

**City of Woodcreek Planning and Zoning Commission Meeting**  
**July 18, 2018; 5:00 p.m.**

**NOTICE/AGENDA**

This notice is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek Planning and Zoning Commission will hold a Meeting on July 18, 2018, at 5:00 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be considered:

- 1. Call to Order**
- 2. Pledges**
- 3. Roll Call**
- 4. Approval of Minutes of June 20, 2018.**
- 5. Review and take appropriate action on Chapter 156: Zoning of the Woodcreek Code of Ordinances Recommendation to City Council Ordinance Review Committee.**
- 6. Adjourn**

*Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the Planning & Zoning Commission.*

*The Planning & Zoning Commission may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.*

*This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

*Attendance By Other Elected or Appointed Officials:*

*It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.*

*The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.*

*Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

I certify that the above notice was posted on the 13<sup>th</sup> day of July, 2018 at 10:00 AM.

By:   
Brenton B. Lewis, City Manager



**City of Woodcreek Planning and Zoning Commission Meeting**  
**Woodcreek City Hall, 41 Champions Circle**  
**June 20, 2018; 5:00 p.m.**

**Minutes**

1. **Call to Order.** Chairperson Anne Greene called the meeting to order at 5:00 p.m.
2. **Pledges**
3. **Roll Call. Present:** Chairperson Anne Greene, Vice Chairperson Joe Kotarba, Commissioner John Lewis, Commissioner Gary Eldridge, Commissioner Steve Evans, Alternate Commissioner Larry Alford, City Manager Brenton Lewis, City Clerk Barbara Grant, Assistant Administrator Linda Land. **Absent:** Alternate Commissioner Bill Kammerer.
4. **Approval of Minutes of June 6, 2018.** Vice Chairperson Kotarba moved to approve the minutes of June 6, 2018. The motion was seconded by Commissioner Lewis and passed unanimously (5-0-0).
5. **Review and take appropriate action on §156.029 and §156.060 of the Woodcreek Code of Ordinances concerning Parking. Recommendation to City Council.** City Manager Lewis explained the current parking ordinances and presented examples of parking concerns. After discussion, Commissioner Lewis moved to recommend to the City Council Ordinance Review Committee that § 156.060 (A) be changed to remove the phrase "is not visible" and add "is inside a permanent, totally enclosed structure that meets current permitting and building restrictions." The motion was seconded by Commissioner Eldridge and passed unanimously (5-0-0). After further discussion, Commissioner Lewis moved to recommend to the City Council Ordinance Review Committee that Commercial Vehicles be defined as vehicles with a commercial license plate weighing one ton or more. The motion was seconded by Vice Chairperson Kotarba and passed with a vote of (4-1-0), Commissioner Eldridge dissenting.
6. **Consider and take appropriate action on establishing a Planning and Zoning Commission regular meeting on the 3<sup>rd</sup> Wednesday of each month at 5:00 p.m.** After discussion, Commissioner Lewis moved to establish a Planning and Zoning Commission regular meeting on the 3<sup>rd</sup> Wednesday of each month at 5:00 p.m. The motion was seconded by Vice Chairperson Kotarba and passed unanimously (5-0-0).
7. **Adjourn.** There being no further business, the meeting was adjourned at 6:00 p.m.

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Anne Greene, Chairperson

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Brenton B. Lewis, City Manager



Planning & Zoning Meeting Date: 7/18/2018

## **AGENDA ITEM COVER SHEET**

Subject/Title: Review of Chapter 156: Zoning

Item Summary: Review and take appropriate action on Chapter 156: Zoning of the Woodcreek Code of Ordinances Recommendation to City Council Ordinance Review Committee.

Financial Impact/Financial Information:

None

Comments/Recommendation:

The City Council Ordinance Review Committee has reviewed Chapter 156: Zoning and is referring the chapter to the Planning and Zoning Commission to review the Chapter for recommended changes and comments on the recommendation from the Committee. Staff recommends to not attempt to cover the chapter in one meeting, but to review the chapter sections over two meetings. Therefore, please review Sections 156.001 through Section 156.033 for the meeting.

Attachments

Chapter 156: Zoning with Council Committee review changes

Submitted By:

Brenton B. Lewis, City Manager



## CHAPTER 156: ZONING

### Section

#### *General Provisions*

- [156.001](#) Authority
- [156.002](#) Title
- [156.003](#) General purpose and intent
- [156.004](#) Jurisdiction
- [156.005](#) Application
- [156.006](#) Exemptions
- [156.007](#) Enforcement
- [156.008](#) Site plan review
- [156.009](#) Definitions
- [156.010](#) Establishment of **zoning** districts

#### *General Requirements and Limitations*

- [156.025](#) **Zoning** district conformity
- [156.026](#) Reserved
- [156.027](#) Outdoor tanks
- [156.028](#) Hard-surface driveways
- [156.029](#) Parking
- [156.030](#) Fences
- [156.031](#) Wood roofs
- [156.032](#) Mobile homes
- [156.033](#) Signs and billboards
- [156.034](#) Structures and buildings
- [156.035](#) Accessory structures and uses
- [156.036](#) Conformity to other city ordinances
- [156.037](#) Parking and load requirements
- [156.038](#) Building setback requirements
- [156.039](#) Height and placement requirements

- [156.040](#) Uses non-cumulative
- [156.041](#) Exceptions
- [156.042](#) Outdoor lighting regulations

***Residential Requirements and Limitations***

- [156.055](#) Permitted single-family residential **zoning**
- [156.056](#) Masonry requirements
- [156.057](#) Carports and garages
- [156.058](#) Fences
- [156.059](#) Above-ground pools
- [156.060](#) Parking
- [156.061](#) Garage and yard sales
- [156.062](#) Home occupation criteria
- [156.063](#) Chart 1: Residential **Zoning** Districts
- [156.064](#) Chart 2: Residential **Zoning** Requirements
- [156.065](#) Chart 3: Multi-Family Requirements, MF-1 and M-2 Zones
- [156.066](#) Chart 4: Multi-Family Requirements, MF-1A
- [156.067](#) Personal care facilities

***General District Limitations***

- [156.080](#) Business use requirements and limitations
- [156.081](#) Recreational district requirements and limitations
- [156.082](#) Special event permits
- [156.083](#) Chart 5: Other non-residential **zoning** districts
- [156.084](#) Special use permits
- [156.085](#) Antenna regulations

***Non-Conforming Uses***

- [156.100](#) General policy
- [156.101](#) Non-conforming structures
- [156.102](#) Non-conforming uses
- [156.103](#) Repairs and maintenance
- [156.104](#) General



### *Planned Unit Development District*

[156.115](#) Popular name

[156.116](#) Purpose

[156.117](#) Scope

[156.118](#) Definitions

[156.119](#) Approval

[156.120](#) Regulations

[156.121](#) Enforcement

[156.122](#) Boundaries

[156.123](#) Field note description and map

### *Administration and Enforcement*

[156.135](#) General

[156.136](#) Ordinance interpretation

[156.137](#) Board of Adjustment

[156.138](#) Conditions for issuing a building permit

[156.139](#) Certificates of occupancy

### *Amendments*

[156.150](#) Statement of intent

[156.151](#) Amendment limitation; rezoning

[156.152](#) Responsibility for change

[156.153](#) Referral of amendment to Commission

[156.154](#) Action by the Commission

[156.155](#) Action by the Council

[156.156](#) Public hearing and notice of the proposed **zoning** change

[156.157](#) Protest of proposed amendment

[156.158](#) Procedure for amendment petition

[156.159](#) Fees

[156.999](#) Penalty

## GENERAL PROVISIONS

### § 156.001 AUTHORITY.

This chapter is adopted pursuant to the police powers of the city and under the authority of the Constitution and general laws of the state, including particularly Tex. Local Gov't Code Ch. 211.

(Ord. 00-65N, passed 6-1-2005)

### § 156.002 TITLE.

This chapter shall be known, and may be cited, as the “Zoning Ordinance of the City of Woodcreek, Texas”.

(Ord. 00-65N, passed 6-1-2005)

### § 156.003 GENERAL PURPOSE AND INTENT.

(A) The primary purposes of this chapter are to promote the public health, safety, morals and the general welfare of the city and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety, morals and general welfare of the present and future citizens of the city; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations.

(B) This chapter should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (1) Assist the safe, orderly, healthful and coordinated development of the city;
- (2) Conserve existing and future neighborhoods;
- (3) Protect and conserve the value of real property throughout the community;
- (4) Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- (5) Protect and preserve places and areas of historical and cultural importance and significance to the community;
- (6) Prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (7) Lessen congestion in the streets and provide convenient, safe and efficient circulation of vehicular and pedestrian traffic;
- (8) Facilitate the adequate and efficient provision of transportation, water and wastewater service, schools, parks, emergency and recreational facilities, and other public requirements;
- (9) Promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;

(10) Promote compatible residential, commercial and recreational uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;

(11) Standardize the procedure and requirements for **zoning**, building permits and certificates of occupancy to provide administrative efficiency and property owner rights; and

(12) Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the city.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.004 JURISDICTION.

(A) The requirements of this chapter shall apply to all property within the city; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the City Master Plan. This chapter has been made with reasonable consideration among other findings, for the character of the 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 consistent with the city's Master Plan. Nothing herein shall be construed to grant a permanent **zoning**.

(B) The intent of this chapter is to supplement the minimum standards for the development of land within the city as contained in §§ [151.01](#) through [151.13](#) and [Ch. 155](#) of this code of ordinances. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.005 APPLICATION.

The provisions of this chapter shall, except as specifically provided otherwise in this chapter, apply to all land within the jurisdiction of the city.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.006 EXEMPTIONS.

The provisions of this chapter shall not:

(A) Prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued; provided that:

(1) The building and construction are completed in their entirety within one year from the effective date of this chapter; and

(2) The construction shall have been started within 90 days after the effective date of this chapter. Such building, construction or use that is not in compliance with this chapter shall be a non-conforming use.

(B) Apply to permits or commitments given by the city with reference to construction of public utility buildings prior to the passage of this chapter; provided, the buildings and construction are completed within one year from the effective date of this chapter.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.007 ENFORCEMENT.**

(A) No building permit or certificate of occupancy shall be issued by the city for or with respect to any lot, tract or parcel of land within the city limits that is developed, or proposed to be developed, after the effective date of this chapter, until all of the applicable requirements of this chapter have been satisfied and accepted by the city.

(B) This chapter may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any violation of any term or provision of this chapter, with respect to any land or development within the city, is subject to fines and penalties set forth by the City Council.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.008 SITE PLAN REVIEW.**

(A) *Purpose.*

(1) The site plan review is designed to enable the Planning and Zoning Commission and City Council to determine that the proposed development meets the intent and requirements of the Master Plan and this chapter. Site plans are required for all zoning districts with the exceptions of SF-1, SF-2, SF-3, SF-4, SF-5 and SF-6.

(2) The proposed site plan review does not affect the requirement that the applicant submit full building plans to the city to enable the Building Inspector to determine that the proposed development complies with all applicable ordinances and regulations.

(B) *Fees.* The applicant shall pay a fee, the amount thereof to be determined by the City Council, said fee to pay the costs incurred by the city in review of all plans required to be submitted by the applicant.

(C) *Materials to be submitted.* All maps shall be drawn to scale and of a size sufficient to clearly show the required information:

(1) A map showing the location of the property, the use of adjacent property and the location and names of adjacent streets;

(2) Photographs of the property and adjacent land uses and structures;

(3) A plot plan showing the dimensions and boundaries of the property;

(4) A detailed plan showing the proposed development of the property including location and use of all buildings, parking areas, recreational areas, access roads, driveways, lighting fixtures and other development;

(5) A copy of the above identified detailed plan showing the dimensions of structures, parking spaces (with specific identification of handicapped accessible parking spaces), access

roads, setbacks, recreational facilities, curb cuts, any off-site work or facilities that will be necessary, driveways, erosion control proposed during and after construction, and all other physical development;

(6) A copy of the above identified detailed plan showing proposed drainage patterns and facilities including surface drainage, storm sewers, detention ponds, channel or paving sections and any other aspects of drainage;

(7) A copy of the above identified detailed plan showing the proposed system for disposal of waste products;

(8) A letter from all utility companies which will supply services to the complex specifically stating that they are capable of providing, and will provide, required utilities to the development. The letters must specifically identify the development and the number of proposed units;

(9) Elevations of all structures including materials to be used;

(10) Floor plans of all buildings within the proposed development showing the uses of floor space within each building;

(11) Floor plans, including dimensions, of all sizes and types of dwelling units to be offered within the development (one floor plan for each type or size of unit);

(12) Detailed drawings of recreational facilities, including required provision of shelters between said recreational facilities and adjacent property;

(13) A landscape plan showing landscaping proposed to be developed;

(14) A summary page specifically relating development requirements of this chapter to the proposed development in a tabular form sufficient to enable the Commission and Council to determine that the proposed development meets all requirements of this chapter; and

(15) Any additional material or information determined by the Commission or Council to be required after review of the above documentation and identification of matters of concern.

(D) *Schedule of review.* The following schedule shall be effective upon submission by the applicant of all required information as described above.

(1) All site plans should be submitted to the ~~Director of Public Works and the Architectural Control Committee~~ **City Manager or their designated representative**, by the Commission and their recommendations should be submitted verbatim to Council with the Commission recommendations.

(2) The Commission should submit a recommendation to Council not more than 60 days from the date of the first regular Commission meeting following submission of all documentation by the applicant.

(3) Council should review and act upon the request not more than 60 days from the date of the first regular Council meeting following receipt of the recommendation of the Commission.

(E) *"Site plan specific" action.* Approval of a site plan applies only to the specific site plan approved by the city. Any change to said site plan requires that the city be notified prior to implementation of the change and provided with information deemed by the city to be sufficient

to enable the city to evaluate and approve, disapprove or require modification of, the proposed change, deviation of the development from the approved site plan without the specific approval of the city is a violation of approval of the site plan and said action shall result in immediate referral of the violation to the City Attorney for appropriate legal action.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.009 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this chapter. The word “regulations” means the provisions of any applicable ordinance, rule, regulation or policy. The word “person” means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words “used or occupied”, as applied to any land or building, shall be construed to include the words intended, arranged or designed to be used or occupied. Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

***ABOVE-GROUND POOL.*** A swimming pool which is designed or constructed in a manner where the major part of the primary water basin extends above the ground level of the land and soil abutting the swimming pool; is portable versus permanent in design, fails to meet the test of being operated in a manner which would not be hazardous or obnoxious to adjacent property owners; would be distinguishable by any reasonably prudent person to be something other than an “in-ground” swimming pool; and is clearly not a hot tub, spa or kiddie pool which are not designed to be swimming pools.

***ACCESS.*** A way of approaching or entering a property.

***ACCESSORY USE.*** A use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses or a storage or tool shed. See ***ACCESSORY STRUCTURE*** .

***ACCESSORY STRUCTURE.*** In a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, golf cart storage, toolhouse, bath or greenhouse as a hobby (no business), home workshop, children’s playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

***ADJACENT.*** Abutting and directly connected to or bordering.

***AMORTIZATION.*** A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

***ANNEXATION.*** The incorporation of land area into the city with a resulting change in the boundaries of the city.

***APPLICANT.*** A person applying for **zoning** approval under this chapter.

**APPROVAL.** The final approval in a series of required actions. For instance, the **APPROVAL** date of a planned unit development **zoning** application is the date of Council approval of the final site plan.

**BILLBOARD.** A sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet or a width greater than 18 feet, including supports.

**BOARD.** The Board of Adjustment of the City of Woodcreek, Texas.

**BOARD OF ADJUSTMENT.** A committee appointed by the Council to consider appeals from certain administrative actions pursuant to Tex. Local Gov't Code § 211.008 and that is given the authority set forth in this chapter and in Tex. Local Gov't Code § 211.009.

**BUFFER.** An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

**BUILDING.** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate **BUILDING**.

**BUILDING AREA.** The gross area covered by a structure when placed on the lot.

**BUILDING ORDINANCE.** The city's Building Ordinance (§§ [151.01](#) through [151.13](#) of this code of ordinances) and related ordinances of the city providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the city, including, **published by the International Code Council but not limited to, the Electrical Code, Plumbing Code, Building Code and Minimum Housing Code, adopted by the City Council from time to time on file in the Office of the City Secretary.**

**BUILDING PERMIT.** A permit issued by the city which is required prior to commencing construction or reconstruction of any structure.

**BUILDING PLOT.** The land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

**BUILDING SETBACK LINE.** A line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

**BULB.** A light-emitting device or structure containing a light source. This includes but is not limited to a lamp.

**CARPORT.** A structure with one or more open sides, covered with a roof.  
(See **GARAGE** definition.)

**CHURCH or RECTORY.** A place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

**CITY.** The City of Woodcreek, Texas.

**CITY COUNCIL** or **COUNCIL.** The City Council of the city.

**CITY LIMITS** or **WITHIN THE CITY.** The, or within the, incorporated boundaries of the city.

**CITY MANAGER/ADMINISTRATOR.** The chief administrative officer designated by ordinance, or his or her designated representative.

**CITY STAFF.** The officers, employees and agents of the city assigned and designated from time to time by the City Manager/Administrator and/or Council, including, but not limited to, the Director of Public Works, to review, comment and/or report on zoning applications.

**CITY STANDARD DETAILS AND SPECIFICATIONS.** A library of city-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for city acceptance.

**COMMISSION.** The Planning and Zoning Commission of the city.

**CONDITIONAL USE.** An additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council. No **CONDITIONAL USE** shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

**CONTIGUOUS.** Property that is immediately adjacent to another property and property whose lines are separated by only a street, alley, easement, right-of-way or buffer.

**CORNER LOT.** A lot located at the intersection of and abutting on two or more streets.

**CORRELATED COLOR TEMPERATURE.** The specification of the color appearance of light emitting by a lamp, relating its color to the color of light from a reference blackbody source when heated to a particular temperature, measure in degrees Kelvin (K).

**COUNTRY CLUB.** An area of 20 acres or more containing a golf course and clubhouse and available by private or semi-private membership, Such a **CLUB** may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**COUNTY.** Hays County, Texas.

**COUNTY APPRAISAL DISTRICT.** The Hays County Appraisal District.

**DAY CAMP.** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

**DEVELOPED AREA.** The portion of a lot, easement or parcel upon which a building, structure, pavement or other improvements have been placed.

**DEVELOPER.** The legal owner of land to be improved and/or subdivided or his or her authorized representative.

**DIFFUSING LENS.** A translucent enclosure which surrounds a light source and through which there can be seen no semblance of an image of the light source. To provide a sufficiently



wide distribution of light, a lens meeting this definition shall have a minimum cross-section, as seen from any angle, of not less than 0.125 square inch per lumen of enclosed light source emission.

***DIRECTOR OF PUBLIC WORKS.*** The Director of Public Works or his or her designated representative.

***DISTRICT.*** A zoned section or sections of the city for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

***DOUBLE FRONTAGE LOT.*** See ***REVERSE FRONTAGE LOT*** .

***DRIVE APPROACH.*** A paved surface connecting the street to a lot line.

***DRIVEWAY.*** A hard, impervious surface such as hot-mix asphalt or concrete surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

***DWELLING.*** Any building or portion thereof built on-site which is designed for or used exclusively for residential purposes.

***DWELLING (SINGLE-FAMILY).*** A detached building having accommodations for occupancy by not more than one family.

***DWELLING UNIT.*** A building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one household for living, sleeping, eating, cooking and sanitation.

***EASEMENT.*** A grant by the property owner of the use of a strip of land for stated purposes.

***EFFICACY.*** As an engineering term, the emission of light by a light source expressed in lumens per watt. In the absence of manufacturers' ratings, or at the discretion of the city, the ***EFFICACY*** and light emission of lamps shall be calculated as follows:

- (1) Common tungsten incandescent: 12 lumens per watt;
- (2) Halogen incandescent: 18 lumens per watt;
- (3) Metal halide: 82 lumens per watt;
- (4) High pressure sodium: 82 lumens per watt;
- (5) Fluorescent tubes: 75 lumens per watt; and
- (6) LED: 50-150 lumens per watt.

***ENVIRONMENT.*** The aggregate of social and physical conditions that influence the life of the individual and/or community.

***EXTERIOR SIDE YARD.*** A yard which faces and is parallel to a side street.

***EXTRATERRITORIAL JURISDICTION*** or ***ETJ.*** The geographic area outside the corporate boundaries of the city as established pursuant to Tex. Local Gov't Code §§ 42.021 and 42.022.

**FAMILY.** Any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship, and occupying a dwelling unit.

**FENCE.** A structure serving as an enclosure, a barrier or a boundary, usually made of posts or stakes joined together.

**FENCING, SMALL-ANIMAL.** Metal fencing with the open area between the wires measuring no less than six inches. Wire thickness shall not exceed 0.1 inch.

**FILING DATE.** With respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

**FIXTURE.** An outdoor lighting assembly containing 1 or more lamps and including any lenses, reflectors, and shields designed to direct the light in a defined manner.

**FLOOR AREA.** The total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

**FLOOR AREA RATIO (FAR).** The maximum square footage of total floor area permitted for each square foot of land area. The ratio between the total square feet of floor area in all buildings located on a lot and the total square feet of land in the lot or tract on which the buildings are located.

**FLOODPLAIN.** The land lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the city and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream FLOODPLAIN characteristics and ensure continued adequate drainage of adjacent land.

**FOOT CANDLE.** As an engineering term, a unit of light intensity equal to 1 lumen per square foot, which applies to the brightness of light on a surface or at a point in space.

**FRONTAGE BLOCK.** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**FRONT YARD.** A space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

**FRONTAGE.** The side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

**FULL HORIZONTAL CUT-OFF FIXTURE.** A fixture that confines the light entirely below a horizontal plane running through the lowest of: the lowest point from which light is emitted, or the lowest part of any lens, or the lowest point of any specular reflector.

**GARAGE.** A four-sided structure, fully enclosed on three sides, with a door on the fourth side, with a roof and concrete floor, accessible by a hard-surface driveway. See § 156.064 of this chapter for GARAGE requirements by zoning district. **A two car garage shall be a minimum**

square footage of 400 square feet (20X20) and a single car garage shall be a minimum square footage of 200 square feet (10X20)

**GLARE.** The effect of light shining directly in the eyes such as occurs when there is a line of sight to the light source.

**GOLF COURSE (COMMERCIAL).** A golf course or driving range privately owned, but open to the public for a fee and operated as a commercial venture.

**GOVERNING BODY.** The City Council of the City of Woodcreek.

**GREENBELT.** Any area that has been platted or otherwise dedicated to the public as a greenbelt or otherwise with the intent to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses. A **GREENBELT** is also any land area that is owned by the public or the property owners' association and generally maintained with substantial vegetation in place, with or without enhancement by landscaping and planting and without improvements other than trails and similar low-impact recreational and public uses to enhance the aesthetic quality of the community, screen or partially screen and separate properties, uses or facilities. A **GREENBELT** is a part of the community landscaping and is generally adjacent to and parallel with a property line, right-of-way, creek or other drainage, consisting of existing natural vegetation or created by the use of trees, shrubs and/or berms, and designed to limit views and sound from the site to adjacent properties and vice versa, aid or benefit drainage or water quality and any other compatible public purpose authorized by the City Council.

**HEIGHT.** The vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

**HOME OCCUPATION.** A traditional home office occupation having the owner as the only employee, with no outward appearance of the existing occupation and not being commercial in nature.

**IMPERVIOUS COVER.** Roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

**IMPROVEMENTS.** Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

**INITIAL LUMENS.** The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

**INTERIOR LOT.** A lot other than a corner lot and bounded by a street on only one side.

**LAMP.** A light-emitting device or a structure containing a light source. This includes but is not limited to a bulb.

**LEGAL LOT.** A lot recorded in the official county records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

**LIGHT SOURCE.** Any device or element which emits light.

**LIGHT STRING.** The number of bulbs connected with wire in a linear or two-dimensional array, not contained in the structure of a fixture, used either for illumination or decoration, and supported in any manner.

**LIGHT TRESPASS.** Any horizontal or vertical illumination on a property from light sources on another property that exceeds 0.1 footcandles on a residential or unzoned district or 0.5 footcandles on a non-residential district. The measurement shall be made four feet above the ground at a point four feet inside the property line.

**LIGHTING INSTALLATION.** All outdoor lighting fixtures and light sources on a property.

**LINE OF SIGHT.** As it applies to the visibility of a light source, a straight unobstructed line from any point on a property four feet or more above the ground to a light source on another property.

**LOT.** A separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also **LEGAL LOT**.

**LOT DEPTH.** The average horizontal distance between the front and rear lot lines.

**LOT LINES.** The lines bounding a lot, as defined herein.

**LOT WIDTH.** The average horizontal distance at the front building setback line of a lot.

**LUMEN.** As an engineering term, a unit of light flux, which applies to the amount of light emitted by a lamp.

**LUMENS PER ACRE.** The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

**MASTER PLAN.** The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

**NEIGHBORHOOD.** The area of the city characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

**NEIGHBORHOOD PARK.** A publicly-owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the city or under authority granted by the city.

**NON-CONFORMING LOT.** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the **zoning** district.

**NON-CONFORMING STRUCTURE OR BUILDING.** A structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the **zoning** ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the **zoning** district.

**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this chapter or amendments thereto, which does not, by reason of design or use, conform after the passage of this chapter or amendments with the regulations of the chapter or amendment.

**OCCUPANCY.** The use or intended use of land or a building by any person.

**OCCUPANT CAR RATIO (OCR).** The minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

**OFFICIAL COUNTY RECORDS.** The official records of Hays County, Texas.

**OFF-SITE IMPROVEMENTS.** Any required improvement which lies outside of the property being developed.

**OFF-STREET PARKING SPACE.** An area of privately owned land not less than ten feet by 20 feet not on a public street or alley, with an all-weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that, not more than 25% of any required off-street parking spaces may be compact parking spaces of not less than 128 square feet exclusive of the driveways connecting said space with the street or alley.

**ONE-HUNDRED (100-) YEAR FLOODPLAIN.** See **REGULATORY 100-YEAR FLOODPLAIN.**

**OPEN SPACE.** An area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky, except for the ordinary projections of cornices, eaves, porches and plant material.

**OPEN OR OUTDOOR STORAGE.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than 24 hours.

**PARK or PLAYGROUND.** An open recreation facility or park owned and operated by a public agency such as the city or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

**PARKING SPACE.** An area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than ten feet by 20 feet, exclusive of the driveways connecting said space with a street or alley. Said **PARKING SPACE** and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact **PARKING SPACES** shall be 128 square feet exclusive of the driveways connecting said space with the street or alley.

**PAVED AREA.** An area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable **PAVED SURFACE.**

**PERFORMANCE STANDARD.** A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**PERMIT ISSUING AUTHORITY.** The city officer, employee or agent designated by lawful authority to issue the applicable permit.

**PERMITTED USE.** A use specifically allowed in the applicable zoning districts without the necessity of obtaining a conditional use permit.

**PERSON.** Any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association.

**PRIMARY STRUCTURE.** A structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the **PRIMARY STRUCTURE**.

**PRIVACY FENCE.** An opaque fence or screen no more than six feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half inch.

**PUBLIC.** With respect to land and interests in land within the city limits, the city; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

**PUBLIC GROUNDS OR BUILDING.** A facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a city, county or school service center.

**PUBLIC USE.** Places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including, but not limited to, churches, schools and government buildings.

**REAR YARD.** A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

**REGULATORY 100-YEAR FLOODPLAIN.** The 100-year floodplain, as defined by the Federal Emergency Management Act (FEMA).

**REQUIRED YARD.** The open space between a lot line and the buildable area within which no structure shall be located, except as provided for herein.

**RESERVE STRIP.** A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the city.

**REVERSE FRONTAGE LOT.** A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

***RIGHT-OF-WAY.*** A strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term ***RIGHT-OF-WAY***, for land platting purposes, shall mean that every ***RIGHT-OF-WAY*** hereinafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. ***RIGHT-OF-WAY*** intended for streets, crosswalks, water mains, wastewater lines, storm drains or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

***SAFETY SERVICES.*** A facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

***SAME OWNERSHIP.*** Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations in which a stock holder, partner or associate or a member of his or her family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

***SCHOOL (PUBLIC OR DENOMINATIONAL).*** A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

***SETBACK LINE or BUILDING SETBACK LINE.*** A line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

***SHRUB.*** Any self-supporting woody evergreen and/or deciduous species.

***SIDE YARD.*** A space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

***SIGN.*** Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected, illuminated or in any manner outlined or attached and used for advertising purposes.

***SINGLE-FAMILY, ATTACHED.*** The use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

***SINGLE-FAMILY, DETACHED.*** The use of a lot for only one dwelling unit.

***SINGLE-FAMILY DWELLING.*** A building designed for or occupied exclusively by one household. See ***SINGLE-FAMILY, DETACHED.***

***SITE PLAN.*** A plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities to be constructed and drainage, erosion control and utilities.

***SLOPE.*** The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The ***SLOPE*** is usually given as a percentage.

**SPECULAR REFLECTOR.** A reflector which has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source.

**SQUARE FOOT or SQUARE FEET.** The square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

**STORY.** The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET.** Any public or private right-of-way which affords the primary means of vehicular access to abutting property.

**STREET LINE.** The line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

**STREET-SIDE YARD.** An area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right-of-way.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or the exterior walls.

**STRUCTURAL INTEGRITY.** The ability of a structure to maintain stability against normal forces experienced by said structure.

**STRUCTURE.** Any building or anything constructed or erected on the ground or which is attached to something located on the ground. **STRUCTURES** include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered **STRUCTURES** unless located within a public utility or drainage easement.

**STRUCTURE, PRINCIPAL.** The principal structure which fulfills the purpose for which the building plot is intended.

**STUCCO.** Masonry on blocks or lath.

**SUBDIVISION.** The division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the city, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

**SWIMMING POOL (PRIVATE).** A swimming pool constructed for the exclusive use of the residents of a single-family or other residential dwelling, located and fenced in accordance with city regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners. See **ABOVE-GROUND POOL**.

**VARIANCE.** An adjustment in the application of the specific regulations of this chapter to a particular parcel of property which, because of special conditions or circumstances 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.

**WATERSHED.** Area from which storm water drains into a given basin, river or creek.

**WORKING DAYS.** Monday through Friday, exclusive of city-recognized holidays.

**YARD.** An open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**YARD DEPTH.** The shortest distance between a lot line and a yard line.

**YARD, FRONT.** A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or un-air-conditioned porch. On corner lots, the **FRONT YARD** shall be considered as parallel to the street upon which the yard has its least dimension.

**YARD LINE.** A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

**YARD, REAR.** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies or bays, or un-air-conditioned porches, accessory dwellings or detached garages.

**YARD, SIDE.** A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

**ZERO-LOT-LINE LOT.** A single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of ten feet from the side lot line to the building line is created on the other side of the lot.

**ZONING.** The division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility.

**ZONING MAP.** The official map showing the division of the city into districts, which is a part of this chapter.

**ZONING (SPOT).** The **zoning** or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses.

(Ord. 00-65N, passed 6-1-2005; Ord. 17-230, passed 6-14-2017)

## § 156.010 ESTABLISHMENT OF **ZONING** DISTRICTS.

(A) *General.* The city is hereby divided into 28 **zoning** districts, each such district having the authorized use, height and area regulations as set out in the **Zoning** Districts Charts. (See §§ [156.063](#) and [156.083](#) of this chapter).

(B) **Zoning map.** The location and boundaries of the districts herein established are shown upon the **zoning map**, which is hereby incorporated and made a part of this chapter; provided that, such uses as listed but not shown on the **zoning map** are provided for future growth and use upon expansion of the corporate boundaries of the city and amendment of the Comprehensive Master Plan. It shall be the duty of the City Secretary (whose function is assigned to the City Manager/Administrator) to maintain the **zoning map** together with all notations, references and other information shown thereon and all amendments thereto.

(C) *District boundaries.* Where uncertainty exists with respect to the boundaries of the established districts as shown on the **zoning map**, the following rules shall apply.

(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the **zoning map**. If no distance is given, such dimension shall be determined by the use of the scale on said **zoning map**.

(4) In subdivided property, the district boundary lines on the **zoning map** shall be determined by use of the scale appearing on the map.

(5) If a district boundary line divides a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.

(6) Whenever any street, alley or other public way is vacated by the City Council, the **zoning** district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.

(7) Where the streets on the ground differ from the streets shown on the **zoning map**, those on the ground shall control.

(Ord. 00-65N, passed 6-1-2005)

## **GENERAL REQUIREMENTS AND LIMITATIONS**

### § 156.025 **ZONING** DISTRICT CONFORMITY.

No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use, for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that, necessary structural repairs may be made where health and safety are endangered. (See § [156.082](#) of this chapter.)

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

### § 156.026 **RESERVED.**

 **§ 156.027 OUTDOOR TANKS.**

All outdoor ~~Outdoor tanks~~, excluding rain water collection tanks with a capacity of 100 gallons or less, shall be shielded from view by landscaping or fencing. Privacy fencing may be used if in compliance with other sections of the Woodcreek Code of Ordinances. ~~including propane tanks, must be screened by fencing or landscaping.~~ Building permits are required for fencing.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.028 HARD-SURFACE DRIVEWAYS.**

All buildings shall have a hard-surface driveway. Accessory structures not accessed by road vehicles are excepted.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.029 PARKING.**

Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned rights-of-way, park or greenbelt is prohibited except under the following conditions:

(A) Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.

(B) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the city.

(C) Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the city, subject to the restrictions of any posted signs.

(D) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions in § [10.99](#) of this code of ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 15-217, passed 10-14-2015; Ord. 16-219, passed 2-10-2016; Ord. 18-243, passed 1-17-2018)

 **§ 156.030 FENCES.**

(A) All fences shall be constructed and maintained to ensure structural integrity against natural forces such as wind, rain and temperature variations.

(B) All fences shall be maintained in safe and good workmanship condition.

(C) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.031 WOOD ROOFS.**

To reduce fire hazards, wood roof surfaces are not permitted in any **zoning** district. Fire-resistant materials such as metal, tile, fiberglass, composite shingles and the like shall be used on all roof surfaces.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.032 MOBILE HOMES.**

~~—Mobile homes are not permitted in any **zoning** district.~~

~~(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)~~

 **§ 156.033 SIGNS AND BILLBOARDS.**

(A) No sign or billboard shall be erected, moved, altered, added to, enlarged, painted or modified unless it shall conform to the provisions of this chapter and all applicable city ordinances governing the placement, location, permitting, construction and maintenance of signs.

(B) Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.034 STRUCTURES AND BUILDINGS.**

No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable city codes and ordinances, and such work and structure shall:

(A) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located; and/or

(B) Not exceed the height limit herein established for the district in which such building is located.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

 **§ 156.035 ACCESSORY STRUCTURES AND USES.**

Accessory structures, designed, constructed and located for a use permitted in the district, in compliance with this chapter and all other applicable city ordinances, are permitted in each **zoning** district.

(Ord. 00-65N, passed 6-1-2005)

 **§ 156.036 CONFORMITY TO OTHER CITY ORDINANCES.**

No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless plans meet the requirements of other city ordinances, including §§ [151.01](#) through [151.13](#), [Ch. 153](#) and [Ch. 155](#) of this code of ordinances.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.037 PARKING AND LOAD REQUIREMENTS.**

No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.038 BUILDING SETBACK REQUIREMENTS.**

No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.039 HEIGHT AND PLACEMENT REQUIREMENTS.**

Except as otherwise specifically provided in this chapter, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the **zoning** districts charts herein.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.040 USES NON-CUMULATIVE.**

Uses within each district are restricted solely to those uses expressly permitted in each district, and are not cumulative unless so stated.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.041 EXCEPTIONS.**

Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this chapter.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.042 OUTDOOR LIGHTING REGULATIONS.**

(A) *Dark skies compliance required.* All new outdoor lighting fixtures and installations in the city shall conform to the following provisions.

(B) *Definitions.* For the purpose of this section, the definitions of § [156.009](#) shall apply unless the context clearly indicates or requires a different meaning.

(C) *Shielding, spectrum and curfews.*

(1) Any fixture installed in the city, including municipally-owned street lights, having a total light emission in excess of 1,500 lumens shall be shielded in a manner that:

(a) Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below a horizontal plane at the level of the lowest of: the lowest point of the fixture at which light is emitted, the lowest part of any lens, or the lowest point of any specular reflector; and

(b) Prevents a line of sight from any point off the property on which the fixture is situated to a light source, its surrounding non-diffusing lens, or a specular reflector within or incidental to the fixture.

(2) No property in the city shall have fixtures that are not included in, or do not conform to division (C)(1) of this section, which collectively have total light emission exceeding 7,200 initial lumens.

(3) No fixture may be installed employing a lamp whose correlated color temperature exceeds 3,000 Kelvins.

(4) New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

(D) *Site lumen limits/zoning categories.*

(1) The total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in both shielded and unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 20,000 initial lumens per net acre, or 40,000 initial lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area. These lumen per net acre values are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task.

(2) Total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1 A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 6,000 initial lumens per net acre, or initial 15,000 lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated areas.

(E) *Redirection and removal of adjustable fixtures and bulbs.*

(1) *Redirection.* Any fixture existing on the effective date of this subchapter which does not conform to division (C) of this section and which can be re-directed or re-aimed shall be re-directed or re-aimed in a manner that reduces the degree of non-compliance so it fully conforms with division (C) of this section.

(2) *Removal.* A light string that does not conform to division (C) of this section shall be removed, or the number of bulbs reduced sufficiently to comply with division (C) of this section.

(F) *Illumination.*

(1) *Limitation per fixture.* The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this section, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

(a) Six footcandles in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1 A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists;

(b) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or

(c) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist;

(2) *Measurement.*

(a) On any surface, except signs, the maximum illumination shall be measured at the point of highest illumination but no closer than six feet from the center of the nearest fixture.

(b) On any surface of an externally illuminated sign, the maximum illumination shall be measured at the center of the sign.

(c) On any surface of an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination.

(d) On any surface illuminated by an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination, but no closer than six feet from the center of the sign.

(3) *Re-lamping.* Any fixtures existing on the effective date of this subchapter which do not conform to this section, which require lamp replacement and which will support lamps of lower emission, shall be re-lamped with lower-emission lamps in order to:

(a) Achieve compliance with this section; or

(b) Approach compliance with this section to the greatest possible degree.

(G) *Prohibited lighting forms.* The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is strictly prohibited.

(H) *Removal of non-conforming fixtures.* Any change of use of a property, or renovations or additions to the structures on a property constituting more than 20% of the previous calendar year's appraised value shall result in the removal or replacement of any non-conforming fixtures on those structures.

(I) *Replacement of fixtures; conformance required.* Any fixture that is replaced, whether or not it conforms to this subchapter, shall be replaced only with a fixture that conforms to all provisions of this section.

(J) *Public safety and public nuisance.*

(1) The city may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(2) Notwithstanding the provisions of division (I) of this section, the city may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria:

(a) Criteria for finding illumination to be a public hazard:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path; or

(b) Criteria for finding illumination to be a public nuisance:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property; or

2. A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or

3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.

(3) Benefit to the general public welfare may be found to mitigate a finding of a public nuisance but may not be found to mitigate a finding of a public hazard.

(K) *Exceptions.* The city may grant an exception to some of the provisions of this section for certain fixtures if the city finds the exception to be in the interest of public health, safety, and welfare and under the following conditions.

(1) For the illumination of city streets, parking lots, areas of public activity, and yard security, a non-conforming fixture which is granted an exception may be installed and the fixture and its light shall be exempt from the provisions of divisions (C), (F)(1)(c), and (H) of this section except as set forth below it:

(a) No alternate lighting design or location using fully conforming fixtures is reasonable applicable to the physical conditions of the site, and the asserted need for a non-conforming fixture is not solely for the purpose of achieving an illumination level in excess of the provisions of division (F)(1)(c) of this section;

(b) A fully conforming fixture with or without auxiliary shielding is unavailable from manufacturers of fixtures or is unavailable for mounting on a pole of the public electric utility;

(c) The fixture has a full horizontal cut-off design, and has total light emission not exceeding 8,500 initial lumens;

(d) A fixture is mounted no higher than:

1. Sixteen feet above the ground when mounted on a privately owned pole;

2. The lowest point consistent with public electric utility requirements when mounted on a pole which is the property of the public electric utility.

(e) No excepted fixture is located closer to another such fixture on one or separate properties than a distance equal to three times the average mounting height of the fixtures, nor



closer to property lines of adjoining or facing residential property than a distance equal to two times the height of the fixture above the ground;

(f) No more than one excepted fixture is located on a residential property;

(g) No more than two excepted fixtures are located on a non-residential property for security purposes where there is no night-time public activity;

(h) The maximum illumination due to all fixtures on the ground or any other surface does not exceed six footcandles; and

(i) The light from all excepted fixtures conforms to the provisions of division (C)(1)(b) and (C)(3) of this section so far as it affects any adjoining residential property.

(j) The lighting illuminates the State of Texas flag and/or United States flag, provided that:

1. Flagpoles illuminated from below are limited to a height of 30 feet above ground level, and are illuminated with a single spot-type fixture whose maximum initial output is 75 lumens per foot of height, measured from the light fixture to the top of the flagpole. The fixture must be mounted so that the lens is perpendicular to the flagpole.

2. Flags posted on flagpoles are raised and lowered in a manner consistent with customary etiquette calling for display only between sunrise and sunset.

3. Flagpoles illuminated from above utilize a single light fixture, not to exceed 800 initial lumens, attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole.

(k) Decorative light strings displayed during seasonal holiday period from November 1 to January 15 of the following calendar year are exempt from the provisions of this section.

(L) *Applicability; administration and enforcement.*

(1) All lighting installations or additions to lighting installations made after the original effective date of this section shall conform to this subchapter and shall be subject to inspection by the Woodcreek City Manager or his or her designee.

(2) An outdoor lighting plan shall be included as part of the documentation for a permit application. The outdoor lighting plan shall show the bulb type and electric power of all proposed and existing outdoor bulbs and fixtures in the lighting installation, and provide sufficient detail with respect to location, height, and aiming and shielding of the fixtures to demonstrate that the proposed lighting installation complies with this section.

(3) If the City Manager or his or her designee finds that an outdoor lighting fixture does not comply with this section, the owner shall be notified and shall be allowed 30 days from the date of receipt of notification to remedy the non-compliance or to demonstrate that a violation does not exist.

(Ord. 17-230, passed 6-14-2017)

## **RESIDENTIAL REQUIREMENTS AND LIMITATIONS**

 **§ 156.055 PERMITTED SINGLE-FAMILY RESIDENTIAL ZONING.**

Permitted uses allowed in all single-family residential **zoning** districts:

- (A) Single-family, built on lot, dwellings;
- (B) Home occupation;
- (C) Temporary buildings for uses incidental to construction work on the premises which shall be removed upon the completion or abandonment of construction work;
- (D) Water supply reservoirs, pumping plants and towers;
- (E) Accessory structures and uses customarily incidental to the above uses and located on the same lot therewith, not involving any conduct of any business or commercial enterprise; and
- (F) Churches.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.056 MASONRY REQUIREMENTS.**

(A) Exterior walls of all structures shall have a minimum of 55% stone, brick or stucco, exclusive of openings. For the purpose of calculating the 55% requirement, area of the exterior walls shall be the determinant. Calculation shall be based upon height multiplied by the linear length of the exterior walls minus the area of all openings (i.e., windows, doors and vents). *STUCCO* shall be deemed to mean multiple applications of wet portland cement stucco or like material applied over stone, brick, concrete, concrete block, tile block or steel mesh that has been affixed to the exterior structure.

(B) Exterior walls of accessory structures shall have a minimum of 55% stone, brick, stucco, or cement board siding, exclusive of openings. Calculations shall be based upon height multiplied by the linear length of exterior walls minus the area of all openings (i.e., windows, doors, and vents.)

(C) With regard to structures built before 8-12-1985, any new additions to the original structure or any new accessory buildings to be located on the same and original lot shall be required to have as a minimum the same percentage of masonry originally authorized and utilized for the initial structure. Products that are classified as cement board ~~such as Handiplank, Handiboard or Handipanel~~ are not to be used to meeting masonry requirements on additions to original structure, **except as allowable in 156.06B.**

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.057 CARPORTS AND GARAGES.**

Carports are not permitted in any **zoning** district. A fully-enclosed garage is required. See § [156.064](#) of this chapter for garage requirements by **zoning** district.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

**§ 156.058 FENCES.**

(A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the

street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high. For multifamily districts (MF-1, MF-1A, and MF-2) adjacent and contiguous to single-family districts (SF-1 through SF-6), perimeter fences along shared district boundaries may not exceed eight feet height from grade.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than five feet to an exterior lot line bordering the golf course. Retainer walls are excepted. Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences along lot lines contiguous or abutting a golf course shall be constructed of ornamental metal and shall be a minimum of four feet and a maximum of six feet in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its principal fencing support structure consists of ornamental metal. **SMALL-ANIMAL FENCING** means metal fencing with opening spacing between the wires measuring approximately two inches by three inches that matches the color and architecture of the principal fencing to which it is attached. Wire thickness shall not exceed 0.1 inch. Approved small-animal fencing may not exceed 50% of the height of the approved or existing principal fencing.

(D) Should a non-conforming fence or non-conforming portion of a fence be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(E) A fence permit will be issued by the city upon completion of a Type II Residential Permit Application and submittal of required fees in accordance with this chapter. A copy of an approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the city. This permit will expire 60 days from date of issuance.

(F) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions set forth in § [10.99](#) of this Code of Ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-218, passed 1-13-2016; Ord. 16-227, passed 9-22-2016)

#### § 156.059 ABOVE-GROUND POOLS.

Above-ground pools are not permitted in any **zoning** district.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

#### § 156.060 PARKING. Previously discussed by Planning and Zoning Commission

(A) All owners, tenants or occupants of any residence used for residential purposes shall be required to park their vehicles in garages, carports or driveways. No such vehicle, trailer or

recreational vehicle shall be parked on a street or within any property unless same is not visible. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except on a temporary basis. **TEMPORARY** shall be defined as not exceed five days in any 30-day period.

(B) It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each area measuring ten feet by 20 feet.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

#### § 156.061 GARAGE AND YARD SALES.

(A) Garage and yard sales shall be limited to the personal belongings of the occupants of the residence, specifically those of the owners or renters living at the residence. For purposes of this chapter, **OCCUPANTS** shall be deemed to mean full-time, permanent residents of the dwelling and shall not include renters with rental agreements of less than six months.

(B) Such sales shall be limited to city residents and to duration no longer than three days. Sales at any location must be separated by a minimum of six months.

~~(C) Occupants, other persons or agents may not bring additional items to the premises for such sales.~~

~~(D) Auctions are prohibited.~~

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

#### § 156.062 HOME OCCUPATION CRITERIA.

Home occupation must comply with all the following criteria.

(A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle building from that of a dwelling unit for human habitation.

(B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20% of the gross floor area of the dwelling unit.

(C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.

(D) The occupation shall not create additional vehicular traffic.

(E) There shall be no storage of merchandise on the property (~~within or on the~~ outside of buildings) connected with the business, except one vehicle used in the business. ~~Merchandise may be stored within the vehicle.~~ Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.

(F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.

(G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.

(H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.

~~(I) The occupation shall not cause a substantial increase in any utilities.~~

(J) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.

(K) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.

(L) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the city or which would constitute a common-law nuisance.

(M) The occupation shall not produce, nor result in, any external noise or vibration.

(Ord. 00-65N, passed 6-1-2005) Penalty, see § [156.999](#)

## § 156.063 CHART 1: RESIDENTIAL ZONING DISTRICTS.

### (A) *General.*

(1) All floor space is calculated exclusive of garage, porches, patios, driveways, terraces and other similar additions. Maximum building height for all structures is 30 feet.

(2) Bi-level buildings shall have a minimum living area as calculated at the midpoint between the requirements of one and two stories.

(3) Lots bordering the golf course which are more than 25 feet from the area of play (as defined by the golf course out-of-bounds markers as of 2-15-2005 and per the map adopted herein) may have a 15-foot building setback line.

### (B) *Districts.*

(1) *SF-1, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area:

1. One story: 1,500 square feet; and
2. ~~Two~~ **Second** story: ~~2~~ 1000 square feet.

(b) Minimum setbacks:

1. Front and back: 25 feet

2. Interior sides: seven and one-half feet; and
3. Street side: ten feet.

(c) Two-car garage, **not less than 400 square feet (20X20)**

(2) *SF-2, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

- (a) Minimum square feet living area:
  - a. **One story, 1,000 square feet;**
  - b. **Second story, 500 square feet**

(b) Minimum setbacks:

1. Front: 25 feet;
2. Interior sides: seven and one-half feet; and
3. Street side: ten feet.

(c) Two-car garage. **not less than 400 square feet (20X20)**

(3) *SF-3, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area:

1. One story: 1,000; and
2. ~~Two~~ **Second story: 1,200. 200 square feet**

(b) Minimum setbacks:

1. Front: ten feet;
2. Rear: 15 feet;
3. Interior lot lines: zero;
4. Street side: five feet.

(c) Two-car garage. **not less than 400 square feet (20X20)**

(4) *SF-4, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

- (a) Minimum square feet living area: 900;
- (b) Minimum setbacks: zero lot lines;
- (c) No garage required; and
- (d) Short-term rentals allowed.

(5) *SF-5, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area: 1,000;

(b) Minimum setbacks:

1. Front: 20 feet;
2. Rear: 15 feet;
3. Side: seven and one-half; and
4. Street side: ten feet.

(c) One-car garage **not less than 200 square feet (10X20)**

(6) *SF-6, Single-Family Residence*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum square feet living area: 1,000;

(b) Minimum setbacks:

1. Front: 25 feet;
2. Rear: 25 feet;
3. Side: five feet; and
4. Street side: ten feet.

(c) Two-car garage. **not less than 400 square feet (20X20)**

(7) *TH/C, Townhouse and Condominium Residence*. Multiple-dwelling units with one family per dwelling unit. **Zoning** can include single-family dwelling, duplex, townhouses, condominiums:

(a) Minimum square feet living area:

1. One story: 1,000 feet; and
2. Two story: 1,200 feet.

(b) Minimum setbacks:

1. Front and back: 25 feet;
2. Interior lot lines: seven and one-half feet; and
3. Street side: 15 feet.

(c) Two-car garage. **not less than 400 square feet (20X20)**

(8) *DU-1, Two-Family Duplex*. Two single-family dwelling units limited to no more than one building per lot occupied by no more than two families. **Zoning** can include single-family dwelling or two-family duplex:

(a) Minimum square feet living area per individual unit:

1. One story: 1,000 feet; and
2. Two story: 1,200 feet.

(b) Minimum setbacks:

1. Front and back: 25 feet;
2. Interior: seven and one-half feet; and
3. Street side: 15 feet.

(9) *4PLX, Four-Plex*. Four single-family dwelling units limited to no more than one building per lot occupied by no more than four families. **Zoning** can include single-family dwelling, two-family dwelling or four-family four-plex:

(a) Minimum square feet living area per individual unit: 800;

(b) Minimum setbacks:

1. Front and back: 25 feet;
2. Interior lot lines: seven and one-half feet; and
3. Street side: 15 feet.

(c) One-car garage per individual unit. **not less than 200 square feet (10X20)**

(10) *Multi-Family Residences*. (See §§ [156.065](#) and [156.066](#) of this chapter for additional information on multi-family residences.)

(11) *MF-1, Multi-Family Residence*. Maximum units per acre: 14.

(12) *MF-1A*. Maximum units per acre: not to exceed 14 units per acre.

(13) *MF-2, Multi-Family Residence*. Maximum units per acre: 16.

(14) *RR, Rural Residence District*. One-family dwelling with no more than one residence per lot occupied by no more than one family:

(a) Minimum lot: one acre;

(b) Minimum square feet living area:

1. One story: 1,500; and
2. Two story: 2,000.

(c) Minimum setbacks:

1. Front and back: 25 feet;



- 2. Interior sides: seven and one-half; and
- 3. Street sides: 15 feet.

(d) Two-car garage. . **not less than 400 square feet (20X20)**

(15) *PUD, Planned Unit Development.* Planned unit development with planned diverse land uses, such as housing, recreation and shopping in one contained development, and allowing for cluster development and alternative design standards. Minimum site areas: inside city, ten acres recommended.

(16) *MH-1, Manufactured Housing Subdivision.*

- (a) Minimum lot: 7,200 feet;
- (b) Minimum square feet living area: 600; and

(b) Property and areas of the city zoned MH-1 may be planned, used, approved, platted and occupied as a manufactured housing subdivision with lots sold and conveyed to individual lot owners. Land and areas of the city zoned MH-1 and having an approved subdivision plan may be used for manufactured housing.

(17) *Personal care facility.* See § [156.067](#) of this chapter.

(Ord. 00-65N, passed 6-1-2005)

 § 156.064 **CHART 2: RESIDENTIAL ZONING REQUIREMENTS.**

**RESIDENTIAL ZONING REQUIREMENTS BY DISTRICT**

**Note: This table is available in a printer-friendly, PDF version. Click [HERE](#)**

SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH/C	DU-1	4PLX	MF	RR	PUD	MH-1				
% masonry required			55	55	55	55	55	55	55	55	55	55		55	55	
Garage required			2-Car	2-Car	2-Car	No	1-Car	2-Car	2-Car	1-Car	1-Car	1-Car		2-Car	1-Car	
Maximum dwelling units per lot			1	1	1	1	1	1	1	2	4		see § <a href="#">156.064</a> for MF-1, MF-2 requirements and § <a href="#">156.065</a> for MF-1A requirements		1	1
Maximum dwelling height			30'	30'	30'	30'	30'	30'	30'	30'	30'	30'		30'	30'	
Maximum impervious cover			35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	35 <sup>2</sup>	45 <sup>2</sup>	45 <sup>2</sup>	55 <sup>2</sup>			25 <sup>2</sup>	35 <sup>2</sup>	
Minimum setbacks																

Front	25'	25'	10'	20'	20'	25'	25'	25'	25'		25'	25'	
Interior side	7-1/2'	7-1/2'	0'	0'	7-1/2'	5'	7-1/2'	7-1/2'	7-1/2'		7-1/2'	7-1/2'	
Rear	25'	25'	15'	15'	15'	25'	25'	25'	25'		25'	15'	
Street side	10'	10'	5'	5'	10'	10'	15'	15'	15'		10'	10'	
Minimum square footage													
One-story	1,500	1,000	1,000	900	1,000	1,000	1,000	1,000*	900*	800*		1,500	1,000
Two-story	2,000	1,000	1,200	900	1,000	1,000	1,200*	1,800*	800*		2,000	NA	
NOTES TO TABLE: 1 per unit 2 Maximum impervious cover is capped at 30% for construction for which a site development plan was not filed prior to October 20, 2006.													

(Ord. 00-65N, passed 6-1-2005; Ord. 06-103, passed 10-20-2006; Ord. 06-103A, passed 1-10-2007; Ord. 10-135, passed 1-13-2010; Ord. 10-139, passed 2-10-2010; Ord. 14-194, passed 6-11-2014)

 § 156.065 CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES.

(A) *Purpose.*

(1) To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land; and

(2) To permit higher density development of property not suitable for single-family development, but to protect adjacent single-family development from any negative impact of the higher density use.

(B) *Permitted uses.*

(1) Single-family homes, duplex units, four-plex units or apartment complexes meeting the minimum requirements of this zone. All uses within this zone shall require approval of a site plan by the Planning and **Zoning** Commission and City Council prior to the issuance of a building permit; and

(2) Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the site review required before a building permit is granted.

(C) *Requirements.* The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

% masonry required	55%
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Maximum density	
MF-1	14 units per acre
MF-2	16 units per acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
Minimum floor area per unit	
1 BR	500 sq. ft.
2BR	850 sq. ft.
3 BR	1,000 sq. ft.
Parking spaces required/units	
1 BR	1.5
2 BR	2.5
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or 1/2 the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or 1/2 the height of the closest building on the property, whichever is greater

(Ord. 00-65N, passed 6-1-2005)

 § 156.066 CHART 4: MULTI-FAMILY REQUIREMENTS, MF-1A.

(A) *Purpose.*

(1) To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land; and

(2) To permit higher density development of property not suitable for single-family development, or for more dense M-F development, in order to protect adjacent single-family development from any negative impact of the higher density use.

(B) *Permitted uses.*

(1) Duplex units, four-plex units or apartment complexes having the number of units, but no more than 14 units per acre, as determined herein zoning this property. This zone shall require approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of a building permit; and

(2) Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the site review required before a building permit is granted.

(C) *Requirements.* The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property, and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

% masonry required	55%
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Maximum density* (1)	14 units/acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
Minimum floor area per unit	
1 BR	500 sq. ft.
2 BR	850 sq. ft.
3 BR	1,000 sq. ft.
Parking spaces required/units	
1 BR	1.5
2 BR	2.5
3 BR	3
Rear yard (abutting single-family residential property)	25' or the height of the closest budding on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or 1/2 the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or 1/2 the height of the closest building on the property, whichever is greater
<b>NOTES TO TABLE:</b>	

(1) Maximum density shall be determined in the ordinance zoning this property, not to exceed 14 units per acre.

(Ord. 00-65N, passed 6-1-2005)

§ 156.067 PERSONAL CARE FACILITIES.

(A) *General.* As the city's zoning regulations must comply with the Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly, this section clarifies what the city, by law, must allow and addresses the federal and state restrictions in place.

(B) *Definition.* **PERSONAL CARE FACILITY** means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single-family zoning districts.

(1) This definition includes a community-based residential home operated by:

- (a) The State Department of Mental Health and Mental Retardation;
- (b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;
- (c) A non-profit corporation; or
- (d) Any entity certified by the State Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program.

(2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).

(C) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:

(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements.

- (a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.
- (b) There shall be two parking spaces, plus one additional space for each three residents.
- (c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.
- (d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.
- (e) The structure and operations shall comply with the standards established by the State Department of Human Services as licensing standards for personal care facilities for a Type B facility.

- (2) The home must meet all applicable state licensing requirements;
- (3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and
- (4) A personal care facility may not have more than 15 residents.

(Ord. 00-65N, passed 6-1-2005)

## **GENERAL DISTRICT LIMITATIONS**

### **§ 156.080 BUSINESS USE REQUIREMENTS AND LIMITATIONS.**

(A) The city is divided into six business districts. All districts permitting any business or commercial use require one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The city's business districts allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.

(B) Permitted Neighborhood Office (NO) **zoning** includes:

(1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and

(2) Accessory structures and uses to any of the foregoing permitted uses.

(C) Permitted Neighborhood Commercial (NC) **zoning** includes:

(1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and

(2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.

(D) Special events: those uses permitted by City Council pursuant to § [156.082](#) of this chapter.

(E) Commercial lots bordering a residential **zoning** district shall be required to have a six-foot high privacy fence on all sides adjoining the residential **zoning** district.

(F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

(Ord. 00-65N, passed 6-1-2005)

### **§ 156.081 RECREATIONAL DISTRICT REQUIREMENTS AND LIMITATIONS.**

(A) *Purpose.* This district is intended to establish and preserve attractive recreational facilities and to protect the integrity of such areas by prohibiting uses that are incompatible with permitted

recreational uses. The site should also contain adequate space for required off-street parking and for buffering from residential districts.

(B) *Permitted uses.*

(1) The following are permitted:

(a) Golf courses including natural or artificial hazards for the game of golf, tee boxes, fairways and golf greens, golf cart storage, servicing facilities and golf course maintenance facilities. Club houses, tennis courts, swimming pools, pavilions and similar recreational facilities may be permitted by a conditional use permit;

(b) Tennis courts and swimming pools;

(c) Youth camps;

(d) Similar use recreational facilities may be approved by the City Council granting a conditional use permit; and

(e) Accessory structures and uses incidental to the foregoing uses.

(2) No structure may be erected or converted to any use other than for recreational purposes or uses related directly to recreation as such exists on the date of this chapter.

(3) The area of property used for an existing use may not be increased nor the use changed without a permit being obtained. The use or size of any structure may not be changed, modified or increased unless the plans and site plan therefor are approved by the City Council. A permit and application fee in the amount of \$100 shall be paid for each permit application.

(4) Implicit in the above are such things as hours of operation, lighting, sounds, noise, music and the like, which may be viewed as intrusive by property owners whose property is located in the immediate area of the property zoned as recreational.

(C) *Special event permit.* Those uses permitted by the City Council pursuant to § [156.082](#) of this chapter.

(Ord. 00-65N, passed 6-1-2005)

 § 156.082 SPECIAL EVENT PERMITS.

A special event permit is required for all events which are outside of normal and customary [zoning](#) district activities. Such activities must also comply with all other city ordinances and be harmonious with the [zoning](#) district in which it is to take place.

(A) *Permit required.*

(1) No special event shall be established, operated or maintained, except as authorized by a special event permit issued in accordance with the requirements of this section.

(2) A special event permit may be issued by City Council only for the special event meeting the criteria in division (C) below and only for the location where it is authorized.

(3) Permit fee is \$25 and the permit shall specify the allowed days and times of the special event.

(B) *Application.* An application for a special event permit shall be made in writing. Application will be approved or denied within 30 days from date all necessary information is received.

(C) *Compliance.* A special event permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics for the special event are compatible with the surrounding neighborhood and uses;

(2) The special event will not have an adverse effect on the value of the surrounding properties nor impede their proper development;

(3) The special event will not create a nuisance, nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

(4) The traffic that the special event can be reasonably expected to generate on existing streets will not create nor add significantly to congestion, safety hazards or parking problems in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The special event complies with all other applicable ordinances.

(D) **Zoning** change.

(1) A special event permit is not a **zoning** change.

(2) The notice and procedures required for a **zoning** change shall not be applicable to the issuance of a special use permit.

(3) Upon an administratively complete application being made for a special event permit, the City Council may decide to grant or deny the same at any meeting of the Council for which notice is given. The City Council may further, in its discretion, require the giving of notice by publication that the application for the special event permit will be considered at a public hearing to be held not less than ten days after the publication of such notice of hearing.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.083 CHART 5: OTHER NON-RESIDENTIAL **ZONING** DISTRICTS.

Maximum building height is 30 feet. All sites shall contain adequate space for required off-street parking and for buffering from residential districts. Prohibited uses include any activity which produces nuisances as described herein.

(A) *Commercial.* (See § [156.080](#) of this chapter for additional information and requirements.)

(1) *NO, Neighborhood Office.* This district is intended to provide sites for businesses and professional office uses. (See § [156.080](#) of this chapter.)

(2) *NC, Neighborhood Commercial.* This district is intended to provide sites for retail and service businesses or other such businesses as may be approved by City Council. (See § [156.080](#) of this chapter.)

(3) *CRR12, Commercial RR 12.* This district is intended for major mixed-use developments of a service nature which typically have operating characteristics requiring location at the intersection of state-maintained highway, excluding scenic arterial.



(4) *HCC, Hotel/conference Center.* This district is intended to provide appropriate districts for hotels, conference centers, motels, lodges, inns and bed-and-breakfast establishments

(5) *CR, Commercial Recreational.* This district is intended to provide sites for commercial recreational activities.

(B) *Other non-residential districts.*

(1) *R, Recreational.* This district is intended to establish and preserve attractive recreational facilities including golf courses and youth camp facilities. Permitted uses also include tennis courts, facilities or clubhouses and other recreational facilities approved by City Council. Special events may be permitted by City Council pursuant to § [156.082](#) of this chapter.

(2) *G, Governmental Services.* This district is intended to provide appropriate areas for uses that provide important community services. Permitted uses include facilities owned or leased by the federal, state, city or city government. Also permitted are churches, schools, either public or private non-profit, and libraries.

(3) *U, Utility Services.* This district is intended for uses required for both public and private utilities and commercial wireless communications systems

(4) *P-1, Public Park.* This district is intended to establish and preserve peaceful and attractive parcels of land as a place for public recreation. Permitted uses include public open and natural areas surrounded or partly surrounded by woodland or grassland, public areas developed for recreation. Accessory structures, parking and uses incidental to the foregoing permitted uses.

(5) *NWP, Nature Wildlife Preserve.* This district is privately owned land established to preserve open space and wildlife.

(6) *GB, Greenbelt District.* This district is intended to establish and preserve peaceful, attractive, natural or undisturbed areas adjacent to residential districts. Permitted uses include hiking, jogging and non-motorized biking and nature trails, accessory structures and uses incidental to the foregoing uses.

(7) *PUD, Planned Unit Development.* Planned unit development with planned diverse land uses, such as housing, recreation and shopping in one consolidated development, and allowing for cluster development and alternative design standards. Minimum site areas: inside city, ten acres recommended.

(Ord. 00-65N, passed 6-1-2005)

 § 156.084 SPECIAL USE PERMITS.

(A) *Purpose.* The City Council may by ordinance, adopted by four affirmative votes after receiving the recommendation of the Commission, grant a special use permit in compliance with this section for the special uses as listed in division (B) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(B) *Authorized special uses.* Special uses and those indicated in a specific **zoning** district as permitted with a special use permit, and none other, may be authorized subject to the terms of

this division (B) and compliance with all special terms, regulations and requirements established by the City Council, as identified in the specific district or definition of the use.

(C) *Procedure.* Before authorization of any of the above special uses, public notice shall be given and public hearings shall be held as provided in Tex. Local Gov't Code Ch. 211; provided that, a special use permit for a period not to exceed seven calendar days may be given for a use set forth herein after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(1) *Permit required.* No special use shall be established, operated or maintained, except as authorized by a special use permit issued in accordance with the requirements of this section.

(2) *Special use permit issued by City Council.* A special use permit may be issued only for the special uses specified in this section, and only for the district where it is authorized.

(3) *Compliance.* The City Council shall determine whether the proposed special use complies with each of the general criteria in division (D) below and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the Commission.

(4) *Conditions.* The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.

(5) *Application.* An application for a special use permit shall be made in writing in a form prescribed by the City Secretary and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

(D) *General criteria applicable to all special uses.* A proposed special use permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

(2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(3) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his or her property or operation of his or her business;

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The proposed use complies with all other applicable ordinances and regulations.

(E) *Specific permits.*

(1) The subject property is located at two cabins in Camp Young Judaea, per the map attached to the ordinance codified herein, is and shall remain in **zoning** district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current **zoning**, through a special use permit. The property is accordingly hereby granted a special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current **zoning** district in which property is located.

(2) The subject property is two manufactured office buildings in Camp Young Judaea, per the map attached to the ordinance codified herein, Exhibit A (Camp Young Judaea map dated 11-22-2006), is and shall remain in **zoning** district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current **zoning**, through a special use permit. The property is accordingly hereby granted a special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current **zoning** district in which property is located.

(3) The subject property is located in the close vicinity of QuickSand Golf Course's Pro Shop, as more particularly described as the QuickSand Golf Course Cart Barn, per the map attached to the ordinance codified herein, is and shall remain in **zoning** district Recreational. This chapter allows for additional or conditional uses to be permitted that are in addition to the current **zoning**, through a special use permit. The property is accordingly hereby granted a special use permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current **zoning** district in which property is located.

(Ord. 00-65F, passed 11-12-2003; Ord. 00-65N, passed 6-1-2005; Ord. 00-65O, passed 11-22-2006)

#### § 156.085 ANTENNA REGULATIONS.

##### (A) *Wireless telecommunications facilities.*

(1) The purpose of this section is to establish guidelines regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety and to mitigate adverse visual impacts on the community while promoting the provision of telecommunications service to the public.

(2) The regulations contained in this section are developed under the general guidelines as provided in the Federal Telecommunications Act of 1996.

(3) Notwithstanding any other provision of this section, telecommunications towers and antennas, when permitted by federal law and the laws of the state, shall be regulated and governed by the following use regulations and requirements.

##### (B) *General provisions.*

(1) *Application.* This section's site plan requirements and fees apply to towers and antennas.

(2) *Technical assistance.* When the technical information provided by the applicant is beyond the technical capacity of city staff to review, the applicant, in addition to the usual fees, shall reimburse the city for the actual cost to the city for the services of a technical expert to review the plans and/or supplemental information, up to a maximum of \$5,000.

(C) *Telecommunications tower standards.*

(1) *Applicable federal and state standards.* All telecommunications towers and antennas shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.

(2) *Structural standards.* Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located such that if the structure should fall, it will avoid habitable structures and public streets.

(3) *Co-location.* Towers over 75 feet in height shall be designed and built to accommodate a minimum of two cellular or PCS providers. The owner of the tower must certify to the city that the tower is available for use by other telecommunications-service providers on a reasonable and non-discriminatory basis.

(4) *Fencing.* Security fencing, if installed, shall be by a wrought iron fence or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(5) *Setbacks.* All telecommunications towers shall be set back from the nearest property line a minimum distance not less than the height of the tower.

(6) *Signage.* Except as otherwise permitted in this section, no signage, lettering, symbols, images or trademarks in excess of 200 square inches shall be placed or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building or security fencing other than as required by FCC regulations or other applicable law.

(7) *Lighting.* Except as otherwise permitted in this section, no signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA or other appropriate public authority.

(D) *Antenna mounting standards.* The purpose of this section is to promote public safety and maintain order and harmony within the city's commercial, recreational and residential districts by restricting the size and location of telecommunications antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares and to insure the structural integrity of supporting structures.

(1) *Whip-and-panel antenna mounting standards.*

(a) Building-mounted panel antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts; provided that, they are mounted flush with the exterior of the building and that they do not project above the roof line nor more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color and texture blend with the surrounding surface of the building.

(b) Whip antennas are permitted on non-residential buildings and multi-family dwellings in all zoning districts; provided that, the total length of the whip antennas, regardless of mounting method or location, does not exceed 15% of the height of the building.

(c) Only one building/roof-mounted antenna support structure, less than 100 square feet in area, is permitted per 500 square feet of building floor area.

(2) *Dish antenna mounting standards.*

(a) Dish antennas shall not be permitted in any front setback area or side setback adjacent to any roadway.

(b) Ground-mounted dish antennas in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six-foot high screening fence, evergreen hedge or masonry wall.

(c) Dish antennas in excess of ten feet in height or more than three meters in diameter shall not be permitted in any residential **zoning** district.

(d) Building/roof-mounted dish antennas one meter or less in diameter are permitted in any **zoning** district.

(e) Building/roof-mounted dish antennas two meters or less in diameter are permitted on all buildings in excess of 5,000 square feet of building floor area in non-residential **zoning** districts.

(f) Only one building/roof-mounted dish antenna two meters or less in diameter is permitted per 5,000 square feet of building-floor area on non-residential buildings and on multi-family dwellings in residential **zoning** districts.

(g) Building/roof-mounted dish antennas in excess of two meters in diameter may be permitted on buildings in excess of 100,000 square feet of building-floor area in non-residential **zoning** districts.

(h) Building/roof-mounted dish antennas in excess of two meters in diameter in non-residential **zoning** districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(3) *Structural certification.* Prior to the installation of any building/roof-mounted telecommunications antenna, antenna array, or support structure, the city shall be provided with an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

(E) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANTENNA.** A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes and omni-directional antennas, such as whips, but not including satellite-earth stations.

**ANTENNA, DISH.** A parabolic or bowl-shaped device that receives and/or transmits signals in a specific directional pattern.

**ANTENNA, PANEL.** An antenna which receives and/or transmits signals in a directional pattern.

**ANTENNA, TELECOMMUNICATIONS.** An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than four inches (ten cm) in diameter and less than ten feet in height.

**ANTENNA, WHIP.** An omnidirectional dipole antenna of cylindrical shape which is no more than six inches (915 cm) in diameter.

**CO-LOCATION.** A single telecommunications tower and/or site used by more than one telecommunications service provider.

**EIA 222.** Electronics Industries Association Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures.

**TELECOMMUNICATIONS.** The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing without change in the form or content of information as sent or received.

**TELECOMMUNICATIONS SERVICE.** The offering of telecommunications for a fee directly to the public, or to such classes as to be effectively available to the public, regardless of the facilities used.

**TOWER.** A swell-supporting or cable-anchored structure designed to support telecommunication antennas.

**TOWER, GUYED.** Any telecommunications tower supported in whole or in part by cable anchored to the ground.

**TOWER, HEIGHT.** The distance measured from grade to the highest point of any and all components of the structure, including antennas, hazard lighting and other appurtenances, if any.

(F) *Appeal.* If a site plan application is denied, the applicant may submit to City Council an appeal within ten days of the denial. If City Council finds that strict application of the regulations of this chapter would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law. City Council may modify the subject regulations to the extent necessary to prevent prohibition.

(G) *Violation deemed nuisance.* In addition to the penalties provided in the **Zoning** Ordinance, any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided by this section, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section and other available relief.

(Ord. passed 3-13-2002; Ord. 00-65N, passed 6-1-2005)

## **NON-CONFORMING USES**

### **§ 156.100 GENERAL POLICY.**

The general public, the City Council and the Commission are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

(A) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and

(B) When necessary to promote the general welfare and to protect the character of the surrounding

property.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.101 NON-CONFORMING STRUCTURES.

Where a lawful structure exists on the effective date of the adoption or amendment of this chapter, that could not be built under the terms of this chapter by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued provided it remains otherwise lawful, subject to the following provisions.

(A) No such non-conforming structure may be enlarged or altered in a way which increases its structural non-conformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.

(B) Should such non-conforming structure or non-conforming portions of a structure be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(D) Should any existing non-conforming structure expire under the terms of this Chapter, or should any real property or parcel be sold, transferred, or otherwise conveyed, any existing non-conforming structure thereon shall be removed or reconstructed by the record owner no more than 30 days from the date of notification by the city. Upon written request by a record owner demonstrating sufficient hardship, this period may be extended for no more than an additional 60 days by the City Manager (90 days cumulative after notice).

(E) Nuisances attending any use lawfully existing at the time the property is annexed into the city shall be eliminated or mitigated to the maximum extent feasible within 90 days of date of annexation.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-221, passed 6-8-2016)

#### § 156.102 NON-CONFORMING USES.

A non-conforming use may be continued as long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed or reconstructed.

(B) The use of the structure shall only be changed to a use permitted in the district in which it is located.

(C) A non-conforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the non-conforming use was discontinued, and such use was not discontinued for a period of six months or more.

(D) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to any land outside such building.

(E) Removal or destruction of a structure containing a non-conforming use shall eliminate the non-conforming use status. Destruction for the purpose of this division (E) is defined as damage equal to more than 50% of the replacement cost of the structure or the physical structure.

(F) A certificate of non-compliance shall be required for each non-conforming uses of any land or buildings created by adoption of this chapter. Application for such certificate of noncompliance for a non-conforming use shall be filed with the city by the owner of the building or land with such non-conforming use within one year of the effective date of this chapter. It shall be the duty of the city to issue a certificate of non-compliance for a non-conforming use and the refusal of the city to issue a certificate of non-compliance for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist as of the effective date of this chapter.

(1) If lawful non-conforming use exists on the effective date of passage of this chapter, the following structures will have their use amortized, with the non-conforming use being eliminated over 15 years from the date of passage of this chapter:

(a) Fences erected and existing in compliance with the city's regulations and ordinances prior to the effective date of this chapter and composed of materials not allowed upon the passage of this chapter or which do not meet the city's current setback requirements;

(b) Accessory buildings which do not meet the masonry requirements;

(c) Wood roofs;

(d) Above-ground pools; and

(2) The City Council shall have the power to bring about the discontinuance of non-conforming uses after notices and hearing. The termination date of any non-conforming use shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the non-conforming use.

(3) Notwithstanding the foregoing, the non-conforming use of a building, roof, above-ground pool, structure, accessory building, fence or driveway (collectively or individually hereafter, the "non-conforming asset") that was lawfully constructed and erected prior to 2000, shall not terminate or expire until such time as the non-conforming asset is reconstructed or replaced. For the purpose of this section, a non-conforming asset shall be deemed to be reconstructed or replaced if 50% or more of such non-conforming asset is reconstructed or replaced, or if modifications or repairs are made to such non-conforming asset within any 12 calendar months that is equal to one half or more of the value of the non-conforming asset prior to the modification or repair.

(Ord. 00-65N, passed 6-1-2005; Ord. 17-232, passed 6-14-2017)



 **§ 156.103 REPAIRS AND MAINTENANCE.**

On any non-conforming structure, or non-conforming portion of a structure, containing a non-conforming use, repairs and maintenance shall be performed to maintain the structure in compliance with the Electrical, Plumbing and Building Codes; provided that, such repairs and maintenance shall be subject to the following conditions and limitations.

(A) No work may be done in any period of six consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing, to an extent exceeding 25% of the current replacement cost of such structure or non-conforming portion of such structure.

(B) If 50% or more of the non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(Ord. 00-65N, passed 6-1-2005)

 **§ 156.104 GENERAL.**

No structure, use or non-conforming asset in existence on the effective date of this chapter shall be or constitute a non-conforming structure or use unless such structure or use was constructed, converted, or the use thereof started, in compliance with the ordinances and laws then in effect, included, but not limited to, having received any permit then required by law.

(Ord. 00-65N, passed 6-1-2005)

**PLANNED UNIT DEVELOPMENT DISTRICT**

 **§ 156.115 POPULAR NAME.**

This subchapter shall be commonly cited as the “PUDD #09-1 Ordinance”.

(Ord. 09-125, passed 7-8-2009)

 **§ 156.116 PURPOSE.**

The enactment of this subchapter memorializes the City Council’s legislative approval of the Planned Unit Development District agreement. This subchapter also creates the **zoning** classification “Planned Unit Development District Number Nine-One (PUDD #09-1)”.

(Ord. 09-125, passed 7-8-2009)

 **§ 156.117 SCOPE.**

This subchapter applies to all property within the incorporated municipal boundaries (i.e., “city limits”).

(Ord. 09-125, passed 7-8-2009)

 **§ 156.118 DEFINITIONS.**

(A) Terms that are not defined below, but are defined elsewhere in the code of ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the code of ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGREEMENT.** The contract between the City of Woodcreek, Texas and Ten Robles, Inc. (“TRI”), and Harry E. Gumbert, Jr. and Dorothy M. Gumbert, Owner, dated 7-8-2009, including all Exhibits, which are incorporated herein for all intents and purposes.

**CITY.** The City of Woodcreek, an incorporated municipality located in Hays County, Texas.

**PROPERTY.** Approximately 10.48 acres of land located within the municipal boundaries of the City of Woodcreek, in Hays County, Texas, more fully described in § [156.123](#) of this chapter.

(Ord. 09-125, passed 7-8-2009)

#### § 156.119 APPROVAL.

(A) *Agreement approved.* The planned unit development district agreement, that being the contract dated 7-8-2009, entitled “Development Agreement Oak Orchard Enclave” is hereby approved by the City Council.

(B) *Execution of agreement.* The Mayor is instructed to execute the agreement on behalf of the city.

(C) *Recordation.* The City Administrator is instructed to publish the agreement in and among the official records of the city, and cause the agreement to be filed in and among the land records of the county.

(Ord. 09-125, passed 7-8-2009)

#### § 156.120 REGULATIONS.

(A) *Boundary.* The boundary of PUDD #09-1 shall be as delineated in § [156.122](#) of this chapter.

(B) **Zoning.** The property will be a planned unit development under the city rules and the residential area will be entitled to general land uses consistent with the SF-1 **zoning** classification (as described in the city rules) with such modifications as described herein and in the exhibits hereto. The commercial area will be entitled to general land uses consistent with the NC (Neighborhood Commercial) **zoning** classification (as described in city rules) with such modifications as described herein and in the exhibits hereto. The open space areas will be entitled to general land uses consistent with open space/parkland classification.

(C) *Density of development.* Owners will have the right to develop the residential area of the land at a density not to exceed 19 single-family residential units within the residential area noted on the site plan, plus the right to develop the commercial area in accordance with applicable NC density limitations.

(D) *Impervious cover.* There shall be no more than 35% impervious cover on the residential area of the property, and no more than 55% impervious cover on the commercial area of the property.

(E) *Landscaped buffer areas.* The following landscaped buffer areas shall be established for the property (with all such buffers measured from the boundary lines of the property or, as applicable, existing right-of-way boundaries): as provided by the concept and site plans for the Oak Orchard Enclave Development.

(Ord. 09-125, passed 7-8-2009)

#### § 156.121 ENFORCEMENT.

(A) The PUDD agreement provides enforcement mechanisms to ensure compliance.

(B) Among other civil remedies, the city may withhold development approvals in accordance with the PUDD agreement in order to ensure compliance.

(C) Among other remedies, the city is authorized to issue stop work orders to halt construction in violation of this chapter or the PUDD agreement.

(Ord. 09-125, passed 7-8-2009)

#### § 156.122 BOUNDARIES.



(Ord. 09-125, passed 7-8-2009)

 **§ 156.123 FIELD NOTE DESCRIPTION AND MAP.**

The field note description of 10.48 acres of land in the Eli Hill Survey, A-525, and the Ransom Weed Survey No. 63, A-480, is incorporated herein as if set out in full.

(Ord. 09-125, passed 7-8-2009)

**ADMINISTRATION AND ENFORCEMENT**

 **§ 156.135 GENERAL.**

The city shall administer the provisions of this chapter and, in furtherance of such authority, the city shall:

(A) *Records.* Maintain permanent and current records with respect to this chapter, including amendments thereto;

(B) *Applications.* Receive, file and review all **zoning** applications to determine whether such plats comply with this chapter;

(C) *Commission.* Receive, hear and act upon **zoning** applications to the Commission as required by this chapter, and forward its recommendations thereon to the City Council;

(D) *Council.* Receive the recommendation of the Commission, together with the recommendations of city staff, cause notice to be given, hold a public hearing, hear from interested persons and act in its legislative discretion on the **zoning** change or issue; and

(E) *Implementation.* Make such other determinations and decisions as may be required of the city by this chapter, the Commission or the Council; and enforce and implement this chapter and the final decisions by the City Council.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.136 ORDINANCE INTERPRETATION.

In the interpretation and application of the terms and provisions of this chapter, the following regulations shall govern.

(A) *Liberally construed.* In the city's interpretation and application, the provisions of this chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(B) *Highest standards govern.* Whenever a provision of this chapter and any other provision of this chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(C) *Resolution of conflicting interpretations.* Where there arises a question concerning the meaning or intent of a provision of this chapter, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision, the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.

(D) *Written decisions binding.* Any final written decision made as provided in division (C) above shall be archived and shall govern interpretation of this chapter until such time as an amendment of this chapter shall nullify such decision, or the decision is overruled or rescinded by the City Council.

(E) *State law.* The terms, provisions and conditions of this chapter shall be interpreted and applied in a manner consistent with state law and Tex. Local Gov't Code Ch. 211, in particular.

(F) *Master Plan.* All **zoning** applications shall conform to the master plan for the community and be consistent with all of the elements thereof.

(1) Where the proposed **zoning** application is inconsistent with one or more of the elements of the Master Plan, the developer may petition the city for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the **zoning** application by the city.

(2) Where the proposed **zoning** is for a **zoning** district or category provided for in this chapter, but that is not included on the Master Plan existing on the date of this chapter, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.

(G) *Consistency with the Subdivision Ordinance.* All development projects within the corporate limits of the city shall be in conformance with **Ch. 155** of this code of ordinances. Where the proposed development requires a **zoning** classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary **zoning** classification or approval required for the proposed development to comply with this chapter.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.137 BOARD OF ADJUSTMENT.

(A) *Established.* A Board of Adjustment (hereafter in this section, the “Board”) is established in accordance with the provisions of Tex. Local Gov’t Code § 211.008. regarding the **zoning** of cities and with the powers and duties as provided in said code.

(B) *Rules and regulations.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this chapter as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

(C) *Powers and duties of the Board.*

(1) *Appeals based on error.* The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Tex. Local Gov’t Code Ch. 211 or this chapter.

(2) *Special exceptions.* The Board shall have the power to hear and decide special exceptions to the terms of this chapter when this chapter requires the Board to do so. Such special exception shall be as follows: authorize a variance from the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(D) *Variances.* The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in

unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

(1) *Yard and fence setbacks.* Permit a variance in the setback requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that, such variance will not significantly affect any adjoining property or the general welfare; and

(2) *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this chapter, and at the same time, the surrounding property will be properly protected; provided that, the Board shall not in any event permit a use on any property that is not permitted within the **zoning** category for which such property is zoned.

(E) *Procedures for requesting a variance.*

(1) A request for a variance shall be made in writing and include information to support the request for a variance. Such information may include, but is not limited to, plat plans, site and building plans, contour maps and location of existing flora. The request shall clearly state the unusual conditions or circumstances which, in the applicant's opinion, justifies a variance.

(2) The request for a variance, and a variance request fee in accordance with Chapter 35, will be mailed to the City of Woodcreek, 41 Champion Circle, Woodcreek, Texas 78676.

(3) The city will be responsible for notifying all property owners within 200 feet of the property for which the variance is requested of variance request and the time and location of the Board of Adjustment meeting at which time the request for variance will be acted upon. The notification will include a complete description of requested variance.

(4) The request for variance will be approved or denied within 45 days from the date the request is received.

(F) *Appeals.*

(1) *Procedure.*

(a) In the event that any person has been detrimentally aggrieved by a decision of an administrative officer, relative to the enforcement of Tex. Local Gov't Code Ch. 211 and or this chapter, such person may submit an appeal in accordance with the rules of the Board within ten days of the decision. Additionally, any officer, department, board or bureau of the city may appeal a decision relative to the enforcement of Tex. Local Gov't Code Ch. 211 and or this chapter.

(b) The appellant must file a written appeal certifying the grounds for the appeal, and it shall be filed with the Board and with the administrative officer. The administrative officer shall forthwith transmit to the Board all documents which are pertinent to the appeal.



(2) *Stay of proceedings.* Such appeal shall stay all further action relative to the appealed decision by the administrative officer. If the administrative officer deems that continuing the stay would cause imminent peril to life or property, he or she must certify the facts relating to his or her opinion in a written certificate to the Board. In the event that due cause is shown and after notice to the administrative official, the stay may be continued only by a restraining order granted by the Board or by a court of record on application.

(3) *Hearing of the appeal.* The Board shall set a reasonable time for the hearing of the appeal and shall provide notice to the parties of interest, who may appear at the hearing in person or by representation of an attorney or agent.

(4) *Decision by Board.* The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision or determination on the matter appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(G) *Changes.* The Board shall have no authority to change any provision of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

(Ord. 00-65N, passed 6-1-2005; Ord. 14-198, passed 7-9-2014)

#### § 156.138 CONDITIONS FOR ISSUING A BUILDING PERMIT.

No building permit will be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this chapter, all other applicable city ordinances and all applicable elements of the master plan, except as herein exempted, or upon the written application and approval of a variance.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.139 CERTIFICATES OF OCCUPANCY.

(A) *Policy and application.* Certificates of occupancy will be required for any of the following:

- (1) Occupancy of any structure or building hereafter erected or structurally altered;
- (2) Change in occupancy of an existing building to an occupancy of a different **zoning** district; and
- (3) No change of occupancy of any new, or altered portion of any, structure or building, or any such building or structure will take place until a certificate of occupancy therefor shall have been issued by the city.

(B) *Procedure.*

(1) *New structures.* No structure shall be occupied until a final inspection is made by the appropriate city official.

(2) *Altered structures.* Written application for a certificate of occupancy for an existing building which is to issued within seven days after a written request for it has been made to the city. The erection or alteration of such building or part thereof shall be completed in conformity with the provisions of this chapter and all applicable city codes and ordinances.

(3) *Change in use.* Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to the city. If the proposed use is in conformity with the provisions of this chapter, a certificate of occupancy shall be issued within seven days after the application for same has been made.

(C) *Approval.* Every certificate of occupancy shall state that the building or the proposed occupancy of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept on file in the city offices and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

(D) *Temporary certificate of occupancy.* Pending the issuance of a regular certificate of occupancy, a temporary certificate may be issued by the city for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as, in any way, altering the respective rights, duties or obligations of the owners, or of the city, relating to the use or occupancy of the premises or any other matter covered by this chapter.

(Ord. 00-65N, passed 6-1-2005)

## **AMENDMENTS**

### § 156.150 STATEMENT OF INTENT.

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the city, this chapter shall not be amended except to correct error in the ordinance, or because of changed or changing conditions in a particular area or in the city generally, or to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions thereof, all in accordance with the Comprehensive Plan. The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this chapter. This chapter may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

(Ord. 00-65N, passed 6-1-2005)

### § 156.151 AMENDMENT LIMITATION; REZONING.

Subject to the limitations of the foregoing statement of intent, an amendment of this chapter may be requested by any person; provided that, an amendment to rezone any property may be initiated only by:

- (A) The City Council on its own motion;
- (B) The Planning and Zoning Commission; or
- (C) Petition by the landowner or his or her authorized agent.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.152 RESPONSIBILITY FOR CHANGE.**

The City Council has sole responsibility for changes in the zoning map and changes in the zoning ordinance. The zoning and rezoning of land is in the legislative discretion of the City Council. Zoning and rezoning shall be by ordinance only.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.153 REFERRAL OF AMENDMENT TO COMMISSION.**

Any request for rezoning as prescribed in § 156.151 of this chapter, or the receipt of an administratively complete petition and application to zone or rezone, a lot, tract or parcel of land, which petition and application have been examined and approved as to form by the City Secretary, shall be referred to the Commission for consideration, public hearing and recommendation to the Council. The Council may not enact a rezoning amendment until the Commission has held a public hearing and made its recommendation to the Council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.154 ACTION BY THE COMMISSION.**

The Commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the Council such action as the Commission deems proper. Written notice of the proposed zoning change shall be mailed, by the U.S. Postal Service, to the owner of each tract or parcel of land that is within 200 feet of the property for which zoning is requested, not less than 15 days prior to the date of the public hearing to be held by the Commission.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.155 ACTION BY THE COUNCIL.**

The Council shall give public notice and hold a public hearing before taking final action to zone or rezone any land.

(Ord. 00-65N, passed 6-1-2005)

**§ 156.156 PUBLIC HEARING AND NOTICE OF THE PROPOSED ZONING CHANGE.**

(A) Not less than 15 days prior to the date of the public hearing to be held by the Commission on each zoning or rezoning, written notice of the public hearing and the zoning proposed shall be mailed by the U.S. Postal Service to the owner of each lot, tractor parcel of land within 200 feet of the lot, tract or parcel being considered for zoning. Such notice shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the city tax rolls.

(B) Notice of the public hearing to be held by the Council shall be given by publishing such notice at least once in a newspaper of general circulation in the city, at least 15 days prior to the date set for public hearing.

(C) If the **zoning** or rezoning is proposed by the Council or the Commission, notice of the proposed **zoning** change shall be made by the City Secretary, mailing notification by first class mail to the person or firm to whom the property is assessed on the city tax rolls, and to all persons or firms to whom the property within 200 feet of the proposed **zoning** change is assessed on the city tax rolls.

(D) The required notice for public hearing having been given for the **zoning** or rezoning of a tract of land, the Commission or the Council may, as applicable, continue such matter to subsequent public meetings for consideration and may, in the same **zoning** process or proceeding, recommend **zoning** /rezoning or, as applicable, zone or rezone the property for which notice was given for a use or **zoning** district that is a less intensive use than the use for which the notices were given, without additional or further notices being given; provided that, the less intensive district is within the same general-use category (e.g., duplex requested and single-family **zoning** granted, multiple-family **zoning** requested) and the granted rezoning is a less intensive multiple-family **zoning** duplex or single-family.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.157 PROTEST OF PROPOSED AMENDMENT.

If a protests) against any proposed rezoning or **zoning** change for any land is presented in writing to the City Secretary prior to the public hearing thereon, duly signed by the owners of 20% or more either of the area of lots included in the proposed change or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective, except by the favorable vote of three-fourths of all members of the Council.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.158 PROCEDURE FOR AMENDMENT PETITION.

(A) *Filing of application.* All petitions to change **zoning** or rezone property shall contain at least the following:

- (1) The petitioner's name, address and interest in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition;
- (2) The nature and effect of the proposed amendment and **zoning** or permit requested;
- (3) A fully scaled map showing:
  - (a) The land affected by the proposed amendment;
  - (b) A legal description of the land;
  - (c) The present **zoning** classification of the land;
  - (d) The **zoning** classification of all abutting land; and
  - (e) All public and private rights-of-way and easements bounding and intersecting the land.

(4) If applicable, the alleged error in this chapter, which would be corrected by the proposed amendment, together with a detailed explanation of such error and how the proposed amendment will correct same;

(5) The changed or unchanging conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary; and

(6) A statement of all other circumstances, factors and reasons the applicant offers in support of the proposed amendment.

(B) *Time limitation.* If a petition for rezoning is denied by the City Council, another petition for reclassification of the same property or any portion thereof shall not be filed with a period of 12 months from the date of final denial, except with the permission of the City Council.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.159 FEES.

If the application is submitted by other than the City Council or by the Planning and **Zoning** Commission, the applicant seeking rezoning approval shall pay to the city at the time of submittal a fee to be determined by City Council.

(Ord. 00-65N, passed 6-1-2005)

#### § 156.999 PENALTY.

(A) Except as otherwise provided for in this chapter, it shall be unlawful for any person (see definition of “person” in § [156.009](#) of this chapter) to develop, improve or sell any lot, parcel, tract or block of land within the city’s extraterritorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this chapter.

(B) (1) *Administrative action.* The city shall enforce this chapter by appropriate administrative action, including, but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with this chapter and good engineering practices, and the issuance of stop work orders.

(2) *Court proceedings.* Upon the request of the City Council the City Attorney shall file an action in District Court to enjoin the violation or threatened violation of this chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property established pursuant to this chapter.

(C) In any prosecution charging a violation of this chapter governing the **zoning** regulations, proof that the property described in the complaint was in violation of any section above, together with proof that the defendant named in the complaint was, at the time of the **zoning** violation, either the occupant or the registered owner of such property, shall constitute in evidence a prima facie presumption that the owner of such property was the person who knowingly and intentionally committed or permitted the violation for the time during which such violation occurred.

**(D) Any person who shall violate any of the provisions of this chapter, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$2,000. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.**

**(Ord. 00-65N, passed 6-1-2005)**

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