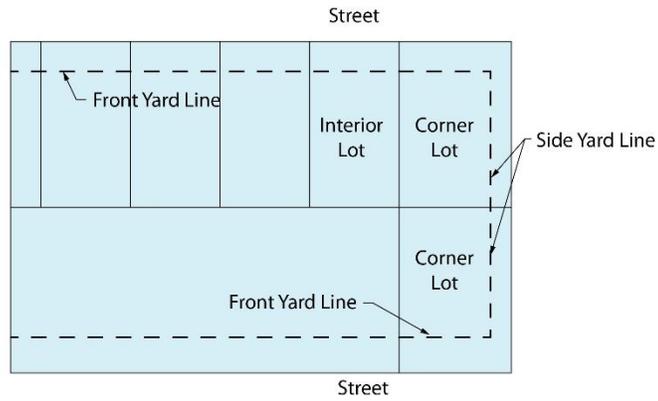
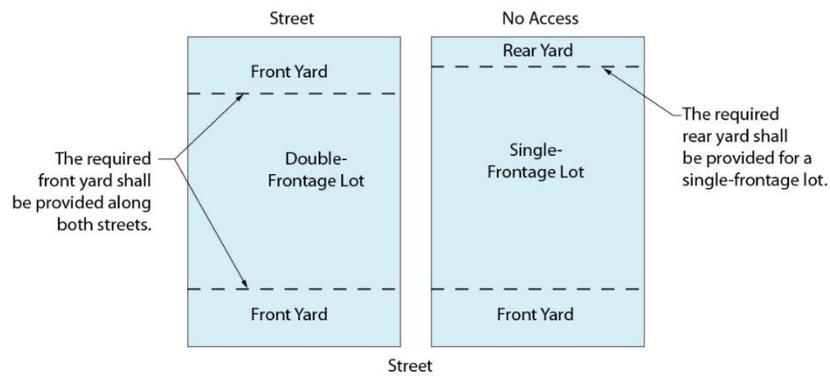


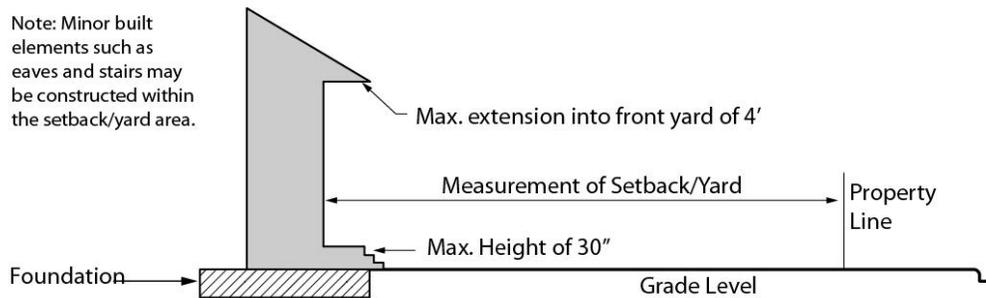
Figure 2.03-5. Double-Frontage Lots



d. Front Yard Measurement

- i. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered or enclosed porch or terrace, or to any attached accessory building.
- ii. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet, and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard. See **Figure 2.03-6. Measuring Front Yard.**

Figure 2.03-6. Measuring Front Yard



iii. Lots on Curved Streets

See **Article 3. Subdivision Regulations**, subsection **3.04.A.1.c.iv.**

iv. Rights-of-Way

Where a right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the right-of-way line.

e. Side and Rear Yards

i. Projections

- (a) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side or rear yard, and roof eaves projecting not to exceed 24 inches into the required side or rear yard.
- (b) Air conditioning compressors, generators, and similar equipment are permitted in the side or rear yard.
- (c) Open porches extending into a side or rear yard shall not be enclosed.

ii. Future Rights-of-Way

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

- f. Zero Lot Line Exception
 - i. Residential Zero Lot Lines

For dimensional requirements related to Patio Homes, Duplexes, or Townhouses, see the regulations for each use in **2.04.C. Use-Based Standards**.
 - g. Setbacks for Garages
 - i. All garages facing a street or alley shall be set back at least 20 feet from the front property line.
 - ii. When entry is from the side yard facing a public street, the minimum setback from the side lot line shall be equal to the required side yard for the main building or 20 feet, whichever is greater.
 - iii. For side-entry garages on interior lots (i.e., a J-swing garage), the garage shall be set back at least 20 feet from the side property line.
- 3. Sight Visibility Triangle

See **3.04.E.3. Sight Visibility Triangle** for applicable requirements.

D. Residential Zoning Districts

1. Agricultural (AG) District

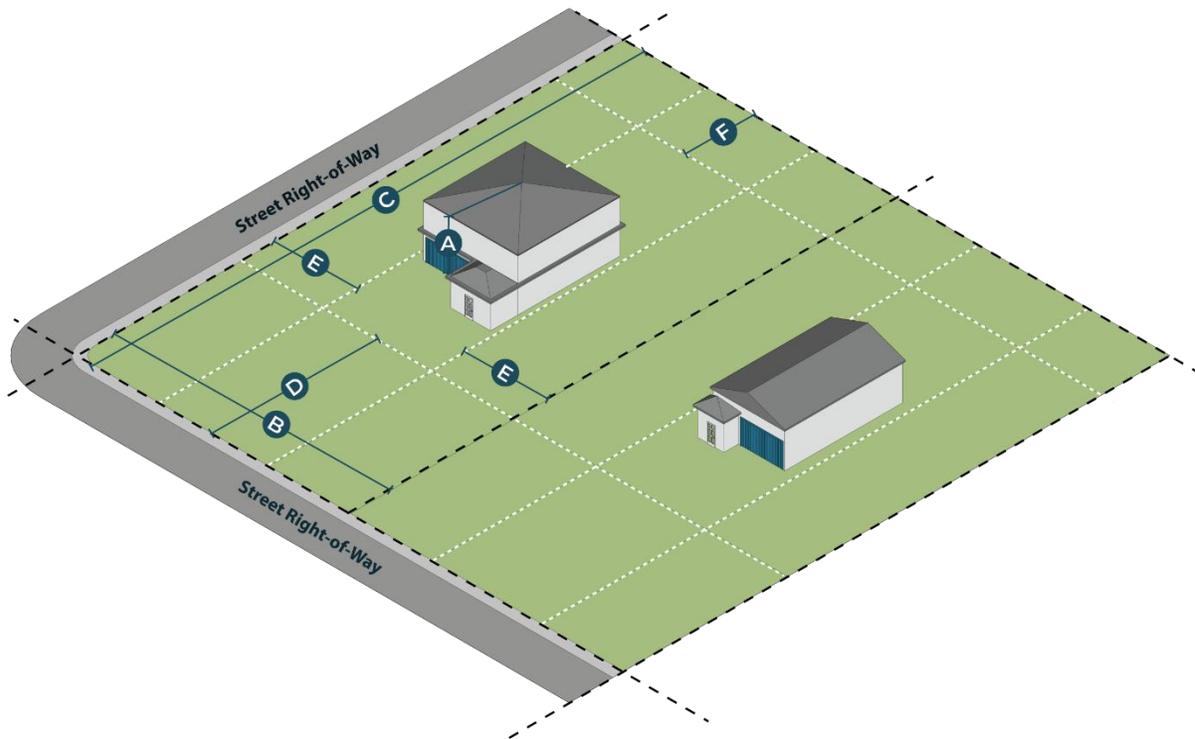
a. General Purpose and Description

The Agricultural (AG) District primarily provides for estate-style single-family dwellings and agricultural uses, including farming, ranching, and crop cultivation. The AG District is also appropriate for areas where utilities or City services are not readily available.

b. Dimensional Standards

Agricultural (AG) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Agricultural Structures	45 feet ¹
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	One acre (43,560 square feet)
B Minimum Lot Width	100 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	60 feet
E Minimum Side Yard	30 feet ²
F Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	40%
¹ Provided they are set back at least 100 feet or three times their height (whichever is greater) from any front, side, or rear property line. ² Detached single-family dwelling and private garage may be located no less than 15 feet from the side property line or not less than 25 feet from the side property line adjacent to an arterial street, whichever is greater.	

Figure 2.03-7. Lot and Yard Regulations for AG District



c. Other Regulations

1. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.
2. Livestock and domesticated animals shall only be allowed in accordance with the adopted ordinances of the City.
3. One manufactured home may be utilized as a temporary construction living quarters by the owner of the property, so long as a valid permit exists and construction is proceeding. In addition, non-occupied storage buildings may be allowed without a main structure for as long as a valid permit for the construction of a main structure is valid.

2. Single-Family Residential (SF-20) District

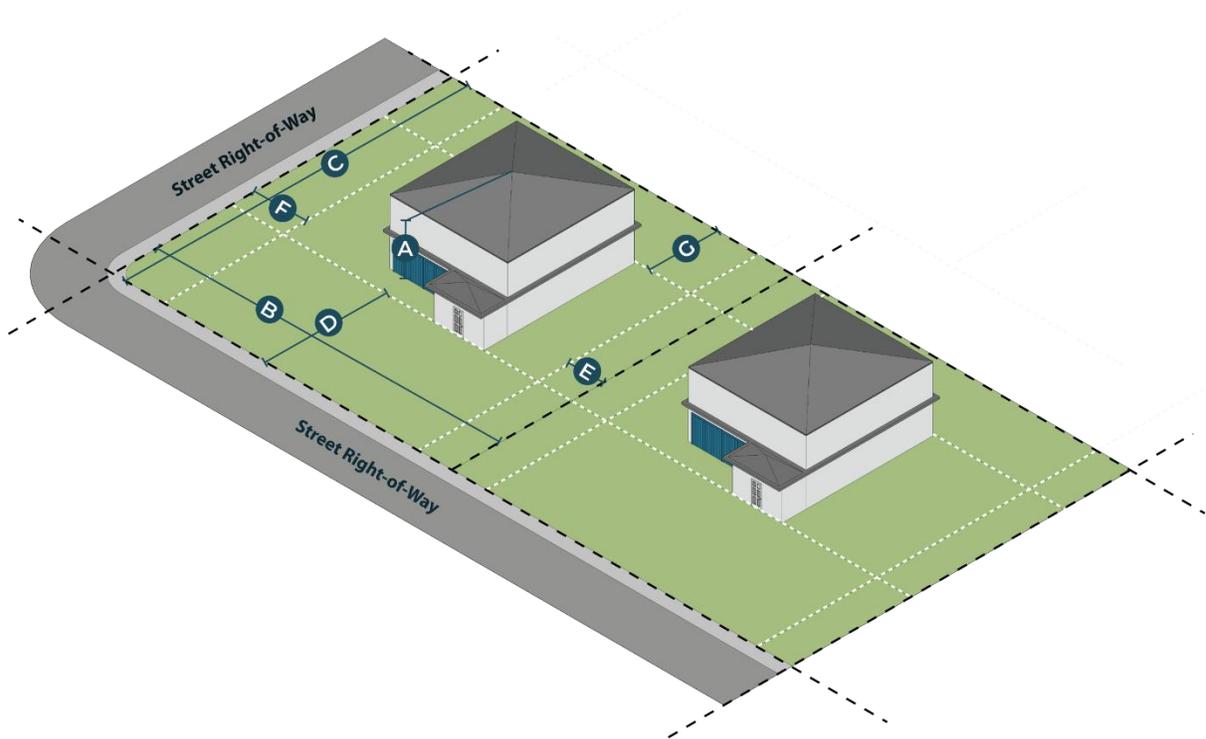
a. General Purpose and Description

The Single-Family Residential (SF-20) District is intended to accommodate low-density, single-family residential development with detached dwellings on lots of at least 20,000 square feet in size. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-20) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	20,000 square feet
B Minimum Lot Width	100 feet
Minimum Curved Lot Width (See Article 3. Subdivision Regulations, 3.04.A.1.c.iv)	100 feet
C Minimum Lot Depth	150 feet
Size of Yards	
D Minimum Front Yard	35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	20 feet; 25 feet for rear entry garage
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-8. Lot and Yard Regulations for SF-20 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

3. Single-Family Residential (SF-9) District

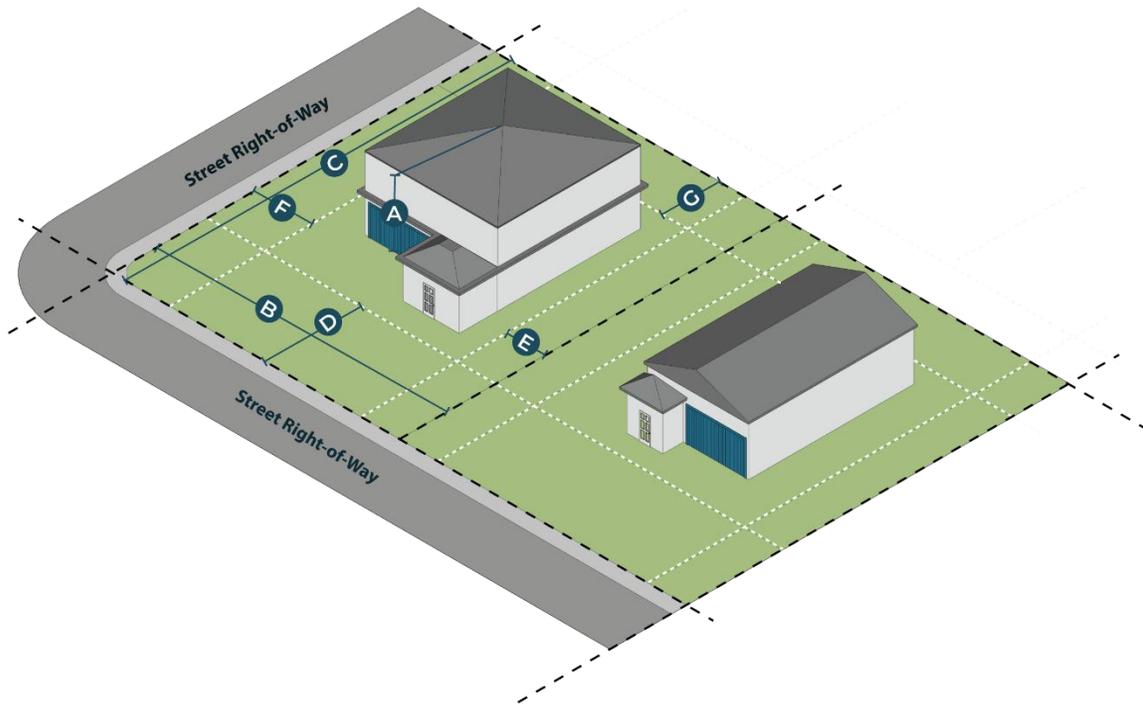
a. General Purpose and Description

The Single-Family Residential (SF-9) District is intended to provide for the development of low-density, detached single-family residences on lots at least 9,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-9) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	9,000 square feet
B Minimum Lot Width	75 feet
Minimum Curved Lot Width (See Article 3. Subdivision Regulations, 3.04.A.1.c.iv)	80 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	10 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	40%

Figure 2.03-9. Lot and Yard Regulations for SF-9 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

4. Single-Family Residential (SF-7.5) District

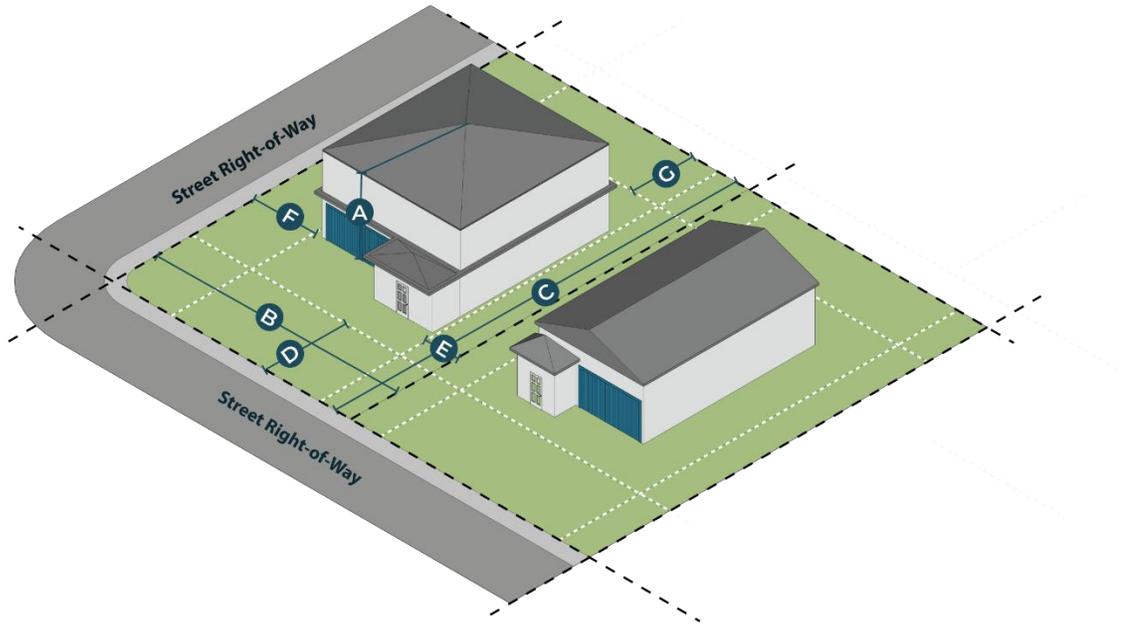
a. General Purpose Description

The Single-Family Residential (SF-7.5) District is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools, and public parks in logical neighborhood units.

b. Dimensional Standards

Single-Family Residential (SF-7.5) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	7,500 square feet
B Minimum Lot Width	60 feet
Minimum Curved Lot Width (See Article 3. Subdivision Regulations, 3.04.A.1.c.iv)	70 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	7.5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-10. Lot and Yard Regulations for SF-7.5 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

5. Single-Family Residential (SF-6) District

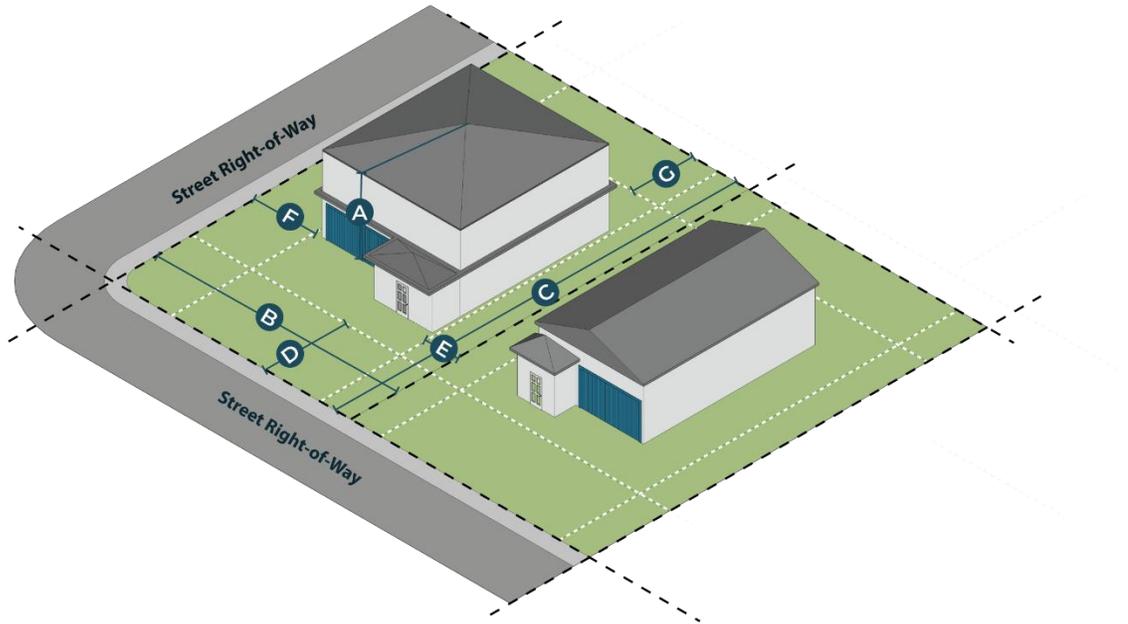
a. General Purpose and Description

The Single-Family Residential (SF-6) District is intended to provide for the development of low-density, detached single-family residences on lots of at least 6,000 square feet. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Single-Family Residential (SF-6) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	50 feet
Minimum Curved Lot Width (See Article 3. Subdivision Regulations, 3.04.A.1.c.iv)	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-11. Lot and Yard Regulations for SF-6 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

6. Duplex (Two-Family) Residential (D) District

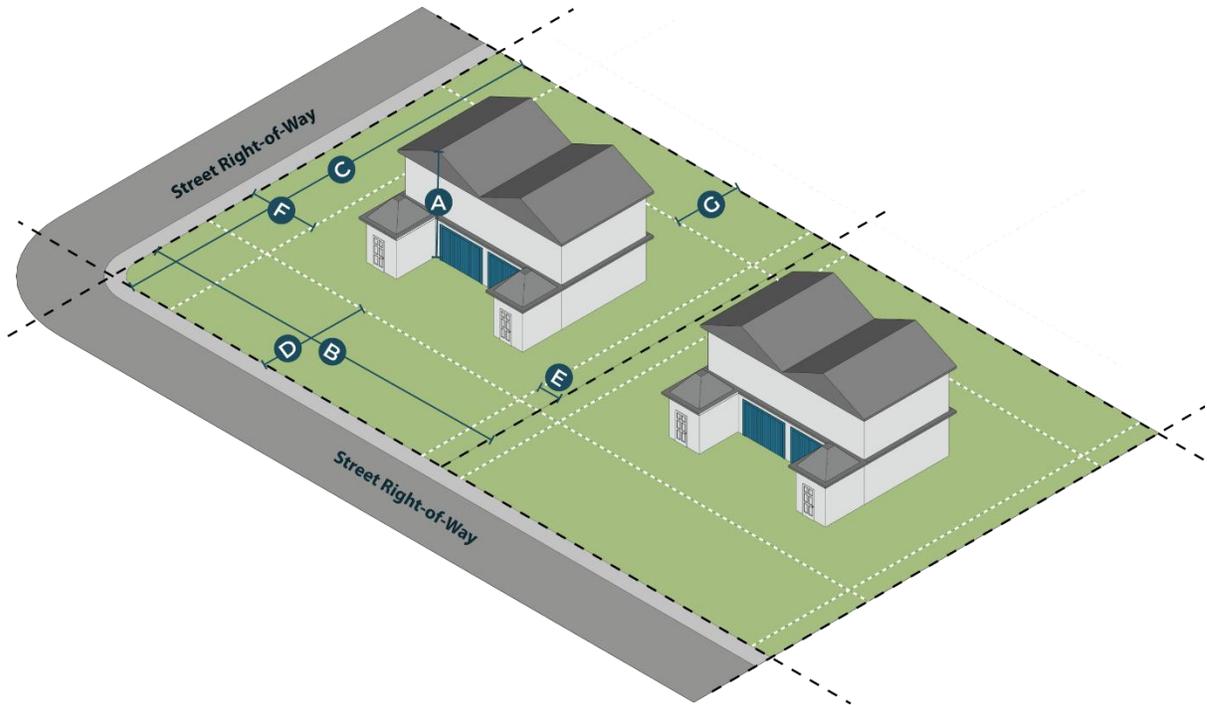
a. General Purpose and Description

The Duplex (Two-Family) Residential (D) District allows for low-density multiple-family development for duplex (two-family) use. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Duplex (Two-Family) Residential (D) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	12,000 square feet; or 6,000 square feet per side on duplex townhomes
B Minimum Lot Width	85 feet, or 45 feet for duplexes on separate lots
Minimum Curved Lot Width (See Article 3. Subdivision Regulations, 3.04.A.1.c.iv)	85 feet, or 45 feet for duplexes on separate lots
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	20 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: Where lots back on a designated arterial street, such rear yard shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a five-foot setback or lots abutting a 15-foot alley shall have a 7.5-foot setback
Other Dimensional Requirements	
Maximum Lot Coverage	45%

Figure 2.03-12. Lot and Yard Regulations for D District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

7. Medium-Density Multifamily Residential (MF-1) District

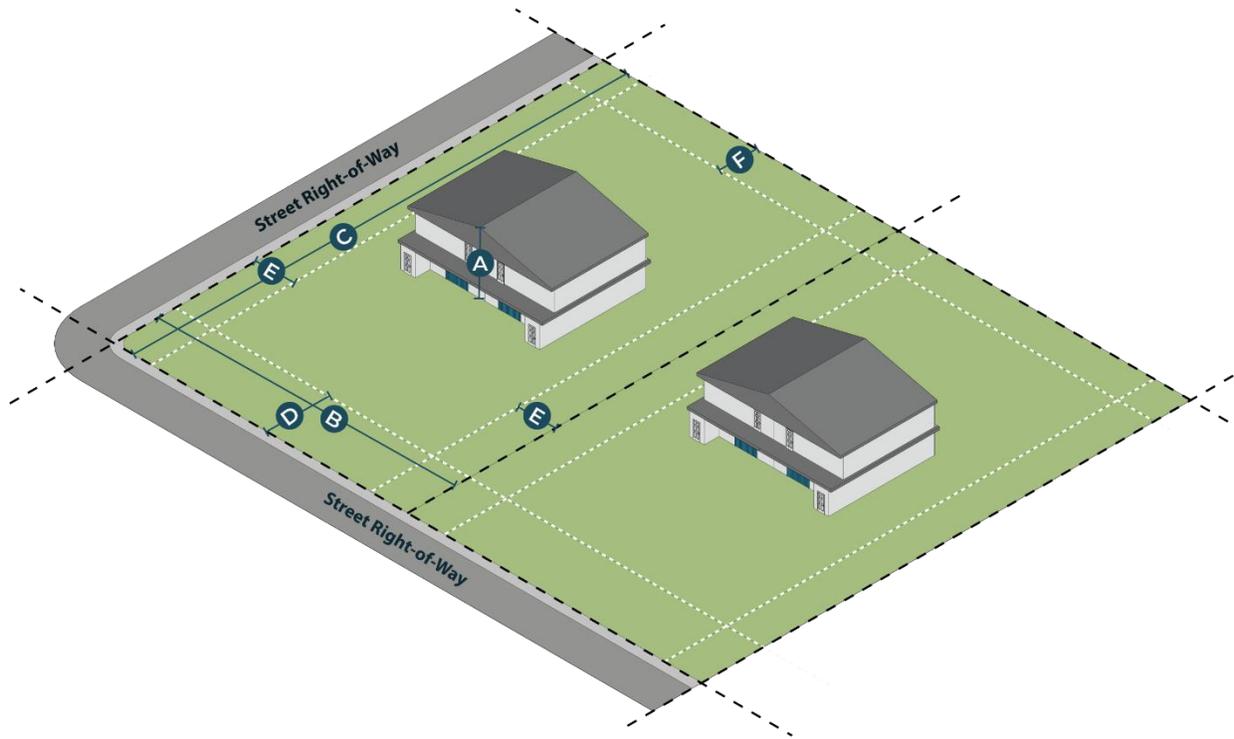
a. General Purpose and Description

The Medium-Density Multifamily Residential (MF-1) District provides multifamily residential development with a mix of three (triplex) and four (quadplex) unit residential uses. This district serves as a transition zone, commonly used as a buffer between lower-density and higher-density residential neighborhoods or nonresidential areas. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Medium-Density Multifamily Residential (MF-1) District	
Height	
A Maximum Height: Main Building	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Maximum Dwelling Units per Acre	12 units per acre
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 20 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-13. Lot and Yard Regulations for MF-1 District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

8. Multifamily Residential (MF-2) District

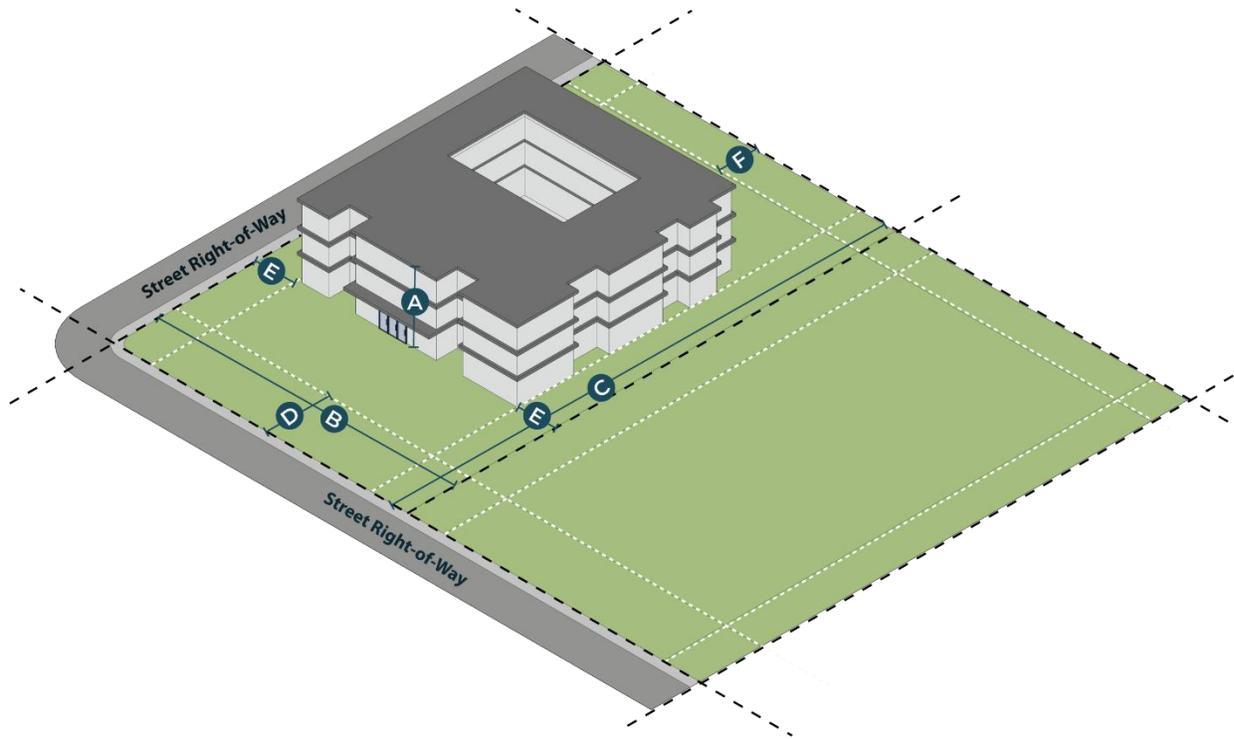
a. General Purpose and Description

The Multifamily Residential (MF-2) District provides for multifamily residential development, targeting low and mid-rise dwellings serving as a transition between low- or medium-density residential developments and nonresidential areas. This district encourages multifamily uses with site development characteristics that accommodate open space and access to light and air. It is also appropriate for places of worship, schools, and public parks.

b. Dimensional Standards

Multifamily Residential (MF-2) District	
Height	
A Maximum Height: Main Building	45 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	10 acres
Maximum Dwelling Units per Acre	20 units per acre Exception: See 2.05.B.5.c for density bonus options
B Minimum Lot Width	120 feet
C Minimum Lot Depth	200 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	15 feet Exception: Where a lot sides to a single-family residential district or a designated arterial street, such side yard shall not be less than 25 feet
F Minimum Rear Yard	15 feet Exception: If adjacent to a lower density residential use, the rear setback shall be 60 feet; unless separated by an alley, in which case the setback shall be 20 feet
Minimum Building Separation	One story: 15 feet Two story: 35 feet Between a main building and an accessory building: 10 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-14. Lot and Yard Regulations for MF-2 District



c. Other Regulations

i. See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

ii. Windows

All multiple-story buildings within a multifamily development complex shall be constructed so that there shall be no windows above the first floor on any sides that are within 100 feet of property zoned for single-family uses, existing residential platted lots, or existing single-family residences.

iii. Other Types of Residential Development

Single-family or duplex (two family) residential units constructed in this district shall conform to Single-Family Residential (SF-6) District or Duplex (Two-Family) Residential (D) District standards, respectively.

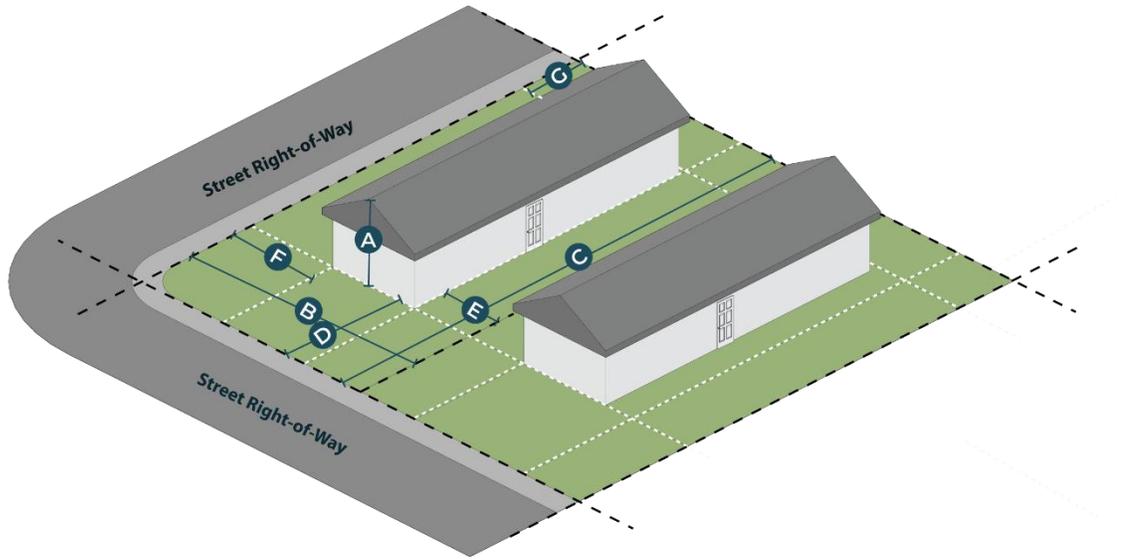
9. Manufactured Home Park (MHP) District

a. General Purpose and Description

b. The Manufactured Home Park (MHP) District is a detached residential district for the development of HUD-Code manufactured home parks and subdivisions, offering leased or sale lots. It establishes area, design, and yard requirements, ensuring adequate open space and recreation. Dimensional Standards

Manufactured Home Park (MHP) District	
Height	
A Maximum Height: Main Building/House	35 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	4,000 square feet
B Minimum Lot Width	40 feet
C Minimum Radial Lot Width	80 feet
Size of Yards	
D Minimum Front Yard	20 feet from a dedicated street; 10 feet from any private street
E Minimum Side Yard	10 feet; 20 feet between units; 20 feet from zoning district boundary lines
F Minimum Corner Lot Side Yard	15 feet
G Minimum Rear Yard	10 feet; 20 feet from any zoning district boundary line or if a garage is provided
Other Dimensional Requirements	
Maximum Lot Coverage (including main and accessory buildings, pools and ponds)	50%
Area for Manufactured Home Parks	
Minimum Project Area	20 acres
Maximum Project Area	35 acres
Density of Manufactured Home Parks	
Minimum Number of Spaces	20 spaces
Maximum Density	10 spaces per gross acre

Figure 2.03-15. Lot and Yard Regulations for MHP District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

E. Nonresidential Zoning Districts

1. Office (O) District

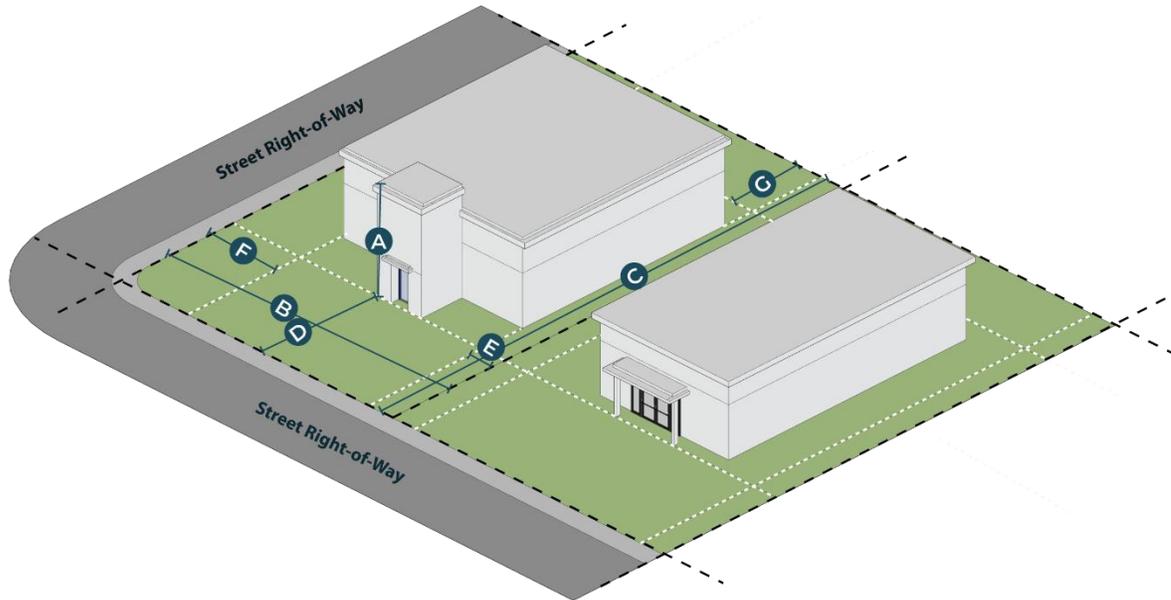
a. General Purpose and Description

The Office (O) District accommodates low-intensity office and professional uses, often serving as a transition between residential and commercial areas. It emphasizes compatibility with nearby residential areas, limiting building heights and minimizing disruption such as noise and traffic. Adaptive reuse of existing structures is encouraged, maintaining harmony with surrounding properties.

b. Dimensional Standards

Office (O) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	10 feet, except driveways and sidewalks
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-16. Lot and Yard Regulations for O District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

2. Neighborhood Retail (NR) District

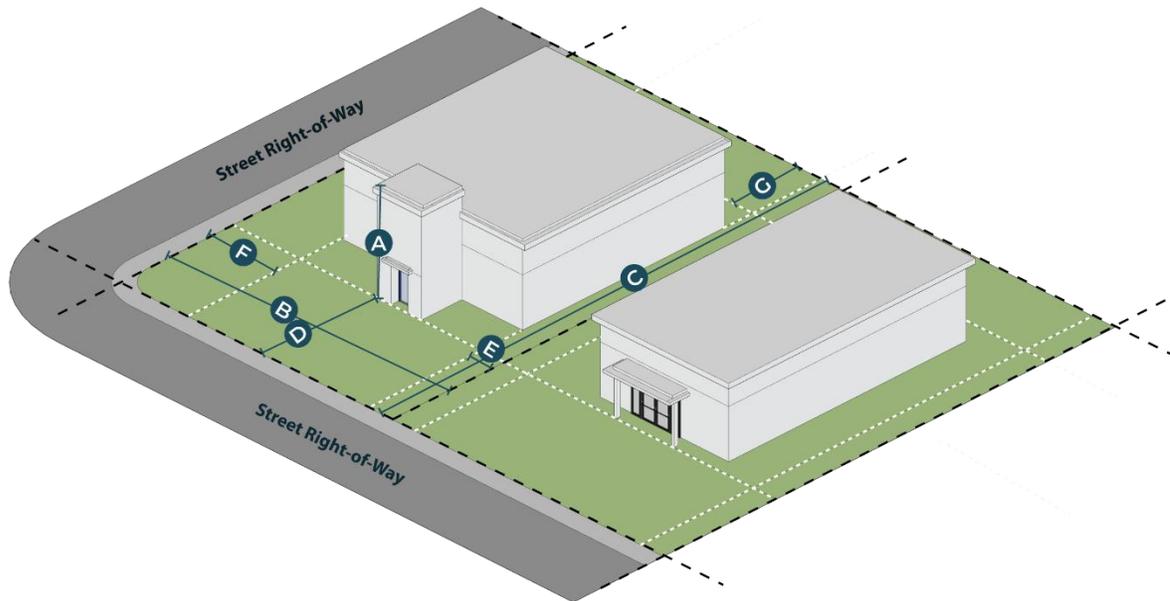
a. General Purpose and Description

The Neighborhood Retail (NR) District is intended to accommodate a limited range of retail trade, services and office activities that are needed to serve a neighborhood area. The district is to be utilized as a transition district between residential uses and more intense non-residential uses. The district is to incorporate elevated landscaping and buffering standards to facilitate seamless integration alongside residential districts. Development within the district should be similar in scale as residential uses and adjacent properties. Architectural principles should be incorporated within site development to actively engage streetscapes and create pedestrian-oriented environments. Uses within this district should not include uses that create excessive traffic, noise, trash, or late-night business operations. This district is ideally suited for intersections of major thoroughfares or at the intersection of a major thoroughfare and primary entrances to residential subdivisions and/or multifamily developments.

b. Dimensional Standards

Neighborhood Retail (NR) District	
Height	
A Maximum Height: Main Building	40 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	15 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 25 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Minimum Underground Setback	15 feet
Minimum Pavement Setback	15 feet, except driveways and sidewalks
Other Dimensional Requirements	
Maximum Lot Coverage	50%

Figure 2.03-17. Lot and Yard Regulations for NR District



c. Other Regulations

- i. See 2.04. Permitted Uses and Use-Based Standards for permitted uses.
- ii. Hours of Operation

Except for uses permitted within a residential zoning district, no use shall operate before 6:00 a.m. nor after 11:00 p.m. on any day of the week.

3. General Retail (GR) District

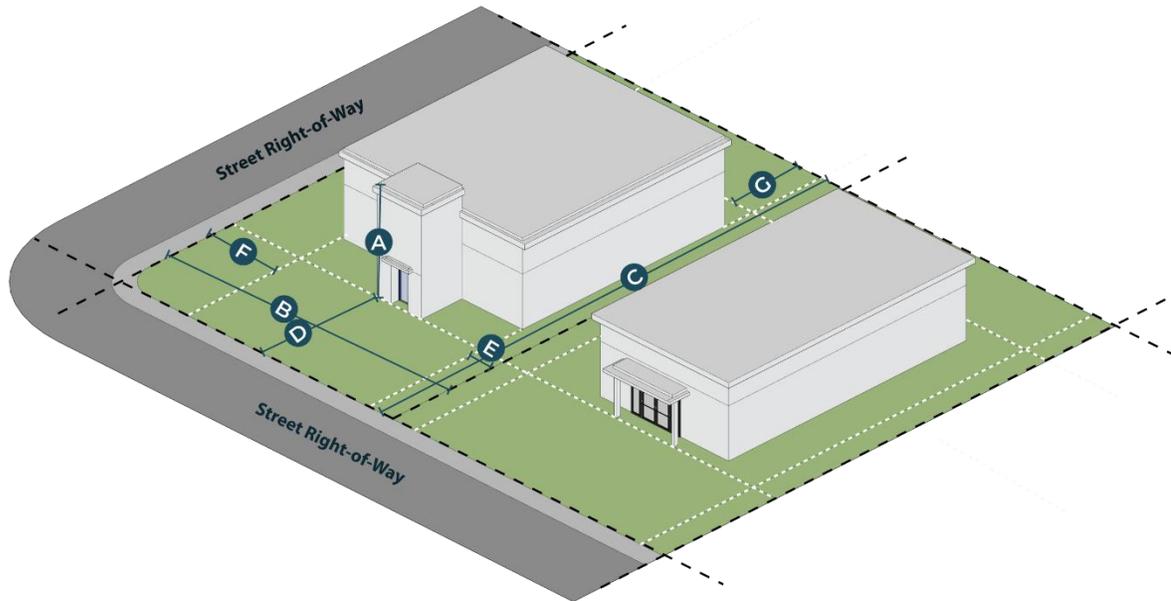
a. General Purpose and Description

The General Retail (GR) District is designed for local neighborhood shopping and service facilities for the retail sales of goods and services. This district should also be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

b. Dimensional Standards

General Retail (GR) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	6,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
F Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	50%
Maximum Impervious Coverage	80%

Figure 2.03-18. Lot and Yard Regulations for GR District



c. Other Regulations

i. See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

ii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be 10 feet if:

- (a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses that share common parking and pedestrian areas and facilities for their clientele) that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 bypass;
- (b) The retail outbuilding contains not more than 100 square feet of floor area;
- (c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;
- (d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and
- (e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

iii. Outdoor Storage

Outdoor storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements, see 2.05.E. Screening, Buffering, and Fencing.

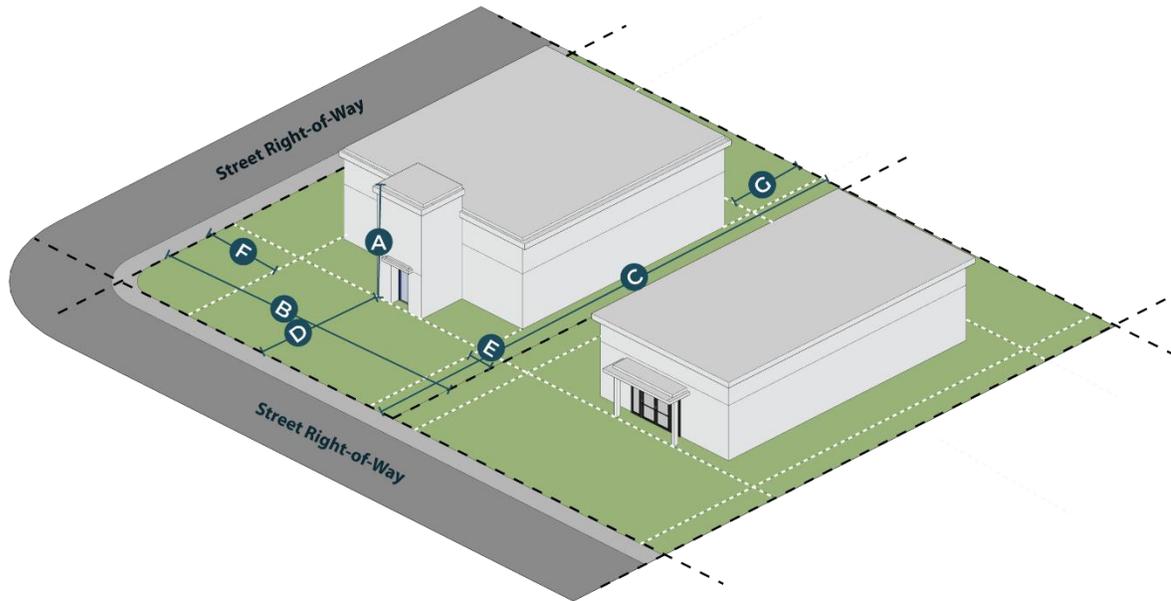
4. Commercial (C) District

a. General Purpose and Description

- b. The Commercial (C) District is intended for commercial and service-related establishments. Some light manufacturing may also be permitted under specific conditions. These uses will typically utilize smaller sites and operate in a manner which is generally not compatible with residential uses or certain nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration. Dimensional Standards

Commercial (C) District	
Height	
A Maximum Height: Main Building ¹	70 feet
Maximum Height: Accessory Buildings ¹	15 feet
Size of Lots	
Minimum Lot Area	10,000 square feet
B Minimum Lot Width	60 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side Yard	5 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 25 feet
G Minimum Rear Yard	15 feet Exception: If adjacent to a residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%
¹ Additional height may be approved with a Conditional Use Permit (CUP)	

Figure 2.03-19. Lot and Yard Regulations for C District



c. Other Regulations

- i. See 2.04. Permitted Uses and Use-Based Standards for permitted uses.
- ii. Interior Side Yards for Retail Shopping Centers

When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.

- iii. Exceptions for Certain Retail Shopping Center Outbuildings Fronting State Highway 249

Notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be 10 feet if:

- (a) The retail outbuilding is within a shopping center development (a development comprised of retail businesses that share common parking and pedestrian areas and facilities for their clientele) that contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 Bypass;
- (b) The retail outbuilding contains not more than 100 square feet of floor area;
- (c) The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;
- (d) The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and
- (e) The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.

5. Industrial (I) District

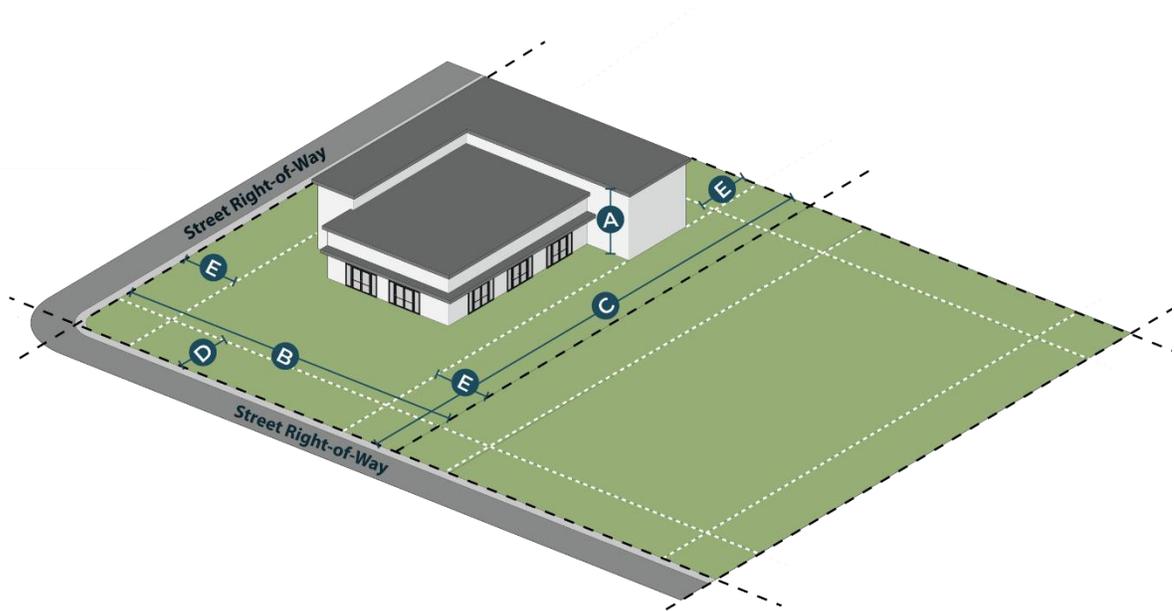
a. General Purpose and Description

The Industrial (I) District is intended primarily for the conduct of light manufacturing, warehousing, research and development, wholesaling, and service operations that do not rely on frequent customer visits. Accessibility to major thoroughfares, highways, or transportation routes like railroads is essential.

b. Dimensional Standards

Industrial (I) District	
Height	
A Maximum Height: Main Building	70 feet
Maximum Height: Accessory Buildings	15 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
B Minimum Lot Width	50 feet
C Minimum Lot Depth	100 feet
Size of Yards	
D Minimum Front Yard	25 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
E Minimum Side and Rear Yards	25 feet Exception: Where a lot sides to a single-family residential district, the side yard setback shall not be less than 35 feet
Other Dimensional Requirements	
Maximum Lot Coverage	60%
Maximum Impervious Coverage	90%

Figure 2.03-20. Lot and Yard Regulations for I District



c. Other Regulations

See 2.04. Permitted Uses and Use-Based Standards for permitted uses.

F. Special Zoning Districts

1. Old Town (OT) District

a. Purpose and Intent

- i. Old Town is home to a variety of land uses, including retail, commercial, and nonresidential activities, alongside single-family and multifamily residences. The future land use plan of the City's Comprehensive Plan supports the continuation of the mixture of uses in the area. Improved pedestrian access is seen as beneficial for integrating existing residential areas with future development. This district is intended to provide zoning flexibility to accommodate the variety of uses in the original town site and surrounding areas.
- ii. The development standards in the Old Town area are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the image, character, and unique qualities of the City's historic original business district.
- iii. Pedestrian activity and access are also of extreme importance within this district. Pedestrian spaces shall be treated with amenities that are selected based on their ability to unify the streetscape with the area's historic past. These features shall be repeated throughout the streetscape so as to unify the district as a whole. The following pedestrian-oriented areas are permitted:
 - (a) Public art spaces;
 - (b) Monuments (e.g., statues, benches, fountains);
 - (c) Playgrounds;
 - (d) Transit waiting areas;
 - (e) Museums;
 - (f) Plazas;
 - (g) Performing art buildings; and
 - (h) Outdoor eating areas.
- iv. For the purposes of this district and its regulations, the term Old Town Area shall be defined to include all lots shown on the revised map filed of record with the County on July 8, 1912, a true and correct copy of which is on file in the office of the City Secretary, and which is identified as the Old Town Tomball Map.

b. Residential Dimensional Standards

Old Town (OT) District	
Height	
Maximum Height	35 feet ¹
Maximum Height; Accessory Buildings	25 feet
Size of Lots ²	
Minimum Lot Area	5,000 square feet
Minimum Duplex (two-family) Lot Area	7,000 square feet
Minimum Lot Width	50 feet
Minimum Radial Lot Width	50 feet at and for a distance of 30 feet behind the building line
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards ³	
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Corner Lot Side Yard	10 feet
Minimum Rear Yard	10 feet; the minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5-foot minimum rear yard and abutting a 15-foot alley shall have a 7.5-foot minimum rear yard
<p>¹ Proposed building heights in excess of the maximum height may be allowed with a conditional use permit.</p> <p>² Two or more lots of record in existence on the adoption date of the ordinance from which this article is derived that do not meet these area requirements and are under the same ownership may be combined into one parcel meeting the requirements of this district. Such parcel shall be considered one lot and all required yards shall be measured from the new lot lines not owned in common. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.</p> <p>³ Lots within the portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front or rear building line provided, however, that the alternate front or rear building line shall be a minimum of 20 feet. Interior lots may have a minimum side yard building line equal to ten percent of the lot width if the lot has less than 50 feet of width; 10 feet for a corner lot.</p>	

c. Nonresidential Dimensional Standards

Old Town (OT) District	
Height	
Maximum Height	35 feet ¹
Maximum Height; Accessory Buildings	25 feet
Size of Lots	
Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Duplex (two-family) Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards ²	
Minimum Front Yard	20 feet
Minimum Side and Rear Yards	5 feet or 10% of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use.
Minimum Side and Rear Yards Adjacent to Single-Family or Duplex (two-family) Residential	20 feet
Interior Side Yard	When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's building code
¹ Proposed building heights in excess of the maximum height may be allowed with a conditional use permit. ² With the exception of Cherry Street, for that portion of Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line. Lots may have a zero-foot side and rear yard setback, provided no portion of the building obstructs the visibility of vehicular traffic.	

d. Other Regulations

See **2.04. Permitted Uses and Use-Based Standards** for permitted uses.

i. Old Town Area Required Yard and Building Line Exceptions

e. A commercial building constructed in the Old Town area before August 16, 1999 that does not comply with the building lines set forth above may expand in size provided it maintains a minimum 10-foot front building line and a minimum 10-foot side building line. Residential Uses

i. Single-Family Uses

Single-family uses are permitted.

ii. Multifamily Residential and Nonresidential Uses (Mixed-Use)

Multifamily residential uses are permitted within the Old Town District in conjunction with nonresidential uses (i.e., mixed-use development), wherein at least one floor of the building is dedicated to nonresidential use. Such structure shall meet the area requirements of the nonresidential use, provided parking is provided for all uses.

iii. Multifamily Residential Uses

Multifamily residential uses are permitted within the Old Town District in accordance with the following standards:

- (a) All dwelling units shall have ground-floor exterior access, which does not include access into a garage or access from a garage into a dwelling unit;
 - (b) All dwelling units shall have a front porch space of at least eight square feet located in front of the front door;
 - (c) All dwelling units shall have a pitched or gabled roof. Flat roofs shall be permitted to allow for the incorporation of terraces;
 - (d) Each dwelling unit shall have varying architectural elevations including varying rooflines, windows, stoop styles, etc.; and
 - (e) Exemptions to these standards may be made during the City's review process if the multifamily use is developed/constructed above (i.e., is located within a second or third story) a nonresidential use.
- f. Nonresidential Design Standards for the Old Town Area
- i. Facades
 - (a) Existing Nonresidential Buildings

False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.
 - (b) Newly Constructed Nonresidential Buildings

Any new facade shall avoid long, monotonous, uninterrupted exterior walls wherever such facades are publicly visible. No more than 20 feet of horizontal distance of exterior wall shall be provided without facade articulation/architectural relief for any facade facing a street right-of-way or pedestrian-oriented area. Facade articulation/architectural relief can include pilasters, windows, entrances, arcades, awnings/canopies, or other types of building massing that modulates the building mass or surface texture.
 - ii. Exterior Finishes
 - (a) Predominant exterior finish is recommended to be fired brick or other masonry materials. Alternatively, other recommended materials include:
 - (i) Those similar in appearance and quality to fired brick;
 - (ii) Those similar in appearance to original materials used within the Old Town area; and/or
 - (iii) Cementitious fiberboard such as Hardie plank lap siding is appropriate where the appearance is similar in appearance to the original materials used within the Old Town area.
 - (b) The use of glass material is recommended for less than 70 percent of the exterior facade of a structure.
 - (c) Trim (i.e., lintels, sills, door jambs, cornices, and other similar items) are recommended to be brick, cast stone, stone, cast or wrought iron, or concrete, and colors should be complementary to the predominant facade colors.
 - (d) Accent colors for friezes, doors, and door frames, window frames and mullions, awnings, moldings and other similar features should be colors that are complementary to and compatible with the spirit and intent of the downtown streetscape. Bright or fluorescent colors are not recommended on any part of any structure.
 - iii. Windows, Doors, and Other Openings
 - (a) Reflective glass shall not be used for windows of any structure's first floor.
 - (b) Detailing for windows, doors, and other openings should be of wood, glass, or a metal material that is complementary to the period or building style.

iv. Awnings/Canopies

(a) Ratio

Awnings shall be appropriate to the scale of the building's size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multiple-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

(b) Projection

Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet outward from the building face/surface. Awnings made in such a manner as to be easily removed may encroach into the right-of-way, provided such awnings are at least eight feet above the sidewalk or surface, do not have any structural supports other than those directly attached to the building and are maintained and not allowed to deteriorate or become tattered, rusty, unpainted or unsightly. Awnings encroaching along Main Street may also have to get approval from the Texas Department of Transportation.

(c) Colors

A mixture of colors is desirable, but no more than three different colors are recommended for awnings on a single building facade (excluding business logo). Bright or fluorescent colors are discouraged.

(d) Materials

Materials should be cloth, canvas, or metal, or another material that is complementary to the period or building style and must be fire retardant.

(e) Movement

Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement is recommended for awnings and canopy structures.

v. Streetscape Elements

Streetscape elements are considered to include the following: planters, window boxes, street furniture/furnishings, trash receptacles, and light features (e.g., fixtures attached to the structure). Such elements are permitted and shall be:

(a) Maintained to a high quality (i.e., no peeling paint, broken parts, etc.);

(b) Complementary to the historical time frame of the Old Town area;

(c) Similar to those previously approved by the City;

(d) Complementary in color to the main building color (bright or fluorescent colors are not recommended); and

(e) Located a maximum of five feet from the building front/facade.

g. Nonresidential Dumpsters and Mechanical Equipment

Dumpsters, any other refuse areas, mechanical, and rooftop equipment shall be screened in accordance with **2.05.E. Screening, Buffering, and Fencing**.

h. Additional Off-Street Parking Space Requirements

The following additional requirements shall modify the parking requirements in **2.04. Permitted Uses and Use-Based Standards** and **2.05.B. Off-Street Parking and Loading** as they apply to the Old Town area. In addition, where there is a conflict, the requirements of this section shall supersede those in **2.05.B. Off-Street Parking and Loading**.

i. Off-Street Parking

For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for nonresidential developments. Residential developments shall provide off-street parking stalls in accordance with **2.04. Permitted Uses and Use-Based Standards**

ii. Off-Site Parking

Use of off-site parking shall be permitted to satisfy the off-street parking requirements of this chapter if said off-site parking is within the Old Town area or blocks adjacent thereto. Provided further, no off-site parking space shall be designated for use by more than one business for the purposes of satisfying such requirements.

iii. Off-Street Parking Design Standards

Required off-street parking areas within the Old Town area shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces. Parking schemes that require the use of adjacent public or private streets for maneuvering shall be allowed, except on Main Street. This requirement shall apply to all parking required for new construction and/or additions to existing buildings.

iv. Parking Garages

Parking garages should meet all requirements of the OT District, including facade, streetscape, and building material requirements. Parking garages must be located to the side or rear of the main building.

i. Residential Adjacency Considerations

i. Site Design and Nuisance Concerns

The building owner must include in their proposal measures for buffering, landscaping, or other site design, and any limitations necessary to address nuisance concerns, such as noise, to protect adjacent property owners.

ii. Screening

Screening of nonresidential uses and refuse areas shall be in accordance with **2.05.E. Screening, Buffering, and Fencing.**

iii. Outdoor Storage

Outdoor storage, which is differentiated from outdoor sales, shall be limited to a maximum of five percent of the total lot area. For screening requirements see **2.05.E. Screening, Buffering, and Fencing.**

2. Planned Development (PD) District

The Planned Development (PD) District is a zoning tool used to accommodate unique and innovative development that is not otherwise feasible based on the UDC's standard provisions. See **2.02.D. Planned Developments (PDs)** for more information on the requirements and process for PDs.

2.04. Permitted Uses and Use-Based Standards

A. Permitted Uses Generally

1. Conformance With the Use Charts

a. Generally

The use of land and/or buildings shall be in accordance with those listed in the following use chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use chart are:

- P Designates use permitted in the zoning district indicated
- (Blank) Designates use prohibited (i.e., not allowed) in the zoning district indicated
- C Designates use may be permitted in the zoning district indicated by a CUP (see Sec. 2.02.E)

b. Unlisted Uses

If a use is not listed (or is blank) in the use charts, it is not allowed in any zoning district (see c below).

c. Classification of New/Unlisted Uses

It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the use charts shall be made as follows:

i. Director Classification as Similar Use

- (a) The new or unlisted use will be referred to the Community Development Director to determine whether the new or unlisted use should be classified as a similar existing use. If the Director is unable to classify the new or unlisted use as similar to an existing use, the use shall be processed as a Zoning Text Amendment request (see 2.02.B. **Zoning Text or Map Amendments (Rezoning)**) as outlined below.
- (b) A person requesting the addition of a new or unlisted use shall submit to the Community Development Director all information necessary for the classification of the use, including but not limited to the following:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or outdoor storage and the amount and nature of the storage;
 - (iv) Anticipated employment typically anticipated with the use;
 - (v) Transportation requirements;
 - (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated;
 - (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

- (x) Impervious surface coverage.
- ii. Commission and Council Action
 - (a) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP). The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use.
 - (b) The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use chart according to **2.02.B. Zoning Text or Map Amendments (Rezoning)**.

B. Permitted Use Chart

Figure 2.04-1. Permitted Use Chart

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Agriculture																	
Bulk Grain or Feed Storage	P												C	C		1 space per 1,000 square feet	
Agriculture Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
Feed And Grain Store	C											C	P	P	C	1 space per 500 square feet	
Livestock Sales/Auction	C															None	
Stable, Commercial	C													C		1 space per 1,000 square feet	
Stables, Private	P	C	C	C	C											None	
Residential																	
Accessory Dwelling Unit	P	P	P	P	C	C	C	C							P	None	2.04.C.2.a. Accessory Dwelling Unit
Caretaker's or Guard's Residence	P	C						P		P	P	P	P	P	P	1 space per caretaker/guard	2.04.C.2.b. Caretaker's or Guard's Residence
Triplex or Quadplex							P	P							P	2 spaces per dwelling	
HUD Code-Manufactured Home									P						C	2 spaces per dwelling	2.04.C.2.c. Manufactured Home Parks
Manufactured Home Park or Subdivision									P							2 spaces per lot	2.04.C.2.c. Manufactured Home Parks
Multiple-Family								P							P	2 spaces per dwelling	2.04.C.2.d. Multiple-Family Dwellings
Townhome						P	P	P							P	2 spaces per dwelling	2.04.C.2.f. Townhomes and Single-Family Attached
Single-Family, Detached	P	P	P	P	P	P	P	P							P	2 spaces per dwelling	
Duplex						P	P	P							P	2 spaces per dwelling	
Zero-Lot Line/Patio Home						P	P	P							P	2 spaces per dwelling	2.04.C.2.e. Zero-Lot Line and Patio Home
Residential Use	P	P	P	P	P	P	P	P	P	C	C	C	C		P	2 spaces per dwelling	
Cottage Court						P	P									2 spaces per dwelling	2.04.C.2.g. Cottage Courts
Mixed Use						P	P	P					P		P	Based on uses in the development	2.04.C.2.h. Mixed-Use

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Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Office																	
Emergency Room or Urgent Care												P	P	P	C	1 space per 200 square feet	
Medical or Dental Office										P	P	P	P	P	P	1 space per 300 square feet	
Banks and Financial Institutions (With Drive-Through Service)										C	P	P	P	P	P	1 space per 300 square feet	2.04.C.11.a. Drive-Throughs
Banks and Financial Institutions (With No Drive-Through Service)										P	P	P	P	P	P	1 space per 300 square feet	
Professional Office										P	P	P	P	P	P	1 space per 300 square feet	
Office Showroom/ Warehouse										C		C	P	P	P	1 space per 300 square feet	
Temporary Real Estate Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4 spaces	2.04.C.3.b. Temporary Real Estate Field Office
Model Home	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P	2 spaces per model	2.04.C.3.c. Model Home
Temporary Contractors Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.3.a. Temporary Contractors Field Office
Personal and Business																	
Ambulance Service												C	P	P	C	1 space per 500 square feet	
Automobile Driving School										C	P	P	P	P	P	1 space per classroom seat	
Bed and Breakfast	P	C	C	C	C	C	C	C		C	C	P	P		P	2 spaces plus one per guest room	
Dance Hall/Night Club												C	C		P	1 space per 100 square feet	
Art or Recreational Studio	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	1 space per 100 square feet	
Fortunetelling and Similar Activities														C		1 space per 300 square feet	
Funeral Home or Mortuary												C	P	P	C	1 space per 100 square feet	2.04.C.4.a. Funeral Home or Mortuary
Health Club										C	P	P	P	P	P	1 space per 300 square feet	
Hotel													P	P	C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	2.04.C.4.b. Hotels
Alternative Financial Institution												C	C			1 space per 200 square feet	
Personal Services										C	P	P	P	P	P	1 space per 200 square feet 2 spaces per station for Barber/Beauty Salons	
Nail Salon										C	P	P	P	P	P	2 spaces per station	
Pet and animal grooming shop (no outside kennels)										C	P	P	P	P	P	2 spaces per station	
Commercial Kitchen/Commissary											P	P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts										Nonresidential Districts					Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Motel													C		C	One space per guest room for the first 250 rooms and 0.75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.	
Wedding Chapel or Reception Venue	C	C								C	C	P	P	P	P	1 per 4 seats	
Recreational Vehicle Park										C						1 per RV space unit	2.04.C.4.c. Recreational Vehicles
Halfway House	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	Greater of 1 per three beds or 1.5 spaces per dwelling	
Chemical Dependency Facility	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	Greater of 1 per three beds or 1.5 spaces per dwelling	
Retail, Incidental										P	P	P	P		P	None	
Sexually Oriented Business														C		1 space per 200 square feet	
Tattoo or Body Piercing Studio												C	C		C	1 space per 200 square feet	
Retail																	
Artist or Photography Studio										C	P	P	P	P	P	1 space per 500 square feet	
Bakery, Retail										C	P	P	P	P	P	1 space per 200 square feet	2.04.C.11.a. Drive-Throughs
Bakery (Wholesale)													P	P	P	1 space per 500 square feet	
Brewpub										C	C	P	P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc., plus 1 space per 100 square feet for associated eating or drinking establishments	
Building, Materials, and Landscaping Store												P	P	P	P	1 space per 400 square feet plus one per 1,000 square feet of warehouse area	
Convenience Store										C		P	P	P	C	1 space per 200 square feet	
Bar										C	C	P	P	P	P	1 space per 100 square feet	
Private Club												C	C	C	C	1 space per 100 square feet	
Micro Brewery, Micro Winery, or Micro Distillery													P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-In Service)												C	C	P	P	Greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces	
Eating Establishment (With No Drive-Through Service)										C	P	P	P	P	P	1 space per 100 square feet	
Eating Establishment (With Drive-Through Service)												C	P	P	P	1 space per 100 square feet	2.04.C.11.a. Drive-Throughs
Furniture And Appliance Store												C	P	P	P	1 space per 500 square feet	

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Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
General Retail Stores										C	P	P	P	P	P	1 space per 200 square feet 1 space per 300 square feet for buildings over 20,000 square feet	
Coffee Roasting													C	P		1 space per 1,000 square feet	
Mobile Food Court												C	C	C	C	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor	2.04.C.5.a. Mobile Food Courts
Motion Picture Studios, Commercial Films												C	P	P	P	1 space per 300 square feet	
Theater (Indoor)										C	P	P	P	P	P	1 space per 3 seats for single-screen theaters 1 space per 5 seats for two or more screen theaters	
Plant Nursery												P	P	P	P	1 space per 1,000 square feet of sales area	
Painting and Refinishing Shop												C	P	P	P	1 space per 500 square feet	
Stone Monuments and Gravestones, Engraving And Retail Sales Only												C	P	P	C	1 space per 500 square feet	
Transportation and Auto Services																	
Airport or Landing Field	C													C		1 space per 500 square feet	
Automobile Accessory Installation												C	P	P		1 space per 200 square feet	
Vehicle Dealership and Rental Services												P	P	P	C	1 per 500 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services
Automotive Parts and Accessories Sales												P	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Major												C	P	P	P	1 space per 200 square feet	
Automotive Repair and Service, Minor												P	P	P	P	1 space per 200 square feet	2.04.C.6.b. Automotive Repair and Service, Minor
Auto Storage or Auto Auction													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage
Wrecking or Salvage Yard													P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.10.a. Wrecking or Salvage Yards
Automobile Wash (Full Service/Detail Shop)												P	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash
Automobile Wash (Self-Service)												C	P	P	P	3 space per washing capacity of module	2.04.C.6.c. Automobile Wash
Fleet Facility													P	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards		
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT				
Fueling Station (Gasoline/Charging)													P	P	P	1 space per 200 square feet of floor area, plus 1 parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement).	2.04.C.11.b. Fuel Pumps/EV Charging Stations		
Motor Freight Terminal															P	P	C	For warehouse and staging/loading areas, 1 space per 1,000 square feet of floor area; for bus depot or other human transportation use, 1 space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Recreational Vehicle/Camper Sales													P	P	P	C	1 per 300 square feet of indoor area (including display, offices, repair) 1 per 1,000 square feet of outside display/storage/sales area	2.04.C.6.a. Auto Sales Vehicle Dealership and Rental Services	
Parking Lot or Garage	C		C	C	C	C	C	C		C	C	P	P	P	C	None			
Rail Yard													P	P	C	1 space per 1,000 square feet			
Taxi/Limousine Service												C	P	P	C	1 space per 1.5 automobiles in service			
Tire Sales (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage		
Waste Management	C													C	C	1 space per 500 square feet of indoor space			
Transit Terminal															P	P	C	For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).	
Transportation and Utility Structures or Facilities																P	For warehouse and staging/loading areas, one space for each 1,000 square feet of floor area; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).		

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	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT			
Truck and Bus Leasing													P	P		1 space per 1,000 square feet		
Truck and Bus Repair														P		1 space per 1,000 square feet		
Truck Sales and Services													P	P		1 space per 1,000 square feet		
Truck Stop													C	P	C	1 space per 1,000 square feet	2.04.C.11.b. Fuel Pumps/EV Charging Stations	
Truck Terminal													P	P		1 space per 1,000 square feet		
Recycling Collection Center														C		1 space per 500 square feet of indoor space		
Amusement and Recreation																		
Amusement, Commercial (Indoor)												C	P	P	P	C	1 space per 200 square feet	
Amusement, Commercial (Outdoor)	C											C	P	P	C	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area Golf driving range: 1½ spaces per each driving tee.		
Amusement, Commercial (Temporary)									C				C	P	C	Determined by P and Z		
Dinner Theater												P	P	P	P	1 per 4 seats or bench seating space		
Theater or Playhouse (Indoor)												P	P	P	P	1 per 4 seats or bench seating space		
Drive-In Theater	P												C	C	C	1 space per speaker		
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6 spaces per hole		
Playfield, Stadium, or Sports Arenas	C											C	P	P	P	1 space per three seats		
Recreational Vehicle (RV) Park/Campground	C												C	P	C	1 per RV pad	2.04.C.4.c. Recreational Vehicles	
Swimming Pool, Commercial										C	C	P	P	P	P	1 space per 100 square feet of gross water surface and deck area	2.04.C.7.a. Swimming Pools	
Tennis Court (Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2 spaces per court		
Tennis Court (Lighted)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	2 spaces per court		
Amphitheater													C	C		1 per 4 seats or bench seating space		
Institutional/Governmental																		
Adult Day Care													P	P		P	1 space per 6 clients	
Assisted Living													P	P		P	1 space per 6 beds; plus 1 space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.	
Auction House													C	P	P	C	1 space per 100 square feet	
Wireless Communication Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.8.a. Communications Antennas and Support Structures/Towers	
Cemetery or Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 5,000 square feet of land		
Child Care Facility, Day Care										C	P	P	P		P	1 space per 5 children		

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Child Care Facility, Children's Home							P	P				P	P			1 space per 300 square feet	
Religious Assembly or Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 4 seats in sanctuary	
Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Civic Club										P	P	P	P	P	P	10 spaces plus 1,300 square feet above 2,000	
Recreation or Community Center	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	1 space per 300 square feet	
Community Home For Persons With Disabilities	P	P	P	P	P	P	P	P	P						P	1 space per employee plus 1 space per 2 residents	
Electric Power Plant													C	P	C	1 space per 1,000 square feet	
Electric Storage System															C	2 spaces per facility	
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 space per 1,000 square feet	
Event Facility	C												C	C	C	1 space per 1,000 square feet of land area	
Child Care Home (≤ 6 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Child Care Home (≥ 7 Children)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	1 space per 10 children plus 1 space per teacher	
Fraternity or Sorority House						C	C	C		C	C	C	C		C	2 spaces per bedroom	
Air Transportation Related Uses										C	C	C	C	C	C	3 spaces	
Medical Laboratory													P	P		1 space per 500 square feet	
Hospital										C		P	P	P	P	1 space per bed	
Household Care Facility	P	P	P	P	P	P	P	P	P						P	1 space per 6 clients	
Household Care Institution												P	P	P		1 space per 6 clients	
Institution For Alcoholic, Narcotic, Or Psychiatric Patients (Out-Patient)												C	C	P	C	1 space per 200 square feet	
Institution For Alcoholic, Narcotic, or Psychiatric Patients (In-Patient)												P	P	P		1 space per 200 square feet	
Massage Therapy Establishment (Licensed)												P	P	P	P	1 space per 200 square feet	
Municipal or Governmental Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 space per 300 square feet	
Library, Museum, or Art Gallery	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	1 space per 300 square feet; 1 per 500 square feet for buildings over 20,000 square feet	
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Determined by P and Z	
Correctional Facility	C												P	P	C	1 space per 500 square feet	
Retirement Housing for the Elderly						P	P	P								2 spaces per dwelling unit	
Riding Academy	P	C	C	C	C	C	C	C	C	C	C	C	C	P	C	1 space per five stalls	
Solid Waste Facility or Landfill															C	1 space per ten acres	
Sanitary Station or Dump Facility															C	5 spaces	
School, College or University	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	10 per classroom plus 2 per office	
School, Commercial, Trade, Technical										C	C	P	P	P	P	1 space per 2 students	
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Specific Use Standards	2.04.C.8.b. School, Primary and Secondary
Boarding Home Facility								C				C	C	C	C	1 space per 3 beds or 1.5 per dwelling	

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	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Radio or Television Studio										P		P	P	P	P	1 space per 200 square feet	
Telephone and Exchange/Switching Station	C									P		P	P	P	C	1 space per 500 square feet	
Commercial																	
Animal Kennel (Outdoor Pens)	P												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	
Animal Kennels (Indoor Pens)	P												P	P		1 space per 500 square feet	
Appliance Service and Repair										C	C	P	P	P	P	1 space per 500 square feet	
General Commercial Plant												C	P	P	C	1 space per 1,000 square feet	
Cattle, Swine, or Poultry Feedlot (CAFO)	C													C		1 space per 5,000 square feet of land	
Contractor's Shop and Storage Yard	C												P	P		1 space per 300 square feet of indoor space plus 1 space per 5,000 square feet of outdoor storage area	2.04.C.11.c. Outdoor Storage
Contractor's Shop	C											P	P	P	P	1 space per 500 square feet of indoor space plus 1 space per 1,000 square feet of outdoor storage area	
Exterminator Service		C										P	P	P	P	1 space per 300 square feet	
Machine Shop													P	P	C	1 space per 1,000 square feet	
Maintenance and Repair Service For Buildings												C	P	P	C	1 space per 500 square feet	
Manufactured Home Display or Sales													C	P	C	1 space per 1,000 square feet of inside building and outside storage/display area	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Warehousing and Distribution												C	P	P	C	1 space per 1,000 square feet	
Self Storage												C	P	P	C	4 spaces	
Moving and Storage Facilities													P	P	C	1 space per 1,000 square feet	
Outdoor Sales as a Primary Use												C	P	P		1 space per 5,000 square feet of land area	
Pawnshop													P	P	C	1 space per 200 square feet	
Propane Sales Filling												C	P	P	C	1 space per 200 square feet	
Publishing and Printing												C	P	P	P	1 space per 500 square feet	
Scientific and Industrial Research Laboratories (Hazardous)													C	P		1 space per 300 square feet	
Scientific and Industrial Research Laboratories (Nonhazardous)										P		C	P	P	P	1 space per 300 square feet	
Tool and Machinery Rental												C	P	P	C	1 space per 300 square feet	
Small Engine Repair Shop												C	P	P	C	1 space per 300 square feet	
Veterinarian Clinic (Indoor Kennels)	P									C		P	P	P	P	1 space per 500 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Veterinarian Clinic (Outdoor Kennels or Pens)	C												C	P		1 space per 500 square feet plus 1 space per 1,000 square feet of outdoor space	
Manufacturing/Industrial																	
Concrete or Asphalt Batch Plant															C	1 space per 5,000 square feet of land	
Concrete or Asphalt Batch Plant (Temporary)												C	P	P		1 space per 5,000 square feet of land	
Crematory														C		1 space per 1,000 square feet	
Food Processing													C	P		1 space per 1,000 square feet	
Foundry, All Types																1 space per 1,000 square feet	
Heavy Machinery Sales and Storage													C	P		1 space per 1,000 square feet	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Laboratory Equipment Manufacturing														C		1 space per 1,000 square feet	
Petroleum and Petroleum Products Refining																1 space per 1,000 square feet	
Petroleum Distribution/Storage													C	P		1 space per 1,000 square feet	
Poultry Hatchery																1 space per 1,000 square feet	
Poultry Slaughtering and Processing																1 space per 1,000 square feet	
Rendering Plant																1 space per 1,000 square feet	
Resource Extraction	C													C		1 space per acre	
Sand, Gravel, or Stone Storage And Sales	C												C	P		1 space per 1.5 employees, plus five per acre	2.04.C.9.a. Large Equipment and Materials Storage and Sales
Water Distillation													P	P		1 space per 1,000 square feet	
Cold Storage Plants/Locker													P	P		1 space per 1,000 square feet	
Ice Cream/Ice Manufacture													P	P		1 space per 1,000 square feet	
Awning Manufacture, Cloth, Metal and Wood													P	P		1 space per 1,000 square feet	
Bag Manufacturing													P	P		1 space per 1,000 square feet	
Bottling Works													P	P		1 space per 1,000 square feet	
Broom Manufacture													P	P		1 space per 1,000 square feet	
Canvas and Related Products Manufacture													P	P		1 space per 1,000 square feet	
Engraving Plant													P	P		1 space per 1,000 square feet	
Envelope Manufacture													P	P		1 space per 1,000 square feet	
Office Equipment Manufacture													P	P		1 space per 1,000 square feet	
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture													P	P		1 space per 1,000 square feet	
Paper Products and Paper Box Manufacture													P	P		1 space per 1,000 square feet	
Plastic Products, Molding, Casting and Shaping													P	P		1 space per 1,000 square feet	

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	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Clothing Manufacture													P	P		1 space per 1,000 square feet	
Electronic Assembly													P	P	C	1 space per 1,000 square feet	
Electro-Plating/Electro-Typing													P	P	C	1 space per 1,000 square feet	
Mattress, Making and Renovating													P	P	C	1 space per 1,000 square feet	
Artificial Flower Manufacture												C	P	P		1 space per 1,000 square feet	
Candy and Other Confectionary Products Manufacture												C	P	P		1 space per 1,000 square feet	
Ceramic Products Manufacture												C	P	P		1 space per 1,000 square feet	
Automobile Assembly														P	C	1 space per 1,000 square feet	
Automobile Parts Manufacturing													C	P	C	1 space per 1,000 square feet	
Canning and Preserving Factory													C	P		1 space per 1,000 square feet	
Coffin Manufacture													C	P		1 space per 1,000 square feet	
Cutlery, Handtools and General Hardware Manufacture													C	P		1 space per 1,000 square feet	
Dairy Products Manufacture													C	P		1 space per 1,000 square feet	
Electric Lamp Manufacture													C	P		1 space per 1,000 square feet	
Enameling and Painting													C	P		1 space per 1,000 square feet	
Farm/Garden Machinery and Equipment Manufacture													C	P		1 space per 1,000 square feet	
Footwear Manufacture													C	P		1 space per 1,000 square feet	
Fixtures Manufacture													C	P		1 space per 1,000 square feet	
Furniture Manufacture													C	P		1 space per 1,000 square feet	
Machinery Manufacture													C	P		1 space per 1,000 square feet	
Marble Working and Finishing													C	P		1 space per 1,000 square feet	
Metal Cans and Shipping Containers Manufacture													C	P		1 space per 1,000 square feet	
Metal Products, Stamping and Manufacture													C	P		1 space per 1,000 square feet	
Mirror Resilvering													C	P		1 space per 1,000 square feet	
Paint Manufacture and/or Mixing													C	P		1 space per 1,000 square feet	
Pecan Processing													C	P		1 space per 1,000 square feet	
Rug and Carpet Manufacture													C	P		1 space per 1,000 square feet	
Sign Manufacturing (No Outdoor Storage)													C	P		1 space per 1,000 square feet	
Sign Manufacturing (With Outdoor Storage)													C	P		1 space per 1,000 square feet	2.04.C.11.c. Outdoor Storage
Textile Products Manufacture													C	P		1 space per 1,000 square feet	
Tire Retreading and Recapping													C	P		1 space per 1,000 square feet	

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Wood Container Manufacture													C	P		1 space per 1,000 square feet	
Wood Products Manufacture													C	P		1 space per 1,000 square feet	
Boiler Manufacture and Repair														P		1 space per 1,000 square feet	
Elevator Manufacture														P		1 space per 1,000 square feet	
Printing Ink Manufacture														P		1 space per 1,000 square feet	
Truck Manufacture														P		1 space per 1,000 square feet	
Waste Paper Products Manufacture														P		1 space per 1,000 square feet	
Flour and Other Grain Mills														P		1 space per 1,000 square feet	
Aircraft Parts Manufacture														P		1 space per 1,000 square feet	
Airplane Repair and Manufacturing														P		1 space per 1,000 square feet	
Feed Manufacture													C	C		1 space per 1,000 square feet	
Leather Products Manufacture													C	C		1 space per 1,000 square feet	
Animal Processing and Slaughter													C	C		1 space per 1,000 square feet	
Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law													C	C		1 space per 1,000 square feet	
Adhesives and Sealants Manufacture													C	C		1 space per 1,000 square feet	
Acid Manufacture														C		1 space per 1,000 square feet	
Asphalt Paving and Roofing Material Manufacture														C		1 space per 1,000 square feet	
Battery Manufacture														C		1 space per 1,000 square feet	
Bleaching/Chlorine Powder Manufacture														C		1 space per 1,000 square feet	
Casein Manufacture														C		1 space per 1,000 square feet	
Celluloid and Similar Cellulose Manufacture														C		1 space per 1,000 square feet	
Cement Manufacture														C		1 space per 1,000 square feet	
Chalk Manufacture														C		1 space per 1,000 square feet	
Chemicals (Agricultural) Manufacture														C		1 space per 1,000 square feet	
Chemicals (Industrial) Manufacture														C		1 space per 1,000 square feet	
Culvert Manufacture														C		1 space per 1,000 square feet	
Distillation of Liquors, Spirits, etc. (Brewery)														C		1 space per 1,000 square feet	
Dye Manufacture														C		1 space per 1,000 square feet	
Felt Manufacture														C		1 space per 1,000 square feet	
Furnace Manufacture														C		1 space per 1,000 square feet	
Gases (Industrial) Manufacture														C		1 space per 1,000 square feet	

Unified Development Code

Article 2. Zoning Regulations | 2.04. Permitted Uses and Use-Based Standards

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Glucose Manufacture														C		1 space per 1,000 square feet	
Hair Products Factory (Other Than Human)														C		1 space per 1,000 square feet	
Kerosene Manufacture or Storage														C		1 space per 1,000 square feet	
Lumber Mill/Yard														C		1 space per 1,000 square feet	
Meat Packing Plant														C		1 space per 1,000 square feet	
Oil Compounding and Barreling														C		1 space per 1,000 square feet	
Oilcloth Manufacture														C		1 space per 1,000 square feet	
Paper and Paper Pulp Manufacture														C		1 space per 1,000 square feet	
Snuff Manufacture														C		1 space per 1,000 square feet	
Shellac and Varnish Manufacture														C		1 space per 1,000 square feet	
Soap, Detergents, Cleaning Preparations Manufacture														C		1 space per 1,000 square feet	
Starch Manufacture														C		1 space per 1,000 square feet	
Steel Works, Blast Furnaces and Rolling Mills														C		1 space per 1,000 square feet	
Stone Cutting or Crushing														C		1 space per 5,000 square feet of land area	
Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture														C		1 space per 5,000 square feet of land area	
White Lead Manufacture														C		1 space per 5,000 square feet of land area	
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar)														C		1 space per 5,000 square feet of land area	
Wood Preserving Manufacture and Treatment														C		1 space per 5,000 square feet of land area	
Accessory/Temporary																	
Drive-Through										C	C	P	P		C	None	2.04.C.11.a. Drive-Throughs
Electric Vehicle (EV) Charging Station										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Fuel Pump										C	C	P	P		C	None	2.04.C.11.b. Fuel Pumps/EV Charging Stations
Outdoor Display										C	C	P	P		C	None	2.04.C.11.d. Outdoor Display
Outdoor Storage										C	C	P	P	P	C	None	2.04.C.11.c. Outdoor Storage
Service Building										P	C	P	P	P	C	None	
Garage or Yard Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.e. Garage or Yard Sales
Temporary Outdoor Sales												P	P		P	See Specific Use Standards	2.04.C.11.f. Temporary Outdoor Sales
Temporary Storage Containers												P	P	P		See Specific Use Standards	2.04.C.11.h. Temporary Storage Containers
Open Air Market (Temporary)													C	C	C	1 space per 200 square feet	2.04.C.11.f. Temporary Outdoor Sales

Land Use	Residential Districts									Nonresidential Districts						Parking	Specific Use Standards
	AG	SF-20	SF-9	SF-7.5	SF-6	D	MF-1	MF-2	MHP	O	NR	GR	C	I	OT		
Seasonal Uses (Temporary)													C	C	C	1 space per 500 square feet	2.04.C.11.f. Temporary Outdoor Sales
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None	2.04.C.11.i. Home Occupations

C. Use-Based Standards

1. Agriculture

Reserved for future use.

2. Residential

a. Accessory Dwelling Unit

- i. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.
- ii. Accessory Dwelling Units must meet the height and setback requirements established by the zoning district.
- iii. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.
- iv. Accessory Dwelling Units may be rented or occupied by a guest but shall not be sold separately from the principal dwelling.
- v. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

b. Caretaker's or Guard's Residence

- i. No Caretaker's or Guard's Residence shall be used or occupied as a place of residence by anyone other than a caretaker who is actually and regularly employed by the landowner or occupant of the main building, or is a guest(s) or family member(s) of the caretaker.
- ii. No more than one (1) Caretaker's or Guard's Residence shall be permitted on a lot.
- iii. A Caretaker's or Guard's Residence shall not, in any case, be leased or sold.

c. Manufactured Home Parks

See **2.05.G.4. Manufactured Homes and Manufactured Home Parks.**

d. Multiple-Family Dwellings

i. Green Space; Recreational Areas

- (a) A minimum of 50 percent of the gross platted area shall be open green space and common recreational areas.
 - (i) The minimum percentage of open space and common recreational areas may be reduced at the time of site plan approval to 20 percent of the gross platted area, provided the area is intensively landscaped with underground irrigation systems and continuous maintenance is provided for.
- (b) The open green space and common recreational areas shall be areas not specifically designated or used as building sites for dwelling units, buildings sites for utility or storage buildings, parking lots, garages, streets or driveways within the multifamily development.

- (c) The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas.
- (d) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

ii. Walkways

A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable City standards and specifications. All walks shall be lit at night with a minimum intensity of two foot-candles' illumination.

iii. Building Length

Buildings shall not exceed 200 feet in length.

iv. Oversized Parking Areas

Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

v. Address Signage

All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

vi. Gated/Secured Entrances

Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.

vii. Streets or Driveways

Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the City, and shall be at least 28 feet in width throughout. All driveways shall be lit at night with a minimum intensity of two foot-candles' illumination.

viii. Required Amenities

All new multiple-family development must include a minimum of three amenities from the menu below, with at least one amenity from each category.

(a) Outdoor Amenities

- (i) Balconies or patios for each unit
- (ii) Community plazas or courtyards
- (iii) Dog park
- (iv) Playground equipment
- (v) Swimming pool

(b) Indoor Amenities

- (i) Fitness center
 - (ii) Business center
 - (iii) Community room
 - (iv) Indoor recreational room
- (c) Social and Lifestyle Amenities
 - (i) Walking trails
 - (ii) Outdoor grills and picnic areas
 - (iii) Community garden
- e. Zero-Lot Line and Patio Home
 - i. Maximum Density

Maximum density is 10 dwelling units per acre.
 - ii. Minimum Lot Requirements
 - (a) Lot size: 4,000 square feet.
 - (b) Width: 40 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - (c) Depth: 100 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - iii. Minimum required yards and building lines:
 - (a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - (b) Side – Interior Lots

The side building line, to include eaves and appurtenances, shall not be less than five feet. On zero lot line homes the side yards shall be a minimum of zero feet and ten feet respectively. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - (c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - (d) Rear – Generally are 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet. Zero lot line developments shall be a minimum of ten feet. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**
 - (e) Rear – Arterial Street

The rear building line where a lot backs on an arterial street shall not be less than 25 feet.
 - iv. Maximum Lot Coverage

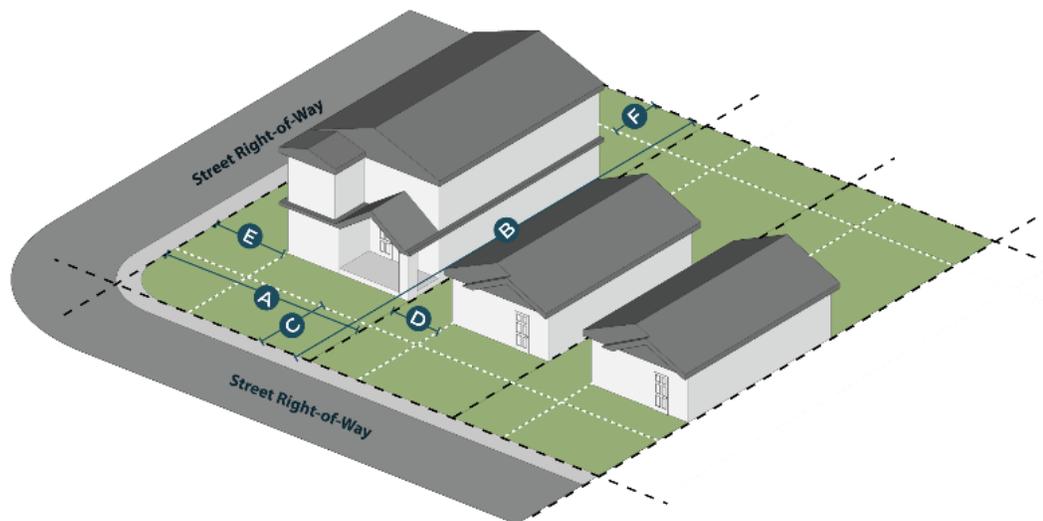
Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.
 - v. Maximum Height

Maximum height is two stories, or 35 feet in total height, including gables. **(See Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments.)**

- vi. Green Space/Recreational Areas
 - (a) A minimum of 20 percent of the gross platted area shall be open green space.
 - (b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that are irrigated and continuously maintained.
 - (c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.
 - (d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.
 - (e) Detention ponds and surrounding areas may also be considered "open green space" so long as the detention area is amenitized.
 - (f) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of open green space.

Figure 2.04-2. Lot and Yard Regulations for Zero Lot Line Developments

Lot Width	Lot Depth	Front Yard Setback	Interior Side Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E	F

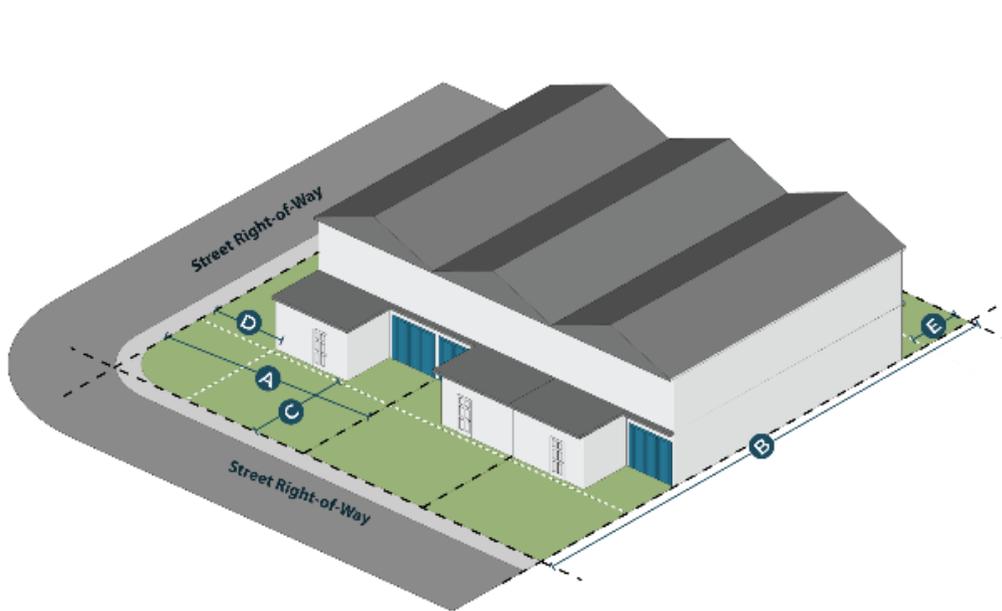


- f. Townhomes and Single-Family Attached
- i. Minimum Acreage
The minimum acreage for a planned development request for a townhome or single-family attached single-family residential dwelling unit complex shall be four acres.
 - ii. Maximum density is 12 dwelling units per acre.
 - iii. Minimum lot requirements:
 - (a) Lot size: 3,600 square feet.
 - (b) Width: 25 feet.
 - (c) Depth: 100 feet.
 - iv. Minimum Required Yards and Building Lines
 - (a) Front is 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 35 feet.
 - (b) Side – Interior Lots
There shall be no side yard or building line for a side of an interior lot that is adjacent to another townhome. The two side yard or building lines when two units do not share a common lot line, including eaves and appurtenances, shall be any combination that provides at least ten feet between structures.
 - (c) Side – Corner lots are 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.
 - (d) Rear – Generally are ten feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot-wide alleyway, then the minimum rear building line shall be not less than 7.5 feet.
 - (e) Rear – Arterial Streets
The rear building line where a lot back on an arterial street shall not be less than 25 feet.
 - v. Maximum Lot Coverage
Not more than 60 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material.
 - vi. Maximum Height
Two stories, or 25 feet in total height, including gables, shall be the maximum height.
 - vii. Green Space/Recreational Areas
 - (a) A minimum of 30 percent of the gross platted area shall be open green space.
 - (b) The term "open green space" is defined as, and limited to common areas of open space or landscaping and community recreational areas that is irrigated and continuously maintained.
 - (c) The term "open green space" does not include areas specifically designated or used as building sites for patio home or zero lot line units, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a patio home development.
 - (d) The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space.

- (e) Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.

Figure: 2.04.4 Lot and Yard Regulations for Townhomes and Attached Single Family

Lot Width	Lot Depth	Front Yard Setback	Corner Lot Side Yard Setback	Rear Yard Setback
A	B	C	D	E



viii. Screening Requirements

A fence, wall, or other similar screening device, of not less than six feet nor more than eight feet in height, shall be constructed and maintained along the two sides and the rear of each patio home development complex; provided, however, no such screening device shall be required adjacent to portions of the development that contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

ix. Sidewalks

Concrete sidewalks shall be provided along all streets within a townhome development in accordance with applicable City standards and specifications.

x. Visitor Parking

In addition to the parking required in 2.04.B. Permitted Use Chart, the on and off street parking shall be analyzed to ensure that a minimum of one additional space per every two dwelling units is available for visitor parking.

g. Cottage Courts

- i. Each dwelling unit must be on a separate platted lot.

- ii. The common area must be a separate platted lot, owned and maintained by a homeowners' association.
 - iii. Front façades of other dwellings and entrances must be oriented to the common area with pedestrian infrastructure (e.g., a sidewalk) from each front door to the green space. Frontage on the common area is considered to meet the requirement for frontage on a public or private street.
 - iv. The minimum total lot area required for a cottage court is the cumulative area required for each dwelling in the cottage court.
 - v. The zoning district standards apply to each individual dwelling within the cottage court with the following exceptions:
 - (a) The maximum building height is limited to 25 feet for all dwellings.
 - (b) The minimum front setback required is 10 feet.
 - (c) The minimum interior side setback required is 5 feet.
 - vi. Common areas must meet the following standards:
 - (a) The minimum area of the common area is 2,000 square feet or 500 square feet per dwelling unit, whichever is greater.
 - (b) Of the required amount of common area space, 70 percent of the common area must have a minimum width of 40 feet.
 - (c) Of the required amount of common area space, 75 percent must be centrally located.
 - (d) All common area space must be accessible to all residents.
 - (e) Private yards associated with dwellings are not counted toward the required amount of common area.
- h. Mixed-Use
- i. Uses
 - (a) This use allows for multifamily housing in conjunction with a nonresidential use, where the residential use is located above a nonresidential use in the same structure. Both the residential and nonresidential use types must be permitted within the same zoning district. This use also allows for a combination of nonresidential uses that are permitted within the same zoning district.
 - (b) At least 75 percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.
 - (c) If a one-story structure exists on the property, 100 percent of the structure shall be occupied for nonresidential use(s) only.
 - (d) Drive-through features for the transaction of business are prohibited.
 - ii. Required Fenestration
 - (a) The ground floor shall be 50 percent to 75 percent doors and/or windows.
 - (b) Upper floors shall be 25 percent to 50 percent doors and/or windows (measured between 3 to 9 feet above each finished floor).
 - iii. Building Entrance
 - (a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.
 - (b) Architectural elements shall indicate a clear entry point.

- iv. Parking
 - (a) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces.
 - (b) No off-street parking shall be located in front of the building façade.

3. Office

a. Temporary Contractors Field Office

- i. Temporary contractors field offices or construction offices, including trailers and modular offices, are permitted on or adjacent to any site during which construction is undertaken pursuant to a valid building permit.
- ii. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site.
- iii. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.

b. Temporary Real Estate Field Office

Temporary real estate sales offices, including trailers and modular offices, shall be permitted incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:

- i. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;
- ii. Parking shall be permitted on the lot in which the office is located or on an adjacent lot;
- iii. Permitted temporary real estate sales offices shall not be used as any type of dwelling;
- iv. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and
- v. All temporary real estate sales offices shall be removed within 30 days after the sale of the last dwelling unit in the development, or within 30 days after 12 continuous months of no construction or sales activity.

c. Model Home

Model homes with or without a sales office shall be permitted incidental to a residential development. Model homes shall be located and developed in compliance with the following standards:

- i. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated.
- ii. Parking shall be permitted on the lot in which the model home is located or on an adjacent lot.
- iii. The model home shall be designed as a permanent structure and shall comply with the provisions of this chapter, all applicable building codes of the City, and state law.
- iv. All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited.
- v. The model home shall cease operation within 30 days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.
- vi. There shall be no permanent use of temporary buildings or temporary structures.

- vii. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.

4. Personal and Business

a. Funeral Home or Mortuary

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 (see **2.04.B. Permitted Use Chart**), 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.

b. Hotels

- i. A hotel must also meet the following requirements:

- (a) Guest rooms must be accessible only through interior corridors;
- (b) Entrance through exterior doors must be secured and accessible only to guests and employees;
- (c) Hotel management must be on-site 24 hours each day;
- (d) Prohibit overnight parking of trucks with more than two axles in the hotel's parking areas;
- (e) Must contain at least three of the following amenities:
 - (i) A minimum of 300 square feet of dedicated meeting and event facilities;
 - (ii) A restaurant, eating or social area accessible through the interior of the hotel that offers food or food options and seating for at least 30 patrons during industry-standard dining hours;
 - (iii) Swimming pool; or
 - (iv) Fitness center.

c. Recreational Vehicles

See **2.05.G.5 Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures.**

5. Retail

a. Mobile Food Courts

- i. No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- ii. All activity must occur on private property, outside of the public right-of-way.
- iii. There shall be at least three feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten feet of unobstructed clearance for mobile food vendors parked side-by-side.
- iv. Mobile food vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for mobile food vendors shall meet the minimum parking requirements per **2.04.B. Permitted Use Chart**.
- v. Vehicular drive-through service of food and/or beverages shall not be permitted.
- vi. Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.

- vii. Electrical service may be provided to the mobile food vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.
- viii. A designated seating area shall be provided for patrons.
- ix. Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that a mobile food vendor may be located at the same location.
- x. Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.
- xi. All mobile food vendors shall meet all other requirements per [Chapter 32, Peddlers and Solicitors](#).

6. Transportation and Auto Services

a. Auto Sales Vehicle Dealership and Rental Services

- i. Inventory parking spaces shall not contribute to the total parking provided by the use.
- ii. 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).

b. Automotive Repair and Service, Minor

- i. Automotive Repair and Service, Minor operations and activities shall occur within a fully enclosed structure sufficient to prevent noise glare odors, heat, or other adverse effects from extending beyond the property line of the lot or parcel on which the use is permitted.

c. Automobile Wash

See **2.05.B. Off-Street Parking and Loading** for applicable stacking requirements.

7. Amusement and Recreation

a. Swimming Pools

Swimming pools shall conform to City-adopted ordinances.

8. Institutional and Governmental

a. Communications Antennas and Support Structures/Towers

The following requirements shall apply to communications antennas and support structures/towers:

i. Applicability

- (a) These regulations apply to all commercial and amateur antennae and support structures, unless exempted in **(b)** below.
- (b) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antenna, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:
 - (i) In any zoning district, antennae that are one meter (i.e., 39 inches) or less in diameter;
 - (ii) In a nonresidential zoning district, antennae that are two meters or less in diameter;
 - (iii) In any zoning district, antennae designed to only receive television broadcasts;
 - (iv) In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
 - (v) In any zoning district, amateur radio ground-mounted whips and wire antennae.

- (c) Support structures or antennae legally installed before the effective date of the ordinance from which this section is derived are not required to comply with this section, but must meet all applicable state, federal and local requirements, building codes and safety standards.

- ii. Special Definitions

For the purpose of this section, the following special definitions shall apply:

- (a) Antenna, microwave reflector, wireless communication, and antenna support structure means an antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). The term "microwave reflector" means an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. The term "antenna support structure" includes any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. This definition specifically includes towers (radio, television, microwave, wireless, etc.), mobile antennas, and any type of similar structure that may be temporary.
- (b) Antenna (commercial) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet in diameter shall also be considered as a commercial antenna.
- (c) Antenna (non-commercial/amateur) means an antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet in diameter shall also be considered as a non-commercial antenna.
- (d) Collocation means the use of a single support structure and/or site by more than one communications provider.
- (e) Communications operations (commercial) means the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
- (f) Communications operations (non-commercial/amateur) means the transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
- (g) Height means the distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

- iii. General Requirements

- (a) Antennae and support structures may be considered either principal or accessory uses.
- (b) Antenna installations shall comply with all other requirements of this UDC and the City Code of Ordinances with the exception of those specifically cited within these regulations.
- (c) No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennas attached to utility

structures that exceed 50 feet in height, or to antennae placed wholly within or mounted upon a building.

- (d) No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
 - (e) All antenna and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable federal, state and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within 180 calendar days or as may otherwise be required by the applicable regulating authority.
 - (f) A Building Permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see **2.04.C.8.a.i. Applicability** above). All installations shall comply with applicable federal, state and local building codes and the standards published by the electronic industries association. Owners/users shall have 30 calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.
 - (g) Antennae (amateur or commercial) shall not create electromagnetic or other interference with the city's and the county's radio frequencies and public safety operations, as required by the FCC. In accordance with FCC regulations, antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
 - (h) No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
 - (i) Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.
 - (j) Temporary antenna shall only be allowed in the following instances:
 - (i) In conjunction with a festival, carnival, rodeo or other special event/activity;
 - (ii) In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
 - (iii) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.
- iv. Collocation Is Greatly Encouraged
- (a) Existing towers must be used to support new antennae (i.e., collocation) unless the applicant can demonstrate a unique need for a new tower. All new support structures over 50 feet in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 - (b) A support structure that is modified or reconstructed in order to accommodate collection shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location provided that it is not moved any closer to

residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within 30 calendar days following completion of the new structure.

- (c) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.
- v. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district.
- vi. Satellite dishes, television antennas, and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39 inches) in diameter and antennae do not extend over ten feet above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the Building Official prior to any approval of a roof-mounted antenna. Roof-mounted antenna that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.
- vii. Only one amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two satellite dishes may be allowed if both units are no larger than one meter (39 inches) in diameter (only one allowed if over one meter in diameter).
- viii. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.
- ix. Any publicly owned antennae or antenna support structures are exempt from regulation by this chapter (e.g., public safety communications, etc.).
- x. Location requirements for commercial antennas. A commercial antenna support structure not allowed by right through another provision of this section may be allowed in any zoning district by conditional use permit (CUP) provided that it shall be no closer than a distance equal to twice the height of the support structure to any residentially zoned lot and/or to any residential use. Such setback shall be measured as the shortest distance in a straight line from the structure to the closest point of any residential zoned lot other than the lot upon which the support structure is located.
- b. School, Primary and Secondary

The following parking space requirements shall be provided for each school type and in accordance with Section 2.05.B. **Off-Street Parking and Loading.**

- i. Elementary
 - Two spaces for every classroom and office.
- ii. Junior High
 - Three spaces for every classroom and two spaces for each office.
- iii. High School
 - Eight spaces for every classroom and two spaces for each office.

9. Commercial

- a. Large Equipment and Materials Storage and Sales
 - i. Except in the Industrial (I) District, where the use is engaged in the storage, display, and sale of agricultural and construction materials such as feed, grain, paint, lumber, or others, these materials shall be stored within a screened, partially enclosed, or fully enclosed structure such as a barn, silo, shed, or incidental warehousing structure.

10. Manufacturing and Industrial

- a. Wrecking or Salvage Yards

Any Wrecking or Salvage Yard, whether a primary use or an accessory use, shall provide a screening wall with a wood, brick masonry, stone masonry, concrete block, or other architectural masonry finish. Said screening device shall be of uniform height in relation to the ground that screens the view from adjoining lots and/or public places from junk. Stacking of junk above the height of the screening device that allows visibility from an adjoining lot or public place shall be prohibited.

11. Accessory/Temporary Uses

- a. Drive-Throughs

- i. Noise abatement strategies (e.g., directional speakers, ambient noise sensors, screening walls, or landscaping) are required for speakers within 150 feet of a residential district.
- ii. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the pick-up window.
- iii. An escape lane shall be an area measuring a minimum of 11 feet wide that provides access around the drive-through facility.

- b. Fuel Pumps/EV Charging Stations

- i. Fuel pumps and related canopy posts that parallel a public street shall be located a minimum of 25 feet to the property line adjacent to a public street.
- ii. Fuel pumps that are perpendicular or diagonal to a public street, the setback shall be 30 feet in order to prevent vehicles stacking out into the street while waiting for a pump position.
- iii. The actual canopy itself may encroach up to four feet into the required setback, provided no posts or vertical structures encroach.
- iv. EV charging stations may be located at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.

- c. Outdoor Storage

Outdoor storage shall be limited to the following:

- i. Is prohibited in O and NR District.
- ii. Is permitted in the GR, OT, and C Districts with certain standards outlined in the zoning district.
- iii. Is permitted in the II District.
- iv. Shall be located behind the front building line and observe all setback requirements for the main structure or building.
- v. Shall be visually screened from any public street or adjacent property with a minimum six-foot solid wall or fence.
- vi. Note: Outdoor storage is not outdoor sales; see the use "Outdoor Sales as a Primary Use".

- d. Outdoor Display

- i. Outdoor Display shall be limited to 5 percent of the total lot area or 20 percent of the primary building's gross floor area, whichever is more restrictive.

- ii. Temporary storage of merchandise for display and sale placed on a sidewalk or other pedestrian area must maintain a 6-foot-wide pedestrian path through and adjacent to an Outdoor Display area. The pedestrian path must be improved to standard pedestrian accessibility requirements and may not be located within off-street parking areas, fire lanes, easements, maneuvering aisles, or loading zones.

e. Garage or Yard Sales

In connection with the residential or institutional occupancy of a structure, the tenants may offer their personal belongings and household effects for sale to the general public provided that such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

f. Temporary Outdoor Sales

Temporary outdoor retail sales, excluding those uses specifically noted in the use chart with normal outdoor sales such as automobile lots, which involve the outdoor display of merchandise and seasonal items, shall be limited to the following:

- i. Shall not be placed/located more than 30 feet from the main building in GR and C Districts, and not more than 12 feet from the main building in the Old Town area.
- ii. Shall not occupy any of the parking spaces that are required by this chapter for the primary uses 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).
- iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
- iv. Shall not extend into public right-of-way or onto adjacent property.
- v. All outdoor display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
- vi. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

g. Temporary Seasonal Sales

Temporary seasonal sales shall be limited to the following:

- i. Are allowed in the GR, C, and OT Districts.
- ii. May occupy required parking spaces for the primary uses of the property for seasonal sales on a temporary basis only, which is a maximum of 30 days per display of seasonal materials and a maximum of two displays per calendar year, provided parking is adequate and not overloading the streets or adjacent properties.
- iii. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
- iv. Shall not extend into public right-of-way or onto adjacent property.
- v. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

h. Temporary Storage Containers

Temporary storage containers shall be limited to the following:

- i. Are prohibited in O, NR and OT Districts, except in accordance with **iii** below.
- ii. Are allowed in GR, C and I Districts provided they do not occupy required parking or loading areas and are behind required setbacks and not contained in a front or side setback adjacent to a street.

iii. May be used in all nonresidential districts on a temporary basis during construction while a valid permit exists. If the business is closed or limited during construction, the containers may occupy required parking.

i. Home Occupations

i. All Home Occupations must be a no-impact home-based business.

(a) In accordance with Sec. 229.902 of the Texas Local Government Code, a "no-impact home-based business" means a home-based business that:

- (i) Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;
- (ii) Does not generate on-street parking or a substantial increase in traffic through the area;
- (iii) Operates in a manner in which none of its activities are visible from a street; and
- (iv) Does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

ii. All Home Occupations must comply with federal, state, and local law, including:

- (a) A municipal fire and building code; and
- (b) A municipal regulation related to:
 - (i) Health and sanitation;
 - (ii) Transportation or traffic control;
 - (iii) Solid or hazardous waste; or
 - (iv) Pollution and noise control;

iii. All Home Occupations must be compatible with the residential use of the property where the business is located.

(a) The Director will determine whether the Home Occupation is compatible with the residential use of the property. The Director's decision may be appealed to the Planning & Zoning Commission. The Commission's decision may be appealed to the City Council.

iv. All Home Occupations must be secondary to the use of the property as a residential dwelling.

v. The City reserves the right to limit or prohibit the operation of a home-based business that:

- (a) Sells alcohol or illegal drugs;
- (b) Is a structured sober living home; or
- (c) Is a sexually oriented business as defined by Sec. 243.002 of the Texas Local Government Code.

D. Land Use Definitions

1. **Accessory Dwelling Unit**
A subordinate building that is attached to or detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less than that of the main structure), and is not involved in the conduct of a business.
2. **Acid Manufacture**
A business that engages in manufacturing acid.
3. **Adhesives and Sealants Manufacture**
A business that engages in manufacturing adhesives and sealants.
4. **Adult Day Care**
A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.
5. **Agriculture Use**
An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any agriculture or husbandry specifically prohibited by ordinance or law.
6. **Air Transportation Related Uses**
A facility or area for the landing and taking off of fixed or rotary wing aircraft. This use shall include any airport terminal, air traffic control towers, aircraft hangars, and other related facilities. It shall also include heliports for the landing and takeoff of helicopters
7. **Aircraft Parts Manufacture**
A business that engages in manufacturing aircraft parts.
8. **Airplane Repair and Manufacturing**
A business that engages in manufacturing and repairing airplanes.
9. **Airport or Landing Field**
A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
10. **Alternative Financial Institution**
An establishment engaged in check cashing, money transfer, payday advance or loaning, or title loaning, or any establishment that provides capital at a high rate of interest with a short repayment period most accurately measured in days or weeks to leveraged consumers having no other source of capital.
11. **Ambulance Service**
The provision of private (not operated by the city) emergency transportation that may include mobile medical care and may include storage and maintenance of vehicles.
12. **Amphitheater**
An outdoor venue that has tiers of spectator seating rising around a field, court, or stage, intended primarily for use in viewing musical, theatrical, sporting, or similar entertainment events and specifically designed as a place of assembly.

13. **Amusement, Commercial (Indoor)**
An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.
14. **Amusement, Commercial (Outdoor)**
An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
15. **Amusement, Commercial (Temporary)**
An outdoor or indoor commercial amusement is provided on a temporary basis, examples of which include a carnival or haunted house.
16. **Animal Kennel (Outdoor Pens)**
A commercial establishment in which two or more dogs, cats, or other domesticated (pet) animals not owned by the owner or occupant of the premises are temporarily housed for grooming, boarding, training or breeding for a fee or compensation. Typical uses include boarding kennels, pet motels, and dog training centers
17. **Animal Kennels (Indoor Pens)**
An establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
18. **Animal Processing and Slaughter**
A business that engages in animal processing and slaughtering.
19. **Any Manufacture or Industrial Process Not Listed and Not Prohibited By Law**
A business that engages in any manufacture or industrial process not listed and not prohibited by law.
20. **Appliance Service and Repair**
The maintenance and rehabilitation of appliances that are customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.
21. **Art or Recreational Studio**
A building or portion of a building used as a place of work for professional work or instructional classes in music, dancing, theatrical arts, music, gymnastics, martial arts or similar activities.
22. **Artificial Flower Manufacture**
A business that engages in manufacturing artificial flowers.
23. **Artist or Photography Studio**
The workshop of an artist, writer, craftsperson, or photographer but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.
24. **Asphalt Paving and Roofing Material Manufacture**
A business that engages in manufacturing asphalt paving and roofing material.

25. Assisted Living

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
2. Provides:
 - a. Personal care services; or
 - b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
3. May provide assistance with or supervision of the administration of medication; and
4. May provide skilled nursing services for the following limited purposes:
 - a. Coordination of resident care with outside home and community support services agencies and other health care professionals;
 - b. Provision or delegation of personal care services and medication administration as described by this subdivision;
 - c. Assessment of residents to determine the care required; and
 - d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

26. Auction House

Any establishment in which is carried on the business of auctioning articles for sale by public outcry where the articles offered for auction are sold immediately to the highest bidder.

27. Auto Storage or Auto Auction

The storage or impoundment, on a lot or tract that is paved in accordance with parking lot paving requirements set forth in this chapter, of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage. The term "auto storage" or "auto auction" shall not include the storage of wrecked or inoperable vehicles (see Wrecking or Salvage Yard).

28. Automobile Accessory Installation

Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pinstriping, cellular telephones, and similar accessories.

29. Automobile Assembly

A business that engages in automobile assembly.

30. Automobile Driving School

A business that employs instructors who teach people how to drive a car or van. This use does not include instructions for driving commercial trucks.

31. Automobile Parts Manufacturing

A business that engages in manufacturing automobile parts.

32. Automobile Wash (Full Service/Detail Shop)

Washing, waxing or cleaning of automobiles or light-duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax or detail the vehicle for a fee.

33. **Automobile Wash (Self-Service)**
Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
34. **Automotive Parts and Accessories Sales**
Retail sales of automobile-related parts and accessories.
35. **Automotive Repair and Service, Major**
General repair or reconditioning of engines, air conditioning systems, and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "auto repair, minor"; and other similar uses.
36. **Automotive Repair and Service, Minor**
Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; glass repair and tinting; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "auto repair, major" or any other similar use.
37. **Awning Manufacture, Cloth, Metal and Wood**
A business that manufactures awnings made of cloth, metal and wood.
38. **Bag Manufacturing**
A business that engages in bag manufacturing.
39. **Bakery (Wholesale)**
A manufacturing facility over 3,000 square feet for producing and distributing baked goods and confectioneries to retail outlets.
40. **Bakery, Retail**
A facility less than 3,000 square feet for the production and/or sale of baked goods. This use may also include seating for the consumption of goods on-site.
41. **Banks and Financial Institutions (With Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses may have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.
42. **Banks and Financial Institutions (With No Drive-Through Service)**
An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. Such uses do not have a drive-through services window. This term does not include "pawnshops" or "credit access businesses," that are defined by State Law.

43. **Bar**
An establishment that serves alcoholic beverages by the drink for on-site consumption and that derives seventy-five percent (75%) or more of the gross revenue from the on-premise sale of alcoholic beverages. All Bars shall meet all requirements prescribed by the TABC.
44. **Battery Manufacture**
A business that engages in manufacturing batteries.
45. **Bed and Breakfast**
A dwelling occupied as a permanent residence by an owner or renter that serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation, generally for a period not to exceed seven days.
46. **Bleaching/Chorine Powder Manufacture**
A business that engages in manufacturing bleaching/chorine powder.
47. **Boarding Home Facility**
An establishment that furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration or medication but does not provide personal care services to those persons.
48. **Boiler Manufacture and Repair**
A business that engages in manufacturing and repairing boilers.
49. **Bottling Works**
A business that engages in bottling.
50. **Brewpub**
An establishment where beer, ale, etc., are brewed in conjunction with a drinking and eating establishment. The maximum brewing production shall not exceed 10,000 barrels per year.
51. **Broom Manufacture**
A business that engages in broom manufacturing.
52. **Building, Materials, and Landscaping Store**
A facility for the sale of materials, tools, or hardware customarily used in the construction of buildings and other structures, including facilities storing materials for retail sales and is sometimes referenced as a home improvement center. The term "outdoor" means the storage of materials and products outside of the main building.
53. **Bulk Grain or Feed Storage**
A building used primarily for the storage of bulk grain or feed.
54. **Candy and Other Confectionary Products Manufacture**
A business that engages in manufacturing candy and other confectionary products.
55. **Canning and Preserving Factory**
A business that engages in operating a canning and preserving factory.
56. **Canvas And Related Products Manufacture**
A business that engages in manufacturing canvas and related products.

57. Caretaker's or Guard's Residence

A residence located on a premises with a primary residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for a guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

58. Casein Manufacture

A business that engages in manufacturing casein.

59. Cattle, Swine, or Poultry Feedlot (CAFO)

A lot, yard, corral, building, or other area in which livestock or other animals for food or fur are housed and confined, primarily for the purposes of feeding and growth prior to slaughter and that is specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure and substantial amounts of manure or other related wastes may originate by reason of such feeding of animals. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze.

60. Celluloid and Similar Cellulose Manufacture

A business that engages in manufacturing celluloid and similar cellulose.

61. Cement Manufacture

A business that engages in manufacturing cement.

62. Cemetery or Mausoleum

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

63. Ceramic Products Manufacture

A business that engages in manufacturing ceramic products.

64. Chalk Manufacture

A business that engages in manufacturing chalk.

65. Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:

- a. Abuse of alcohol or a controlled substance;
- b. Psychological or physical dependence on alcohol or a controlled substance; or
- c. Addiction to alcohol or a controlled substance.

2. "Facility" means:

- a. A public or private hospital;
- b. A detoxification facility;
- c. A primary care facility;
- d. An intensive care facility;
- e. A long-term care facility;
- f. An outpatient care facility;
- g. A community mental health center;

- h. A health maintenance organization;
 - i. A recovery center;
 - j. A halfway house;
 - k. An ambulatory care facility; or
 - l. Any other facility that offers or purports to offer treatment.
66. **Chemicals (Agricultural) Manufacture**
A business that engages in manufacturing chemicals (agricultural).
67. **Chemicals (Industrial) Manufacture**
A business that engages in manufacturing chemicals (industrial).
68. **Child Care Facility, Children's Home**
A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.
69. **Child Care Facility, Day Care**
An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.
70. **Child Care Home (≤ 6 Children)**
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.
71. **Child Care Home (≥ 7 Children)**
A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.
72. **Civic Center**
A building or complex of buildings that house municipal offices and services, and that may include cultural, recreational, athletic, food service, convention or entertainment facilities owned and/or operated by a municipality.
73. **Civic Club**
A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.
74. **Clothing Manufacture**
A business that engages in manufacturing clothing.
75. **Coffee Roasting**
A business engaged in industrial-scale coffee roasting. This definition is for standalone coffee roasting facilities and does not include coffee shops.
76. **Coffin Manufacture**
A business that engages in manufacturing coffins.

77. Cold Storage Plants/Locker

A business that operates cold storage plants/lockers.

78. Commercial Kitchen/Commissary

A licensed facility designed for the preparation, storage, and handling of food for off-site consumption. It may serve as a base of operations for mobile food units by providing spaces for servicing, cleaning, and maintaining food trucks (commissary), offer meal preparation for catered events (catering establishment), or support delivery-only services for virtual restaurants (ghost kitchen).

79. Community Home for Persons with Disabilities

A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code.

Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. An orthopedic, visual, speech, or hearing impairment;
2. Alzheimer's disease;
3. Pre-senile dementia;
4. Cerebral palsy;
5. Epilepsy;
6. Muscular dystrophy;
7. Multiple sclerosis;
8. Cancer;
9. Heart disease;
10. Diabetes;
11. Autism; or
12. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

80. Concrete or Asphalt Batch Plant

A permanent manufacturing facility for the production of concrete or asphalt.

81. Concrete or Asphalt Batch Plant (Temporary)

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

82. Contractor's Shop

A building, part of a building, for the construction or storage of materials, equipment, tools, products, and vehicles.

83. Contractor's Shop and Storage Yard

A building, part of a building, or land area with outdoor storage for the construction or storage of materials, equipment, tools, products, and vehicles.

84. **Convenience Store**
A retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly fueling or electric vehicle (EV) charging, if pumps or charging stations are provided).
85. **Correctional Facility**
A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.
86. **Cottage Court**
A group of 5 to 12 small (1- to 2-story) detached structures arranged around a shared court visible from the street.
87. **Crematory**
A place used for the preparation and incineration of the human or animal deceased.
88. **Culvert Manufacture**
A business that engages in manufacturing culverts.
89. **Cutlery, Handtools and General Hardware Manufacture**
A business that engages in manufacturing cutlery, handtools and general hardware.
90. **Dairy Products Manufacture**
A business that engages in manufacturing dairy products.
91. **Dance Hall/Night Club**
A type of entertainment facility that includes a dance floor, light show, and/or stage for playing live music or disc jockey recordings that has incidental food sales.
92. **Dinner Theater**
A restaurant with a stage or performing area where the main activity is the serving of dinner and, following dinner, the performance of a play or musical theater.
93. **Distillation of Liquors, Spirits, etc. (Brewery)**
A business that engages in the distillation of liquors, spirits, etc. (brewery).
94. **Drive-In Theater**
An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
95. **Drive-Through**
An accessory use to accommodate drive-up patrons who remain in their vehicles associated with a use that is not explicitly defined by another use.
96. **Duplex**
Two attached dwellings in one structure with each side designed to be occupied by one family. Duplexes may be located on a single lot under single ownership, or two separate lots under single or separate ownership.
97. **Dye Manufacture**
A business that engages in manufacturing dye.
98. **Eating Establishment (With Drive-In Service)**
An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises that encourage the serving and consumption of food in automobiles on or near the restaurant premises.

99. **Eating Establishment (With Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through windows.
100. **Eating Establishment (With No Drive-Through Service)**
An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
101. **Electric Lamp Manufacture**
A business that engages in manufacturing electric lamps.
102. **Electric Power Plant**
Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.
103. **Electric Storage System**
One or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.
104. **Electric Vehicle (EV) Charging Station**
A public or private parking space that is served by battery charging equipment with the purpose of charging an electric or hybrid vehicle.
105. **Electrical Substation**
A subsidiary station in which electric current is transformed.
106. **Electronic Assembly**
A business that engages in electronic assembly.
107. **Electro-Plating/Electro-Typing**
A business that engages in electro-plating/electro-typing.
108. **Elevator Manufacture**
A business that engages in manufacturing elevators.
109. **Emergency Room or Urgent Care**
A standalone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly out-patient basis. Patients are generally treated on a walk-in basis, and services are not intended to provide long-term or overnight care.
110. **Enameling and Painting**
A business that engages in enameling and painting.
111. **Engraving Plant**
A business that operates an engraving plant.
112. **Envelope Manufacture**
A business that engages in manufacturing envelopes.
113. **Event Facility**
A public or privately owned structure, facility, land, or area for the purposes of public performances, events, or similar attractions that typically generates heavy traffic. These facilities include concert halls, racetracks, rodeo arenas, coliseums, fairgrounds, and convention centers. Accessory uses may include food preparation

facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, heliports, structured parking facilities, and patron transportation facilities.

114. Exterminator Service

A facility engaged in the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.

115. Farm/Garden Machinery And Equipment Manufacture

A business that engages in manufacturing farm/garden machinery and equipment.

116. Feed and Grain Store

An establishment for selling corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

117. Feed Manufacture

A business that engages in manufacturing feed.

118. Felt Manufacture

A business that engages in manufacturing felt.

119. Fixtures Manufacture

A business that engages in manufacturing fixtures.

120. Fleet Facility

A facility where vehicles, taxis, limos, ambulances, buses or other passenger transporting fleet vehicles are housed, stored, maintained or repaired. Accessory uses may include offices or maintenance, fueling, or washing facilities.

121. Flour and Other Grain Mills

A business that engages in operating flour and other grain mills.

122. Food Processing

A facility that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but that are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

123. Footwear Manufacture

A business that engages in manufacturing footwear.

124. Fortunetelling and Similar Activities

A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limited to uses where the fortune is told through astrology, tarot card reading, crystal gazing, palmistry, or any similar means.

125. Foundry, All Types

A facility that produces metal castings.

126. Fraternity or Sorority House

A building other than a hotel that is occupied only by individuals enrolled in a college or university located within the city and persons to attend the house and supervise activities of the fraternity or sorority. Except for the attendants, each resident must be a fraternity or sorority member recognized by the college or university and chartered by a state or national organization.

- 127. Fuel Pump**
A standalone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.
- 128. Fueling Station (Gasoline/Charging)**
A facility providing refueling and recharging services for vehicles, including gasoline, diesel, EV charging, hydrogen, and other energy types. This use does not include EV charging stations at parking spaces that are incidental to another use intended to serve vehicles of residents, employees, customers, or visitors during their stay.
- 129. Funeral Home or Mortuary**
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation.
- 130. Furnace Manufacture**
A business that engages in manufacturing furnaces.
- 131. Furniture and Appliance Store**
Retail stores selling goods for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.
- 132. Furniture Manufacture**
A business that engages in manufacturing furniture.
- 133. Garage or Yard Sale**
The temporary sale of goods from a residence.
- 134. Gases (Industrial) Manufacture**
A business that engages in manufacturing gases (industrial).
- 135. General Commercial Plant**
Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
- 136. General Retail Stores**
Retail stores that sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.
- 137. Glucose Manufacture**
A business that engages in manufacturing glucose.
- 138. Golf Course**
An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses; the golf course may be privately or publicly owned and operated.
- 139. Hair Products Factory (Other Than Human)**
A business that engages in operating a hair products factory (other than human).

140. Halfway House

Pursuant to Texas Human Resources Code § 42.002, a halfway house is a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

141. Health Club

An establishment that provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) that are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public).

142. Heavy Machinery Sales and Storage

A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines that function together as a unit.

143. Home Occupation

An occupation carried on in a dwelling unit, or an accessory building to a dwelling unit, by a resident of the premises only, that is clearly incidental and secondary to the use of the premises for residential, and which can be conducted without any significantly adverse impact on the surrounding neighborhood.

144. Hospital

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Acute care – The term "acute care" means an institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life.

Chronic care – The term "chronic care" means an institution where those persons suffering from illness, injury, deformity or deficiencies pertaining to age are given medical care and treatment on a prolonged or permanent basis.

145. Hotel

A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. The term "guest room" shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

146. Household Care Facility

A dwelling unit that provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to the Assisted Living Facility Licensing Act (Health and Safety Code Ch. 247) and Community Homes for Disabled Persons Location Act, Human Resources Code Ch. 123. A household care facility is also referred to as a hospice.

147. Household Care Institution

A facility that provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

- 148. HUD Code-Manufactured Home**
A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. All references to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing unless otherwise specified.
- 149. Ice Cream/Ice Manufacture**
A business that engages in ice cream/ice manufacturing.
- 150. Institution for alcoholic, narcotic, or psychiatric patients (In-Patient)**
An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- 151. Institution for alcoholic, narcotic, or psychiatric patients (Out-Patient)**
An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.
- 152. Kerosene Manufacture or Storage**
A business that engages in manufacturing or storing kerosene.
- 153. Laboratory Equipment Manufacturing**
A facility that makes or produces equipment or products used for research or testing.
- 154. Leather Products Manufacture**
A business that engages in manufacturing leather products.
- 155. Library, Museum, or Art Gallery**
An institution for the collection, display, and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.
- 156. Livestock Sales/Auction**
A commercial establishment where livestock are collected for sale or auction.
- 157. Lumber Mill/Yard**
A business that operates a lumber mill/yard.
- 158. Machine Shop**
Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.
- 159. Machinery Manufacture**
A business that engages in manufacturing machinery.
- 160. Maintenance and Repair Service for Buildings**
A facility engaged in the provision of maintenance and custodial services to firms rather than individuals. This use includes janitorial service, landscape maintenance, and window cleaning services.
- 161. Manufactured Home Display or Sales**
The offering for sale, storage, or display of new or previously owned (i.e., used) manufactured housing units (e.g., trailers, HUD-code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

162. Manufactured Home Park or Subdivision

A parcel or parcels of land intended for the short- or long-term placement of manufactured homes. Such a use may be on a single lot with spaces rented to tenants or multiple platted lots for individually-owned manufactured homes. This use may include residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

163. Marble Working and Finishing

A business that engages in marble working and finishing.

164. Massage Therapy Establishment (Licensed)

A licensed a place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. The term "massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term "massage establishment" includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. The term "massage therapy" may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage and therapeutic massage. The terms "massage" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

165. Mattress, Making and Renovating

A business that engages in mattress making and renovating.

166. Meat Packing Plant

A business that operates a meat packing plant.

167. Medical Laboratory

An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

168. Medical or Dental Office

A facility or group of offices where one or more licensed medical or dental professionals conduct the examination and treatment of ill and afflicted human out-patients that are not kept overnight on premises except under emergency conditions. This use includes surgical out-patient facilities and plasma centers.

169. Metal Cans and Shipping Containers Manufacture

A business that engages in manufacturing metal cans and shipping containers.

170. Metal Products, Stamping and Manufacture

A business that engages in manufacturing and stamping metal products.

171. Micro Brewery, Micro Winery, or Micro Distillery

An establishment where alcohol or beer is produced on the premises for in-house consumption and sale. Food sales or a restaurant may also be included, as well as associated retail sales. This use typically produces less than 15,000 barrels of alcohol or beer annually. This use also includes a micro winery that generates up to 15,000 gallons of wine annually.

172. Mirror Resilvering

A business that engages in mirror resilvering.

173. Mixed Use

The development of a building or structure with two or more different uses, such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form where the residential use is located above the nonresidential use.

174. Mobile Food Court

A parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use.

175. Model Home

A dwelling in a developing subdivision, located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision. This use also includes associated sales offices interior to the home.

176. Motel

A facility offering transient lodging accommodations for rent to the general public for a daily rate for periods of less than 30 days. Rooms are generally directly accessible from an exterior parking area. Customary hotel services and amenities, such as linen and maid service, are included. If a proposed business does not meet the "hotel" definition, it will be considered a "motel".

177. Motion Picture Studios, Commercial Films

An enclosed commercial facility for the filming production and associated activities for commercial films. This use does not include the filming or production of adult motion pictures.

178. Motor Freight Terminal

A facility where commercial trucks, including tractors and trailer units, are housed, stored, maintained or repaired. Accessory uses may include offices, fueling or washing and the temporary storage of loads prior to shipment.

179. Moving and Storage Facilities

Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.

180. Multiple-Family

Five or more dwelling units on a single lot designed to be occupied by five or more families living independently of one another, exclusive of hotels or motels.

181. Municipal or Governmental Use

Any area, land, building, structure or facility that is owned, used, leased or operated by the city, federal government, state government, or any political subdivision, including police and fire department facilities.

182. Nail Salon

Any establishment engaged in the practice of cutting, shaping, polishing or enhancing the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails.

183. Office Equipment Manufacture

A business that engages in manufacturing office equipment.

184. Office Showroom/Warehouse

An establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

- 185. Oil Compounding and Barreling**
A business that engages in compounding and barreling oil.
- 186. Oilcloth Manufacture**
A business that engages in manufacturing oilcloth.
- 187. Open Air Market (Temporary)**
A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.
- 188. Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture**
A business that engages in manufacturing orthopedic, prosthetic, surgical appliances and supplies.
- 189. Outdoor Display**
The outdoor display of merchandise, goods or materials actively for sale or samples associated with the primary use of the site on which they are displayed.
- 190. Outdoor Sales as a Primary Use**
Any primary use of a premises where goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than 30 percent of the gross floor area of the principal building.
- 191. Outdoor Storage**
The outdoor storage of merchandise, goods or materials that are not actively for sale or display.
- 192. Paint Manufacture and/or Mixing**
A business that engages in manufacturing and/or mixing paint.
- 193. Painting and Refinishing Shop**
A commercial establishment where painting services are performed but not automotive-related painting services, which would be included under "Automotive Repair and Service, Major."
- 194. Paper and Paper Pulp Manufacture**
A business that engages in manufacturing paper and paper pulp.
- 195. Paper Products and Paper Box Manufacture**
A business that engages in manufacturing paper products and paper boxes.
- 196. Park or Playground**
A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, plazas, square, greens, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.
- 197. Parking Lot or Garage**
An area or structure devoted to the parking or storage of cars and trucks of less than one-ton capacity for a fee that may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure.
- 198. Pawnshop**
An establishment as defined in Texas Finance Code, §371.003, as amended.
- 199. Pecan Processing**
A business that engages in pecan processing.

200. Personal Services

An establishment providing frequently or recurrently needed non-medical services of a personal nature to individuals as a primary use. This term includes barber and beauty shops, tanning salons, day spas (including incidental massage), weight reduction centers, seamstresses, tailors, shoe repair shops, and services of an informational or instructional nature, including handicraft or hobby instruction. These uses may also include accessory retail sales of products related to the services provided.

201. Pet and Animal Grooming Shop (No Outside Kennels)

Pet and animal grooming shop means a retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

202. Petroleum and Petroleum Products Refining

An industrial plant used for the purifying and distribution of crude petroleum.

203. Petroleum Distribution/Storage

A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

204. Plant Nursery

An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

205. Plastic Products, Molding, Casting and Shaping

A business that engages in manufacturing plastic products, molding, casting and shaping.

206. Playfield, Stadium, or Sports Arenas

Any field or stadium owned and operated by an agency other than the city or the school district.

207. Poultry Hatchery

A lot, structure, or building used intensively for the raising, feeding, breeding, or keeping of chickens, turkeys, or other poultry for marketing or slaughter, or for the production of eggs for sale.

208. Poultry Slaughtering and Processing

A facility for the slaughtering and processing of poultry and the refining of their byproducts.

209. Printing Ink Manufacture

A business that engages in manufacturing printing ink.

210. Private Club

An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, Alcoholic Beverage Code title 3, Ch. 32, as amended, and as it pertains to the operation of private clubs.

211. Professional Office

A room or group of rooms used for executive, management or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, legal, personnel, travel, secretarial services, medical, dental, telephone answering, and business offices of public utilities, organizations, and associations, but excluding medical offices.

212. Propane Sales Filling

Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; the term "propane sales" does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

213. Publishing and Printing

An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

214. Radio or Television Studio

A building or portion of a building used as a place for radio or television broadcasting.

215. Rail Yard

The use of land, or building or structure or part thereof for activities directly associated with the operation of a railway. Without limiting the generality of the foregoing, such activities may include loading and off-loading freight, and maintenance and repair of railway cars.

216. Recreation or Community Center

A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.

217. Recreational Vehicle (RV) Park/Campground

An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease. A parcel of land not less than three acres nor greater than 35 acres that is designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. The facility must be developed in accordance with this definition as adopted and may include a residence for the owner/manager of the premises, utility hookups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

218. Recreational Vehicle Park

Any lot, tract or parcel of land used in whole or in part to provide facilities and accommodations for two or more recreational vehicles used by transients as living or sleeping quarters, whether by the day, week or for longer periods of time, and with or without compensation.

219. Recreational Vehicle/Camper Sales

An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

220. Recycling Collection Center

A facility engaged in the collection, sorting, bundling, temporary storage, and/or transfer of recyclable materials. For purposes of this Code, recyclable materials include glass, paper, plastic, aluminum, clothing, or other source-separated, non-putrescible materials and do not include motor oil, chemicals, household appliances, tires, automobiles, or automobile parts. This use generally does not include incidental collection boxes or containers located at establishments with an unrelated primary use.

221. Religious Assembly or Institution

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

222. Rendering Plant

A plant or any premises at or within which dead animals or rendering raw materials are rendered, boiled, processed or otherwise prepared to obtain a product for commercial use or disposition other than as food for human consumption and includes all other operations and facilities necessary, useful or incidental to the rendering establishment, except a related station.

223. Residential Use

A dwelling unit or group of dwelling units; the term "residential use" includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.

224. Resource Extraction

The extraction of surface or sub-surface mineral products or natural resources including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations and may include milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as part of the extractive activity.

225. Retail, Incidental

The rendering of incidental retailing or services incidental to the primary use. In the O Office District, for example, such uses may include a barbershop, beauty shop, smoke shop, newsstand, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office occupancy. The term "incidental uses" shall mean uses that occupy less than 15 percent of the main use.

226. Retirement Housing for the Elderly

A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80 percent of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided. Also referred to as an independent living center or congregate housing.

227. Riding Academy

A facility used to house equine, which may or may not be owned by the owner of the property, for the purpose of riding lessons or pleasure.

228. Rug and Carpet Manufacture

A business that engages in manufacturing rugs and carpets.

229. Sand, Gravel, or Stone Storage and Sales

Sand, gravel or stone storage (including sales) means the process of storing and/or selling sand, gravel, stone, topsoil, compost or other products from the earth.

230. Sanitary Station or Dump Facility

A facility used for removing and disposing of wastes from dependent or self-contained recreational vehicle holding tanks.

231. School, College or University

An academic institution of higher learning accredited or recognized by the state and covering a program or series of programs of academic study.

232. School, Commercial, Trade, Technical

An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills.

233. School, Primary and Secondary

A school under the sponsorship of a public or religious agency that provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

234. Scientific and Industrial Research Laboratories (Hazardous)

Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of hazardous materials or equipment.

235. **Scientific and Industrial Research Laboratories (Nonhazardous)**
Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of nonhazardous materials or equipment.
236. **Seasonal Uses (Temporary)**
The sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.
237. **Self Storage**
Small, individual, storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.
238. **Service Building**
A structure housing a toilet, lavatory, showers and other facilities as may be required by this chapter.
239. **Sexually Oriented Business**
Sexually oriented business means as provided in Chapter 6, Article II.
240. **Shellac And Varnish Manufacture**
A business that engages in manufacturing shellac and varnish.
241. **Sign Manufacturing (No Outdoor Storage)**
A business that engages in manufacturing signs (no outdoor storage).
242. **Sign Manufacturing (With Outdoor Storage)**
A business that engages in manufacturing signs (with outdoor storage).
243. **Single-Family, Detached**
A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility, and is utilized as one living quarters.
244. **Small Engine Repair Shop**
A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other machines with one-cylinder engines.
245. **Snuff Manufacture**
A business that engages in manufacturing snuff.
246. **Soap, Detergents, Cleaning Preparations Manufacture**
A business that engages in manufacturing soap, detergents, and cleaning preparations.
247. **Solid Waste Facility or Landfill**
A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, solid waste landfill, solid waste management facility, recovered materials processing facility, or sanitary landfill.
248. **Stable, Commercial**
A stable used for the rental of stall space or the sale or rental of horses or mules.
249. **Stables, Private**
An area used solely for the owner's private purposes to keep horses, mules, or ponies that are not kept for remuneration, hire, or sale.

250. **Starch Manufacture**
A business that engages in manufacturing starch.
251. **Steel Works, Blast Furnaces and Rolling Mills**
A business that engages in operating steel works, blast furnaces and rolling mills.
252. **Stone Cutting or Crushing**
A business that engages in cutting or crushing stone.
253. **Stone Monuments and Gravestones, Engraving and Retail Sales Only**
A commercial establishment primarily for the retail sale of monuments for placement on graves. This use includes the sale, storage, and delivery of headstones, footstones, markers, statues, obelisks, cornerstones, and ledgers.
254. **Stone, Clay, Glass and Concrete Products (Other Than Handicrafts) Manufacture**
A business that engages in manufacturing stone, clay, glass and concrete products (other than handicrafts).
255. **Swimming Pool, Commercial**
A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
256. **Tattoo or Body Piercing Studio**
A building or portion of a building used for selling or applying tattoos (by injecting dyes/inks into the skin) or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
257. **Taxi/Limousine Service**
A service that offers transportation in passenger automobiles, vans, or limousines to persons in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.
258. **Telephone and Exchange/Switching Station**
A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
259. **Temporary Contractors Field Office**
A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.
260. **Temporary Outdoor Sales**
The temporary outdoor sale of merchandise, goods, or materials.
261. **Temporary Real Estate Field Office**
A building, structure, or portable trailer used temporarily for sales of residential units in a recorded subdivision or development with a residential use component and in which sales and construction of residential units is planned and underway.
262. **Temporary Storage Containers**
Temporary structures or units used for storage.
263. **Tennis Court (Lighted)**
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances with lighting for nighttime play.

264. **Tennis Court (Not lighted)**
A surface designed and constructed for playing the game of tennis or pickleball along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas.
265. **Textile Products Manufacture**
A business that engages in manufacturing textile products.
266. **Theater (Indoor)**
An indoor facility that provides fixed seating for customers to view motion pictures, dramatic, musical, or live performances, including accessory snack or food and beverage services.
267. **Theater or Playhouse (Indoor)**
A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
268. **Tire Retreading and Recapping**
A business that engages in tire retreading and recapping.
269. **Tire Sales (with Outdoor Storage)**
A retail establishment engaged in the sale and/or installation of tires for vehicles with outdoor storage.
270. **Tool and Machinery Rental**
A building or a portion of a building used for the display and rental of tools, machinery and instruments and that may have outdoor storage.
271. **Townhome**
A dwelling that is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side, and rear lot lines.
272. **Transit Terminal**
Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
273. **Transportation and Utility Structures or Facilities**
Permanent facilities and structures operated by companies engaged in providing transportation and utility services, including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs, and water pumping stations.
274. **Triplex or Quadplex**
A residential structure containing three or four dwelling units that share common walls and are designed exclusively for the use and occupancy of multiple households living independently of each other on one platted lot.
275. **Truck and Bus Leasing**
The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
276. **Truck and Bus Repair**
An establishment providing major and minor automotive repair services to heavy load vehicles.
277. **Truck Manufacture**
A business that engages in manufacturing trucks.

- 278. Truck Sales and Services**
The display, sale or rental of new or used heavy load vehicles in operable condition.
- 279. Truck Stop**
A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurants, restroom/showers facilities, and/or temporary sleeping quarters.
- 280. Truck Terminal**
An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. The term "truck terminal" may include facilities for the temporary storage of loads prior to shipment.
- 281. Vehicle Dealership and Rental Services**
The sale, rental, or leasing of new and/or used automobiles, noncommercial trucks, motorcycles, or recreational equipment, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and ATV dealerships.
- 282. Veterinarian Clinic (Indoor Kennels)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have indoor kennels or pens.
- 283. Veterinarian Clinic (Outdoor Kennels Or Pens)**
An establishment where animals and pets are admitted for examination and medical treatment and that may have outdoor kennels or pens.
- 284. Warehousing and Distribution**
A facility engaged in the storage, distribution, or movement of materials, equipment, or goods for themselves or other firms. Typical uses include separate warehouses used by retail stores such as furniture and appliance stores, household moving, and general freight storage where the goods are stored in a building, cold storage plants or frozen food lockers, major wholesale distribution centers, truck or air freight terminals, or parcel services.
- 285. Waste Management**
Uses that receive solid or liquid wastes from others for transfer to another location, collect sanitary wastes, or manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer facilities, composting facilities, animal waste processing, and recycling facilities.
- 286. Waste Paper Products Manufacture**
A business that engages in manufacturing waste paper products.
- 287. Water Distillation**
A business that engages in water distillation.
- 288. Wedding Chapel or Reception Venue**
A building, structure, or site is available for public rental for the primary purpose of hosting parties, weddings, wedding receptions, banquets, corporate meetings, or similar group events. This use does not include an event room available for rental in a structure housing another primary use where the event room rental is an accessory use to the primary use (i.e., Restaurant).
- 289. White Lead Manufacture**
A business that engages in manufacturing white lead.

290. Wireless Communication Facility

Any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structure, public antenna-supporting structures, replacement antenna-supporting structures, colocations on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, temporary wireless communications facilities and satellite earth stations.

291. Wood Container Manufacture

A business that engages in manufacturing wood containers.

292. Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar)

A business that engages in the distillation of wood (manufacturing of tar, charcoal, turpentine and similar).

293. Wood Preserving Manufacture and Treatment

A business that engages in manufacturing and treating wood preserving.

294. Wood Products Manufacture

A business that engages in manufacturing wood products.

295. Wrecking or Salvage Yard

An establishment where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked, impounded, and repossessed automobiles, house wrecking and structural steel materials and equipment, and vehicles or appliances which are inoperable, but not including the interior purchase, sale, or storage of used furniture and household equipment. Typical uses include automotive wrecking yards, junk yards, paper salvage yards, towing services, and impound lots.

296. Zero-Lot Line/Patio Home

A single-family dwelling on a separately platted lot designed such that one side yard is reduced to zero feet to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

2.05. Zoning Development Standards

A. Building and Site Design

1. Purpose

The purpose of these standards is to ensure development enhances the community’s aesthetic quality, promotes functional design, and aligns with the City’s long-term vision for architectural integrity and character. These standards are designed to:

- a. Improve the appearance and value of developments, particularly along high-visibility corridors.
- b. Encourage innovative, high-quality design while maintaining flexibility to accommodate architectural creativity.

2. Applicability

This section applies to development in all zoning districts unless otherwise stated. The regulations herein must be met in the following circumstances:

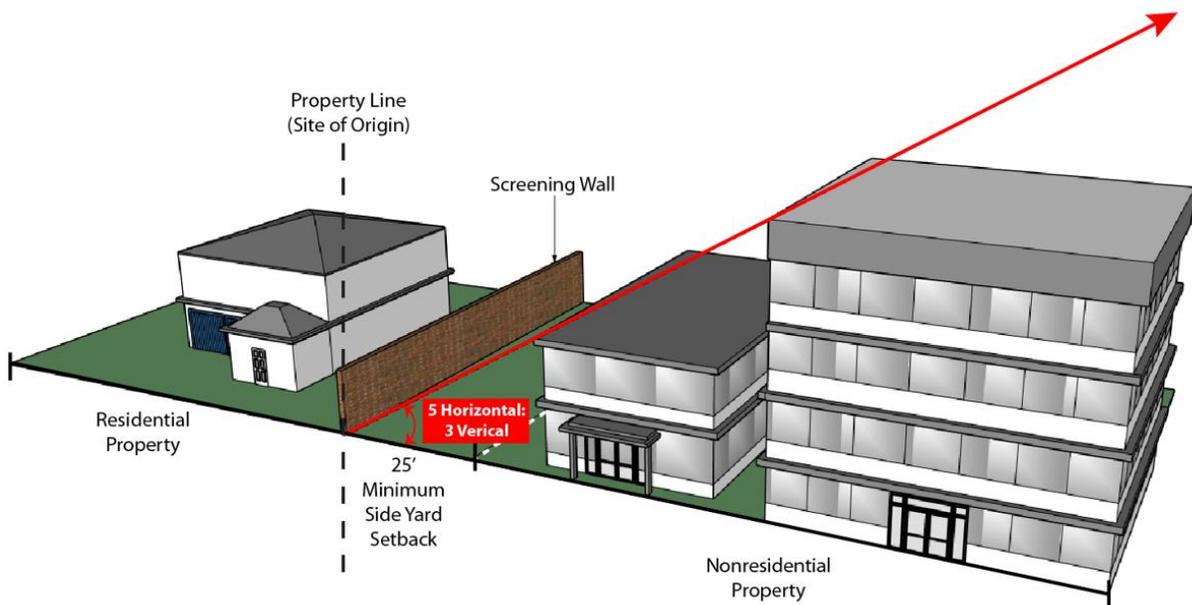
- a. At the time any building or structure is constructed or expanded by more than 50 percent in square footage.

3. Residential Proximity Slope

In all districts, where any building that exceeds 45 feet in height is adjacent to a Single-Family or Duplex zoned property, the following restrictions shall apply:

- a. Adjacency exists if a building is immediately beside, behind, or facing Single-Family or Duplex zoned property. This includes a building directly across a Collector, Local Street, or an Alley.
- b. In lieu of the setbacks prescribed for each district, setbacks must be at least 25 feet and follow a ratio of five (5) feet in horizontal distance for every three (3) feet of building height, measured from the adjacent property line of the Single-Family or Duplex zoned property.
- c. See **Figure 2.05-1. Setback and Height Relationship** for an illustration of this slope measurement.

Figure 2.05-1. Setback and Height Relationship



4. Nonresidential Developments

The following standards apply to new construction or expansions of more than 50 percent of the square footage of all nonresidential development, except in the Industrial (I) District.

a. Building Orientation and Facades

i. Orientation

Buildings shall generally be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

ii. Building Entrance

(a) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(b) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

(c) Each building's primary entrance shall provide a sheltered, recessed, or covered entry to provide weather protection.

b. Façade Articulation

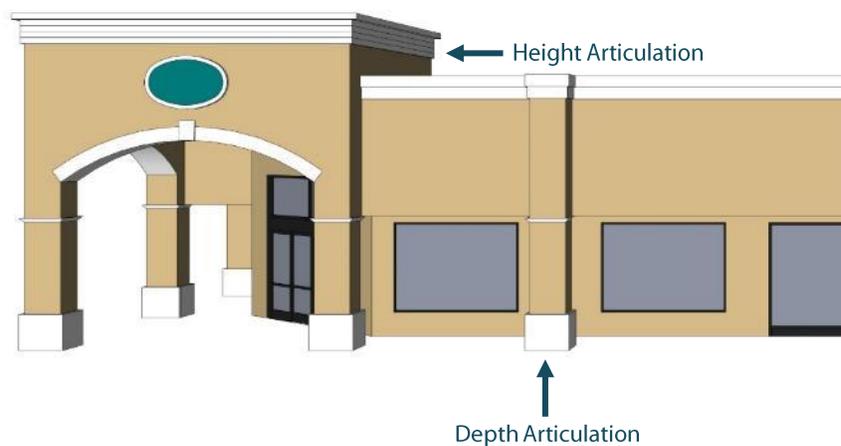
i. Depth and height articulation should be combined to create a façade with architectural variety. The regulations in this subsection are not intended to prescribe a formula for building design but rather to prevent monotonous or "boxy" appearances.

ii. To avoid the appearance of a flat wall or roofline, façade depth and height articulation is required on any façade of a building that faces a public street or a residential zoning district.

iii. Depth Articulation of at least 3 feet shall be required for every 30 feet of building façade length.

iv. Height Articulation for flat roofs of at least 5 feet shall be required for every 50 feet of building façade length. Pitched roofs do not require height articulation.

Figure 2.05-2. Example of Depth and Height Articulation



- c. Roof Design Standards
 - i. All structures shall be constructed with a pitched roof, flat roof with a parapet, or a combination thereof.
 - ii. All flat roof surfaces shall be screened so that the actual roof surfaces and rooftop equipment are not visible from ground level in accordance with E.4.k. **Mechanical/Utility Equipment**.
- d. Minimum Quality Design Elements Required
 - i. Each building in a development must provide the minimum number of quality design elements identified in **Figure 2.05-3. Minimum Architectural Features Required** based on the building's square footage. The design elements may be selected from **iii. Quality Building Design Elements**, **iv. Quality Site Design Elements**, or a combination thereof. Each element may be counted once per building.

Figure 2.05-3. Minimum Architectural Features Required

Building Size	Minimum Number of Quality Building Design Elements (subsection 2.05.A.4.d.iii) and Quality Site Design Elements (subsection 2.05.A.4.d.iv)
25,000 square feet or less	At least 3 elements
Between 25,000 and 50,000 square feet	At least 4 elements
50,000 square feet or more	At least 5 elements

- ii. Incentives for Providing Additional Quality Design Elements Above Minimum Required
 - (a) A development that exceeds the minimum required features by two elements may request an additional 10 feet of maximum height or a 3 percentage point increase in lot coverage.
 - (b) A development that exceeds the minimum required features by four elements may request an additional 15 feet of maximum height or a 5 percentage point increase in lot coverage.
 - (c) The height bonus cannot exceed the height limitation established by 3. Residential Proximity Slope.

iii. Quality Building Design Elements

- (a) Use of primary masonry (brick, limestone, granite, true stucco) for a minimum of 75 percent of the exterior façade excluding windows and secondary masonry (applied brick or stone, EIFS, architectural metal panels) for up to 25 percent.



- (b) Canopies, awnings, arbors, or porticos a minimum of 6 feet in depth.



- (c) Roof overhangs, cornice projections, or eaves with a minimum 2-foot overhang.



- (d) Articulation beyond the minimum required.



- (e) Arcade or colonnade; minimum 8 feet in height and spanning at least 50 percent of the length of a street-facing façade.



- (f) Arched forms (prominent or repeating).



- (g) Outdoor patios (located on private property) at least 250 square feet and exclusive of sidewalks.



- (h) Display windows at least 7 feet in height and measuring no more than 36 inches from the ground.



- (i) Artistic architectural details such as friezes, tile work, murals, 3D brick patterns, or moldings.



- (j) Integrated planters or knee walls with landscape and sitting areas (located on private property).



- (k) Offsets, reveals, pilasters, projecting ribs, or other 3D features incorporating or suggesting architectural or structural members.



- (l) Other contrasting detailing, such as banding along 50 percent or more of the building exterior or mottled brick on 50 percent or more of the masonry surface.



- (m) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, non-directional or indirect light strips, or decorative pedestal lights in conformance with 2.05.F **Outdoor Lighting.**



iv. Quality Site Design Elements

- (a) Placement of at least 50 percent of the parking to the side or rear of the main building, or have no more than one double-loaded row of parking between the building and the street.
- (b) Designate 10 percent or more of the site as shared access usable open space with at least one street frontage, containing items such as seating, water features, seasonal plantings in decorative planters, decorative bollards, textured paving, living wall, mural, decorative lighting, trash receptacles, available public water for people and pets, electrical hook-ups to allow programming, and/or a comparable amenity proposed by the applicant. Usable open space shall not include any paving designed to convey motor vehicles, parking lot tree islands, the building footprint, areas containing above-ground utilities, required landscaping, or gated or private open space not accessible to the general public.
- (c) Provide patios for outdoor dining equivalent to 5 percent of the site or 30 percent of a planned restaurant dining area.
- (d) Provide public art on-site equivalent to 1 percent or more of the overall project cost.
- (e) Provide additional off-street connections with neighboring properties other than those properties within the development.
- (f) Utilize decorative pavement for 25 percent or more of hardscape, including stamped concrete or pavers. Applied patterns are not acceptable except for use as public art.
- (g) Provide at least one entryway feature, such as a monument or archway that is not used for advertising any tenants but that may display the name of the development or the City.

B. Off-Street Parking and Loading

1. Purpose

The purpose of this article is to secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate and efficient use of land.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

- a. At the time any building or structure is constructed or expanded in square footage; or
- b. At the time of a change in use or occupancy.

3. All Parking

The minimum off-street parking and loading shall be provided as set forth in the following provisions.

a. Amount of Parking

- b. Development shall provide at least the number of off-street vehicular parking spaces required by 2.04.B. **Permitted Use Chart** unless otherwise indicated within this UDC. Parking, Loading, and Driveway Surfaces

All required parking, loading, and driveway spaces must be asphalt or concrete surfaces.

- i. Exception: Driveways and approaches to parking spaces do not require asphalt or concrete in the AG District.

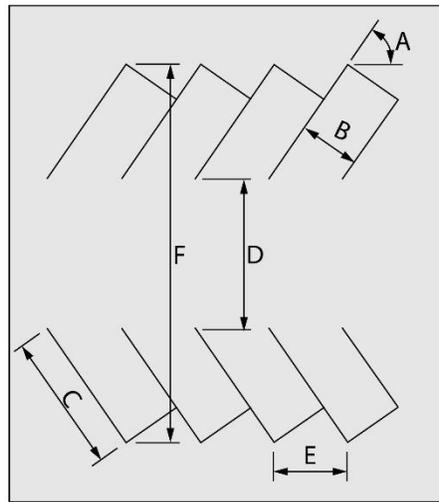
c. Parking Dimensions

The minimum dimensional requirements for parking stalls and driving aisles are shown in **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation.**

Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation

A	B	C	D		E	F
Parking Angle (in degrees)	Stall Width (in feet)	Stall Depth (in feet)	Aisle Width for One-Way Traffic (in feet)	Aisle Width for Two-Way Traffic (in feet)	Curb Length Per Car (in feet)	Parking Lot Width (curb-to-curb, in feet)
0°	8.0	20.0	12.0	24.0	23.0	-
30°	9.0	17.3	12.0	24.0	18.0	37.5
45°	9.0	19.6	13.0	24.0	12.7	46.5
60°	9.0	21.0	18.0	24.0	10.4	65.5
90°	9.0	19.0	24.0	24.0	9.0	-

Figure 2.05-5. Parking Configuration Diagram



4. Residential Districts; Off-Street Parking Provisions

The following are parking regulations for single-family, zero lot line, patio home, townhome, and single-family attached dwelling units.

- a. For calculating the number of required spaces, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage.
- b. Off-street parking spaces shall be directly adjacent to a dwelling or garage.
- c. For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation.**
- d. All driveways and parking areas shall be the same material as the abutting street or concrete.
- e. Additional parking shall be required in accordance with this section for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.
- f. No more than one recreational vehicle, travel trailer, boat, etc. (but not including golf carts) may be parked or stored in a residential driveway except for temporary loading, unloading, or service-related stops not exceeding 24 hours in a 7-day period.
- g. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any Heavy Load Vehicle (see **Article 5. Definitions, #57 Heavy Load Vehicle**). No such vehicle shall be stored or parked for more than 72 hours within a 30-calendar-day period or on a regular, repetitive basis on any street, or within any front yard or street side yard. Such a vehicle shall be parked in a space that is located on a concrete or asphalt paved surface.
- h. For Parking Regulations for the MHP District, see **G. Manufactured Homes/Recreational Vehicles, subsection G.4.f. Parking Spaces.**

5. Nonresidential and MF Districts; Off-Street Parking Provisions
 - a. No on-street parking shall be counted as meeting the requirements of this section unless otherwise stated and may be restricted or prohibited by the City.
 - b. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable City specifications.
 - c. Covered Parking and Density Bonuses
 - i. An increase in density of a total of up to 24 units per acre is permitted when at least 50 percent of the required parking spaces are constructed as covered or enclosed spaces.
 - ii. An increase in density of a total of up to 26 units per acre is permitted when 100 percent of the required parking spaces are constructed as covered or enclosed spaces.
 - d. For safety and firefighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with **10. Fire Lanes** below.
 - e. All off-street parking, driveways, maneuvering, and loading areas shall be designed in accordance with **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation** and **Figure 2.05-5. Parking Configuration Diagram**. All such areas shall be drained to prevent damage to abutting properties and/or public streets and alleys.
 - f. Parking regulations for the NR District
 - i. Parking areas must be located to the side or rear of primary buildings. No parking shall be located between the front and/or side facades of primary buildings and street right-of-way(s) unless otherwise specific by the following:
 - (a) One-way vehicle drive-through lanes for overall circulation as well as drive-through and pickup/drop off services shall be exempt from this standard.
 - (b) A maximum of one, one-way aisle of parallel and/or angled parking stalls shall be permitted between street right-of-way(s) and facades of primary buildings.
 - ii. No parking area may be located closer than 10 feet from the property lines for properties zoned for Single-Family Residential uses.
 - g. All existing driveways within the Old Town area as of the effective date of this section shall be deemed as conforming (unless they represent a threat to public health, safety and welfare, in which case the City may require removal and/or relocation and/or refurbishment).
 - h. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space or for circulation within a parking lot.
 - i. All entrances into parking lots shall be at least 20 feet in width and with a maximum of 40 feet in width.
 - ii. Divided entrances into parking lots shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least 50 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.
 - i. In all nonresidential, mixed-use, and multifamily development, the perimeter of all parking lots and driveways shall be provided with concrete curbs. Parking shall not be permitted to encroach upon the public right-of-way.
 - j. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space.
 - k. Parking spaces for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into buildings, crosswalks across parking lots, etc.) shall be provided according to building

codes, state laws, and requirements of the Americans with Disabilities Act (ADA), Texas Accessibility Standards (TAS), and the Public Right-of-Way Accessibility Guidelines (PROWAG).

- l. Off-street parking and loading spaces shall be used exclusively for their designated purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs, telecommunications towers, or the storage, display, or sale/lease/rent of goods, vehicles, or equipment. These areas shall also not be used for vehicle repair (other than normal maintenance), dismantling, storage of materials or supplies, or any activity that conflicts with their primary function, such as advertising or outdoor storage of raw materials.
- m. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without City approval of a revised plan, as described in 2.02. **Zoning Procedures.**
- n. A stacking space shall be an area on a site measuring at least eight feet wide by 20 feet long that has direct forward access to a service window or station of a drive-through facility and that does not constitute space for any other circulation driveway, parking space, or maneuvering area. If required below, an escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to get out of the stacking lane if necessary. Off-street stacking requirements for drive-through facilities shall be as follows:

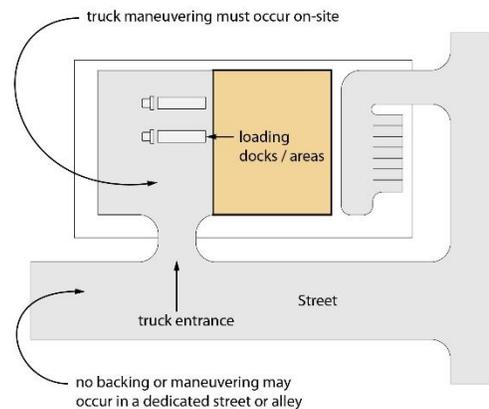
Figure 2.05-6 Minimum Stacking Space Requirements

Use	Minimum Number of Stacking Spaces
Banks and Financial Institutions (With Drive-Through Service)	Four (4) spaces per teller window or station, whether human or mechanical, with one (1) escape lane.
Eating Establishment (With Drive-Through Service)	Five (5) spaces for the first vehicle stop and two (2) spaces for each additional stop (e.g., order or pick-up window). An escape lane shall be provided parallel to the stacking lane, beginning at the start of the stacking lane and continuing to the pick-up window. The escape lane shall be a minimum of eleven (11) feet in width and provide unobstructed access around the drive-through facility.
Automobile Wash (Full-Service/Detail Shop)	Four (4) spaces for each vacuum or gas pump lane. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
Automobile Wash (Automated Self-Service)	Three (3) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing.
Automobile Wash (Wand-Type Self Service)	Two (2) spaces in addition to the wash bay itself, with one (1) space provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided outside of circulation aisles for these activities.
Automotive Repair and Service, Minor	Three (3) spaces for each service bay in addition to the service bay itself.
Other Drive-Through Not Listed	Three (3) spaces for each service window.

- o. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than five parking spaces deep, unless adequate turnaround space is provided. A minimum five-foot deep hammerhead back-up space shall be provided at the end of any dead-end parking area.
- p. All parking structures must conform to the construction and design standards of the zoning district in which they are located.

6. Off-Street Loading Space – All Districts
 - a. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
 - b. Each site shall provide a designated on-site maneuvering area for trucks (see **Figure 2.05-7. Truck Maneuvering Related to Loading Areas**). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure.
 - c. The minimum dimensions of a "regular" loading space shall be ten feet by 30 feet, and a "large" loading space shall be at least ten feet by 65 feet. Loading spaces or berths shall be provided as deemed appropriate by the Community Development Director.

Figure 2.05-7. Truck Maneuvering Related to Loading Areas



- d. Loading docks for any establishment that customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to minimize the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the applicable required plan (provided that the City makes a finding that the method of screening/buffering will be adequate to protect nearby residences).
 - e. Below grade loading docks are required to have operational sump pumps or other approved drainage.
 - f. Elementary schools, day schools, and similar child care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through "circular" drive for each ten students cared for (excluding Child Care Home (≤ 6 Children) and Child Care Home (≥ 7 Children)). An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.
 - g. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses.
 - h. Loading spaces to be shared among separate lots shall be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the Community Development Director.
7. Parking Access from a Public Street – All Districts
 - a. Consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

- b. Entrance/exit drives shall be appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time the required plan and final plat are approved by the City.
 - c. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces that are accessed directly from the street.
 - d. Parking space configuration, arrangement, size and circulation in all districts shall be constructed according to **Figure 2.05-4. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation** and **Figure 2.05-5. Parking Configuration Diagram**.
8. Rules for Computing Number of Parking Spaces and Miscellaneous Off-Street Parking Requirements

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- a. The term "floor area" means the gross floor area of the specific use.
- b. The term "seat" shall be interpreted as follows:
 - i. For fixed (e.g., pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and
 - ii. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight square feet of floor area occupied by such seating area (including aisles).
- c. Where fractional spaces result, the parking spaces required shall be calculated by rounding to the nearest whole number.
- d. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of a similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made/approved by the City, in conjunction with the request for classification of the new or unlisted use, as provided in **2.04.A.1.c. Classification of New/Unlisted Uses**.
- e. For buildings that have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see **9.a** below).

9. Reduced Parking Provisions

a. Shared Parking

Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions:

- i. Up to 50 percent of the parking spaces required for a theater, other place of evening entertainment (after 6:00 p.m.), or for a place of worship, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening or weekend hours.
- ii. Shared parking must be located on the same or adjacent properties.
- iii. Adequate, safe, and well-lit pedestrian access shall be provided between the shared parking area and the primary pedestrian entrances to the use served by the shared parking.
- iv. Reduction due to shared parking shall only be allowed if approved by the City on the applicable required plan (see **2.02. Zoning Procedures**).

- v. To ensure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement in the county real property records, and shall provide a copy of the filed agreement to the City prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

b. Alternative Compliance

The Director is authorized to reduce off-street parking requirements by up to 15 percent if one (or more) of the following conditions is present:

- i. The applicant demonstrates that adequate public parking is available within 300 feet of the subject property.
- ii. The applicant provides a parking study prepared by a transportation engineer that determines reduced parking requirements meet the demand of the proposed use.
 - (a) Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

10. Fire Lanes

Fire lanes shall be provided in all multifamily (and in some single-family attached) developments, manufactured home parks, mixed-use developments, and nonresidential developments, as required by the adopted fire code of the City. For additional regulations on fire lanes, refer to Chapter 20..

11. Special Regulations for Recreational Vehicles or Equipment

No recreational vehicle shall be left unattended or parked for more than 24 hours within any parking lot, parking spaces, drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles). An owner or tenant of a residential lot may park outdoors up to one accessory vehicle (recreational vehicle, boat, trailer, etc. (excluding golf carts) that they own on the same lot in accordance with City regulations. Such vehicle parking must also meet all other required City ordinances. Additional accessory vehicles, if any, shall be stored within an enclosed permanent structure.

C. Landscaping

1. Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is required for all new development, except single- and two-family and agricultural uses.

2. Applicability

This section applies to all new development. The regulations herein must be met in the following circumstances:

- a. At the time any building or structure is constructed or expanded by more than 25 percent in square footage; or
- b. Any use requiring a Conditional Use Permit (CUP) or a PD Planned Development zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD District. In no case shall the standards provided for in the CUP or PD ordinance be less than the standards required by this section.

3. Administration and Enforcement

- a. The provisions of this section shall be administered and enforced by the Community Development Director.
- b. If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be dead or otherwise not in conformance with the standards and criteria of this section, the Building Official shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have 30 calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this chapter.

4. Permits

- a. No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the Community Development Director, along with other required plans. A landscape plan shall be required as part of other required submissions and may be shown on the concept plan (2.02.F. **Concept Plans**), building permit plan (2.02.H. **Building Permit Plans and Building Permits**), or site plan (2.02.G. **Site Plans**), or may be drawn on a separate sheet. Except as provided in **b** below, prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
- b. In any case in which a Certificate of Occupancy is sought at a season of the year in which the Community Development Director, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary Certificate of Occupancy may be issued.

5. Landscape Plan

- a. The Community Development Director shall review the landscape plan and shall approve same if the plan is in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- b. Landscaping plans shall be drawn in a legible engineering scale and shall contain the following minimum information:
 - i. The scale shown in both written and graphic form.

- ii. Location, size, and species of all trees to be preserved (do not use tree stamps unless they indicate true size and location of trees).
 - iii. Where credited trees are proposed, a plan indicating how these existing trees will be protected from damage during construction.
 - iv. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
 - v. Species and common names of all plant materials to be used.
 - vi. Size of all plant material to be used (container size, planted height, etc.).
 - vii. Spacing of plant material where appropriate.
 - viii. North arrow/symbol and a small map showing where the property is located.
 - ix. Date of the landscape plan.
- c. No major change to an approved landscape plan shall be made prior to the submission and approval of a revised landscape plan meeting the criteria found within this section.
- d. Alternative Compliance

The Community Development Director may consider an alternative plan that is not in compliance with these landscape provisions. The alternative plan must clearly be superior to a plan or layout that would otherwise be in compliance. In making the determination, the Director shall consider:

- i. The topography, shape, size, and/or other natural features of the property;
- ii. The ability of the alternative plan to enhance a natural feature that is particular to the site; and/or
- iii. The opportunity to create a unique atmosphere, attraction, or other similar factors.

The overall number of required trees or shrubs, or square footage of landscape area, shall not be reduced by more than 20 percent and must be offset by a beneficial addition to the site.

6. General Standards

The following criteria and standards shall apply to landscape materials and installation:

- a. Visibility
 - i. Landscaping shall not block the Sight Visibility Triangle, as required by 3.04.E.3. **Sight Visibility Triangle.**
 - ii. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any arterial or collector streets as shown on the adopted comprehensive plan.
 - iii. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Community Development Director, the requirements set forth herein may be reduced to the extent to remove the conflict.
- b. All required landscaped open areas shall be covered with living plant material.
 - i. Up to 50 percent of the landscaped open areas may consist of non-living material, such as mulch, wood chips, or decorative gravel/rock.
 - ii. All groundcover materials must be permeable, with any weed barrier allowing the percolation of standing water within 72 hours.
 - iii. Loose materials shall be contained by a curb or other suitable alternative to contain the materials within the landscaped area.

- c. Planted trees to satisfy the requirements of this section must be selected from the City of Tomball Tree List.
 - d. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - e. Any major or significant modification to landscaping installed in accordance with this section must be approved by the Community Development Director.
 - f. Required caliper and height of trees:
 - i. Large trees shall be a minimum of 4 caliper inches measured 12 inches above the ground, and shall be a minimum of 7 feet in height at time of planting.
 - ii. Small trees shall be a minimum of 2 caliper inches measured 6 inches above the ground, and shall be a minimum of 5 feet in height at time of planting.
 - g. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
 - h. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
 - i. Earthen berms shall have side slopes not to exceed 33.3 percent (3 feet of horizontal distance for each 1 foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the City Engineer.
7. Minimum Landscaping Requirements for Single-Family and Low Density Residential Developments

For all housing not classified as multifamily (i.e., four or fewer units), one large tree shall be planted in front of the front façade of the property. Trees may be shown on a Site Plan and do not require a separate Landscape Plan.

8. Minimum Landscaping Requirements for Nonresidential, Mixed-Use, and Multifamily Developments
- a. General Requirements

The following requirements shall apply:

 - i. For all nonresidential, mixed-use, and multifamily developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least 15 percent of the front yard shall be permanently landscaped area (see **Figure 2.05-8. Selected Landscaping Requirements Illustrated**).
 - ii. In addition, with the exception of the Industrial (I) District, the following shall apply:
 - (a) Sites of up to 20,000 square feet shall have 5 percent of the area not covered by buildings or structures permanently landscaped.
 - (b) Sites of 20,000 to 200,000 square feet shall have 7.5 percent of the area not covered by buildings or structures permanently landscaped.
 - (c) Sites of over 200,000 square feet shall have 10 percent of the area not covered by buildings or structures permanently landscaped.
 - iii. Landscape development located within the rear setback area of a building site, screened from adjacent properties and not adjacent to a public street shall not be considered when determining the minimum requirements of this section.
 - iv. Buffer yards required by **E.4. Nonresidential, Multifamily, and Manufactured Home Park Districts** shall not be considered when determining the minimum requirements of this section.
 - v. Only shrubs and groundcovers (i.e., no trees) shall be used under existing or proposed overhead utility lines.

- vi. Necessary driveways from the public right-of-way shall be permitted through required landscaping in accordance with City regulations.

b. Requirements Along Major Thoroughfares

For the purpose of these requirements, a major thoroughfare is defined as a thoroughfare having a right-of-way of at least 60 feet. The following requirements shall be credited toward the 15 percent landscaped front yard requirement, as specified in **a** above.

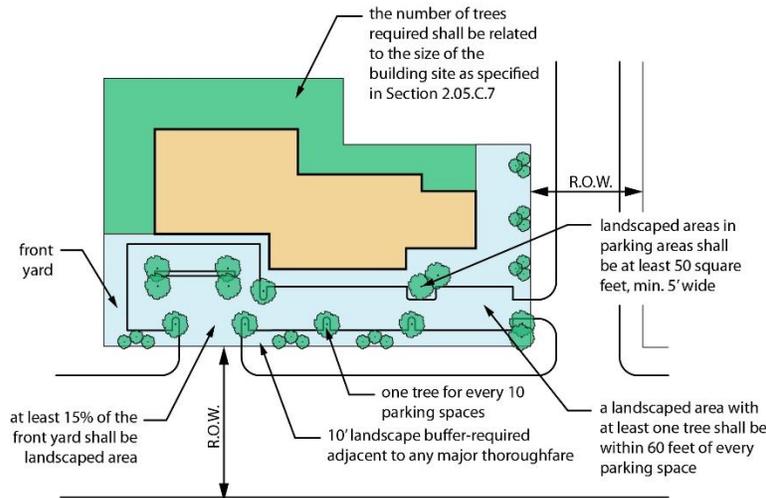
- i. A minimum 10-foot landscape buffer adjacent to the right-of-way of any major thoroughfare is required, except as specified below.
- ii. Any nonresidential, mixed-use, or multifamily parcel that fronts onto Main Street shall provide a minimum 15-foot landscape buffer.
- iii. Corner lots fronting two major thoroughfares shall provide the appropriate required landscape buffer on both street frontages (i.e., 10 feet on major thoroughfares and 15 feet on Main Street).
- iv. One large tree shall be required per 40 linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement; this shall be credited toward the total number of trees required, as specified in **d** below.

c. Requirements for Landscaping In and Around Parking Lots

The following requirements shall be credited toward the 15 percent landscaped front yard requirement and total landscaping requirement as specified in **a** above.

- i. Landscape areas shall be a minimum of 50 square feet in area. Landscape areas shall be a minimum of 5 feet wide.
- ii. There shall be a landscaped area with at least one tree within 60 feet of every parking space.
- iii. There shall be a minimum of one tree planted in the parking area for every 10 parking spaces for parking lots having more than 20 spaces.
- iv. Where parking lots, driving lanes, loading areas, and common access easements abut the right-of-way (except the right-of-way of a State highway) or adjacent residentially-zoned property, shrubs (at least 3 feet in height within two years of planting) shall be planted to form a continuous buffer along the vehicular area perimeter.
- v. There shall be a landscaped area that is a minimum of 12 feet wide to separate parking areas that have 200 or more parking spaces.
- vi. Landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

Figure 2.05-8. Selected Landscaping Requirements Illustrated



d. Requirements for Trees and Shrubs

The following requirements shall apply:

- i. All existing trees that are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree.
- ii. All new trees shall be provided with a permeable surface under the dripline a minimum of 5 feet by 5 feet.
- iii. A minimum of 50 percent of the total trees required for the property shall be large trees as specified on the City of Tomball Tree List.
- iv. Minimum number of trees required. The number of trees specified as required herein shall be in addition to those required for major thoroughfares as outlined in this section. The minimum number of trees shall be provided and maintained on the building site, as outlined below, based on the area of the site not covered by a building or structure, rounding up to a whole tree:
 - (a) Less than 3,000 square feet: Two trees.
 - (b) 3,001 to 7,000 square feet: Three trees.
 - (c) 7,001 to 10,000 square feet: Four trees.
 - (d) 10,001 to 20,000 square feet: Five trees.
 - (e) 20,001 to 30,000 square feet: Six trees.
 - (f) 30,001 to 40,000 square feet: Seven trees.
 - (g) 40,001 or greater, per 20,000: Three trees.
- v. Minimum number of shrubs required. A minimum of 20 shrubs (at least 3 feet in height within two years of planting) shall be provided and maintained on the building site for every 1,000 square feet of required landscaped area.

e. Tree Preservation

The following provisions shall apply:

- i. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site and erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation.
- ii. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the dripline of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the dripline of any tree or groups of trees to remain.
- iii. No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.
- iv. Tree Credits
 - (a) Landscape plans that preserve existing trees that are found on the approved list shall be given credit toward the total number of trees required as outlined in the following:

Figure 2.05-9. Tree Credits

Diameter of Existing Tree (inches)	Credit Against Tree Requirement
1 inch - 3 inches	One tree
Over 3 inches - 9 inches	Two trees
Over 9 inches - 15 inches	Three trees
Over 15 inches	Six trees

- (b) If a credited tree dies for any reason, it must be replaced with the credit number of trees within 120 days.
 - (c) The following activities shall be prohibited within the limits of the drip line of any existing tree to be retained under the provisions of a landscape plan required by this section:
 - (i) Material storage. No materials intended for use in construction or waste materials accumulated due to excavation or demolition;
 - (ii) Equipment cleaning/liquid disposal. No equipment shall be cleaned or other liquids deposited, including paint, oil, solvents, asphalt, concrete, mortar, or other materials;
 - (iii) Tree attachments. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan; and
 - (iv) Vehicular traffic. No vehicle, construction equipment or parking is allowed.
 - v. On development sites requiring 100 parking spaces or more, the number of parking spaces may be reduced by one percent for every ten percent increase in tree credits provided above the minimum. However, the parking requirement shall not be reduced by more than five percent.
- f. Maintenance

The following provisions shall apply to maintenance:

- i. The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass 6 inches or higher),

edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

- ii. All plant growth shall be controlled so that it will not interfere with the installation, maintenance, or repair of any public utility, nor shall it restrict pedestrian or vehicular traffic or constitute a traffic hazard. This includes preventing plant growth from blocking the Sight Visibility Triangle, as required by **3.04.E.3. Sight Visibility Triangle**.
- iii. Required plant materials that die shall be replaced with plant material of similar variety and size, within 90 calendar days. Trees with a trunk diameter in excess of 6 inches measured 24 inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than 3 inches measured 24 inches above the ground on a caliper-inch for caliper-inch basis (e.g., for a 6-inch tree, two 3-inch replacement trees shall be required).
- iv. A time extension for replacement of plant materials may be granted by the Community Development Director, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or their agent.
- v. Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of **1.01.G. Enforcement and Violations**.

D. Accessory Buildings

1. Purpose

The purpose of this section is to preserve property values and ensure safety, privacy, and neighborhood character.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

- a. At the time any accessory building or structure is constructed or expanded in square footage.

3. General Requirements

- a. No accessory building shall be constructed upon a lot until the construction of the main building has commenced, and no accessory building shall be used unless the main building on the lot is also being used.
- b. Accessory buildings must comply with all applicable building code provisions.
- c. Accessory buildings shall not exceed 50 percent of the floor area of the main building.
- d. The maximum height of accessory buildings is regulated by zoning district (see 2.03. Zoning Districts). In no case shall the height of an accessory building exceed the height of the main building.
- e. Accessory buildings shall not be located within an easement.

4. Nonresidential Districts

Any use conducted within the accessory building must be secondary to and supportive of the primary use.

5. Residential Districts

The following regulations apply to all accessory buildings in all residential districts.

- a. Accessory buildings may not be used for commercial purposes, except as permitted in conjunction with a Home Occupation (see 2.04.C.11.i. Home Occupations).
- b. Accessory buildings shall not be used for human habitation or rented separate from the main building, except as permitted in conjunction with an Accessory Dwelling Unit (see 2.04.C.2.a. Accessory Dwelling Unit).
- c. Area Regulations for Accessory Buildings in Residential Districts

Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts outlines the setback requirements for accessory buildings in residential districts.

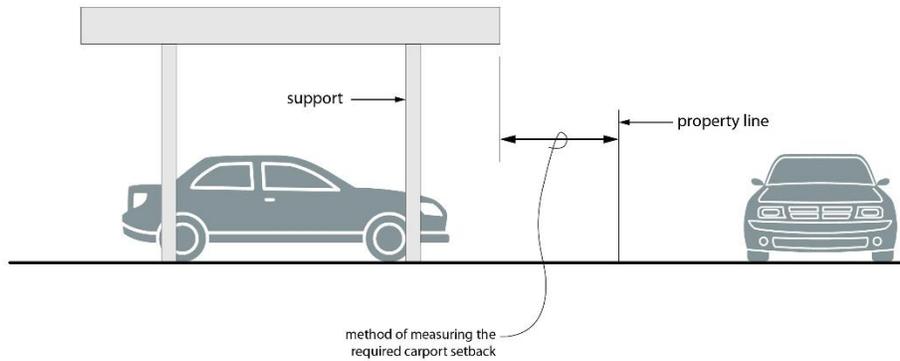
Figure 2.05-10. Accessory Building Regulations by Yard Type for Accessory Buildings in Residential Districts

Yard Type	Setback	
Front Yard	Accessory buildings are prohibited in front of the main building.	
Side Yard	Accessory buildings must meet the same minimum side yard requirements as the main building, except for the following:	
	Garages/Carports	See 2.03.C.2.g.
	Swimming Pools	May encroach to within three (3) feet of the side lot line, provided it does not encroach on any easement.
Rear Yard	In the AG and SF-20 districts, accessory buildings must meet the setback requirements for primary buildings.	
	In all other districts, accessory buildings must be at least three (3) feet from the rear lot line or alley.	

	Distance to Main Building	If an accessory building is located within ten (10) feet of the main building in the rear portion of a lot, the rear yard setback must be the same as the main building.
	Garages/Carports	See 2.03.C.2.g.

- d. Additional Area Regulations for Carports
 - i. Carports shall be measured from the part of the carport (typically the roof) that is closest to the street or alley (see **Figure 2.05-11. Carport Setback Measurement**).
 - ii. In single-family and two-family zoning districts, carports shall be a maximum of 500 square feet.

Figure 2.05-11. Carport Setback Measurement



E. Screening, Buffering, and Fencing

1. Purpose

The purpose of this section is to promote compatibility and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

2. Applicability

This section applies to development in all zoning districts. The regulations herein must be met in the following circumstances:

- a. At the time any building or structure is constructed or expanded by more than 10 percent in square footage; or
- b. At the time of a change in use or occupancy.

3. General Requirements

- a. All fencing and screening shall comply with **3.04.E.3. Sight Visibility Triangle**.
- b. No wall or fence shall be permitted in a public right-of-way or easement, unless a written encroachment agreement is obtained with the affected party and approved by the Public Works Director.
- c. All fences, gates, and screening devices (regardless of whether it is required) must be maintained in good condition, free from missing, broken, or leaning components, and must not pose a hazard to life or property.
- d. Maintenance shall be the responsibility of the owner of the property on which the fence, gate, or screening device is located.
- e. All required screening devices must be equally finished on both sides.
- f. Screening must be installed prior to the issuance of a Certificate of Occupancy.

4. Nonresidential, Multifamily, and Manufactured Home Park Districts

Land use buffering shall be provided along property lines separating zoning districts as prescribed below:

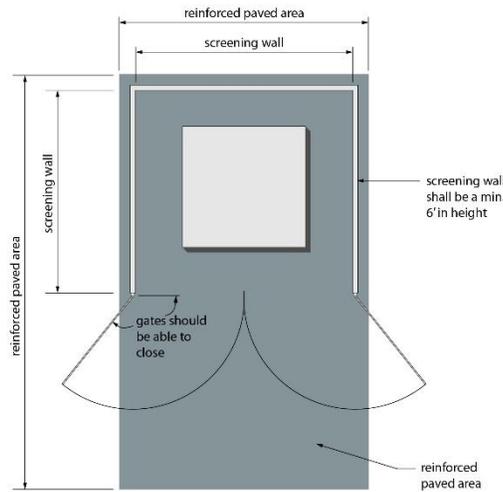
- a. When nonresidential, multifamily residential, or manufactured home park zoning shares a common boundary with single-family residential, two-family residential, residential planned developments or agricultural zoning districts.
- b. Required land use buffers must consist of a minimum 10-foot-wide vegetative buffer yard and 7-foot opaque wooden fence plus at least 25 points based on the following criteria. The minimum 10-foot-wide vegetative buffer is not required in addition to buffer zones required per Section 18-347.
 - i. Points:
 - (a) Opaque masonry wall with 6-foot minimum height in lieu of providing opaque wooden fence = 10 points
 - (b) Each additional 5 feet of buffer yard = 5 points (maximum of 10 points). Buffer zones, as required in Section 18-347, can be counted toward buffer yard points.
 - (c) One (1) tree with a mature height of at least 20-feet and height of at least 8-feet and caliper size of 4-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.
 - (d) Three (3) smaller trees with a height of at least 8-feet and caliper size of 2-inches (measured 12-inches above ground level) at the time of planting per 25 lineal feet of buffer yard = 15 points. Existing trees that are preserved and are listed on the City of Tomball's Tree List can be used to meet this requirement.

- c. Trees planted to accommodate required land use buffering shall be in addition to the required trees prescribed within **C. Landscaping**.
- d. Preservation of existing trees: Each tree preserved to accommodate the required land use buffer shall count as one tree toward the overall land use buffering requirement regardless of size. Trees planned to be preserved must be on the City of Tomball Tree List.
- e. For purposes of interpreting this section, mixed use zoning shall be considered nonresidential. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.
- f. Buffer yards are required between adjacent uses as indicated. For purposes of this section, adjacent includes properties separated by an alley but does not include properties separated by a street.
- g. Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, planter, berm, fence, wall, or combination of these, with a minimum height of 36 inches. This requirement shall not be required along state highways.
- h. Open space in buffer yards shall be planted in grass or other vegetative ground cover.
- i. Alternative buffering may be permitted by the Community Development Director during the site plan review process so long as the buffering and aesthetic intent of these requirements are met.
- j. Refuse Areas
 - i. The standards within this section shall apply to all new enclosures added to a site or if a waste/recycle dumpster or permanent roll-off is added to a site. Any site that is deemed abandoned by **2.01.E.6. Abandonment of Nonconforming Uses and Structures, and Cessation of Use of Structure or Land** shall comply with the provisions of this section.
 - ii. Refuse containers shall be located no closer than 30 feet to any adjacent single-family zoning district, and shall be located so as to provide safe and convenient pickup by refuse collection agencies.
 - iii. Refuse areas visible from a public right-of-way or from any residential property must be screened by a minimum six-foot solid masonry wall on at least three sides, with an opaque gate on the fourth side. See **Figure 2.05-12. Example of a Screened Refuse Area**. The gate shall remain closed at all times except when being used for filling, emptying, cleaning, or maintenance. Alternate equivalent screening methods may be approved by the Director.
 - iv. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per **Figure 2.05-13. Refuse Area Screening**.

Figure 2.05-12. Example of a Screened Refuse Area



Figure 2.05-13. Refuse Area Screening



k. Mechanical/Utility Equipment

Mechanical equipment, including roof-mounted equipment, must be screened from the view from streets, parking lots, parks, and residential districts with materials consistent with the principal structure, opaque fencing, masonry walls, and/or landscaping. Wall-mounted electrical panels are exempt from this standard.

5. Fences in Residential Areas

The following provisions shall apply to areas all residential uses with 4 or fewer units.

a. General Requirements

i. Fences shall not exceed 8 feet in height unless otherwise specified.

b. Front Yard Fences

i. Fences located between the front property line and the closest primary or accessory structure are subject to the following height limits:

(a) For lots smaller than 5 acres: 4 feet.

(b) For lots 5 acres or larger: 6 feet.

(c) Non-opaque wrought iron or similar fencing, up to 6 feet in height, may be approved by the Community Development Director in the SF-20 and AG Districts.

ii. For lots without a primary building or accessory structure, the maximum fence height is measured at the front setback line.

c. Materials and Design Standards

i. Fences and gates must use durable materials such as wood, vinyl, metal, brick, stone, or other materials commonly used in conventional fence construction.

ii. Chain link fencing is permitted only behind a front building face.

- iii. Prohibited Materials and Uses
 - (a) Barbed wire, electrified fencing, chicken wire, or hog fencing, unless approved by the Community Development Director for agricultural uses on lots one acre or larger.
 - (b) Fences with sharp or hazardous features such as spikes, nails, or razor wire.
- d. Vehicular Access Gates
 - i. Gates designed for vehicular access shall be set back from the edge of street or road pavement a minimum of 25 feet.
 - ii. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal.
- e. Special-Purpose Fencing
 - i. Fences used for tennis courts, play areas, or gardens may not exceed ten (10) feet in height and may be constructed of chain link, fabric-type material, or other durable materials.
 - ii. Fences must not obstruct setbacks, easements, or sight visibility areas.
 - iii. All special-purpose fencing requires approval from the Director.

F. Outdoor Lighting

1. Purpose

The purpose of this section is to provide regulations for outdoor lighting that will:

- a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce;
- b. Be useful, targeted, low-level, and controlled, minimizing adverse offsite impacts, including light trespass and obstructive light;
- c. Curtail light pollution and improve the nighttime environment;
- d. Conserve energy and resources to the greatest extent possible; and
- e. Promote safe lighting for pedestrian and vehicular traffic.

2. Applicability

- a. This section applies to development in all zoning districts.
- b. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting, whether attached to structures, poles, the ground, or any other location, including lighting installed by any third party.
- c. For sign lighting, see **4.01.E.5. Sign Lighting**.
- d. The regulations herein must be met at the time any new lighting fixture is added to a site, with the following exceptions:
 - i. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.
 - ii. Repairs to existing luminaires.
 - iii. Temporary lighting for theatrical, television, performance areas and construction sites.
 - iv. Athletic stadium lighting.
 - v. Underwater lighting in swimming pools and water features.
 - vi. Temporary lighting and seasonal lighting.
 - vii. Open gas flames.
 - viii. Emergency outdoor lighting.
 - ix. The residential use of individual solar landscaping luminaires not exceeding property boundaries.
 - x. Construction lighting that does not exceed construction site boundaries.

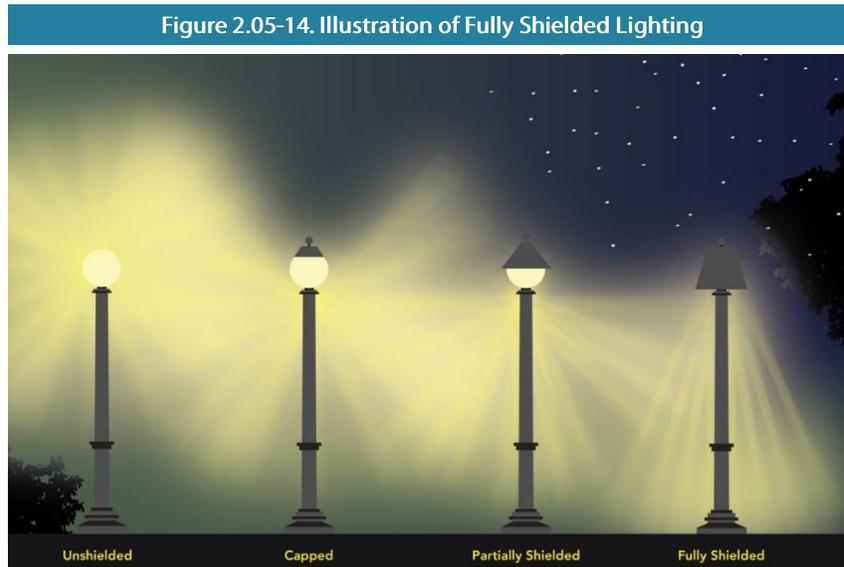
3. Conflict

When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence, and all other requirements herein shall remain in force:

- a. Lighting specified or identified in a planned development.
- b. Lighting required by federal or state laws or regulations.
- c. When proposed, the conflicting regulation shall be submitted at the time of permit submittal.

4. General Requirements

- a. All outdoor luminaires, unless specifically exempted, shall be fully shielded. Fully shielded fixtures encase the light source to prevent any light from escaping upwards or sideways, allowing only downward-directed light as shown in **Figure 2.05-14. Illustration of Fully Shielded Lighting**.



- b. All outdoor lighting shall be designed, shielded, and operated to prevent light trespass beyond property lines. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas, in accordance with all City ordinances.
- c. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night.

G. Manufactured Homes/Recreational Vehicles

1. Purpose

The purpose of these regulations is to ensure the safe and appropriate placement of manufactured homes and recreational vehicles, promoting public safety and compatibility with surrounding land uses.

2. Applicability

These regulations apply to all manufactured homes, manufactured home parks, and recreational vehicles within the City limits.

3. Nonconforming Manufactured Home Parks

Manufactured home parks lawfully operating prior to the effective date of the ordinance from which this section is derived, but which do not conform to the regulations contained herein may be continued with the following limitations:

- a. No nonconforming manufactured home park shall be extended or enlarged.
- b. No manufactured home park shall be rebuilt or continued after abandonment or discontinuance for more than 90 days, except in full conformity with this section.
- c. If a nonconforming manufactured home park is partially destroyed by fire or other causes in excess of 50 percent of the value of its facilities, it may not be restored, rebuilt, or repaired unless in full conformity with this section.

4. Manufactured Homes and Manufactured Home Parks

a. Parking Limitations; Certificates and Permits Required; Record of Movement; Inspection

- i. It shall be unlawful for any person to park, place or locate any manufactured home on any public street or public park within the City for a period of more than four hours, except in cases of emergency.
- ii. It shall be unlawful for any person to park, place or locate any manufactured home on any lot, tract, or parcel of land within the City for a period of more than 24 hours unless within a licensed manufactured home park, except as follow:
 - (a) On a lot, tract, or parcel of land upon which lawful construction of a commercial or multifamily building is actually in progress, and use of the manufactured home is incidental to such construction;
 - (b) On a lot, tract, or parcel of land within a platted residential subdivision when lawful construction of the subdivision improvements is actually in progress, or when construction of primary residential structures upon lots within such subdivision is actually in progress, and the use of the manufactured home is incidental to such construction;
 - (c) On a lot, tract, or parcel of land upon which is lawfully conducted the business of repairing manufactured homes, provided such manufactured home located thereon is being repaired and is not otherwise being used for living, sleeping, storage or working quarters; or
 - (d) On a lot, tract, or parcel of land upon which is lawfully conducted the business of selling manufactured homes, provided such manufactured homes located thereon are being offered for retail sale and are not otherwise being used for living, sleeping or storage, or as working quarters other than as a sales office for the homes offered for retail sale on such lot, tract, or parcel of land, and provided further, that no such manufactured home shall be stored or displayed unless upon a paved surface as provided herein. Such paved surface shall be of asphalt or concrete cement. An asphalt surface shall be not less than 1½ inches thick, with not less than six inches of limestone base. A concrete cement surface shall be not less than six inches thick with a stabilized base. All such paved surfaces shall be maintained so as to protect the structural integrity thereof.

- (i) The paving requirements established in **(d)** above shall not be required on lots used for the sale or display of manufactured homes on the effective date hereof. For the purposes of this section, a lot shall be deemed as being used for the sale or display of manufactured homes as of the date of application of the first of necessary building, construction or use permits for such use.
 - iii. It shall be unlawful for any person to occupy any manufactured home unless the Building Official shall have issued a certificate of occupancy therefor.
 - iv. Prior to parking, placing, or otherwise locating any manufactured home in the City, the owner of the land upon which the manufactured home is to be located, or the agent of such owner, shall obtain from the City a move-in permit which shall be obtained by making application on the form provided at the city hall. The City shall charge a reasonable fee for the issuance of such move-in permit, which fee is to be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City.
 - v. Prior to the issuance of a certificate of occupancy, each manufactured home shall be inspected and approved by the Building Official for the City in accordance with this section. The owner of the manufactured home shall pay the usual and customary charges for each of these inspections, which usual and customary charges shall be set by resolution of the City Council from time to time and kept on file by the City Secretary in the offices of the City.
 - vi. It shall be unlawful for the owner of the land, or the agent of the owner of the land, to move a manufactured home from a location within the City without having first obtained a move-out permit from the City. Such move-out permit shall be obtained by making application to the City on the form provided therefor, and by paying a reasonable fee for such move-out permit, which fee shall be set by resolution of the City Council and kept on file in the offices of the City Secretary.
- b. **Manufactured Home Parks – Construction or Enlargement Permits**
 - i. **Construction or Enlargement Unlawful Without Permit**

It shall be unlawful for any person to construct or enlarge a manufactured home park within the corporate limits of the City without having first obtained a manufactured home park construction or enlargement permit.
 - ii. **Application**

Any person desiring to construct or enlarge a manufactured home park shall file a written application for a manufactured home park construction or enlargement permit with the Building Official. Such application shall be submitted on a form prepared by the Building Official and shall include the following:

 - (a) The name and address of the person who will be in charge of the proposed park;
 - (b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;
 - (c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.
 - iii. **Action by City Council on Application**

Within 30 days after the complete application has been filed with the Building Official, the Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the Building Official shall issue the applicant a manufactured home park construction or enlargement permit. If construction has not begun on the manufactured home park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council

disapproves the application, the City Council shall state the reasons for disapproval and the Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this section unless all plans and specifications for the proposed manufactured home park are in conformity with all building, plumbing and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this article shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure in any manufactured home park, with the following exceptions:

- (a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.
- (b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a manufactured home park within the City without a manufactured home park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a manufactured home park after construction or the enlargement has been completed shall, before the actual operation of the park has begun, apply to the Building Official for an operation permit. The Building Official or any City official or employee designated by him shall then inspect the completed facilities and, if the completed manufactured home park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this section and other applicable ordinances, the Building Official shall then issue to the operator a manufactured home park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City. Each such permit shall be valid up to and including December 31 of the calendar year for which it was issued, unless sooner suspended, revoked or surrendered in accordance herewith.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a manufactured home park shall make an application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the Building Official, or if any such changes are found by the Building Official to be in accordance with this section and all other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by resolution of the City Council and kept of record by the City Secretary in the offices of the City, the Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Permits

Any manufactured home park operation permit granted under the provisions of this article may be suspended or revoked by the Building Official after due notice to the holder of such permit for any one or more of the following reasons:

- (a) Operating the facilities in a manner contrary to the plans, specifications and/or plat on file with the Building Official; or
- (b) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the State, or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. Dimensional Requirements

i. Minimum Size

No manufactured home park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

No unit shall be less than 4,000 square feet in area

iii. Space Between Manufactured Homes

(a) Distance Setback Requirements

Each concrete pad and each manufactured home shall be placed so that there shall be:

(i) Sides

A distance of at least 25 feet between each manufactured home;

(ii) Rear

(iii) A distance of at least 25 feet between the rear of each manufactured home and the back of the unit boundary;

(iv) Front

A distance of at least 25 feet between the front of each manufactured home to the front of the unit boundary;

(v) Distance to Streets

A distance of at least 25 feet between each manufactured home and the edge of any street within or without the manufactured home park.

(b) Other City Setback Requirements

No manufactured home shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the manufactured home park is located.

e. Street Specifications

i. Access to a Manufactured Home Park

Each Manufactured Home Park shall have direct access from an improved public street in accordance with **Article 3. Subdivision Regulations**.

ii. Access to Individual Spaces

(a) Access to individual spaces shall be from private drives within the site constructed of concrete, or hot mixed asphalt, at least 24 feet in width, and curbed and guttered in accordance with the applicable requirements of the City.

i. Intersections

Internal streets shall intersect adjoining public streets at approximately 90 degrees and at locations that will eliminate or minimize interference with traffic on those public streets.

j. Street Lighting

Street lighting within the Manufactured Home Park shall be provided in accordance with **Article 3. Subdivision Regulations** and shall be maintained by the owners of the Manufactured Home Park.

k. Pads and Anchoring

i. Each unit within a manufactured home park shall be provided with a concrete pad, to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park.

ii. To ensure against natural hazards such as tornados, high winds, and electrical storms, anchorage for each manufactured home shall be provided in accordance with the building code and state law.

iii. Each pad shall be equipped with a minimum number of tie-downs so that a tie-down exists for every six feet of a manufactured home.

l. Skirting

i. Each manufactured home shall require a skirting that shall extend around the perimeter of the manufactured home from the top of the unit's frame to grade and completely enclose the area beneath the manufactured home, with the exception of manways.

(a) Manways shall be equipped with a door, which can be kept closed when not in use.

ii. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

iii. All required skirting shall be of an opaque, noncombustible material, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

m. Storage Buildings

Each unit shall be provided with a storage building of not less than six feet in depth and eight feet in width, which shall be weatherproof and constructed of durable materials.

n. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, subject to all applicable ordinances, rules and regulations of the City.

o. Public Inspection

Duly authorized representatives of the City shall be permitted access to the park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.

p. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the manufactured home park, such fence or wall to be 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the manufactured home park.

q. Utility Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.

r. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

s. Walkways

Walkways not less than 36 inches wide and constructed of concrete or other masonry construction shall be provided between the park streets to all community facilities provided for park residents and to all service buildings.

t. Electrical Service

Each unit within the manufactured home park shall be provided with electrical service connections of at least 120/240 volt single-phase, 100 amps entrance capacity. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular manufactured home by the park owner or operator.

u. Drainage and Soil Protection

- i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home.
- ii. Exposed ground surfaces in all parts of every Manufactured Home Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

v. Water Supply

- i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings and units within the park, in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground.
- ii. One master water meter shall be installed at each manufactured home park, or a separate water meter installed at each unit, and the owner of the park and/or the occupant of the unit upon which a manufactured home is located shall be responsible for the payment of the water bill to the City.

w. Firefighting

- i. Approaches to all manufactured homes shall be kept clear for firefighting.
- ii. The owner or agent of a Manufactured Home Park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire.
- iii. The owner shall supply standard City fire hydrants located within 500 feet of all manufactured home spaces, measured along the drive or street. Such hydrants shall utilize public water contained in public lines within public easements
- iv. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds in excess of six inches in height.
- v. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.
- vi. The design, size, and layout of the water distribution system shall comply in all respects with all applicable requirements of the state and the City and shall be approved by the Director of Public Works.

- vii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, shall be Class 150 or better and shall be approved by the Director of Public Works.
- viii. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.
- x. Sewage Disposal
 - i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:
 - (a) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.
 - (b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the manufactured home located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinances.
 - (c) If, on the date the City Council approves the manufactured home park, public sanitary sewerage service is not available, 5.r.ii below shall apply. If a public sanitary sewer system is placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the manufactured home park shall install a sanitary sewer system within the park within 180 days after such public service becomes available.
 - ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor with his applications, which the plan of septic tank system shall be in full compliance with applicable regulations of the State and the City.
- y. Garbage Service
 - i. Owner Compliance

Each owner of a manufactured home park shall comply with all trash and garbage collection regulations of the City.
 - ii. Collection

A separate charge for each manufactured home shall be made for garbage collection, in accordance with the schedule of rates in the City. The owner or operator of the park and/or the owner or occupant of the unit shall be responsible for the payment of same.
- z. Natural Gas
 - i. If natural gas distribution facilities from the City's gas system are adjacent to a boundary of an existing park or a proposed park, then manufactured homes and buildings within the park requiring fuel shall be connected to such natural gas system. All inter-gas systems, including any and all gas systems installed by or for manufactured home parks, shall meet the minimum standards of the state railroad commission for such gas systems and minimum standards of the City. All gas distribution systems within parks installed by or for parks shall comply with existing codes applicable to such systems. Failure to comply with applicable codes or failure to meet minimum standards, whether as to existing parks or new parks or new distribution systems shall result in the termination of gas supply to the system until it has been brought into compliance with such codes or minimum standards. If natural gas from the City gas system is available to the park from lines adjacent to the boundary of the existing or proposed park, no bottled gas, liquefied petroleum gas, or any other type of fuel may be used within such park by manufactured homes and other buildings.

- ii. If natural gas from the City gas system is not available, bottled gas for cooking purposes shall not be used at individual manufactured homes unless containers are properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by Federal and State rules and regulations. Such containers shall not be placed into operation until they have been inspected by the City and have been determined to comply with the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a manufactured home or within five feet of a door thereof.
- iii. If the City's natural gas distribution facilities are placed adjacent to the manufactured home park subsequent to its development, the owner or operator of the park shall connect to such system within 180 days from such availability, and otherwise comply with all of the terms of this section.

aa. Additional Construction in Parks

It shall be unlawful for any person operating a manufactured home park or occupying a manufactured home to construct or permit to be constructed in such park, or in connection with such manufactured home, any additional structure, building or shelter in connection with or attached to the manufactured home; provided, however, awnings of canvas or metal, suitably constructed, may be attached to manufactured homes. In addition, portable, prefabricated, temporary rooms, for the purpose of increasing the living area, commonly called cabanas, may be attached to manufactured homes that meet the following requirements:

- i. Of metal only, fire-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;
- ii. Strength of materials and structure to meet minimum standards of the City Building Code;
- iii. Capable of being dismantled and removed from the site at the time the manufactured home to which it is accessory is moved;
- iv. Finish and appearance to be as near the same as possible to the manufactured home to which it is accessory;
- v. The length must not exceed the length of the manufactured home to which it is accessory; and
- vi. Only one such room per manufactured home shall be permitted.

bb. Service Buildings

- i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.
- iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.

cc. Park Management

Each licensee of a manufactured home park shall perform or cause to be performed the following:

- i. Provide written notice to each park occupant of all provisions of this section applicable to such occupant;
- ii. Maintain a register of park occupancy, which shall contain the following information:
 - (a) The name and address, and the dates of arrival and departure, of each park resident;

- (b) The registration data, including make, length and width, of each manufactured home in the park;
 - (c) The location of each manufactured home within the park by unit number and street address;
 - iii. Furnish to the Code Enforcement Officer or Building Official, within ten days after January 1 of each year, a list of all manufactured home residents in the park as of January 1. The list shall contain the manufactured home owner's name and address, the make, length and width of the home, and the address or location description of each manufactured home within the park; and
 - iv. Maintain on the premises for inspection a map showing the location, size, and depth of all utility, gas or other lines within the park.
5. Recreational Vehicles, Travel Trailers, Motor Homes, Dependent Trailers, and Other Mobile Structures
- a. Parking Limitations; Record of Movement In and Out of Parks; Inspections
 - i. No person shall park, place or locate a recreational vehicle upon any public street, or within any area of a public park not designated for recreational vehicle usage, within the City for a period of more than four hours, except in cases of emergency.
 - ii. No person shall park, place, or locate a recreational vehicle that is used for living quarters, or in which cooking is done, on any lot, tract or parcel of land for a period of more than 24 hours unless within a licensed recreational vehicle park, except as follows:
 - (a) Recreational vehicles may be parked on land owned by persons whose business is the repair of recreational vehicles; provided, however, that when they are so parked, their use for living, sleeping, storing or working quarters is prohibited.
 - (b) Recreational vehicles may be parked for storage purposes as long as such storage does not violate any deed restriction or other ordinance or regulation of the City.
 - iii. It shall be unlawful for any person to locate or maintain for occupancy any recreational vehicle other than in a duly licensed and lawful recreational vehicle park, except as set out herein.
 - iv. Prior to allowing a recreational vehicle to be placed within a recreational vehicle park, the owner of the park shall cause such recreational vehicle to be registered on a check-in/check-out list. The check-in/check-out lists shall include the name and permanent address of the owner or occupant of the recreational vehicle, a description of the make, model, and license of the recreational vehicle, the length of stay, the condition of recreational vehicle, and number of occupants. Such list shall be kept in the offices of the park and available for review by the Building Official during reasonable office hours.
 - b. Recreational Vehicle Parks – Construction or Enlargement Permits
 - i. Construction or Enlargement Unlawful Without Permit

It shall be unlawful for any person to construct or enlarge a recreational vehicle park within the corporate limits of the City without having first obtained a recreational vehicle park construction or enlargement permit.
 - ii. Application

Any person desiring to construct or enlarge a recreational vehicle park shall file a written application for a recreational vehicle park construction or enlargement permit with the Building Official. Such application shall be submitted on a form prepared by the Building Official and shall include the following:

 - (a) The name and address of the person who will be in charge of the proposed park;
 - (b) A location map showing the location within the City of the proposed park at a scale of one inch equals 100 feet or larger;

- (c) Preliminary plans and specifications sufficient to determine if the proposed park is in compliance with this section and all ordinances, building, plumbing and electrical codes in effect at the time application for the permit is made.

iii. Action by City Council on Application

Within 30 days after the complete application has been filed with the Building Official, the Building Official shall present the same to the City Council. The City Council shall act on each such application within a reasonable period of time. If the City Council approves the application, the Building Official shall issue the applicant a recreational vehicle park construction or enlargement permit. If construction has not begun on the recreational vehicle park within 120 days from the date of approval of the permit, the permit shall be void and of no force and effect. If the City Council disapproves the application, the City Council shall state the reasons for disapproval and the Building Official shall so notify the applicant.

iv. Standards of Construction

No permit shall be granted under this article unless all plans and specifications for the proposed recreational vehicle park are in conformity with all building, plumbing, and electrical codes, and other applicable ordinances in effect and adopted by the City at the time application is made for a permit, and all work performed under permits issued pursuant to this section shall likewise conform to such other ordinances.

v. Permanent Residential Structures

No permit shall be issued for the construction or occupancy of a permanent residential structure within any recreational vehicle park, except as follows:

- (a) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.
- (b) An existing residence may be converted to a clubhouse, community center, or service building for use by the residents of the park.

c. Same – Operation Permits

i. Operation Without Permit Unlawful

It shall be unlawful for any person to operate a recreational vehicle park within the City without a recreational vehicle park operation permit.

ii. Issuance to New Operations

Any person desiring to operate a recreational vehicle park after construction or enlargement has been completed shall, before the actual operation of the park has begun, apply to the Building Official for an operation permit. The Building Official shall then inspect the completed facilities and, if the completed recreational vehicle park conforms in all respects to the plans and specifications as submitted with the application for the construction or enlargement permit, and the requirements of this article and other applicable ordinances, the Building Official shall then issue to the operator a recreational vehicle park operation permit upon payment to the City of any and all applicable operation permit fees as may be set from time to time by resolution of the City Council and kept on record by the City Secretary in the offices of the City. This permit shall be valid up to and including December 31 or the year for which it was issued, unless sooner suspended, revoked or surrendered.

iii. Renewals

All operation permits shall expire each year on December 31. Each operator of a recreational vehicle park shall make application for a renewal permit on or before November 30 of the calendar year preceding the year for which the renewal permit is to apply. If there has been no change in the facilities as reflected in the latest plans, specifications and/or plat on file with the Building Official, or if any such changes are found by the Building Official to be in accordance with this article and all

other ordinances of the City, and upon payment to the City of any and all applicable operation renewal permit fees as may be set from time to time by the resolution of City Council and kept on record by the City Secretary in the offices of the City, the Building Official shall renew the operation permit for a period of one year, ending December 31.

iv. Revocation and Suspension of Operation Permits

Any recreational vehicle park operation permit granted under the provisions of this article may be suspended or revoked by the Building Official after due notice to the holder of such permit for any one or more of the following reasons:

- (a) Failure to keep accurate check-in and check-out records.
- (b) Operating the facilities in a manner contrary to the plans, specifications, and/or plat on file with the Building Official.
- (c) Operating the facility in violation of the rules, regulations, ordinances, or laws of the City, the state or the United States.

v. Reinstatement

Where an operation permit has been suspended, the same may be reinstated for the remaining period of time for which it was originally issued after the cause for suspension has been corrected and upon the payment of applicable reinstatement fees.

d. Dimensional Requirements

i. Minimum Size

No recreational vehicle park shall be permitted within the City unless the same shall be at least three acres in area.

ii. Unit Size

Each unit shall include a designated concrete recreational vehicle pad, which shall have a minimum size of nine feet by 40 feet, or 360 square feet, for the placement of each recreational vehicle.

iii. Density and Setback Requirements

(a) Distance to Adjacent Designated Concrete Recreation Vehicle Pad

- (i) No portion of a designated concrete recreational vehicle pad shall be located nearer than 20 feet from an adjacent designated concrete recreational vehicle pad. Additional concrete pad space for vehicle parking and/or outdoor tables will not be considered part of the designated concrete recreational vehicle pad. When the concrete pad is larger than the minimum nine feet by 40 feet (or 360 square feet) required for the designated concrete recreational vehicle pad, a minimum nine feet by 40 feet (or 360 square feet) area will be designated as the recreational vehicle pad.

(b) Maximum Number of Units Per Acre

The total number of units within a recreational vehicle park shall not exceed 15 per acre. Partial acreage shall be calculated proportionately.

(c) Other City Setback Requirements

No recreational vehicle shall be located so as to violate any setback requirement as may otherwise be established by ordinance or regulation with respect to the area in which the recreational vehicle park is located.

e. Street Specifications

Each recreational vehicle park shall have hard surface streets, properly drained in accordance with the existing requirements of the City. All streets shall be at least 20 feet in width throughout.

- f. Parking
 - i. Parking required by **Figure 2.04-1. Permitted Use Chart** shall be provided.
 - ii. No on-street parking shall be permitted.
 - iii. Parking areas shall be constructed of the same material as the adjoining street unless the adjoining street does not contain a hard surface. In such event, the parking areas shall be constructed with materials so as to provide a hard surface.
- g. Pads

Each unit within a recreational vehicle park shall be provided with a concrete pad, a minimum of nine feet by 40 feet (360 square feet), to be constructed so that the pads will provide support and spaced as shown on the approved plat of the park. No recreational vehicle park within a recreational vehicle park shall be placed within such park except upon a pad.
- h. No Shared Utility Hookups

Two recreational vehicles shall not be permitted to share a unit or to share utility hookups.
- i. Water Lines and Sewer Connections

Each unit shall be provided with water lines and sanitary sewer connections, suitable for hookup to recreational vehicles, and subject to all applicable ordinances, rules and regulations of the City.
- j. Public Inspection

Duly authorized representatives of the City shall be permitted access to the recreational vehicle park, the street, utility lines and connections, and structures thereon, when performing City business, as a condition to the issuance, renewal, or suspension of a permit.
- k. Fence

A six-foot-high fence or wall, constructed of wood or masonry, shall be constructed on the two sides and rear of the recreational vehicle park; such fence or wall shall be at least 95 percent impervious. A decorative enclosure, not less than five feet in height, shall be constructed along the front of the recreational vehicle park.
- l. Utility Lines

All utilities, including, but not limited to, electrical, telephone, television, and cable, shall be buried (except primary service lines into the park) and shall conform to the ordinances of the City.
- m. Recreational Area

There shall be provided additional open space not to be considered part of the minimum unit size for use as a recreational area in a ratio of 100 square feet per unit, located in a central location within the park boundaries. The recreational area shall be so located as to be free of traffic hazards and the ratio of length to width shall not exceed 5:1. In the event playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.
- n. Electrical Service

Each unit within the recreational vehicle park shall be provided with electrical service connections of at least one 30-amp connection and one 50-amp connection. Each service pole for each unit shall have fixed a permanent number, which number shall coincide with the number designated to that particular recreational vehicle by the park owner or operator.
- o. Drainage and Soil Protection

- i. The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each recreational vehicle space shall provide adequate drainage for the placement of a recreational vehicle.
 - ii. Exposed ground surfaces in all parts of every Recreational Vehicle Park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- p. Water Supply
- i. An adequate supply of potable water for drinking and domestic purposes shall be provided by pipes to all buildings units within the park in accordance with applicable standards provided in building, fire, plumbing, and other codes of the City. Each unit shall be provided with a cold water tap at least four inches above the ground, with a hookup connection suitable for such recreational vehicle.
 - ii. One master water meter shall be installed at each recreational vehicle park and the owner of the park shall be responsible for the payment of the water bill to the City.
- q. Fire Protection Water Distribution System for Certain Sized Parks
- Every owner or developer of every park that is 300 feet or more in depth shall be required to install a fire distribution system as follows:
- i. The owner or developer shall design and construct a fire distribution system in a manner to provide adequate water flow for fire protection.
 - ii. The design, size, and layout of the water distribution system shall comply in all respects with applicable requirements of the state and the City and shall be approved by the Director of Public Works.
 - iii. All materials and installations shall be in accordance with American Water Works Association Standards and with the City standards for same, and shall be Class 150 or better and shall be approved by the Director of Public Works.
 - iv. Fire hydrants shall be spaced in intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Steamer connections shall be national fire standard threads. Barrel lengths for fire hydrants shall be four feet or longer.
- r. Sewage Disposal
- i. If City sewer trunk lines are adjacent to a boundary of the proposed park, the following regulations shall apply:
 - (a) Waste from showers, bathtubs, flush toilets, urinals, lavatories, and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.
 - (b) Each unit shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilets, lavatory, and kitchen sink of the recreational vehicle located on such unit and having any or all of such facilities. The sewer in each unit shall be connected to discharge the recreational vehicle waste into a public sewer system in compliance with applicable ordinances.
 - (c) If, on the date the City Council approves the recreational vehicle park, public sanitary sewerage service is not available, ii below shall apply. If a public sanitary sewer system is placed adjacent to the recreational vehicle park in the future, the owner or operator of the recreational vehicle park shall install a sanitary sewer system within the park within 180 days after such public service becomes available from the City.
 - (d) The owner or operator of the recreational vehicle park may provide a sanitary station or dump station to be used by owners of recreational vehicles occupying units within the park or by permitted citizens of the City/owners of recreational vehicles. Such sanitary station or dump

station shall be built in accordance with City standards and specifications and must comply with the City's requirements for connection with the public sewer system. Wastes shall not be discharged into the public sewer system unless in compliance with applicable ordinances of the City, and the owner of the park shall be responsible for the payment of all applicable fees to the City therefor. The owner or operator of the recreational vehicle park shall keep accurate records of each and every use of such sanitary station.

- ii. If there is not a public sewer system available adjoining the property line of such proposed park, then the licensee may install a septic tank system, after first having submitted plans and specifications therefor, which plans shall be in full compliance with applicable regulations of the state and the City.
- s. Garbage Service
 - i. Licensee Compliance

Each licensee of the recreational vehicle park shall comply with all of the trash and garbage collection regulations of the City.
 - ii. Collection

A single charge for the entire recreational vehicle park shall be made for garbage collection, in accordance with the schedule of rates in the City. The licensee of the park shall be responsible for the payment of same.
- t. Use of Bottled Gas or Liquefied Petroleum Gas

Bottled gas shall not be prohibited for use by individual recreational vehicles, provided that such gas is properly connected by copper or other suitable metallic tubing or such other tubing as may be allowed by federal and state rules and regulations; and such bottled gas shall not be placed into operation until the licensee of the park has indicated on the check-in/check-out list that such bottled gas has been inspected and has been determined to have met the minimum standards of the state railroad commission and the ordinances of the City. All bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a recreational vehicle or within five feet of a door thereof. At all times, all state and local regulations applicable to the handling of the bottled gas and fuel oil shall be followed. All applicable provisions of this Code and other laws regulating the use of liquefied gas shall be complied with and this section shall not be construed so as to repeal such ordinances of this City or any part thereof.
- u. Additional Construction in Recreational Vehicle Parks

It shall be unlawful for any person operating a recreational vehicle park or occupying a recreational vehicle to construct or permit to be constructed in such park, or in connection with such recreational vehicle, any additional structure, building or shelter in connection with or attached to the recreational vehicle; provided, however, awnings of canvas or metal, suitably constructed, may be attached to recreational vehicles, as well as portable, prefabricated, temporary rooms, for the express purpose of increasing manufactured home living area, commonly called a cabana, which meets the following requirements:

 - i. Of metal only, fires-resistive, double-wall, mechanical joint panels; no welded joints between panels permitted;
 - ii. Strength of materials and structure to meet minimum standards of the City building code;
 - iii. Capable of being dismantled and removed from the site at the time the recreational vehicle to which it is accessory is moved;
 - iv. Finish and appearance to be as near the same as possible to the recreational vehicle to which it is accessory;
 - v. The length must not exceed the length of the recreational vehicle to which it is accessory; and
 - vi. Only one such room per recreational vehicle shall be permitted.

v. Service Buildings

- i. Service buildings and housing sanitation facilities, if provided, shall be permanent structures complying with all applicable provisions of this Code, City ordinances and state statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- ii. The service buildings shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit (20 degrees Celsius) during the period from October 1 to May 1. The floors of the service buildings shall be of water-impervious material.
- iii. All service buildings and the grounds of the park shall be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public.
- iv. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parks which provide units for dependent recreational vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the spaces to be served.

w. Park Management

Each licensee of a recreational vehicle park shall perform or cause to be performed the following:

- i. Provide written notice to each park occupant of all provisions of this article applicable to such occupant;
- ii. Maintain a register of park occupancy which shall contain the following information:
 - (a) The name and address, and the dates of arrival and departure, of each park resident;
 - (b) Registration data, including make, length and width, of each recreational vehicle in the park;
 - (c) The location of each recreational vehicle within the park by unit number and street address;
- iii. Maintain on the premises for inspection a map showing the location, size and depth of all utility, gas or other lines within the park.

x. Side-by-Side Operation of Manufacture Home and Recreational Vehicle Parks

Nothing contained herein shall prohibit the development or operation of a manufactured home park adjacent to a recreational vehicle park; provided, however, the existence of adjacent park operations shall not negate a licensee's duty to comply with all rules and requirements applicable to each park as stated herein. In addition, such adjacent parks shall be clearly separated by a street, alley, fence, wall, vegetative hedgerow, or other distinct demarcation; provided, further, adjacent parks may share required recreational areas and service buildings if such areas and buildings otherwise fulfill the requirements for each park as set forth herein.

Article 3. Subdivision Regulations

3.01. Subdivision General Provisions

A. Title

These regulations of the City of Tomball, Texas, shall be known as and may be cited as the Subdivision Regulations or Subdivision Ordinance.

B. Purpose

As authorized by Texas Local Government Code Sec. 212, the subdivision regulations as established in this article have been established for the purpose of promoting the public health, safety, morals, and general welfare of the City and its ETJ. They have been designed to:

1. Promote safe, orderly, and healthful development;
2. Establish reasonable standards of design and procedures for platting and replatting to further the coordinated layout and use of land; and
3. Ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development.

C. Applicability

This article shall apply to all subdivisions of land within the City and its area of extraterritorial jurisdiction.

D. Compliance Required

1. Plat Approval Required

- a. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the extraterritorial jurisdiction of the City, unless and until a final plat of such subdivision has been approved in accordance with the terms of this article.
- b. Unless and until a final plat of a subdivision shall have been first approved in the manner provided in this article, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted in this article.

2. Improvements Required

All of the improvements required under these regulations, improvements specified in the City's comprehensive plan, and improvements which, in the judgment of the Planning and Zoning Commission, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision, shall be constructed at the sole expense of the developer.

3. Streets and Utilities

The City shall not repair, maintain, install, or provide any streets or public utility services within a subdivision for which a final plat has not been approved and filed of record and in which the standards contained in this article or referred to in this article have not been complied with in full.

4. Exceptions

- a. The provisions of this article shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to August 15, 1983, nor to prohibit the repair, maintenance or installation of any street or public utility service for, to or abutting any lot, the last recorded conveyance of

which prior to August 15, 1983, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to August 15, 1983.

- b. A division of land does not include the merger of two or more adjoining lots or tracts of land, with common ownership, that the owners wishes to merge into one lot in order to avoid the creation of a technical violation of the City's building, subdivision and zoning regulations relating to building setback lines. This exception applies only if:
 - i. The lots or tracts had at least one owner in common as of the effective date of the ordinance from which this article is derived;
 - ii. The lots or tracts are located in the Recorded Plat Revised Map of Tomball Harris Co., Texas recorded July 9, 1912, a true and correct copy of which is attached to the ordinance from which this chapter is derived as Exhibit "A" which is on file with the City Secretary and incorporated in this article by reference for all purposes;
 - iii. A structure existed on the lots or tracts, as of the effective date of the ordinance from which this section is derived, provided, however, that this exception shall not apply in the event that 60 percent or more of the square feet of the structure is removed or destroyed;
 - iv. The joinder of lots or tracts does not require the dedication or removal of any public rights-of-way, public easements or other public improvements;
 - v. The owner or owners agree in writing on a form approved by the City that the merged lot may not be divided in the future unless a subdivision plat authorizing such division is approved by the City and filed of record in accordance with applicable state laws and City ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exception and the form shall be filed in the county clerk's office of the county in which the property is located. A property owner who has elected to join one or more lots pursuant to this subsection may file an election with the City to reverse the joinder of lots so long as no violation of the City's setback requirements in the building, subdivision, or zoning regulations is created by the reversal.

Two or more platted lots joined together pursuant to this subsection shall be considered one joined lot for purposes of this article; provided, however, that nothing contained in this article, shall otherwise constitute an exception to the platting requirements imposed by this article.

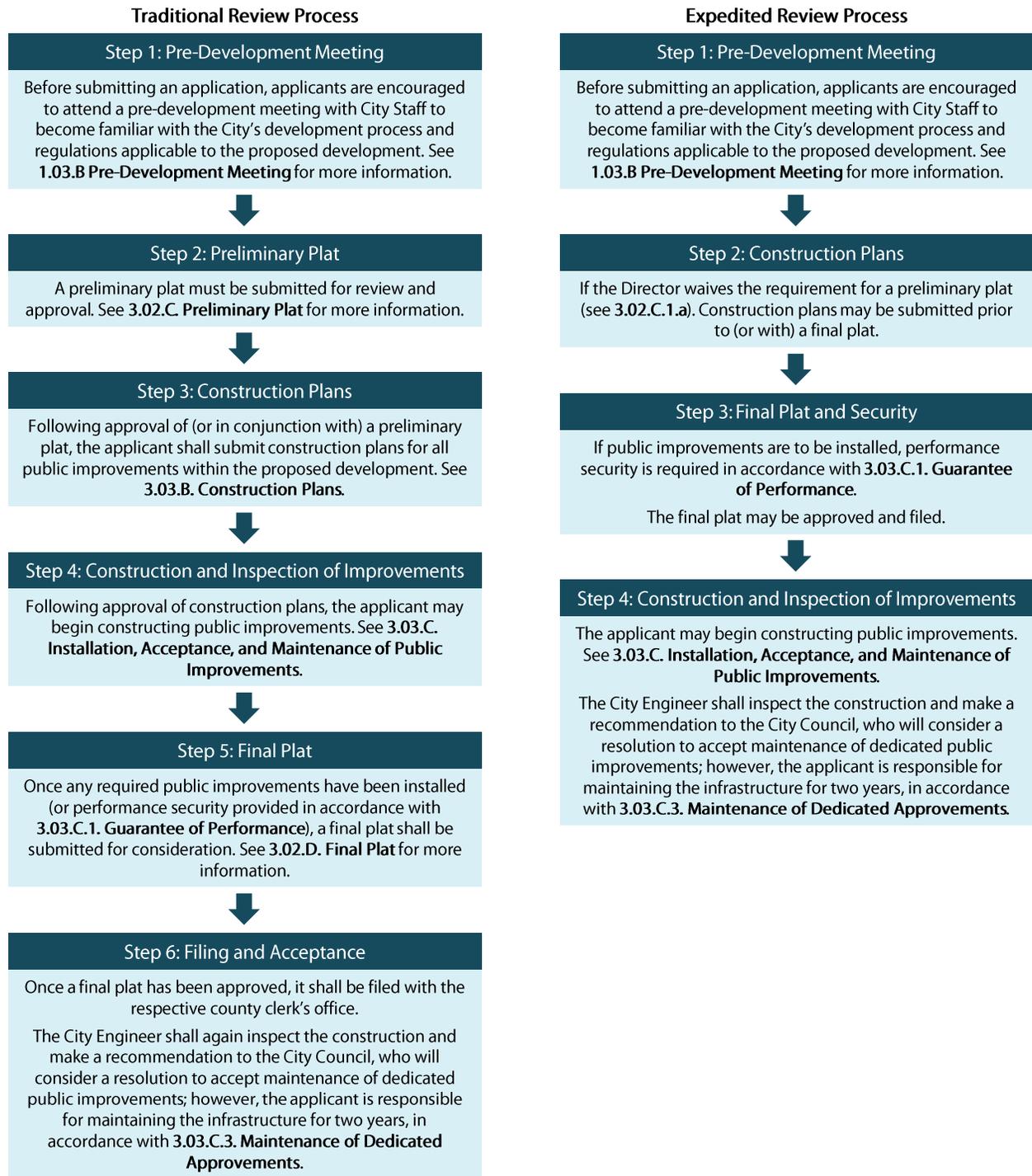
c. Authorized Agent

A person may act as agent for a subdivider/developer upon submission with each application for preliminary and/or final plat approval of a certified copy of a power of attorney, certified by the county clerk of either counties, containing in such certification the recording information of such power of attorney in the records of either county, and such certification being dated not more than seven days prior to the date of such application filing. Further, the power of attorney must specifically authorize the applicant to act on behalf of the subdivider/developer, must specifically identify the tract proposed for subdivision, and must state that the power of attorney authorizes the agent to execute all necessary documents and dedicatory statements necessary to effect final plat approval and recording thereof.

3.02. Subdivision Procedures

A. Platting Process Overview

Figure 3.02-1. Platting Process Alternatives Overview



B. Plat Approval Authority

1. [Texas Local Government Code Sec. 212.006](#) designates the Planning and Zoning Commission as the authority responsible for approving plats.
2. [Texas Local Government Code Sec. 212.0065](#) authorizes the Planning and Zoning Commission to delegate one or more officers or employees of the City the ability to approve, approve with conditions, or disapprove a plat. The City of Tomball Planning and Zoning Commission hereby delegates plat approval authority to the Community Development Director (or their designee).
 - a. The Director may, for any reason, elect to defer to the Planning and Zoning Commission.
 - b. Planning and Zoning Commission approval is required for any plat that requires a Subdivision Waiver (see **3.02.H**) from the regulations contained within this **Article 3. Subdivision Regulations**.

C. Preliminary Plat

1. Applicability

No subdivision of land shall occur without proper submittal and approval of a preliminary plat. An approved preliminary plat is required prior to the application for a final plat.

- a. Exception: During the pre-application meeting, the Director may waive the preliminary plat requirement when the Director determines that the proposed subdivision is of such scope, character, or simplicity that preliminary review is unnecessary to ensure compliance with this ordinance and other applicable regulations. Examples include single-phase subdivisions or developments with limited public improvements. If a final plat will be approved prior to the installation of public improvements, performance security is required in accordance with **3.03.C.1. Guarantee of Performance**.

2. Complete Application Required

Any person desiring approval of a preliminary plat shall first submit an application for preliminary plat approval. Consideration of a preliminary plat by the City shall not occur unless a fully completed and executed application has been filed in accordance with this article.

3. Submittal Date and Time

- a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director.
- b. The Director shall determine the completeness of all plat applications.
- c. Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

All preliminary plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with [Waiver of Right](#)**3.02.G. Waiver of Right to 30-Day Action**.

5. City Staff Review and Recommendation or Action

- a. City staff shall meet to review each preliminary plat application. City staff shall make a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) for one of the following:
 - i. Approval of the plat,
 - ii. Approval of the plat with conditions, or
 - iii. Denial of the plat.

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law:

- a. At least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director a revised plat. The Director shall review the revised plat for compliance with comments from previous review(s) by the City.
- b. Revised plats submitted to the Director at least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.

- c. In the event that a revised plat is not submitted at least 12 calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the Commission due to insufficient time for review by staff.
7. City Action on Plats
 - a. The City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land.
 - b. If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.
 - c. If the City determines that a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

8. Notice to Utilities

Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the City.

9. Form and Content of Preliminary Plats

All preliminary plat submittals shall be in the form of and correctly contain all information and/or language required by the plat review checklist maintained by the Community Development Department.

10. Expiration of a Preliminary Plat

All preliminary plat approvals granted by the City and the conditions thereon, if any, shall be valid for a period of six months from the date on which the approval was granted. If no construction plans or final plat has been approved, the preliminary plat shall expire and a new preliminary plat must be submitted.

a. Phased Development

If the approved preliminary plat contains more than one phase, construction plans or a final plat must be submitted within every six months thereafter until all phases are complete; otherwise, the preliminary plat shall expire.

b. Extensions

The Community Development Director may authorize one 6-month extension, after which the Planning & Zoning Commission may authorize extensions up to 12 months due to extenuating circumstances related to the installation of improvements.

D. Final Plat

1. Applicability

A final plat is required for all subdivision of land. An approved and filed final plat is required prior to the application for a building permit or sale of land.

- a. Exception: Tracts five acres or greater where each part has access and no public improvement is being dedicated in accordance with Section 212.004 of the Texas Local Government Code.

2. Complete Application Required

Any person desiring approval of a final plat shall first file an application for final plat approval. Consideration of a final plat by the City shall not occur unless a fully completed and executed application has been filed in accordance with this article.

3. Submittal Date and Time

- a. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Community Development Director.
- b. The Director or their designee shall determine the completeness of all plat applications.
- c. Complete plat applications submitted by the application deadline specified on the plat review calendar (kept by the Community Development office) shall be reviewed and decided by the Director or placed on the agenda for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration.

4. Time Period for Action

All final plat applications shall be acted upon within 30 calendar days from the official filing date unless a waiver is submitted in accordance with **3.02.G. Waiver of Right to 30-Day Action**

5. City Staff Review and Recommendation or Action

- a. The City staff shall meet to review each final plat application. City staff shall make a decision or recommendation (as applicable, in accordance with **3.02.B. Plat Approval Authority**) for one of the following:
 - i. Approval of the plat,
 - ii. Approval of the plat with conditions, or
 - iii. Denial of the plat.

6. Resubmittal of Plats that Require Planning and Zoning Commission Approval Following City Review and Recommendation

- a. For plats that require approval by the Planning and Zoning Commission, the following timeline must be met to ensure adequate review time and compliance with State law: At least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action, the applicant shall provide to the Community Development Director a revised plat. The Director shall review the revised plat for compliance with comments from previous review(s) by the City.
- b. Revised plats submitted to the Director at least 12 calendar days prior to the meeting of the Planning and Zoning Commission during which the plat is scheduled for action will be placed on the agenda for consideration by the Commission, for approval, approval with conditions, or denial based on staff findings.
- c. In the event that a revised plat is not submitted at least 12 calendar days prior to the meeting of the Planning and Zoning Commission and no Waiver of Right for 30-Day Action is submitted by the applicant, the plat shall be subject to denial by the Commission due to insufficient time for review by staff.

7. City Action on Plats

- a. The City shall approve any plat if it is in compliance with the provisions of this article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land.
- b. If the City grants approval with conditions needed to meet the City's rules and regulations, the City shall provide the applicant with the specific conditions; the plat shall be considered approved once the Community Development Director determines the conditions have been met. Approval with conditions expires at the end of the 30-day approval window, or 6 months from the date of City action if the applicant submits a Waiver of Right to 30-Day Action.
- c. If the City determines that a plat fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land. The City shall provide the applicant with the specific reason for denial.

8. Notice to Utilities

Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for final plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the final plat that is filed within the City.

9. Forms and Content of Final Plat

All final plat submittals shall be in the form of and correctly contain all information and/or language required by the plat review checklist maintained by the Community Development Director. All final plats shall also reflect any conditions and requirements of final approval previously imposed by the City.

10. Plat Filing

Filing of approved final plats with the county clerk of either county, as applicable, for recording, shall be made by the applicant. Such filing shall not be made until:

- a. Completion by the developer of all improvements required as a condition of plat approval and acceptance of such improvements by the City Engineer; or
- b. The filing of a sufficient guarantee of such performance by the developer in accordance with **3.03. Public Improvements**.

Such filing shall be made promptly upon the satisfaction of either condition.

11. Restrictive Covenants

An executed and notarized copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted. In the public interest, the City shall require that such restrictive covenants, if any, be filed simultaneously with the final plat and be executed by all parties executing the final plat other than the City. The applicant shall file for recording with the county clerk of either county, as applicable, the original copy of such restrictive covenants, if any, concurrently with the filing of the plat in accordance with **3.02.D.10. Plat Filing**.

E. Plat Vacation

1. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of the [Texas Local Government Code Sec. 212.013](#).

2. Initiation of a Plat Vacation

The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

3. Plat Vacation Decision-Maker

A plat vacation shall be processed in the same manner as the original plat.

4. Procedures for Recordation Following Approval

- a. If a plat is vacated in whole, it shall record a copy of the resolution in the county clerk's office in the applicable county.
- b. If a plat is vacated in part, it shall cause a revised final plat to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

5. Effect

- a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
- b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- c. The decision-maker, at their discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the decision-maker shall consider Plat Vacation upon satisfactory conveyance of easements and/or right-of-way in a separate legal document using forms provided by the Community Development Director.

F. Right-of-Way Abandonment

1. Initiation

Right-of-way abandonments may be initiated by the adjacent property owner(s) or by the City Council if the Council determines that the right-of-way abandonment will not interfere with the interest of public health, safety, and welfare.

2. Division of the Land to be Abandoned

Generally, the abandoned land will be divided in equal proportions and joined via separate instrument with the adjacent properties. The Public Works Director shall review the plat that originally dedicated the right-of-way, access considerations, and adjacent property owners' requests to determine the final division.

3. Utility Easements

If there are utility lines in rights-of-way that are to be abandoned, a utility easement will be required in lieu of right-of-way or relocation.

4. Right-of-Way Abandonment Approval Process

- a. Right-of-way abandonment requests shall be reviewed and recommended by City staff.
- b. The City Council shall review the abandonment request, recommendations from City staff, the presentation from the petitioner or the petitioner's representative, and from any interested citizens. Action shall be in the form of approval, denial, or modification.

G. Waiver of Right to 30-Day Action

1. The Community Development Director shall be the official decision-maker for a Waiver of Right to 30-Day Action.
2. An applicant may request a Waiver of Right to 30-Day Action relating to the decision time of 30 days mandated by state law. Such requests must be submitted on the official Waiver of Right to 30-Day Action form provided by the Community Development office.
3. Waiver requests must be received by the Director prior to the time at which action would have to be taken (based on the 30-day state law requirement).
4. The granting of a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver of any requirement within this UDC.
5. The Waiver of Right to 30-Day Action may postpone consideration of plats for a period not to exceed 30 days from the date that the waiver is received by the City.
6. In the event that the Waiver of Right to 30-Day Action expires, the plat shall be considered void by the City and a separate plat application will be required for review and consideration.

H. Subdivision Waiver

1. Purpose

The purpose of a petition for a Subdivision Waiver is to request that a specific requirement or requirements be modified. The intent of these provisions is to allow flexibility in development that exhibits unique circumstances.

2. Submittal Requirements

- a. An applicant may submit an application for a Subdivision Waiver in conjunction with either a plat or construction plan application. No Subdivision Waiver may be considered or granted unless the applicant has made such written request.
- b. A Subdivision Waiver petition shall be specific in nature and shall only involve relief consideration for one specific requirement. An applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- c. The applicant's request shall state the grounds for the Subdivision Waiver request meeting the decision criteria in **4. Subdivision Waiver Criteria** below.

3. Decision-Maker and Action

Following review and recommendation by the Community Development Director and/or City Engineer, the Planning and Zoning Commission shall decide all Subdivision Waivers.

4. Subdivision Waiver Criteria

a. Undue Hardship Present

A Subdivision Waiver may be approved only when, in the Planning and Zoning Commission's opinion, undue hardship will result from strict compliance with the regulations. Financial hardship alone to the applicant shall not constitute undue hardship. The applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the applicant or that the proposed modification results in a better construction solution.

b. Minimum Degree of Variation

No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the applicant in requesting the waiver.

c. Additional Consideration Factors

The Planning and Zoning Commission shall consider the following factors:

- i. The nature of the proposed land use involved and existing uses of the land in the vicinity;
- ii. The number of persons who will reside or work in the proposed development;
- iii. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity;
- iv. Special circumstances affecting the land or other physical conditions of the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of their land;
- v. The necessity of the Subdivision Waiver for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and
- vi. The Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this article.

d. Violations and Conflicts

The Planning and Zoning Commission shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulations, or Comprehensive Plan of the City.

5. Effect of Approval

Following the granting of a Subdivision Waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.

6. Expiration and Extension

- a. The Subdivision Waiver granted shall remain in effect for the period the plat or construction plans are in effect and shall expire upon expiration of either or both of those applications.
- b. Extension of the plat or construction plans applications shall also result in extension of the Subdivision Waiver.

3.03. Public Improvements

A. Adequate Public Improvements Required

1. Subdivider Responsibility

Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water, wastewater, gas, roadway, bicycle, pedestrian, drainage, and open space facilities.

2. Minimum Requirements

- a. This article identifies minimum requirements and sizes for utilities, roadways, and other facilities that have been determined by the City Council to be necessary to provide the minimum level of service to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the residents.
- b. No final plat shall be approved by the City, and no permit shall be issued for the construction of any improvement intended for public use or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City, unless any such improvements shall comply with the standards and specifications of this article.

3. Conformance with Standards and Plans

Design and construction of public improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

- a. The City's comprehensive plan;
- b. City of Tomball Design Manual;
- c. The Texas Uniform Traffic Control Device Manual;
- d. American Association of State Highway Transportation Officials Design Manual;
- e. Texas Health Code;
- f. Texas Water Code; and
- g. All other codes and ordinances of the City.

4. Oversizing and Extension to Serve Subdivision

- a. Based on master plans, main extensions to serve subdivisions and oversizing of facilities may be required. See [Texas Local Government Code Sec. 212.904](#) for more information.
- b. If the City requires a developer to pay a portion of infrastructure costs as a condition of plat approval, the developer's portion of cost must be "roughly proportionate" or consistent with only the impact of proposed development, as estimated by the City Engineer.

B. Construction Plans

1. Approval of Plans Required

Before beginning any construction of the improvements required by this article on proposed roadways, public utilities or drainage facilities, or structures pertaining to any subdivision coming under the provisions of this article and either within the City limits or its extraterritorial jurisdiction, complete plans and specifications for such improvements shall have first been approved, in their entirety, by the City Engineer. In addition, within 30 days following completion of all improvements, the owner or subdivider shall provide to the City Engineer one set of as-built drawings of all underground utilities and street improvements that have been constructed.

2. Standards and Specifications

- a. Construction plan and profile sheets for all subdivision improvements, public or private, shall be submitted following approval of (or in conjunction with) a preliminary plat and prior to construction. All such plans and profile sheets shall be signed and sealed by a state registered professional engineer.
- b. Construction plans shall be submitted in accordance with the provisions of the City of Tomball Design Manual.

3. Changes to Construction Plans

No change in the plans and specifications for a public improvement required under this article shall be made without the prior written approval of the City Engineer.

4. Inspection

The City Engineer shall from time to time inspect the construction of all required improvements in the subdivision during the course of construction to see that the same comply with the City's standards governing same. In this regard, free access to the subdivision shall be accorded the City Engineer by the subdivider, their agents and employees. Inspection by the City Engineer, or a failure of the City Engineer to inspect construction as required in this section, shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications therefor as approved by the City Engineer, in accordance with the City's standards.

5. City Standards

The construction standards referred to in this article may be revised from time to time by the City Council without requiring an amendment to this article, such standards being subject to change by motion duly adopted by the City Council. Any such changes or revisions shall be immediately noted upon such standards.

C. Installation, Acceptance, and Maintenance of Public Improvements

1. Guarantee of Performance

- a. No subdivision plat shall be filed and no building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the City to the owner or any other person with respect to any property in any subdivision until the earlier of:
 - i. Such time as the subdivider or developer of such subdivision has complied with all provisions of this article and such conditions of the City applicable to the final plat regarding installation of all required improvements and for which required improvements the subdivider or developer has received acceptance by the City Engineer for the start of the two-year maintenance period as described in **3.03.C.3. Maintenance of Dedicated Approvements;**
 - ii. Such time as the subdivider or developer files a corporate surety bond with the City Engineer executed by a surety company licensed to do business in the state and acceptable to the City, in an amount equal to 120 percent of the cost of installation of all required improvements as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond.
- b. No building permits may be issued until all required infrastructure has been completed.
 - i. Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

2. Inspection of Construction

The City Engineer shall be required to fully inspect any and all phases of the construction of improvements for each subdivision. The subdivider, or their contractor, shall maintain daily contact with the City Engineer during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered without written approval of the City Engineer, no flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said written approval, and no concrete shall be poured or asphaltic surface applied to the base without said written approval. The City Engineer may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in their judgment, the requirements of this article or the standards and specifications as in this section before provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a registered professional engineer who shall be in responsible charge of all phases of the design and construction of the required public improvements.

3. Maintenance of Dedicated Approvements

- a. Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Engineer inspects and accepts proposed public improvements.
- b. The subdivider or developer shall maintain all such improvements for a period of two years following such acceptance by the City Engineer; however, such period of required maintenance shall not begin until there has been filed with the City Engineer either a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to 100 percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such two-year period, or a cash bond, in an amount equal to 100 percent of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such two-year period.

3.04. Subdivision Development Standards

A. Lots and Blocks

1. General Provisions

The purpose of this section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

a. General Lot Design, Arrangement, and Layout

The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the applicable regulations, including those found in **Article 2. Zoning Regulations** of this UDC and [Chapter 10 Buildings and Building Regulations of the City's Code of Ordinances](#), which are based upon the following basic criteria:

- i. That the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve the proposed development.
- ii. That the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent street or right-of-way.

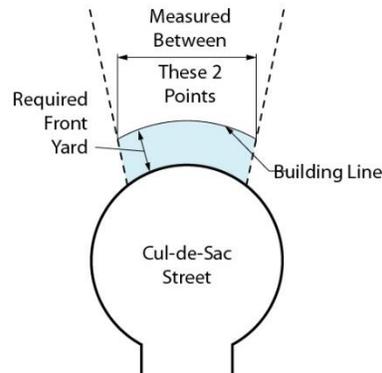
b. Lot Shapes

Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

c. Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots)

- i. Irregularly shaped lots shall provide a reasonable building pad without encroachment into front, side, or rear yard setbacks or into any type of easement.
- ii. The rear width of irregularly shaped lots shall be sufficient to provide access for all necessary utilities. When alleys are present, there must be sufficient width for access for driveways and solid waste collection and a minimum 20-foot alley frontage.
- iii. Flag Lots shall adhere to the following standards:
 - (a) Such lots shall have a minimum flag "pole" width of 30 feet.
 - (b) No more than two dwelling units may share a common driveway on residential flag lots.
 - (i) Each flag lot must display an address at their closest point of access to a public street for emergency responders.
- iv. Cul-de-Sac Lots or Lots on Curved Streets shall adhere to the following standards:
 - (a) Minimum lot frontages shall be as follows:
 - (i) Residential lots: 30 feet.
 - (ii) Nonresidential lots: 45 feet.
 - (iii) Nonresidential lot frontage may be reduced to 30 feet if the proposed plat reflects appropriately dimensioned easements for joint driveway access by two abutting lots.
 - (b) Minimum lot widths for lots with predominate frontage on the curved radius of a street shall be measured as the linear distance of the curved front building line (see **Figure 3.04-1. Measuring Lot Width of a Curved Lot**). Lot widths for all lots shall be as set forth in the respective zoning district or as indicated in [Chapter 10 Building and Building Regulations](#) for the ETJ.

Figure 3.04-1. Measuring Lot Width of a Curved Lot



- v. The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.
- d. Double Frontage Lots
 - i. Double-frontage lots shall be avoided, except when the Community Development Director determines such configuration is essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage or hardship created by topography or other factors.
 - ii. Double frontage lots must meet front setback requirements along each street side boundary. Setbacks shall be in accordance with applicable zoning districts as outlined in **Article 2. Zoning Regulations** for properties located within the City limits, or in accordance with standards outlined in [Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances](#) for properties located within the ETJ.
 - iii. Lots in single-family (SF) residential districts and duplex (D) (two-family) residential districts may abut a street on both the front and rear boundaries, under all of the following conditions:
 - (a) One lot boundary must abut an arterial street or expressway;
 - (b) A reserve or easement at least ten feet wide, across which there shall be a non-access easement designated along the property boundary adjacent to the arterial street or expressway; and
 - (c) The lot shall not have more than one-half of its perimeter along streets.
- e. Additional Lot Depth and Width Required
 - i. Lot Depth

Under the following circumstance(s), the minimum depth of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. The more stringent restrictions shall prevail.

 - (a) Where the rear of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum depth shall be 120 feet.

ii. Lot Width

Under the following circumstance(s), the minimum width of each lot shall conform to the requirements of the zoning district in which the lot is located or adhere to the following standards. The more stringent restrictions shall prevail.

- (a) Where the side of any lot abuts a railroad right-of-way, arterial street or freeway, high-pressure gasoline, oil or gas pipeline, high voltage electric transmission line, public recreational facility, industrial or commercial zoning district, the minimum width shall be 70 feet.

f. Street Access

- i. All lots shown on the plat shall abut and have access to a public street, or a private street that shall meet all requirements in this section for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building.
- ii. Driveway access from residential lots to adjacent streets designated as major thoroughfares (i.e., arterials and collectors), or any other public street that carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restrictions shall be illustrated as non-access easements directly upon the plat and along the property line adjacent to the street frontage in question.
 - (a) Exception: The City Engineer and Community Development Director may approve such driveways when no other means of public street access is available to residential lots.

g. Lot and Block Identification

- i. All blocks established in a subdivision shall be designated on the plat, and shall be numbered consecutively throughout the entire subdivision.
- ii. Lots established within blocks shall also be numbered consecutively within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

B. Building Setback Requirements in the ETJ

In the ETJ, no plat of any subdivision shall be approved unless the front building setback lines are established therein in accordance with the [Chapter 10 Buildings and Building Regulations in the City's Code of Ordinances](#). Side and rear lot setbacks shall be governed by the county for parcels located in the ETJ.

C. Minimum Lot Sizes

Lot sizes shall comply with minimum requirements set forth in the applicable ordinances of the City, including **Article 2. Zoning Regulations** of this UDC.

D. Monuments and Markers

1. Concrete monuments, 6 inches in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin 1/4-inch in diameter embedded 3 inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finish ground level.
2. Lot markers shall be 5/8-inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.
3. Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to the latest edition of the National Geodetic Survey. The benchmark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

E. Streets, Parking, and Driveways

1. Purpose

The public street system pattern proposed within any subdivision shall comply with design standards of this article and shall:

- a. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
- b. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
- c. Provide a local street system serving properties to be developed for residential purposes that discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police, and other emergency services personnel; and
- d. Provide for a sufficient number of continuous streets to accommodate the traffic demands generated by new development.

2. Right-of-Way Dedication and Street Configuration

All public or private streets as provided in this article shall be constructed in accordance with the City of Tomball Design Manual Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Typical street right-of-way widths are illustrated in the City's most recently adopted Comprehensive Plan.

3. Sight Visibility Triangle

a. Sight Visibility Triangle Required

- i. At any intersection of any street (public or private) with another street, alley, or driveway, a triangular visibility area shall be created to preserve sightlines that promote pedestrian and vehicular safety.
- ii. Restrictions in this area apply to landscaping, fences, walls, signs, earthen berms, and other features that can potentially obstruct views.

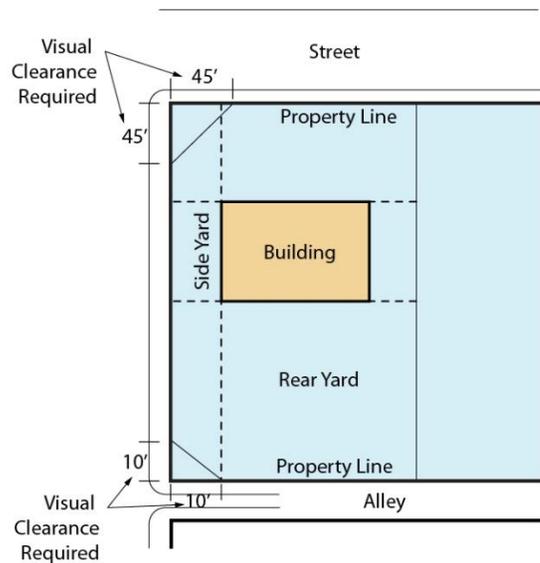
b. Requirements

i. Intersection of Two Streets

At the intersection of two streets, a 45-foot visibility triangle is required as shown in **Figure 3.04-2. Sight Visibility Triangle Requirements**. These dimensions are determined as follows:

- (a) Two sides begin at the precise corner of the intersection point of the curbs or edge of pavement of each of the two streets forming each corner and extending 45 feet along each such curblines or pavement line from such intersection point. The third side is determined by the drawing of a straight line from the ends of such 45-foot extensions, whether such land be privately owned or unpaved or untraveled street right-of-way property.

Figure 3.04-2. Sight Visibility Triangle Requirements



ii. Intersection of a Street and Alley

Both sides of the intersection of an alley and street shall have a triangular visibility area with two sides of each triangle being a minimum of 10 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iii. Intersection of a Street and Driveway

Both sides of the intersection of a driveway onto a street shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

iv. Vertical Clearance

Any features within the triangular visibility area shall be in accordance with such requirements and provided unobstructed cross-visibility at a level between 36 inches and 10 feet.

c. Permitted Features

Only the following features are permitted within the visibility triangle.

i. Landscaping

- (a) Shrubs and plant materials that are typically less than 30 inches in height at maturity may be located within sight visibility areas. In no instance shall they conflict with the vertical clearance area established in **b.iv** above.
- (b) No landscaping, except grass and low ground cover, shall be located closer than 3 feet from the edge of any accessway pavement on arterial or collector streets as shown on the adopted comprehensive plan.

ii. Signs

- (a) No person shall place or maintain any sign in the visibility triangle area unless such sign does not conflict with the vertical clearance area established in **b.iv** above.

- (i) Exception: MUTCD-compliant signs may be placed in the visibility triangle by a public entity (e.g., a “stop” sign at an intersection).
- (b) No sign within such area may be supported by more than two posts or beams. The size of such posts or beams shall not exceed 10 inches in diameter. Such supports or beams may not be placed closer together than 24 inches.
- d. Permission to Enter and Remove Obstructions

In addition to any penalty that may be imposed for the violation of this article, the City shall be entitled to enter upon and remove from the visibility triangle any of the objects or growths prohibited by this section. Such entry and removal shall be without liability to the owners thereof.

4. Street Layout

a. Location and Alignment

The location and alignment of public streets proposed to be dedicated and established within a subdivision plat shall be designed in conformance with the standards listed in 3.03. **Public Improvements.**

b. Right-of-Way Width and Widening

The width of the right-of-way to be dedicated for any street shall be in accordance with **Figure 3.04-3. Right-of-Way Width:**

Figure 3.04-3. Right-of-Way Width

Street Type	Standard Right-of-Way Width**	Minimum Right-of-Way*
Alley	20'	15'
Local	60'	50'
Collector	60'	60'
Minor Arterial	80'	80'
Major Arterial	100'	100'

* The Purpose of the minimum right-of-way is to accommodate pre-existing situations in developed areas where it is impractical to require the standard width. The minimum local street rights-of-way width may be utilized within single-family residential subdivisions if the street right-of-way serves as the shortest direct path to a roadway of higher classification (i.e. collector or arterial) for no more than 25-dwelling units.

** The standard right-of-way width for major arterial sections of Medical Complex Drive & Agg Road shall be 120'.

c. Maximum Block Length

The maximum length of subdivision blocks shall be in accordance with **Figure 3.04-4. Maximum Block Length.** Block length shall be measured along the centerline of the street, from the center point of one intersection to the center point of the next intersection (including a three- or four-way intersection).

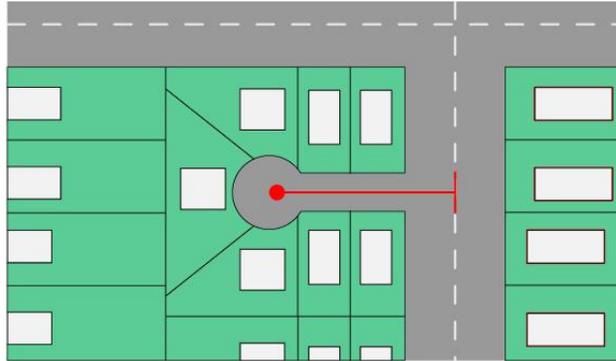
- i. Exception: The Director may approve a longer block length where necessary due to circumstances unique to the development.

Figure 3.04-4. Maximum Block Length

Adjacent Roadway Functional Classification	Maximum Block Length
Residential Local	600'
Collector	800'

Minor Arterial	900'
Major Arterial	If a block is adjacent to a Major Arterial Roadway, block length requirements are waived.

Figure 3.04-5. Method of Cul-de-Sac Length Measurement



- ii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than 50 feet. The City shall cause to be erected at the entrance of any such street a sign reading "dead-end street," but such sign shall be at the expense of the developer.
- d. Dead-End Streets and Alleys
 - i. Dead-end streets shall not be approved except in those instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. Such dead-end streets must also comply with **3.04.E.7. One-Foot Reserves**.
 - ii. Dead end alleys are prohibited.
- 5. Driveways
 - a. All Driveway Approaches

All driveway approaches shall comply with the following standards.

 - i. Sidewalks To Be Removed

Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of the sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent with the driveway-approved design and will be consistent with the TAS regulations.
 - ii. Removal of Curb and Gutter

Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's design, details and construction standards.
 - iii. Drainage

Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water

coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's design, details, and construction standards.

iv. Radius

Driveway approaches shall be constructed with return radii in accordance with the standards outlined in **Figure 3.04-6. Driveway Approach Dimensions**. The driveway radius shall not extend in front of the adjacent property.

v. Design Criteria

- (a) Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the City of Tomball Design Manual and as prescribed by the standards outlined within this article.
- (b) For all gated driveways the gate shall be set back a minimum of 25 feet from the edge of the street pavement. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal or their designee.
- (c) Driveway construction shall not occur without a driveway permit.
- (d) Divided entrances to parking lots in nonresidential and multifamily developments shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of five feet for an unbroken distance of at least 100 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.
- (e) Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two driveways.

vi. All driveway approach dimensions shall comply with **Figure 3.04-6. Driveway Approach Dimensions**.

Figure 3.04-6. Driveway Approach Dimensions

Driveway	Land Use	Width (ft.)		Curb Return (ft.)	
		Minimum	Maximum	Minimum	Maximum
Type I	Single-Family Residential, Duplex	12'	24'	5'	15'
Type II (One Way)	Multifamily, Commercial	20'	20'	10'	15'
Type II (Two Way)	Multifamily, Commercial	24'	40'	10'	15'

b. Type II Driveway Approaches

Type II driveway approaches shall also comply with the following standards and **Figure 3.04-6. Driveway Approach Dimensions**.

i. Number of Driveway Approaches

On local streets, not more than one driveway approach shall be permitted on any parcel of property with a frontage of 100 feet or less. On collector streets no more than one driveway approach shall be permitted on any parcel of property with a frontage of 150 feet or less. For arterials, no more than one driveway approach shall be permitted on any parcel of property with a frontage of 300 feet or less. Except that additional openings may be permitted with the approval of the City Engineer for the necessity and convenience of the public.

ii. Driveway Separation

Driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by **Figure 3.04-7. Minimum Driveway Approach Separation.**

Figure 3.04-7. Minimum Driveway Approach Separation

Street Type	Minimum Separation Between Drives (feet)*	Minimum Separation from Intersection (feet)*
Arterial	200'	150'
Minor Arterial	150'	100'
Collector	100'	75'
Local	25'	50'

* Separation may be reduced, at the discretion of the City Engineer, where right-in/right-out only driveways are used. Such drives must be on a median-separated road or be designed to physically prevent vehicles from making a left turn.

Notes:

a) Single-family and two-family developments are exempt from these standards on local and collector streets.

b) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on adjacent property, a common access easement with adjacent properties shall be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained (within a period of 90 days), the City Engineer may authorize a noncompliant driveway, which should be spaced as far from the intersection as practical.

c) Where there is a signalized "T" intersection on the opposite side of the street, the spacing requirements shall apply.

iii. Angle of Driveway Approach

The angle of the driveway approach with the curb line shall be approximately 90 degrees for two-way driveways or 60 degrees to 90 degrees for one-way driveways. Alternative configurations may be considered with a Subdivision Waiver (see **3.02.H. Subdivision Waiver**).

iv. Driveway Approaches at Intersections

Corner parcels less than 150 feet in length along the right-of-way shall combine access with the adjoining property, wherever possible. Where it can be shown that access is effectively denied to a corner parcel because of the required distance from the corner of the intersecting right-of-way and combined access is not available from the adjoining property, a variation to the requirement may be granted by the City Engineer, provided the applicant demonstrates that a variation will not create a traffic hazard.

v. Driveway Approaches in Existing On-Street Angle or Head-In Parking Areas

Driveway approaches shall not be constructed in existing on-street angle or head-in parking areas unless all curb is restored to a standard location along the roadway in front of the premises.

c. Shared Driveways and Cross-Access Drives

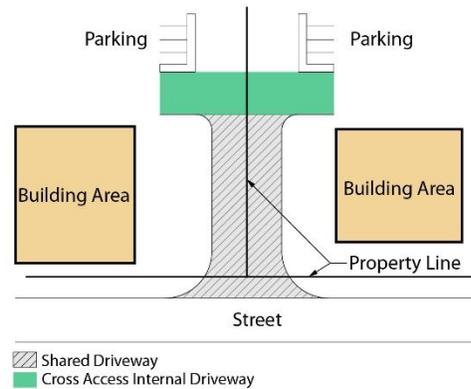
i. Shared access for all driveways is encouraged by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots (See **Figure 3.04-8. Shared Access**).

(a) Arterial Streets

Shared mutual access easement(s) for driveway(s) may be required by the City between driveways on adjacent lots fronting arterial streets.

- (b) The location and dimensions of shared access easements shall be determined by the City Engineer.
- (c) Such easements shall be noted on the preliminary plat and final plat when possible as "open and unobstructed cross access easement".

Figure 3.04-8. Shared Access



d. Curves and Intersections

i. Local, Collector, and Arterial Streets

The design and construction of all local, collector, and arterial streets shall meet the guidelines set forth in the Policy on Geometric Design of Highways and Streets, latest edition, as published by the American Association of State Highway and Transportation Officials (AASHTO), the City's current comprehensive plan, and any other applicable design and construction standards adopted by the City. Such considerations as adopted by the City shall include, but not be limited to street function, street capacity, service levels, traffic safety, pedestrian safety, and utility facilities and their location, which may affect the minimum requirements. Proposed streets shall meet this criteria and be approved by the City Engineer prior to final design.

ii. Right Angle

The angle of street intersections shall not vary more than 10 degrees from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the right-of-way line at the acute corner shall be provided.

e. Stub Outs for Future Connections

i. Where a subdivision adjoins unsubdivided land, stub streets shall be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

(a) Exceptions: The Director may determine that no stub street is required due to unique circumstances (for example, when a freeway, waterway, railroad line, cemetery, or easement is located adjacent to the subdivision). Additionally, no stub street is required when pre-existing development with no stub out is located adjacent to the subdivision, or when a high-intensity use is located adjacent to a proposed residential subdivision.

ii. The stub out connection shall not exceed half the maximum block length identified in 3.04.E.4.c. **Maximum Block Length** to ensure that the street can meet the maximum block length requirements once the adjoining development is completed.

- iii. If a stub street exists on an abutting property, the street system of the new subdivision must connect to the existing stub street to form a through street.
- iv. When a stub street is provided, a reserve strip is required in accordance with **3.04.E.7. One-Foot Reserves**.

6. Street Names

All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

a. New Streets

New street names shall not duplicate existing street names located within the City, other than extensions of existing streets. This prohibition includes street names proposed for circular drives or similar configurations.

b. Extensions of Existing Streets

Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.

c. Suffixes

Street name suffixes such as court, circle, and loop should be designated on streets that are cul-de-sac or in a configuration of a loop street.

d. Prefixes

Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

e. Alphabetical and Numerical Streets Prohibited

Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

f. Street Name Change

No street name once designated may be changed except by City ordinance.

7. One-Foot Reserves

In those instances where a street is established by a plat submitted to the City and such street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with the subdivision boundary and is adjacent to unplatted acreage, a one-foot-wide reserve shall be established within the street right-of-way at its dead-end terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the street right-of-way and the adjacent unplatted acreage, to prevent access to such street from the adjacent unsubdivided acreage, unless and until the City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes."

8. Partial or Half Street

Partial or half streets may be dedicated in those instances where the City determines that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City shall not approve a partial or half street dedication within a subdivision dedicating less

than a 50-foot right-of-way width for a designated arterial street, or less than a 40-foot right-of-way width for a designated collector street, or less than a 30-foot right-of-way width for any other type public street. Appropriate notations and the one-foot reserve dedication in fee as provided in **3.04.E.7. One-Foot Reserves** shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided pursuant to a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this article.

9. Sidewalks

a. Applicability

- i. The developer shall be responsible for the installation of sidewalks in all areas, including instances when no plat will be filed or building permit issued (e.g., a drainage pond) to ensure adequate access and walkability throughout Tomball.

- (a) Exception: No sidewalks are required in residential subdivisions along local streets with open ditch drainage.

- ii. Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.

b. Fee in Lieu

At the discretion of the Community Development Director, a developer of a subdivision may be permitted to pay a fee in lieu of the construction of sidewalks in an amount set forth in the city master fee schedule adopted by the City Council.

c. Construction

Sidewalks shall be constructed in accordance with the City of Tomball Design Manual.

d. Timing

All sidewalks must be installed prior to final plat approval unless performance security is provided.

- i. Exception: Sidewalks along Local Streets that are interior to a development may be delayed until after building construction if performance security is provided; however, all sidewalks must be complete prior to occupancy.

10. Lighting, Signs, and Traffic Control Devices

- a. The developer shall be responsible for the installation of all required street signs and traffic control devices, as determined by the City Engineer. All such signs and traffic control devices shall be in accordance with the most recent edition of the Texas Manual on Uniform Traffic Control Devices, as published by the Texas Department of Transportation.

- b. The developer shall be responsible for the installation of street lighting in accordance with the City of Tomball Design Manual.

F. Easements

1. Utility Easements

a. Purpose

- i. Utility easements, both above and below grade, are those easements established by plat or separate instrument that are dedicated to the City for public use and designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries.
- ii. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, fiber internet, cable television, and sanitary sewer services.

b. Location

i. Street Frontage

- (a) Along City streets, no utility easement is required unless the City Engineer determines the right-of-way is not wide enough to allow for the proper placement and maintenance of all utilities.
- (b) For all other streets, utility easements shall be provided along the front of all lots except when the City Engineer determines that such location is not feasible for the orderly development of the subdivision.

ii. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract.

- (a) In such cases, one-half of the required easement width shall be dedicated within the platted boundary with the other one-half provided outside the platted boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.

c. Widths

All utility easements established within any subdivision plat shall not be less than 10 feet in width, but may be required to be greater where determined by the City Engineer.

d. Limitations

All utility easements shall be limited to surface and below-grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

2. Drainage Easements

All drainage easements shall be located and properly dedicated to the public to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's comprehensive plan, its regulations governing storm drainage and/or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Stormwater Detention Easements

Each stormwater detention easement shall be located and designed in accordance with applicable standards of governmental agencies having jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat that dedicates a stormwater detention easement shall contain a restriction on the plat that:

- a. Prohibits the construction of fences or buildings, whether temporary or permanent, or installation or maintenance of plantings or other obstructions to the operation and maintenance of the facility, within the stormwater detention easement or upon properties adjacent thereto; and
- b. Prohibits drainage from abutting properties directly into the stormwater detention easement except by means of a drainage structure approved by the City Engineer or the authorized public drainage or flood control official.

4. Private Easements and Fee Strips

a. Existing Easements or Fee Strips

All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as over and across type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify their refusal to define such easement to the Planning and Zoning Commission, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established not less than 15 feet from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

b. Establishment of Special Use Utility or Drainage Easements

A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Planning and Zoning Commission that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing in this section, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

G. Drainage

Drainage facilities shall be designed and constructed in accordance with all federal, state, and local rules and regulations, including the City of Tomball Design Manual.

H. Federal Flood Insurance Program

No subdivision of land shall be approved unless the same complies in all respects with the City's flood damage prevention regulations, as found in [Chapter 10, Article VIII Flood Damage Prevention](#).

I. Water

1. Each lot within a proposed subdivision shall be connected to the potable water distribution system of the City if any point within such subdivision is located within 1,000 feet of the City's distribution system. No water well shall be permitted within any newly platted subdivision if potable water is available from the City's system as provided in this section.
2. All water facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including the City of Tomball Design Manual.
3. Water mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.

- a. Exception: Water mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.
4. Per [Section 212.0101 of the Texas Local Government Code](#), if a development will utilize groundwater as the water supply, the plat application shall include a statement prepared by a Professional Engineer or a licensed geoscientist that certifies adequate groundwater is available for the subdivision.

J. Wastewater

1. Each lot within a proposed subdivision shall be connected to the sanitary sewer system of the City if any point within such subdivision is located within 1,000 feet of the City's collection system. No septic tank system shall be permitted within any newly platted subdivision when connection to the City's sanitary sewer system is required under this section.
2. All sanitary sewer facilities shall be designed and constructed in accordance with all federal, state, and local rules, regulations, and plans, including but not limited to the City of Tomball Design Manual.
3. Sewer mains serving a subdivision must extend across the full length of the subdivision's frontage to the subdivision border in order to connect with future extensions of the distribution system, regardless of whether such extensions are required for service within the subdivision.
 - a. Exception: Sewer mains are not required to extend to the subdivision border if, due to physical constraints, a new subdivision will never be constructed beyond its initial boundary.

K. Franchise Utilities

1. Adequate provision for all utilities shall be provided to the entire subdivision.
2. All distribution and service lines of telephone, television, and other wire-carrier type (other than electric) utilities shall be underground.
 - a. Transformers, amplifiers, or similar devices associated with the underground lines (other than electric) shall be located at grade or below ground level.
 - b. Where the underground placement of such facilities, other than electric facilities, is not a standard practice of the utility involved, the subdivider or developer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation.
3. All utility installations, other than electric, shall comply with the City of Tomball Design Manual.
4. Electric utility distribution lines shall be underground if the customer elects such non-standard installation pursuant to the terms of the utility's distribution tariff. Electric distribution lines, if installed above ground, shall be located along the perimeter of the overall subdivision unless the utility determines different placement is needed to provide safe and reliable electric service.

L. Trail Dedication

When a trail or trail extension is proposed on the subject property by the City's Parks, Recreation and Trails System Master Plan, an easement shall be provided for sufficient land to accommodate a future trail.

Article 4. Signs

4.01. Generally

A. Purpose

This article establishes a set of standards to regulate the time, place, and manner of displaying signs. The purpose of these provisions is to protect public health and safety, and to enhance the appearance and economic value of the City's landscape. These regulations are also intended to protect First Amendment rights by maintaining content neutrality.

B. Applicability

This article applies to signs in all zoning districts and within the extraterritorial jurisdiction of the City. The regulations herein must be met in the following circumstances:

1. At the time any new sign is added to a site; or
2. At the time an existing sign is damaged to an extent that repairs equal or exceed 50 percent of the cost of erecting a new sign of the same type at the same location.

C. Existing Signs

1. All signs lawfully existing on the date of adoption of the ordinance from which this article is derived, must conform to the requirements of **E.9. Signs in the Public Rights-of-Way** and **4.03. Sign Maintenance and Removal**.
2. Any sign within such area required by any proper authority to be licensed or permitted shall not be considered to have been legally permitted for the purposes of this subsection C. unless such license or permit has been properly issued.

D. Conflicts

Where this article shall differ or conflict with Chapter 10, Article II, adopting the International Building Code, or any other ordinance, this article will prevail.

E. General Requirements

1. Sign Administrator and Enforcement

a. Sign Administrator

The Building Official is designated as the City's Sign Administrator, including any designees of the Building Official. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon them by this article to other persons serving under the sign administrator. The Sign Administrator is directed to enforce and carry out all provisions of this article.

b. Enforcement Responsibility

The duties of the Sign Administrator shall include not only the approval of permits as required by this article, but also the responsibility of ensuring that all signs comply with this article and any other applicable law, and that all signs for which a permit is required do, in fact, have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this article and other applicable law if such inspection discloses an instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this article.

c. Powers of Sign Administrator

The Sign Administrator shall have the power and authority to administer and enforce the conditions of this article and all other laws relating to signs. Included among such powers are the following specific powers:

- i. Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator.
- ii. Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the Sign Administrator may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Saturdays; provided, however, that in cases of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, and where the owner, agent, or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this article.
- iii. Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this article or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with iv below, unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.
- iv. The Sign Administrator is hereby granted the power and authority to revoke any and all permits authorized by this article for violation of the terms and provisions of this article.

d. Appeals

Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this article may appeal the same to the City Council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the City Secretary no less than ten days following the decision appealed from, and provided, further, that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise.

2. Sign Permits and Procedures

a. Permit Required

No person shall erect, construct, or reconstruct a sign without first having secured a written permit from the City to do so, subject to the exceptions in **i below**.

i. Exceptions

(a) Governmental/Public Signs

No permit shall be required under this article for signs erected by the City, county, public school district, the state, or other political subdivisions thereof, the federal government, signs otherwise required by federal, state, or local laws, and signs otherwise authorized by the City as public signs.

(b) Signs for Civic Events

Temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations.

(c) Political Signs

- (i) A sign that contains primarily a political message and that is located on private property with the consent of the property owner is exempt from the permit requirements of this article. However, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. Private property does not include property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
- (ii) This exemption does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.
- (iii) See **4.01.E.8. Political Signs** for additional regulations.

(d) Other Signs

The following sign types shall be erected and maintained in a safe condition in conformity with **4.01.E.9. Signs in the Public Rights-of-Way**, all other City ordinances and building codes of the City

- (i) Signs painted or adhered on glass surfaces, windows, or doors;
- (ii) Railroad signs;
- (iii) Legal notices and address numbers;
- (iv) A sign not over 32 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises so long as the building or other structure is under repair or construction or so long as the premises is for sale or rent;
- (v) Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating of the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this article and with the requirements of the building code;
- (vi) Signs displayed, designed, or used for or upon motor vehicles;
- (vii) Signs designed and used for display upon or with lighter-than-air or heavier-than-air craft;
- (viii) Garage Sale Signs

Such signs shall not be displayed for more than three consecutive days for each sale and shall not be placed in rights-of-way or on telephone/power/light poles. The date of the initial posting shall be displayed on all garage sale signs.

b. Construction Permit Effectiveness; Renewal Permit

Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days in which case an additional fee shall be payable and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

- c. Application Procedure
 - i. The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this article.
 - ii. Construction permit applications for new ground signs when erected or constructed to heights exceeding six feet above ground level, any sign overhanging public right-of-way, or for new roof, marquee, and projecting signs when erected 20 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the Sign Administrator at their option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.
 - iii. Every application shall be executed by both the owner of the premises upon which the sign is to be constructed, or the authorized lessee of such premises, and the sign company, stating that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain a statement of the owner or lessee and the sign company that the sign does not violate any applicable deed restrictions or other similar restrictions on the premises.
 - iv. If the location, plans, and specifications set forth in any application for permit conform to all of the requirements of this article and other applicable provisions of the building code and other codes, the Sign Administrator shall issue the permit.
 - d. Fees
 - i. Permit fees shall be in accordance with the schedule of fees as currently established or as hereafter adopted by resolution of the City Council from time to time.
 - ii. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.
3. Sight Visibility Requirements
- All signs shall comply with the requirements of **3.04.E.3. Sight Visibility Triangle**.
4. Clearances
- Signs shall be located at a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors that are energized in excess of 750 volts.
5. Sign Lighting
- a. Signs may be internally or externally illuminated. Lighting must be configured to ensure that light does not spill or reflect onto adjacent properties or public areas.
 - i. All external lighting fixtures must be fully shielded to direct light downward and prevent light trespass beyond the sign itself.
 - ii. Internal lighting must be designed to ensure even illumination and prevent excessive brightness or glare.
 - b. For Changeable Electronic Variable Message Signs (e.g., digital or LED signs), see **4.02.M. Changeable Electronic Variable Message Signs**.
6. Electrical Signs
- a. An Electrical Sign is any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.
 - b. Any electrical sign shall conform fully to the electrical code of the City and shall receive a permit under the provisions of that code.

7. Temporary Signs

A sign herein referred to as “temporary” shall not be permitted for a length of time longer than 14 consecutive calendar days.

8. Political Signs

- a. All requirements and definitions of the Texas Election Code shall apply.
- b. During the early voting period through the end of the following election day, a maximum of two temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building's premises, which is also outside the prohibited area.
 - i. The designated electioneering area is the portion of the grassy strip north of the Public Works Building, 501-B James Street, located outside the 100-foot prohibited area, and the area in Heritage Plaza, 400 Market Street, outside the designated 100-foot prohibited area.
- c. Such two signs shall each have a maximum area of four square feet but may contain the same message on both sides.
- d. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs.
- e. Such signs shall only be allowed from 7:00 a.m. on the beginning of the early voting period until 7:00 p.m. on election day, at which time the signs shall be removed by the person or organization placing them.
- f. Any unauthorized persons removing political signs otherwise permitted by this article shall be guilty of a misdemeanor and subject to a fine as provided in **1.01.G. Enforcement and Violations**.
- g. Failure to remove permitted signs in accordance with the article is a violation of this article subject to a fine as provided in **1.01.G. Enforcement and Violations**.
- h. On election day only, each candidate may erect a single tent, canopy, or similar item encumbering or encroaching on public property in Heritage Plaza, 400 Market Street, in the designated location, located outside the 100-foot prohibited area, as decided during the drawing for location in Heritage Plaza conducted prior to the beginning of early voting.
- i. Any signs on public property not permitted may be removed by the City. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by City personnel and discarded or destroyed.
- j. The provisions of this subsection shall not apply to notices posted by order of the court or notices to the public as required by law to be posted in a public place.

9. Signs in the Public Rights-of-Way

- a. With the exception of signs lawfully permitted or erected prior to the effective date of the ordinance from which this article is derived, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the City, or in any public place, or on any public improvement unless express consent therefor shall have first been granted by the City Council.
- b. Exceptions:
 - i. Coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic.
 - ii. This subsection does not apply to public property leased for private business purposes.

- c. Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted, provided that:
 - i. The subdivision sign is facing a street that serves as an entrance to the subdivision to which such sign pertains;
 - ii. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and
 - iii. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.
- d. Violations
 - i. Any unlawful sign found on public property, buildings, or structures belonging to the City or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under Chapter 20, Article II.
 - ii. The Sign Administrator, employees of the Police Department and the Department of Public Works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage.
 - iii. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the City.
 - iv. The City may instead opt to provide written notice and assess civil penalties in accordance with Sec. 393.001 of the Texas Transportation Code.

F. Prohibited Signs

All signage listed in this article shall be prohibited within the City limits and its extraterritorial jurisdiction.

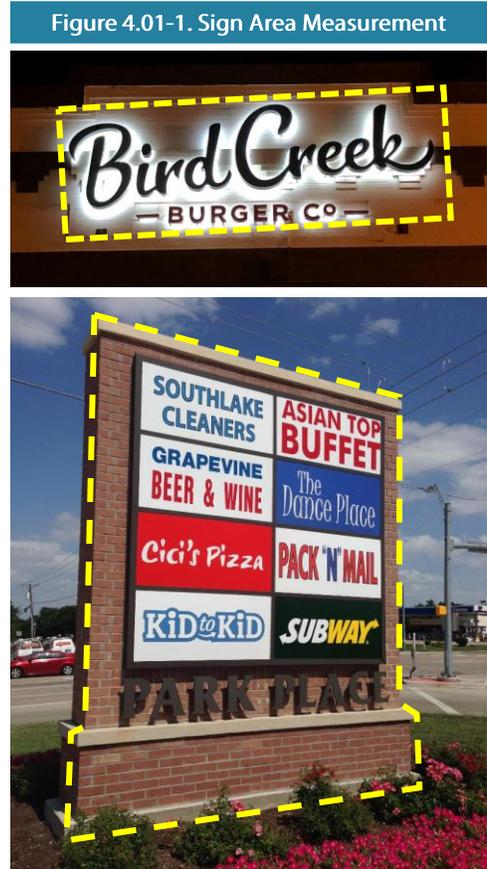
1. Inflatable signs – A sign that gains its shape from inserting air or other gas.
2. Human or living signs – A sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.
3. Freestanding temporary signage for non-civic events, except as otherwise exempted by **(b) Signs for Civic Events**.
4. Attention-getting devices – Cutout figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; nongovernmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices.
5. Bandit signs – Any sign placed in the ground or posted on a utility pole, official sign or support structure, traffic signal or support structure, signal box, fence, wall, barricade, tree, or other fixture in the public right-of-way or on public property.
6. Obscene signs – Signs displaying obscene matter, as defined by the U.S. Supreme Court.
7. Portable signs – Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.
8. Obsolete nonconforming signs – Any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service or activity that has ceased to operate on the premises upon which the sign or sign structure is located for a period of 180 days or more.
9. Any sign not specifically mentioned in this article is prohibited unless approved by City Council

10. Billboards -- A signage panel for the display of advertisements in public places, such as alongside highways, not otherwise defined herein.
 - a. Provisions for Existing Billboards
 - i. Sign face replacement shall be allowed without a permit to the extent that no structural modifications are required.
 - ii. In the event a billboard is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed.
 - iii. Any billboard lawfully erected and maintained that has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be a violation of this article and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation.

G. Method of Sign Measurement

1. Sign Area

- a. Sign area shall be calculated by means of the smallest square, circle, or rectangle that will encompass the sign face and any framing, trim, or molding and the supporting structure (see **Figure 4.01-1. Sign Area Measurement**).
- b. All riders or attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.
- c. Calculation of Area of Multifaceted Signs
 - i. The sign area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point.
 - ii. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than thirty-six (36) inches apart, the sign area shall be calculated by the measurement of one of the faces.
 - iii. For three-dimensional objects, the sign area is the sum of the two adjacent faces of a cube encompassing the object (see **Figure 4.01-2. Area Measurement of 3D Objects**).



2. Sign Height

The overall height of a freestanding sign is measured from the lowest elevation of the ground abutting the base of the sign to the highest point of the sign (see **Figure 4.01-3. Sign Height Measurement**).

Figure 4.01-2. Area Measurement of 3D Objects

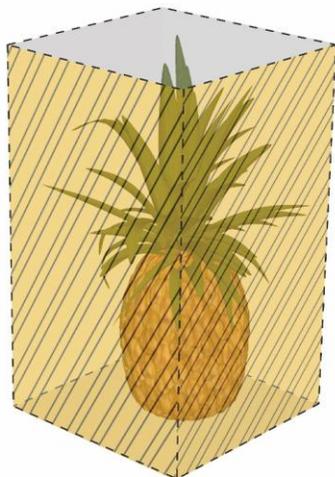


Figure 4.01-3. Sign Height Measurement



4.02. Sign Types and Supplemental Standards

A. Classifications

All signs shall be classified into one of the following type signs:

1. Awning or Canopy Sign;
2. Banner Sign;
3. Flag or Flag Sign;
4. Ground Sign;
5. Marquee Sign;
6. Pole Sign;
7. Projecting Sign;
8. Roof Sign;
9. Wall Sign;
10. Wayfinding Sign; or
11. Window Sign

B. Awning or Canopy Sign

1. Sign Type Description

An Awning or Canopy Sign is any sign constructed of a plastic, fabric-type, or other material stretched over a rigid metal frame that is permanently attached to the wall, roof, or mansard of a building.

2. Supplemental Standards

No Awning or Canopy Sign shall project into the right-of-way.

- a. Exception: Awning or Canopy Signs may project into a City right-of-way when a building has a setback of less than five feet.



C. Banner Sign

1. Sign Type Description

A Banner Sign is any sign constructed of cloth, canvas, light fabric or other flexible material, excluding awning signs, which is not rigidly and not permanently attached to a building or the ground through a semi-permanent or permanent support structure.

2. Supplemental Standards

A property shall be limited to one banner sign, with a maximum size of 32 square feet. All banners signs shall be considered temporary in nature, as defined in 4.01.E.7. **Temporary Signs**. Excluding signs as specified under (b) **Signs for Civic Events** and (iv).



D. Flags and Flag Signs

1. Sign Type Description

A Flag or Flag Sign is any device generally made of flexible material, such as cloth, paper, plastic, or other material, and displayed from a pole, cable, or rope. It may or may not include text.

2. Supplemental Standards

- a. No more than three freestanding flagpoles may be allowed at any time on the premises, as defined and determined by the City.
- b. Official flags shall be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner shall be a violation of this article. All flags shall be kept in good repair.
- c. Flags are permitted in all zoning districts.
- d. Design and lighting of the U.S. flag shall be consistent with the Federal Flag Code, 36 USC 173-8 as amended.
- e. Flagpoles shall be black, brown, dark green, white, silver, or bronze in color.
- f. Lighting may be allowed, but shall not direct glare onto any building on any other property.
- g. Pole heights, flag sizes, minimum distances, and setbacks.
 - i. No side of any flag on a pole 35 feet or less in height shall be greater than six feet in length.
 - ii. Flags on poles over 35 feet in height may have a flag with a length of not more than 25 percent of the height of the pole.
 - iii. No flagpole shall exceed 50 feet in height.
 - iv. A minimum distance of six feet shall be maintained between flagpoles. All flags shall maintain a minimum setback of eight feet from all overhead power lines or easements and six feet from a property line.
- h. Encroachments
 - i. No flag may be erected within a utility easement.
 - ii. Neither the flag, flagpole, nor other support structure may extend over a right-of-way.
 - iii. Neither the flag, flagpole, nor any other support structure may extend over an adjoining property line.



E. Ground Sign

1. Sign Type Description

A Ground Sign is a sign that is mounted on a structural base located on the ground.

2. Supplemental Standards

- a. One ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground signs located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one ground sign.
- b. A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one ground sign on each frontage, notwithstanding the provisions of **a** above, provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs of 100 feet, measured along the property line at the street frontage.
- c. If two or more commercial entities share common off-street parking, pedestrian-ways, and/or landscaping (regardless of whether they are located on separate lots), the following regulations shall apply:
 - i. One ground sign is permitted for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five.
 - ii. If more than one ground sign is permitted hereby, there shall be separation between ground signs of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.



F. Marquee Sign

1. Sign Type Description

A Marquee Sign is a type of projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond the facade of a building.

2. Supplemental Standards

A Marquee Sign may extend beyond the façade of a building no more than 60 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.



G. Pole Sign

1. Sign Type Description

A Pole Sign is a permanent, freestanding sign that is mounted on one or more poles or other supports with the base of the sign face situated above the ground, leaving an open space between the sign face and the ground.

2. Supplemental Standards

Pole Signs are only permitted within 50 feet of a State Highway right-of-way line.



H. Projecting Sign

1. Sign Type Description

A Projecting Sign is any sign affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

2. Supplemental Standards

A Projecting Sign may extend beyond the façade of a building no more than 48 inches from the face of the surface of the wall to which it is attached and shall not extend above the building's roofline.



I. Roof Sign

1. Sign Type Description

A Roof Sign is any sign erected, constructed, or maintained above the roof of any building.

2. Supplemental Standards

Signs shall not be more than 24 inches in height; additionally, no sign shall exceed the maximum height of the zoning district.



J. Wall Sign

1. Sign Type Description

Any sign affixed to or painted upon the wall of any building.

2. Supplemental Standards

No Wall Sign may extend more than 12 inches in depth out from the wall to which it is attached. No Wall Sign may be extended above the roofline.



K. Wayfinding Sign

1. Sign Type Description

Wayfinding Signs refers to a systematic network of directional signage installed and maintained by a public or private entity to guide vehicular or pedestrian movement to/through a residential subdivision or nonresidential development.

2. Supplemental Standards

- a. Wayfinding signs shall have a maximum sign face area of 40 square feet.
- b. Wayfinding signage shall include only arrows, directions, and references to specific destinations or geographical areas.
- c. A wayfinding guide sign plan shall be submitted to the Sign Administrator at the time of permitting. The plan shall include:
 - i. Sign detail with dimensions, colors and font size for each sign.
 - ii. Mounting height, type, and location of mount.
 - iii. Distance to any existing adjacent traffic control devices, driveways or other physical roadway features.



L. Window Sign

1. Sign Type Description

Any sign painted or adhered on a glass surface of windows or doors.

2. Supplemental Standards

No Window Sign (or combination of Window Signs) may obscure visibility through an individual window by more than 50 percent.



M. Changeable Electronic Variable Message Signs

1. Sign Feature Description

- a. A Changeable Electronic Variable Message Signs (CEVMS) sign that permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an light emitting diode (LED) or digital sign, and which varies in color or intensity.
- b. The term "CEVMS signs" does not include a sign located within the right-of-way which functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the federal highway administrator as the national standard.

2. Supplemental Standards

a. Permitted Locations and Instances

- (a) Changeable electronic variable message signs (CEVMS) are only permitted for public tax-supported schools to provide public information and along state rights-of-way located outside of the "Old Town Area" as defined in 2.03.F.1.a.iv. Changeable electronic variable message signs may be permitted on other properties upon application to and approval by the City Council.
- (b) The addition of an LED clock or time counter for informational purposes to existing Billboard Signs shall be allowed. The LED clock or time counter shall not constitute more than ten percent of the total sign area.

b. CEVMS Regulations

- i. Images or messages shall be static in nature and shall not blink, flash, scroll or be animated in such a manner as to constitute a distraction to passing motorists.
- ii. No image or message may be displayed for less than eight seconds.
- iii. Message transitions shall be limited to one second.
- iv. The brightness of any CEVMS shall not exceed 0.3 foot-candle illumination from a distance of 250 feet between sunset and sunrise, and each sign shall be fitted with a qualified light-sensing device to automatically adjust the brightness in accordance with these standards.
- v. All CEVMSs shall be limited to 32 square feet for a single business or use and 50 square feet for a multitenant business or use.
- vi. If a CEVMS is found to be operating incorrectly, it must be turned off until it is repaired and inspected by the City.

4.03. Sign Maintenance and Removal

A. Maintenance and Repair

1. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures in this article. In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.
2. Should any sign in the opinion of the Sign Administrator become insecure or in danger of falling or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this article.

B. Blank Signs

Any sign lawfully erected and maintained that has no sign face, copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be in violation of this article, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation.

C. Notice

1. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this article, the Sign Administrator shall give written notice to the owner, lessee or person responsible for the sign ordering such owner, lessee, or person to alter the sign so as to comply with this chapter or to remove the sign.
2. Any written notice to alter or to remove a sign shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee, person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the Sign Administrator shall revoke the permit and direct the owner, lessee, person responsible for the sign, or the owner's agent to remove the sign.

4.04. Nonconforming Signs

A. Normal Maintenance and Repair

1. A permanent sign lawfully erected within the City or its extraterritorial jurisdiction prior to the date of adoption of the ordinance from which this chapter is derived, which does not conform to the regulations of this article, shall be deemed to be a nonconforming sign that shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended.
 - a. The addition of an LED clock or time counter for informational purposes to nonconforming off-premises signs shall not constitute an enlargement, expansion, or extension insofar as it is placed within the original face of the nonconforming sign and is not more than ten percent of the total sign area.
2. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this section.

B. Obsolescence or Destruction

A nonconforming sign shall not be enlarged, expanded, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

C. Repair or Reconstruction if Damaged

In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the cost of erecting a new sign of the same type at the same location, it must be removed or brought into compliance with this article.

Article 5. Definitions

5.01. Usage and Interpretation

A. Generally

1. The following terms used herein shall be interpreted or defined as follows:
 - a. Words used in the present tense include the future tense;
 - b. The singular includes the plural;
 - c. The word "person" includes a corporation as well as an individual;
 - d. The term "shall" is always mandatory; and
 - e. The term "may" is discretionary.
2. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

5.02. Terms Defined

A. Terms A-D

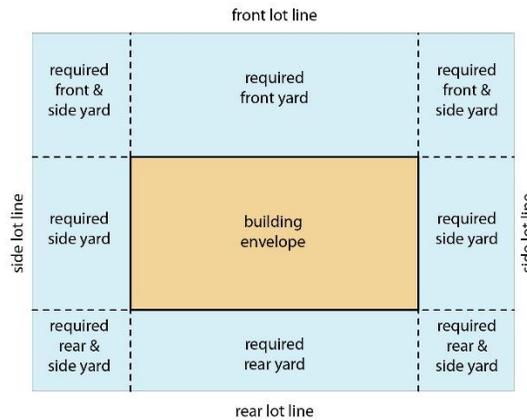
1. **Abut**
To physically touch or border upon; to share a common property line but not overlap. See #4 "Adjoining Lot".
2. **Accessory Building**
A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot.
3. **Accessory Use**
A use that is customarily incidental, appropriate and subordinate to the principal use of land or buildings and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use) must be less than that used for the primary use.
4. **Adjoining Lot**
A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.
5. **Advertising**
To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.
6. **Aircraft**
A vehicle capable of atmospheric flight due to interaction with the air, such as buoyancy or lift.
7. **Alley**
A minor right-of-way that is dedicated to public use and that affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
8. **Approved Plan**
A plan that has been granted final approval by the appropriate approving authority.

9. **Automobile**
A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, the following: passenger cars, light duty trucks and sport utility vehicles, vans and minivans, motor scooters and motorcycles.
10. **Barn**
A structure intended for the purpose of storing farming and ranching-related equipment and/or housing livestock.
11. **Barrel**
A quantity of beer, ale, etc., equal to 31 standard gallons.
12. **Basement**
A portion of a building that is partly or wholly underground. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
13. **Block**
An area enclosed by streets and occupied by or intended for buildings. If used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets that intersect said street on said side. In cases where the platting is incomplete or disconnected, the City Manager shall determine the outline of the block.
14. **Board of Adjustments**
A board appointed by the City Council, and which is authorized to approve Zoning Variances and Special Exceptions to **Article 2. Zoning Regulations**, and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations. Also referred to as the "Board" or "Zoning Board of Adjustments".
15. **Buffer**
A specified land area, together with the planting and landscaping required on any building site, which may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities, and shall meet the minimum requirements to provide a year-round visual obstruction.
16. **Building**
Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
17. **Building Height**
The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs See **2.03.C. Dimensional Standards** for details on measuring building height.

18. Building Line

A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected, and marking the building envelope, which is the area in which a building may be erected (see **Figure 5.02-1. Building Line and Envelope**).

Figure 5.02-1. Building Line and Envelope



19. Building Official

The inspector or administrative official charged with responsibility for issuing permits and enforcing this UDC and the Building Code of the City, or their designee.

20. Building, Main/Primary/Principal

A building in which the principal use of the lot on which it is situated is conducted.

21. Camper

Any enclosed structure intended for human habitation for short periods of time and mounted on any manufactured pickup truck, flatbed vehicle, or on wheels and not exceeding 12 feet between axles.

22. Carport

A structure that is open on a minimum of two sides and designed or used to shelter vehicles. This term is also called a covered parking area.

23. Certificate of Occupancy

An official certificate issued by the City through the Building Official that indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

24. City

The City of Tomball, Texas.

25. City Council

The governing body of the City of Tomball, Texas. See **1.02.A. City Council**.

26. City Engineer

The Professional Engineer (P.E.) licensed in Texas and designated by the City to make engineering decisions on behalf of the City, or another P.E. of their designation.

27. **City Manager**
The chief executive officer and head of the administrative branch of the City government, the acting City manager, or their designee.
28. **Community Development Director**
The City official who oversees the Community Development Department, or their designee.
29. **Comprehensive Plan**
The general plan for growth and development of the City and its environs, including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, drainage plan, infrastructure master plan, parks plan, capital improvement plan, and others.
30. **Court**
An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
31. **Coverage**
The lot area covered by some type of impervious surface, which includes buildings located thereon, overhanging roofs, and parking areas. Also see Term #60 "Impervious Surface".
32. **Cul-de-Sac Lot**
See Term #72 "Lot, Cul-de-Sac".
33. **Curbline**
An imaginary line drawn along the edge of the pavement on either side of a public street.
34. **Density**
The total number of residential dwelling units allowed upon a given tract of land, usually expressed in total number of units per gross acres or net acre.
35. **Design Manual**
The technical manual(s) developed and maintained by the City containing detailed technical standards and requirements. See 1.01.E. **Design Manual and Other Technical Resources.**
36. **Determination of Completeness**
The determination by the Community Development Director that an application submittal contains the required materials, at which point the application is deemed complete and officially filed. See 1.03.C.3.b. **Determination of Completeness.**
37. **Dependent Trailer**
A trailer that is dependent upon a service building for toilet and lavatory facilities, such as a pop-up camper.
38. **Detached**
No physical connection above the top of the floor line of the first floor with any other building or structure.
39. **Diameter**
The straight line measurement of a tree that passes through the center from one side to another at 4 ½ feet above ground level.
40. **Display Surface**
The entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. This term generally includes the entire sign surface except for the sign frame and incidental supports thereto.

41. **District**
A section of the City for which regulations, including height, area, and use, governing the section have been established and are uniform.
42. **Dripline**
The periphery of an area underneath a tree, which would be encompassed by the perpendicular line dropped from the outermost edges of the crown of the tree.
43. **Dwelling**
Any building, or portion thereof, that is designed or used as living quarters for one or more families.
44. **Dwelling Unit**
A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities, and sleeping and restroom facilities accessible by all. See E#46 "Family".

B. Terms E-K

45. **Easement**
An area intended for restricted use on private property upon which a person has the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, and other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of their respective utility, drainage, access, or other authorized systems or facilities located within any such easement. Any such person or entity owning an easement has, at all times, the right of unobstructed ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of their respective systems or facilities without the necessity at any time of procuring the permission of the property owner or inhabitant.
46. **Family**
One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living together as a single housekeeping unit.
47. **Final Plat**
A complete and exact subdivision plan prepared in conformity with the provisions of **Article 3. Subdivision Regulations** and in a manner suitable for recording with the County Clerk of the appropriate county.
48. **Flag Lot**
See term #75 "Lot, Flag".
49. **Floodplain**
An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM flood insurance rate map of the City.
50. **Franchised Private Utility**
A utility such as one distributing heat, chilled water, electricity, fiber internet, cable television, closed circuit television or similar service and requiring a franchise to operate in the City.
51. **Front Yard**
See #158 "Yard, Front".

52. **Garage, Private**
An enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. A private garage is also called an enclosed parking space.
53. **Grade**
Buildings having walls adjacent to one street only, the elevation of the sidewalk at the center of the wall adjacent to the street. For buildings having walls adjacent to more than one street, the grade is the average of the elevation of the sidewalks at the center of all walls adjacent to the streets. For buildings having no wall adjacent to a street, the grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalk level or its equivalent for the purpose of this UDC.
54. **Gross Floor Area**
The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding any space where the floor-to-ceiling height is less than six feet, carports, residential garages, open porches, and breezeways.
55. **Ground Cover**
Grasses and other plants grown to keep soil from being blown or washed away and planted so as to develop full coverage within eighteen months. Bark, mulches, gravel, and other pervious material are included in this definition for use as ground cover under trees and shrubs.
56. **Hard Surface**
A surface of concrete or asphaltic concrete with a gravel base capable of carrying vehicular traffic without deteriorating.
57. **Heavy Load Vehicle**
A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
58. **HUD Regulations**
The Mobile Home Construction and Safety Standard Act, 42 USC, section 5401 et seq., as the same now exists or as is amended.
59. **Impervious Coverage**
The area or percentage of a lot covered by an impervious surface, including all buildings, driveways, parking areas, sidewalks, and similar surfaces. For building coverage only, see #71 "Lot Coverage".
60. **Impervious Surface**
A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
61. **Junk**
Any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, dilapidated, or so worn, deteriorated, or in such condition as to be generally unusable and/or inoperable. Without limiting the generality of the aforementioned, anything that is water soluble, primarily organic, or not typically associated with junkyard activities may not be considered junk.
62. **Kiosk**
A small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines, or the posting of temporary information and/or

posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

63. Kitchen, Residential

Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. This term generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a kitchenette that provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

C. Terms L-O

64. Landscaping

Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

65. Light Load Vehicle

A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pickup trucks, sport utility vehicles, vans and minivans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles, but not including automobiles and motorcycles.

66. Loading Space

An off-street space or berth used for delivery and loading/unloading of vehicles.

67. Local Utility Line

The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

68. Lot

A physically undivided tract or parcel of land having frontage on a public street or approved private street that has been built to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

69. Lot Area

The total net area within lot lines and not including portions of streets and alleys.

70. Lot, Corner

A lot that has at least two adjacent sides abutting for their full lengths upon a street. See **Figure 5.02-5. Descriptions of Various Lot Types.**

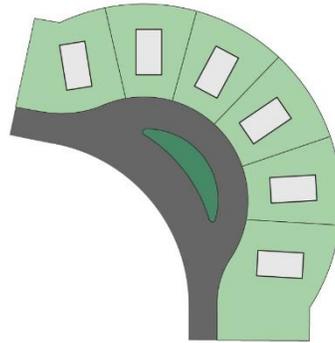
71. Lot Coverage

The impervious area or percentage of a lot covered by the primary building and any accessory buildings. For all impervious surfaces, see #59 "Impervious Coverage".

72. **Lot, Cul-de-Sac**

A cul-de-sac lot is any lot that has the majority of its frontage along the curved radius of a street. Also referred to as an "Eyebrow Lot". See Figure 5.02-2 and 3.04.A.1.c. **Irregularly Shaped Lots (Flag Lots and Cul-de-Sac Lots).**

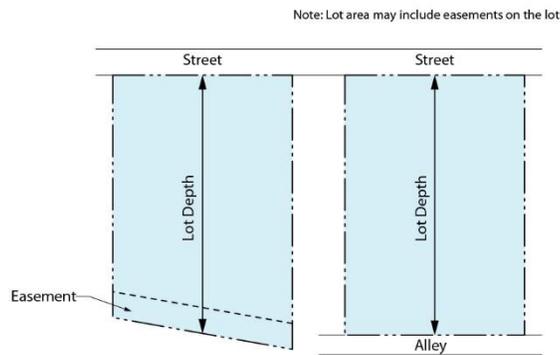
Figure 5.02-2. Cul-de-Sac Lot



73. **Lot Depth**

The mean horizontal distance between the front and rear lot lines. See Figure 5.02-3. **Lot Depth.**

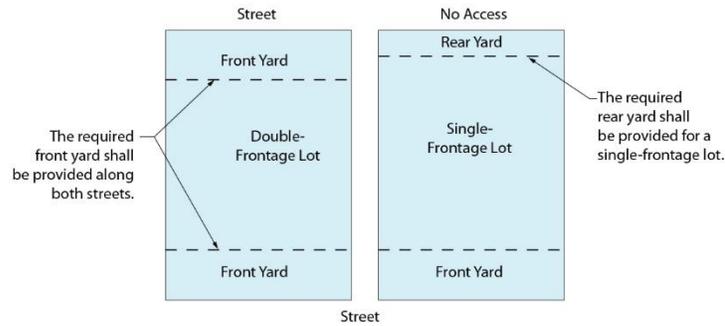
Figure 5.02-3. Lot Depth



74. Lot, Double Frontage

A lot having frontage upon two nonintersecting streets, as distinguished from a corner lot. See **Figure 5.02-5. Descriptions of Various Lot Types Frontage Lots.**

Figure 5.02-4. Double Frontage Lots



75. Lot, Flag

A lot having access to a street by means of a stem or a narrow strip of land connecting the lot to the street; the stem or narrow strip generally has a depth greater than its street frontage. See **Figure 5.02-5. Descriptions of Various Lot Types.**

76. Lot Frontage

Dimension of a lot or portion of a lot abutting onto a street.

77. Lot, Interior

A lot other than a corner lot. See **Figure 5.02-5. Descriptions of Various Lot Types.**

78. Lot, Key

A corner lot whose exterior side is adjacent to the front yard of another lot. See **Figure 5.02-5. Descriptions of Various Lot Types.**

79. Lot Line

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

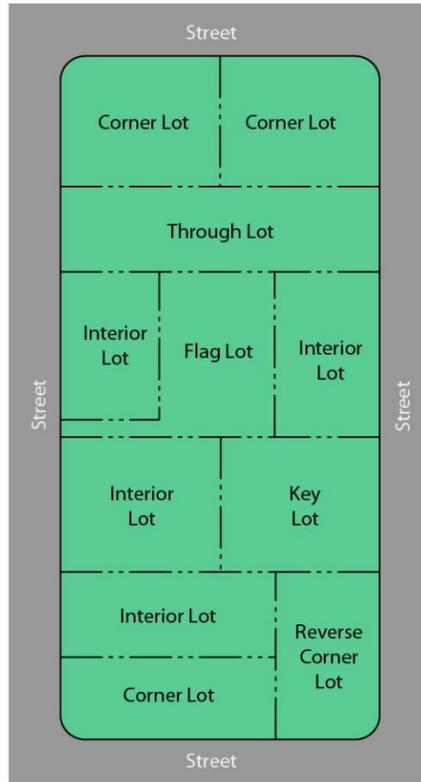
80. Lot of Record

A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the appropriate county, as applicable, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to the effective date of this UDC.

81. **Lot Types**

See Figure 5.02-5. Descriptions of Various Lot Types below.

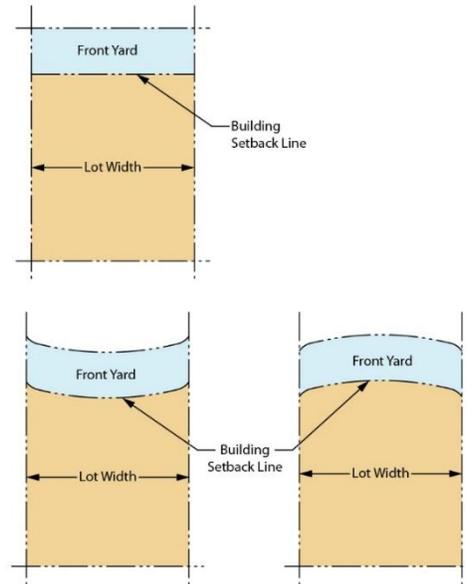
Figure 5.02-5. Descriptions of Various Lot Types



82. Lot Width

The horizontal distance between the side lines of a lot measured parallel to the front lot line at the minimum required building setback line. See **Figure 5.02-6. Lot Width**.

Figure 5.02-6. Lot Width



83. Main Building

The building on a lot which is occupied by the primary use.

84. Manufactured Home Park Licensee

Any person licensed to operate and maintain a manufactured home park or recreational vehicle park under the provisions of this UDC.

85. Manufactured Home Permit

A written permit or certification issued by the Building Official permitting the construction, alteration, extension, or operation of a manufactured home park or recreational vehicle park under the provisions of this UDC.

86. Manufactured Home or RV Unit

An area of ground in a manufactured home park or a recreational vehicle park, as applicable, set aside for the use of one manufactured home or one recreational vehicle, together with such parking and open space as required by 2.05.G. **Manufactured Homes/Recreational Vehicles**. The term "unit" shall also include the terms "lot," "stand," and "site."

87. Manufactured Home Space

A plot of ground within a manufactured home park, or manufactured home subdivision which is designed for the accommodation of one manufactured home, trailer, or RV unit.

88. Masonry

Brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

89. **Minimum Floor Area Per Dwelling Unit**
The minimum floor area per dwelling unit, as specified in each residential zoning district category, defined as the total square feet of floor space within a residential structure's exterior walls that is heated and/or air conditioned including the livable area, closets and storage but excluding breezeways, garages, open porches, carports, and accessory buildings.
90. **Motor Vehicle**
Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles, and buses.
91. **Motorcycle**
A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. Motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.
92. **Motor Home**
A portable temporary dwelling, designed for living, sleeping, storage or working quarters, meant to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle eight body feet or more in width and 40 body feet or more in length, built on a permanent chassis, and designed to be used as a dwelling without a permanent foundation when connected to required utilities for plumbing, heating, air conditioning and electrical systems.
93. **Nonconforming Use**
A building, structure, or use of land lawfully occupied as of the effective date of this UDC, but that does not conform to the use regulations of the district in which it is situated.
94. **Occupancy**
The use or intended use of the land or buildings by proprietors or tenants.
95. **Outdoor Storage**
The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. Outdoor storage is also referred to as open storage or outside storage.

D. Terms P-S

96. **Parcel**
Any unplatted tract of land or any portion of an unplatted tract of land, Also see Term #148 Tract.
97. **Parking Lot**
An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City parking lot standards, for the short- or long-term storage of motor vehicles.
98. **Parking Space**
An area meeting the dimensional requirements prescribed by 2.05.B. **Off-Street Parking and Loading**, paved with a concrete or asphalt surface together with a concrete or asphalt surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head-in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, be classified as off-street parking in computing the parking requirements for any use.
99. **Person**
An individual, company, corporation, partnership, association, or any other entity.

- 100. Pickup Coach**
A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
- 101. Planned Development District**
Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses that may be planned, developed, or operated as integral land use units either by a single owner or by a combination of owners.
- 102. Planning and Zoning Commission**
A board that is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Planning and Zoning Commission is also referred to as the "Commission".
- 103. Plat**
A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with **Article 3. Subdivision Regulations**, and that is approved by the City and recorded in the plat records of the appropriate county.
- 104. Platted Lot**
See #68 "Lot" and Term #80 "Lot of Record".
- 105. Preliminary Plat**
A map or drawing of a proposed subdivision prepared in accordance with the provisions of **Article 3. Subdivision Regulations**, illustrating the features of the development for review and preliminary approval by the City, but not suitable for recording with the County Clerks of the appropriate county.
- 106. Premises**
Land together with any buildings or structures situated thereon.

A lot tract or parcel of land including all buildings and structures.
- 107. Primary Use**
The principal or predominant use of any lot or building.
- 108. Principal Building**
See Term #83 Main Building.
- 109. Public Property**
Property owned or controlled by a public entity.
- 110. Public Street**
The entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the City or other similar public agency to maintain, and over which the City has legislative jurisdiction under its police power.
- 111. Public View**
Areas that can be seen from any public street.
- 112. Rear Yard**
See Term #159 Yard, Rear.

113. **Recreational Vehicle**
Any vehicle or similar portable structure designed for living, sleeping, storing or working quarters, including, but not limited to, travel trailers, pickup coaches, motor homes, dependent trailers, and self-contained trailers.
114. **Reflectorized Lights**
means Any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.
115. **Residence**
See Term #43 "Dwelling".
116. **Residential District**
A district where the primary purpose is residential use.
117. **Residential Purposes**
Property devoted to use as a single-family or multifamily residence. This term shall include, but not be limited to, property used for houses, duplexes, condominiums, townhomes, patio homes, and apartments; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes if its principal use is residential.
118. **Right-of-Way**
Any part of a right-of-way not privately owned or controlled, and which is the responsibility of the City of other similar public agency to maintain.
119. **Room**
A building or portion of a building that is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.
120. **Screened**
Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
121. **Screening**
Any method of visually shielding or obscuring one land use from another by the planting of evergreen trees or shrubs, or both, or the erection of a screening fence designed to minimize the transmission or propagation of noise, light, vibration, or dust from traffic or other activity on one property to adjoining public or private properties. This term shall meet minimum requirements to provide a year-round visual obstruction.
122. **Self-Contained Trailer**
A trailer that can operate independently of connections to sewer, water and electric systems, which contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
123. **Sewer Connection**
The connection, consisting of all pipes, fittings and appurtenances, from the drain outlet of a manufactured home or a recreational vehicle to the inlet of the corresponding sewer service riser pipe of the sewage system serving the manufactured home park or the recreational vehicle park.
124. **Sewer Service Riser Pipe**
That portion of a sewer service that extends vertically to the ground elevation and terminates at a manufactured home unit or recreational vehicle unit.

125. **Shrub**
Any self-supporting woody, deciduous or evergreen species, which is generally multi-stemmed and sold by height or spread and measured in inches or feet, as normally will grow in Tomball.
126. **Side Yard**
See Yard, Side.
127. **Sign**
Any outdoor display, design, pictorial, or other representation, which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that is designed, intended, or used for advertising. This term includes the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in **Article 4. Signs**.
128. **Sign Facing or Facing**
A separate and distinguishable portion of the overall display surface.
129. **Sign Structure**
Any structure that supports or is capable of supporting any sign. This term may be a single pole and may or may not be an integral part of a building.
130. **Special Exception**
A form of relief from the standards within **Article 2. Zoning Regulations** granted by the Board of Adjustments for specific situations outlined in **2.02.J. Special Exceptions**.
131. **Story**
That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The height for the first story shall be considered to be 15 feet in height, and the height of the second story and other subsequent stories shall be considered to be 12 feet in height. The term "story" does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the height of a building shall be measured from a point representing the average slope from opposite sides of the building.
132. **Story, Half**
A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
133. **Street**
Street means a thoroughfare or right-of-way designed or used as a transit way for motor-driven vehicles.
134. **Street, Arterial**
A street designed as a principal traffic artery, more or less continuous across the City, intended to connect remote parts of the City, and used primarily for fast or heavy volume traffic.
135. **Street, Collector**
A street designed to carry traffic from local streets to the major system of arterial streets and highways.
136. **Street, Local**
A street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.

137. **Street, Private**

A privately owned street approved by the City and that has been built to meet City specifications, which provides vehicular access to adjacent private land.

138. **Street, Public**

A street owned and maintained by the City, County, State, or Federal government.

139. **Street Intersection**

Any street that joins another street at an angle, whether or not it crosses the other.

140. **Structural Alterations**

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

141. **Structure**

Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground. See #16 "Building".

142. **Subdivider and/or Developer**

The terms "subdivider" and "developer" are synonymous for the purposes of this UDC, and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this UDC.

143. **Subdivision**

The division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. The term "subdivision" shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An addition is a subdivision as defined in this section. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

144. **Subdivision Waiver**

A mechanism that provides relief from a specific requirement or requirements of **Article 3. Subdivision Regulations** to allow flexibility in development that exhibits unique circumstances. See **3.02.H. Subdivision Waiver**.

E. Terms T-Z

145. **Temporary**

Used or lasting for only a limited period of time; not permanent.

146. **Temporary Building**

Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

147. **Title Certificate**

A certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after August 15, 1983. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than 45 days prior to submission of same to the Planning and Zoning Commission.

148. **Tract**
A single individual parcel or lot.
149. **Trailer, Hauling**
A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
150. **Travel Trailer**
A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, and permanently identified as a travel trailer by its manufacturer. Its gross weight shall not exceed 4,500 pounds, and its overall length, excluding the tongue, shall not exceed 34 feet. This term shall also include, by definition, all other portable contrivances, other than mobile homes and campers, used or intended to be used generally for living, sleeping, storing or working quarters and which may be moved under their own power, towed, or transported by another vehicle.
151. **Tree**
Any self-supporting wood plant, evergreen or deciduous, which at the time of planting has a caliper equal to or greater than specified, which is not less than six feet in height as measured from the root collar, and shall be of a species that normally grows to an overall height of a minimum of 15 feet.
152. **Truck**
A light or heavy load vehicle. See #65 "Light Load Vehicle" and #57 "Heavy Load Vehicle".
153. **Use**
The purpose for which land or buildings are or may be occupied in a zoning district.
154. **Utility Distribution/Transmission Lines**
Facilities which serve to distribute and transmit electrical power, gas and water, including, but not limited to, electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.
155. **Water Connection**
The connection of all pipes, fittings and appurtenances, from the water riser pipe to the water inlet pipe, of the distribution system within a manufactured home park or a recreational vehicle park.
156. **Water Riser Pipe**
That portion of the private water service system serving a manufactured home or recreational vehicle which extends vertically to the ground elevation and terminates at a designated point at a unit.
157. **Yard**
An open space at grade between the principal buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this UDC. See **Figure 5.02-1. Building Line and Envelope**.
158. **Yard, Front**
The open (unoccupied, unobstructed) space located in front of the front elevation of the principal buildings, calculated as the minimum horizontal distance between the front property line and the front elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.
159. **Yard, Rear**
The open (unoccupied, unobstructed) space located behind the rear elevation of the principal buildings, calculated as the minimum horizontal distance between the rear property line and the rear elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.

160. Yard, Side

The open (unoccupied, unobstructed) space located on either side of the principal buildings, calculated as the minimum horizontal distance between the side property line and the side elevation of the principal buildings. See **Figure 5.02-1. Building Line and Envelope**.

161. Zoning District

A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

162. Zoning District Map

The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this UDC. See **2.03.A. Establishment of Zoning Districts and Map** and **2.03.B. Zoning District Boundaries**

163. Zoning Variance

An adjustment in the application of the specific regulations of **Article 2. Zoning Regulations** to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustments can grant a Zoning Variance. See **2.02.I. Zoning Variances** for more information.