

Draft Zoning Ordinance Elements

As of 2/15/18

Chapter 1 – General Authority

1.1.1 Enacting Clause

A) This Subtitle shall be known, cited and referred to as the Zoning Ordinance of the City of Annetta South.

1.1.2 Purpose

A) Regulations in this Ordinance are established in accordance with the Annetta South Comprehensive Plan for Land Use Development for the purpose of promoting the health, safety, morals, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significances for and of the citizens of the City of Annetta South. All of the zoning regulations are designed to:

- 1) Implement the City of Annetta South's Comprehensive Plan for Land Use Development;
- 2) Lessen congestion on streets, roads and highways;
- 3) Secure safety from fire, panic and other dangers;
- 4) Promote health and the general welfare;
- 5) Provide adequate light and air;
- 6) Prevent the overcrowding of land;
- 7) Avoid undue concentration of population;
- 8) Facilitate adequate provision of transportation, water, sanitary and storm sewers, schools, parks and other public requirements facilities;

1.1.3 Relationship to Other Plans

A) This ordinance is intended to implement the policies and recommendations contained in the City of Annetta South's Comprehensive Plan for Land Use Development including the Thoroughfare Plan. If a zoning request differs from the recommendations in these plans, the Chair of the Planning and Zoning Commission may prepare the necessary revisions to the applicable plan and process the revision concurrently with the zoning request.

1.1.4 Effective Date

A) This ordinance shall become effective from and after its adoption and publication as required by law, subject to the following:

- 1) Any construction in progress and construction for which unexpired building permits have been issued in accordance with the prior ordinance shall be allowed to proceed and any such uses or structure, upon completion, shall be non-conforming uses or structures if they do not conform to the new ordinance.
- 2) Pending applications for zoning changes submitted prior to the effective date of the ordinance shall be processed in accordance with the adopted requirements in effect at the time the application for the permit is filed and, if the City Council determines that a zoning change is justified and should be made, then the change or amendment shall be classified and placed into the proper zoning district where the use and occupancy is permitted as contained in this ordinance.
- 3) In the event a Site Plan, building permit application and construction plans have been submitted prior to the effective date of this Ordinance showing development proposed under terms of the prior ordinance, the Building Official shall grant a permit for

development and construction based on the requirements of the previous ordinance for the completion of the development. The expiration of permits shall be regulated as set forth in the Code of Regulations and other ordinances of the City of Annetta South.

1.1.5 Enforcement

A) It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or land area in violation of any provision of this ordinance.

B) No permit, certificate, license or other document or oral approval, the use of which is subject to the provisions of these regulations shall be issued by any department, agency, or board until it has been determined that all substantive requirements have been met and all procedures have been followed.

C) Offenses committed and all liabilities incurred prior to the effective date of any subsequent amendments to this Ordinance shall be treated as though all prior applicable regulations were in full force and effect for the purpose of sustaining any suit, action or prosecution with respect to such offenses and liabilities.

1.1.6 Penalty for Violation

A) Any person or corporation who violates any of the provisions of this Ordinance or fails to comply with any of the requirements, or builds or alters any building or use in violation of any detailed statement or plan submitted and approved is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two thousand dollars (\$2,000) and each day such violation shall be permitted to exist shall constitute a separate offense.

B) The owner or owners of any building or premises or part thereof, where anything in violation of this Ordinance is placed, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as provided above.

C) A person commits an offense if he owns, uses or controls a premise and fails to comply with any of the provisions of this Ordinance.

D) It is a defense to prosecution under this Ordinance that a person is in compliance with an order of the Board of Adjustment that specifically authorizes otherwise unlawful conduct under this ordinance.

1.1.7 Civil Action

A) This Ordinance may be enforced through civil court action as provided by State law.

1.1.8 Certificate of Occupancy and Revocation of Development Permit

A) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy has been issued by the City of Annetta South, stating that the building or proposed use of a building or premises complies with this Ordinance and the adopted building and related codes and the provisions of these regulations. A change in use shall be construed to mean any change in the occupancy of the building or premises. If provisions of this Ordinance are violated, the certificate of occupancy shall become null and void, and a new certificate shall be required for any further use of such building, structure or land.

B) The City shall have the power to revoke any certificate, permit or development approval for the violation of any of these regulations or conditions imposed in the granting of a development permit. Revocation of a development permit requires:

1) A public hearing where the Planning and Zoning Commission shall determine the nature and extent of the violation of the development permit;

- 2) Proper notice to the permittee;
 - 3) Written notice from the Chair which shall give the permittee the reasons for the proposed cancellation of the permit; and
 - 4) A finding by the Commission that reasonable corrective measures have not been done by the permittee and that revocation of the development permit is required.
- C) The Planning and Zoning Commission in its discretion may impose a conditional revocation of a development permit.
- D) The Zoning Administrator shall have the right to order immediate compliance with any provision of this Ordinance or any condition of a development permit dealing with a direct health or safety issue. If immediate compliance is not obtained, the Zoning Administrator shall order immediate cessation of operation, cut off utility access, and refer the matter to the Commission for consideration of revocation of the permit.

1.1.9 Administration and Enforcement Authority

The provisions in this Ordinance shall be administered and enforced by the Zoning Administrator who shall be the City Secretary unless said authority is assigned by the Mayor to a Building Official, or any other designated representative of the City of Annetta South. The Zoning Administrator's duties shall include the remedying of any condition found in violation of this Ordinance, the bringing of legal action to ensure compliance with this Ordinance or other appropriate action or proceeding.

1.1.10 Effects of Private Covenants

A) Nothing in this Ordinance shall be construed to render inoperative any restriction established by covenants running with the land, unless such restrictions are prohibited or are contrary to the provisions of these regulations. In the event of a conflict, this Ordinance controls.

1.1.11 Interpretations

A) Unless the context clearly indicates otherwise, the following rules apply in interpreting this Ordinance:

- 1) Words used in the present tense include the future tense.
- 2) Words in the singular include the plural, and words in the plural include the singular.
- 3) The word "lot" includes the words "building site," "site," "plot" or "tract."
- 4) The word "shall" is mandatory and not discretionary.
- 5) The word "may" is optional and discretionary.
- 6) 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."

1.1.12 Severability

A) If any portion of this Ordinance is held to be invalid or unconstitutional, the remainder of the ordinance shall not be invalid, but shall remain in full force and effect.

1.1.13 Saving/Repealing

A) By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. Should any part of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Any and all provisions of any Ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the

repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

1.1.14 Estoppel/Waiver

A) The failure of the City of Annetta South to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel of any subsequent violation of this Ordinance.

Chapter 2 –Districts and Zoning District Map

1.2.1 Zoning Districts Established

A) In order to regulate the use of land and buildings, and to regulate the location, height, bulk and size of buildings and other structures built on the land, the following districts are created:

Figure 4.1.2.1	
ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agricultural
SF-1	Single Family-1
Planned Development Districts	
PD-SF	Planned Development Single Family

1.2.2 Adoption of the Official Zoning District Map

A) The boundaries of each zoning district are delineated and shown on the official Zoning District Map of the City of Annetta South. The official Zoning District Map, together with all notations, references, dimensions, designations and other information shown on the map, is adopted and made part of this Ordinance, as amended, by reference.

B) The official Zoning District Map shall be stored, maintained, and kept current by the City Secretary. A copy of the Official Zoning District Map shall be made available to the public upon request to the City Secretary.

1.2.3 Amendments to the Official Zoning Ordinance and Zoning District Map

A) No change to the official Zoning District Map shall be authorized without the approval of a rezoning application.

B) The application shall be processed in accordance with the requirements of this Title, as amended.

C) No change to the official Zoning District Map shall be authorized or become effective without final action of the Council or a court of competent jurisdiction.

D) No zoning shall be finalized unless annexation of the property for which the zoning is sought has been completed.

E) The City Council may from time to time amend, supplement or change by Ordinance the boundaries or the Zoning District Map or of the land use regulations and restrictions of this district or any other regulation or provision of this Ordinance.

F) The City Council, in July of 1986, established a Planning and Zoning Commission under the authority granted them in Texas Local Government Code Section 211.007.

G) The Planning and Zoning Commission to exercise the powers authorized shall hold a public hearing before submitting a report and recommendation on adoption or amendments to the Official Zoning District Map or Zoning Ordinance. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

H) In addition to the general notice above, 10 days before the hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each property owner within 200 feet of the property on which the change in zoning classification is proposed. In addition one legible sign, at a minimum size of 18" x 24", shall be posted on the property, at each public road frontage of the property, notifying the public that a proposed change is pending and more information is available by contacting the City of Annetta South.

I) The Planning and Zoning Commission shall forward a written recommendation to the City Council.

J) After public notice and after receipt of the Planning and Zoning Commission recommendation, the City Council shall hold a public hearing in regard to the proposed amendment, supplement or change and shall either approve or deny said proposed amendment supplement or change. If the amendment, supplement or change is approved, an ordinance reflecting such shall be prepared and executed by the Mayor and attested by the City Secretary.

K) Each application for amendment, supplement or change to the provisions of this ordinance shall be made in writing on a form suitable to the City Council and shall be filed with the City Secretary with the appropriate fee to be charged in accordance with the Annual Fee Schedule for administration of the Zoning Application.

L) When the City Council determines that an application should be denied it shall so reported and the City Council shall notify the applicant. An application that has been denied, without prejudice, by the City Council may be resubmitted at any time for reconsideration by the City Council. A new filing fee must accompany the request. The City Council may deny any application with prejudice. If an application has been denied with prejudice the application may not be resubmitted to the City for one (1) year from the original date of denial. However, a changed application may be submitted at any time.

1.2.4 Consistency with the Annetta South Comprehensive Plan for Land Use Development

A) No amendment or rezoning shall be approved unless it is consistent with the goals, objectives and policies of the Annetta South Comprehensive Plan for Land Use Development.

1.2.5 Zoning District Boundary Rules

A) The following rules shall apply in determining uncertain boundaries of a district as shown on the official Zoning District Map:

1) Where a boundary follows a public street or alley, the centerline of the street shall be the boundary.

2) Where a boundary follows a platted lot line, the lot line shall be the boundary.

- 3) Where a boundary follows a city limit line, the city limit line shall be the boundary.
- 4) Where a boundary follows a railroad or utility line, the boundary is the established center line of the railroad or utility right-of-way. If no centerline is established, the boundary is midway between the right-of-way lines.
- 5) Where a boundary follows the centerline of streams, rivers, canals, lakes or other bodies of water, the boundary is the centerline. The centerline is interpreted as being midway between the shorelines of the body of water. If the centerline changes, the boundaries are construed as moving with the centerline.
- 6) In cases where district boundary lines are indicated as approximately paralleling a street, alley, right-of-way, easement line or other feature existing at the time of the enactment of this Ordinance, as amended, they shall be construed as parallel to or extensions of the street, alley, right-of-way, easement line, or other feature, unless otherwise specifically dimensioned on the official Zoning District Map.
- 7) In instances where district boundary lines divide a parcel of un-subdivided property, the precise location of the district boundary shall be determined by the use of the scale appearing on the official Zoning District Map, unless the boundary is indicated by a specific dimension on the official Zoning District Map.
- 8) Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall extend to the former centerline of the vacated or abandoned right-of-way.

B) The Planning and Zoning Commission shall determine the location of the district boundary when uncertainty of boundaries exist that cannot be resolved by referencing "4.1.2.5 Boundary Rules", above. Any person who is aggrieved by that determination may appeal to the City Council. Appeals shall be made in writing to the City Council within 10 days of the decision.

1.2.6 Temporary Zoning, Annexed Territory

A) All territory annexed into the City shall be temporarily classified as A (Agricultural District), until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

B) In an area temporarily classified as A (Agricultural District):

1. No person shall erect or construct any building or structure in any newly annexed territory without first applying for and obtaining a building permit and certificate of occupancy from the City Council as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Zoning Administrator other than a permit which will allow the construction of a building permitted in the A (Agricultural District), unless and until such territory has been classified in a zoning district other than the A (Agricultural District) by the Council in the manner prescribed by law except as provided in 3 below.
3. An application for a permit for any other use than that specified in 2, above, shall be made to the Zoning Administrator and referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The action and recommendation of each body concerning the permit shall take into consideration the appropriate land use for the area. The City Council, after

receiving and reviewing the recommendations of the Planning and Zoning Commission, may, by majority vote, initiate action to zone the property in the most consistent classification absent a request to zone the property by the property owner

1.2.7 Board of Adjustment

- A) City Council of the City of Annetta South shall be the Board of Adjustment.
- B) The Board of Adjustment (Board) is established in accordance with the applicable Texas Municipal Zoning Authority. Each case before the Board must be heard by at least seventy five (75) percent of the members.
 - 1) The Board may hear and decide on appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance; and
 - 2) The Board may hear and decide on special conditional uses to the terms of this Ordinance; and
 - 3) The Board may hear and decide on a variance in specific cases from the terms of this Ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done. The hardship shall neither be self-imposed nor generally affecting all or most properties in the same zoning district.
 - 4) In exercising its authority the Board may reverse or affirm, modify the Zoning Administrator's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the Zoning Administrator.

Chapter 3 – Definitions

Accessory Use, Unit, Structure, or Building:

- (1) A building, structure, or use which is subordinate to a primary use or principal structure.
- (2) A building, structure, or use which is subordinate in footprint on the lot, subordinate in area, extent, use or purpose to the primary use, building or structure served;
- (3) A building, structure, or use which contributes to the comfort, convenience, or necessity of occupants of the primary use served;
- (4) A building, structure, or use which is located within the same zoning district as the primary use; and
- (5) A building, structure, or use which in the residential district is not used for commercial purposes other than legitimate agricultural use, home occupations/home based business, and is not rented to or utilized by other than bona fide servants employed on the premises or members of the family of the occupant(s) of the principal

structure. Examples of accessory buildings, structures, or uses include, but are not limited to, private garages, greenhouses, living quarters for servants, tool sheds, hobby shed, storage buildings, greenhouses, or bathhouses adjoining a swimming pool. Persons are related within the meaning of this provision if they are related within the second degree of consanguinity or affinity.

Agricultural uses: Agricultural uses include activities that raise, produce or keep plants or animals. Examples include but are not limited to breeding or raising of fowl or other livestock animals; dairy farms; stables; riding academies; equestrian boarding places; farming, kennels, truck gardening, forestry, tree farming; and wholesale plant nurseries.

Alley: An “alley” is a public right-of-way or thoroughfare which is not less than Eighteen Feet (18’) wide and affords only a secondary means of access to abutting property.

Alter: To change the size, shape or physical outline, copy, nature of message, intent or type of an entity or structure including signs and buildings.

Animal Boarding: See Kennel.

Barn, Commercial or Private: See Stable, Commercial or Private.

Basement: A story (or portion of a story) partly or totally below ground level, with less than one-half of its height (measured from floor to ceiling) above ground level. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

Bed and Breakfast Inn:

(Traditional). A residential structure where three or fewer rooms are rented to transient paying guests on an overnight basis with no more than one meal served daily, where no cooking facilities are provided in the rooms and where the total number of permanent and transient occupants does not exceed six at any one time. The owner-operator of a traditional Bed and Breakfast resides at that place. This is classified as a normal home occupation. Parking for guests must be off-street parking and one parking spot per guest for the maximum number of guests planned for in the Bed and Breakfast.

Block: A tract of land bounded by streets (or street rights-of-way) or a combination of streets and public parks, or corporate boundaries of the City.

Brick: Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include unfired clay or shale brick.

Buffer Zone: An unimproved area required between adjacent property lines or adjacent structures.

Building: Any structure which is affixed to the land, has one or more floors and a roof, and is bounded by either open area or the lot lines, and is designed for human use or habitation, shelter for animals, chattels or other moveable property. A building shall not include such structures as billboards, fences or communication towers or structures with interior surfaces not normally accessible for human use, such as tanks, water well house or similar utility structures.

Building Official: Is the officer or other designated authority charged, by the Mayor, with the administration and enforcement of this Ordinance, or the duly authorized representative.

Building Line: The line established by the required yard.

Cemetery or Mausoleum: A use, structure or placed designated for burial of the dead.

Civic Center: A use, building or structure that is owned, managed or operated in whole or in part by a public and governmental agency for governmental, cultural, recreational, athletic, convention or entertainment uses and activities.

Common Property: A parcel or parcels of land, together with the improvements to the land, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in a Planned Unit Development.

Conditional Use: A use, building and structure permitted after additional review and regulation to ensure compatibility between uses and for developing conditions which allow for compatibility with adjacent uses.

Court (for building purposes): An open, unoccupied space bounded on more than two sides by the walls of a building.

Church: A use, building or structure used for religious activities, education and worship.

Day Care - Commercial: Any facility or premises where a total of seven (7) or more children under sixteen (16) years of age, and/or elderly adults, regularly attend for purposes of custody, care, or instruction; and which children or elderly adults are not members of the immediate nuclear family of any natural person actually operating the facility or premises.

Day Care - In-Home: Any private residence where a total of six (6) or fewer persons regularly attend for purposes of custody, care, or instruction; and which persons are not members of the immediate nuclear family living in the residence. Nothing in this definition shall conflict with the provisions of Chapter 42 of the Texas Human Resources Code.

Decorative Concrete Block: Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted; minimum thickness of two and five-eighths inches

when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

District: Any section or area of the City of Annetta South for which the City Council has adopted zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the intensity of use, and other land use matters.

Dormitory: Any structure specifically designed to house students as tenants and is associated with a university, college, or school.

Dwelling: Any building or portion of a building constructed for or occupied exclusively by one family with culinary and sanitary conveniences provided for their use.

Dwelling Unit (DUs): a structure, constructed on the site of its location, designed for a person or family to live in, in an individual or private state, and to be occupied as a home for an occupant, or the occupant and the family, if any, and not designed to be occupied by more than one family.

Erect: To build, construct, attach, hand, place, suspend or affix. And when used with signs to also include the painting of signs on the exterior surface of a building or structure, and shall also include the painting or affixing of signs to the exterior or interior surface of windows and shall include signs located interior to a building but readily visible from the exterior.

Exterior Architectural Feature: Any building or portion of a building that, due to its design, adornment, decoration or unique features, is of interest to the general public as an important asset to the community.

Facing: The surface or surfaces of a building or sign when used as a sign upon, against, or through which a message is displayed or illustrated on a sign.

Family: Any number of individuals occupying a dwelling unit and living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship.

Farm Animals: Domestic animals generally used or raised on a farm for profit, including but not limited to cattle, horses, cows, sheep, bulls, stallions, jacks, swine, goats and all domesticated fowl used for eggs or food.

Floor Area Ratio: The ratio of the gross floor area of a building or buildings in relations to the required lot area. The floor area ratio (FAR) may be expressed as a percent of the lot area.

Freestanding Residence: Any structure that due to its design or construction exists independently of any other structure adjacent to its location. The upstairs apartment above a retail or commercial use is not a freestanding residence.

Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating) measured parallel along the line of the street, or if the street is a dead-end, then such

term shall mean all of the property abutting on one side between an intersecting street and the dead-end of the street. Or frontage shall mean all of the property on one side of a street between two lot lines.

Garage, Private: An accessory building designed or used for the storage of not more than four motor-driven vehicles owned by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of not more than a two-ton capacity.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Garden Homes: Types of dwelling units varying from one (1) to four (4) bedroom dwellings depending on the character of the developments; compact or efficiently arranged for maximum efficiency. Lot coverage is usually less than apartment homes.

Group Home: A building, structure or use providing food and shelter, personal guidance, care, rehabilitation services or supervision for not more than 6 disabled persons, regardless of their legal relationship to one another and 2 supervisory personnel. A group home is a community-based residential home operated in accordance with the Texas Human Resource Code Chapter 123 and the Texas Department of Mental Health and Mental Retardation Act. A group home is a use by right that is authorized in any district zoned residential.

Height: The vertical distance of a building, structure or portion thereof, measured from the mean level of the ground surrounding the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. In measuring the height of a building, parapet walls not exceeding four feet, chimneys, cooling towers, ornamental cupolas, domes, antenna, support structures or spires shall be excluded from height.

Home Based Business: A home occupation or use for profit or non-profit involving business, art or hobby activities including the selling to, production of, and provision of services to others not part of the on-site single family residential use.

Home Occupation: Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not exceeding 2 square feet attached to the building, and no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and, no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. Retail sales from the home to walk up or drive up customers, except for the sale of agricultural products, including cafes, or diners and barber or beauty shops are not considered a home occupation. Examples of home occupations include sale of agricultural goods and products, crafts; woodworking; dressmaking; custom cakes or other small scale catering that uses no commercial type or size equipment; professional services such as bookkeeping, handling of telephone orders, technology or electronic communication; traditional Bed and Breakfasts limited to three (3) rooms for rent, and day care for six (6) or fewer persons.

Hobby Shed: See accessory use.

Kennel: Any location where four (4) or more dogs or cats aged six (6) months or older and other household pets are groomed, bred, boarding, training or sold. Pet retail stores where animals are offered for sale as a secondary use, and where grooming, small animal medicine & surgery and training is conducted as secondary to the retail selling of pet goods and supplies are not classified as kennels.

Loading Space: A paved all weather impervious surface area, enclosed or unenclosed, sufficient in size to store a 1 ton truck or larger truck and a passenger bus, with a paved surface driveway connecting the loading space with the public street or alley and permitting ingress and egress. The loading space shall not be less than 12 feet by 50 feet with a vertical clearance of at least 14 feet. The exterior loading space shall be located to the rear or side of the principal use and not within the front yard or required side yard. A minimum 10 foot screening wall of masonry or dense landscaping shall be required to screen views of loading docks and loading spaces from any public right of way or adjoining residential zone or residentially used property.

Lot: A lot is the smallest physical and undivided tract or portion of land as shown on a duly recorded plat being a lot of record, having frontage on a public street.

Lot, Corner: A lot that has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curbs at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: The percent of the lot covered with structures as compared to open space. Structures include all buildings, parking lots and driveways. See definition of open space.

Lot, Double Frontage: A lot having a frontage on two parallel streets. Double frontage lots are not permitted.

Lot, Interior: A building lot other than a corner lot.

Lot Area: The area of a lot between lines, including any portion of an easement that may exist within such lot lines.

Lot of Record: A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Parker County; or a parcel of land, the deed of which was recorded in the office of the County Clerk of Parker County.

Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling and shall have a permanent concrete foundation, connected to public water and sanitary sewer utilities, and includes plumbing, heating, air-conditioning, and

electrical systems. The term does not include a recreational vehicle as that term is defined by 24 Code of Federal Regulations, Section 3282.8(g). The manufactured home is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Manufactured Home Lot: A parcel of land in a manufactured home park for the placement of a single HUD-code manufactured home and the exclusive use of its single family occupants.

Manufactured Home Park: A parcel of land designed as an area for manufactured homes to be installed as residences containing individual lots of record for the permanent placement of a manufacturer's home on individual lot of record with roads, utilities, and drainage in accordance with all applicable provisions of the City's Code of Ordinances and other regulations governing a manufactured home park.

Model Home: A sales office built as a dwelling unit within a residential development.

Modular Home: A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent concrete foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems contained on the structure. The term does not include a manufactured home or mobile home as defined in this Ordinance; nor does it include building modules incorporating concrete or masonry as [a] primary structural component.

Multi-Unit Dwelling: A residential structure providing complete, independent living facilities for three or more families or households living independently of each other and including permanent provisions for living, sleeping, cooking, eating, and sanitation in each unit. Condominiums are included in this definition.

Multiple Building Complex: More than one (1) principal building on a building plot.

Nonconforming Use: The use of land or a building, or portion thereof, which does not conform with the use regulations of the district in which it is situated and which use was in existence prior to the effective date of this Ordinance and any subsequent changes.

Occupancy: The use or intended use of land or buildings by owners, occupants, proprietors or tenants.

Off-Street Parking: An area for storage of an automobile that is entirely on private property. The surface of the area of a residential off-street parking area shall be constructed of four inches of reinforced concrete or one and one-half inches of hot mix asphalt, cobble stones or bricks, on a stabilized base four inches thick, or by special permission of the City Engineer other suitable surfaces to compliment the architectural style of the property. Commercial parking areas and lots shall be construction of six inches of reinforce concrete.

Open Space: The part of a building lot, including courts or yards, which are open and unobstructed from its lowest level to the sky, which is accessible to all residents or users upon a building lot, which is not part of a roof, driveway, parking area, and which does not include any structures. When used in planned unit development or similar development proposals, the term “open space” shall apply to both private and common ownership property designated for outdoor living and/or recreation.

Open Space Reserve: Open space reserve shall mean an open area, minimum 5 acres, which is designed and intended to be used for outdoor recreation. An area of usable open space reserve shall include Texas native or natural landscaping, walks, water features and decorative objects such as artwork or fountains. Open space reserves shall not include recreational equipment or recreational sports fields, buildings, except those buildings designed specifically for maintenance of the open space reserve. Open space reserves may include parking areas and driveways.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, items, material or merchandise in the same place for more than twenty-four (24) hours and not actively being sold.

Parking Space: A paved all weather impervious surface area, enclosed or unenclosed, sufficient in size to store one automobile, with a paved surface driveway connecting the parking space with the public street or alley and permitting ingress and egress of an automobile. The standard required parking space shall be not less than one hundred sixty two (162) square feet – measuring approximately, in feet, nine by eighteen feet (9’ x 18’). A compact car space shall be no less than one hundred twenty-eight square feet (128’) measuring approximately, eight feet by sixteen feet. Bus or recreational vehicle parking shall not be less than six hundred (500) square feet measuring approximately ten feet by fifty feet (10’ x 50’).

Pasturage: Land used primarily for the grazing of animal stock.

Place of Worship: A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planned Unit: A land area, which (1) has individual building sites and common property such as a park and (2) is designed to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may either be public or private.

Planned Unit Development: A single planned unit as initially designed; or such a unit as expanded by annexation of additional land areas; or a group of continuous planned units, as separate entities or merged into a single consolidated entity.

Planning Commission: The Planning and Zoning Commission of the City of Annetta South, Texas.

Repair: The reconstruction or renewal of any part of an existing building for the purposes of maintenance. The word repair shall not apply to structural alterations.

Right-of-Way: Refers to right-of-way for streets and alleys, which includes pavement, sidewalks, utilities and other public use.

Roof Line: The height which is defined by the intersection of the roof of the building and the wall of the building. For mansard-type roofs, the roof line shall be defined as the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four (4) feet in height may be considered as the roof line.

Site Plan: A Plan, drawn to scale, showing use of the land, to include locations of buildings, drives, sidewalks, parking areas, drainage facilities, and other structures to be constructed.

Setback or Building 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 lot.

Stable, Commercial or Private: Commercial barn or stable shall mean a boarding facility used for the rental of stall space or for the sale or rental of horses, mules or similar large animals. Private barn or stable shall mean a facility used solely for the owner's private purposes for the boarding, sale or keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

Stone: Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five-eighths inches when applied as a veneer.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, items, material or merchandise in the same place for more than twenty-four hours and not actively being sold.

Storage, Self Service: A structure containing separate, individual, and private storage spaces of varying sizes.

Storage Garage: A "storage garage" is any premises and structure used exclusively for storage of more than five (5) automobiles.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between the floor and the ceiling next above it.

Street: A way for vehicular traffic or parking, whether designated as a highway or any of the following types:

- (1) Residential Street: serves a residential neighborhood and serve no more than 24 dwelling units between cross streets or intersecting residential streets. A residential street may be a cul-de-sac, loop or short street.

(2) Collector Street: serves to collect traffic from multiple residential streets and which serve vehicular traffic in the general range of 5,000 vehicles per day (VPD) to 10,000 VPD.

(3) Arterial Street: a through traffic street, generally aligned in the direction of major traffic movement carrying such traffic into or out of the city. Arterial streets serve vehicular traffic in excess of 5,000 VPD.

(4) Commercial Streets: serve business and industrial areas.

(5) Alley: serves as a minor public right-of-way which provides a secondary means of vehicular access to abutting property. An alley is used primarily for vehicular traffic to the rear or side of properties.

Structural Alterations: Any change which would tend to modify the life of a supporting member of a structure such as bearing walls, columns, beams, or girders.

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Stucco: Stucco shall be defined as traditional three-step hard coat stucco applied over a masonry or concrete backing.

Temporary Concrete Batch Plant: On-site temporary batching plant is permitted as follows: limited to the period of construction, upon approval of the location and operation by the Building Official.

Townhouse: A single-family dwelling unit constructed in a series or a group of attached units with property lines separating such units, usually with the dividing wall between units falling on the property line.

Transmission Tower: A wireless telecommunications support structure designed primarily of the support and attachment of a wireless telecommunications facility. Transmission towers include:

- (1) Monopole Tower - A self-supporting structure composed of a single spire used to support telecommunications antenna and/or related equipment.
- (2) Lattice Tower - A self-supporting three or four sided, open, steel frame structure used to support telecommunications antenna and/or related equipment;
- (3) Guyed Tower - An open, steel frame structure that requires wires and anchor bolts for support.
- (4) Stealth Tower - A manmade tree, clock tower, church steeple, bell tower, utility pole, light standard, identification pylon, flagpole, or similar structure, that is camouflaged to be unrecognizable as a telecommunications facility, designed to

support or conceal the presence of telecommunication antennas and blends into the surrounding environment.

Use: The purpose or activity for which the land, structure or building thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this Ordinance. Principal or main use shall be the dominant or controlling use of the lot.

Use Permits: Permits ruled on by the Planning and Zoning Commission allowing certain uses in zoning districts.

1. Conditional Uses are generally compatible with those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density and intensity. These are granted to the land and will continue to be valid with sale or transfer of property.
2. Specific uses are not generally compatible with those uses permitted by right in the zoning district, but by the unusual circumstances (existing uses and historic uses) in the area, consideration of the use is advisable. These are granted to a person and do not transfer with change of ownership of the property unless such change is by inheritance.

Utility Facility: Infrastructure services and structures necessary to deliver basic utilities essential to the public health, safety, and welfare. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility. This does not include Wireless Telecommunication Facilities.

Variance: A legal modification in the application of specific Zoning District regulations such as yard, lot width and yard depth, signs, set back and off-street parking, and loading regulations granted due to the special conditions or circumstances peculiar to a particular parcel of property.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

Yard: An open space open from its lowest point to the sky unobstructed at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves and as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. Accessory uses may be permitted within the side and rear yard.

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 line and the main building including any projections of the usual uncovered steps, uncovered balconies, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

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 including any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard,

Yard, Side: A yard between the main building and 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 the main buildings or any projections thereof.

Definitions not expressly described herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Words used in the masculine or feminine shall also be construed to mean the other.

Chapter 4 – Regulations Applicable To All Districts

1.4.1 Applicability

- A) The regulations in this Chapter shall apply to all zoning districts in this Ordinance, as amended.

1.4.2 General

- A) No land or structure shall be used, nor intended for any use, other than those uses permitted in the district where the land or structure is located.
- B) No structure shall be erected, reconstructed, enlarged, structurally altered, or moved in such a manner as to evade conformity with height, bulk, lot area, use and other regulations for the district where the structure is located.
- C) No yard provided adjacent to a structure for the purpose of complying with provisions of this Zoning Ordinance, as amended, shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

1.4.3 Accessory Structures

- A) Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached. Attached buildings are defined as any building sharing an attached or common roof with the primary structure.
- B) Detached accessory buildings shall be subject to all of the following regulations, in addition to any other applicable regulations:
 - 1) Number of Buildings:
 - a) No more than two (2) accessory structures may be placed on any lot, except within the Agricultural zone where detached accessory buildings are limited by lot coverage.
 - 2) Lot coverage:
 - a) The combined floor area of all accessory buildings shall not exceed ten (10) percent

of lot coverage or sixty (60) percent of the primary structure, whichever is less. In no case shall the combined area of the primary structure and accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.

b) Stables shall be limited in area to ten (10) percent of lot coverage.

3) Setback Requirements:

a) Street: Accessory buildings or structures shall not extend beyond a front, side or rear building line adjacent to a street. For a lot, utilized by a single detached dwelling, a gazebo or similar open air landscape structure may be within the front yard but no larger than 100 square feet.

b) Easement: No accessory structure shall be located within any easement.

c) Front: Accessory buildings shall not be located closer to the front property line than the main building or the front yard setback requirement for that zoning district, whichever is greater. For a lot utilized by a single detached dwelling a gazebo or similar open air landscape structure may be within the front yard but no larger than 100 square feet.

d) Side: Accessory buildings shall not be located closer than five (5) feet to the side property line when the accessory building is located behind the main building.

e) Rear: When the accessory building is a garage or carport with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory buildings shall not be located closer than five (5) feet to the rear property line.

f) Other Structures - Accessory buildings and structures, other than carports, shall not be located within five (5) feet of any other structure.

g) Stables shall not be located within fifty (50) feet of any property line or dwelling

4) Roof:

a) The minimum roof slope for all accessory structures shall be 3:12, unless the accessory structure is prefabricated, pre-finished, and covers less than two (2) percent of the lot or is a carport.

b) The color and materials of the roof of the accessory structures must closely resemble the color and materials of the roof of the main structure, unless the accessory structures is prefabricated, pre-finished, and covers less than (2) percent of the lot or is a carport.

5) Exterior Walls:

a) Accessory structures covering less than two (2) percent of the lot are required to be constructed with exterior walls composed of metal with a baked-on enamel or vinyl finish, vinyl, wood structure that is prefinished and prefabricated, composite masonry façade, or the same masonry content required of the main structure.

b) Accessory structures covering more than two (2) percent of the lot are required to be constructed with exterior walls composed of composite masonry façade material or the same masonry content required of the main structure.

c) Barns and Stables located on property zoned Agricultural are exempt from the masonry requirement for exterior walls.

d) No pressure treated wood is permitted as exterior finish.

6) Height:

a) Accessory structures shall be limited to a height of not more than twenty (20) feet.

7) Notes:

Equestrian or rodeo arenas whether enclosed, partially enclosed, or open air require a Specific Use Permit.

8) Fences:

See regulations Design Standards and Site Plan Requirements

C) Accessory Structure that do not conform to the requirements above may be permitted with a conditional use permit.

1.4.4 Wind-Powered Systems

A) Wind powered systems designed for production of power to be sold to a power company or a consumer, are considered commercial wind power systems and require a Special Use Permit

B) All other wind powered systems may exist only as an accessory use. A Wind Powered System may not be erected on a lot until a primary structure has been constructed.

C) Size limitations

1) Wind-powered systems, including windmills and/or wind turbines, shall be setback from all boundaries of any lot or habitable structure by a distance equal to at least one hundred twenty-five percent (125%) of the tower's height, as measured from average natural ground level, to the highest point of the arc of the wind blades' elevation above such ground level.

D) Design Requirements

1) Wind Powered System shall be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered by the State of Texas. Wet stamps are required.

2) Wind powered systems within a Residential zoned district shall be limited to 5kw of peak power output.

3) The tower shall be monopole without guy wires.

4) The color of all wind powered systems shall be non-reflective and of neutral tones or of earth tones such as subdued green or brown. Grey, including naturally darkening galvanized grey, is also an acceptable neutral tone. Wind powered systems shall not be finished in bright or vivid colors intended to draw attention to the structure.

5) Multiple wind powered systems are allowed on any lot, provided they are separated by a distance equal to at least the height of the tallest such tower, as measured from average natural ground level to the highest point of the wind blades' elevation above such ground level.

6) Lighting. All lighting not required by Federal Aviation Administration (FAA) regulations is prohibited.

7) Signs. There shall be no signage on the tower structure or any rotor blade.

E) Required Plans and Specifications.

- 1) In addition to the submittals otherwise required upon making application for a building permit, the application for a building permit for a Wind Powered System must be accompanied by a Site Plan.
- 2) A site plan of the proposed Wind Powered System shall include:
 - a) A survey or scaled drawing of the site on which the proposed Wind Powered System will be constructed.
 - b) The location of the Wind Powered System in regards to the property on which the system will be constructed.
 - c) All components of the system including the distance of the system to the property lines; required setbacks; existing structures on the site; natural features such as watercourse and trees.
- 3) Elevation drawings shall include:
 - a) The design and height of the proposed Wind Powered System;
 - b) Detailed drawings of all system components.

F) Permitting Requirements

- 1) Small wind turbines must have been approved under any small wind certification program recognized by the American Wind Energy Association.
- 2) Compliance with International Building Code: Building permit applications for wind systems shall be accompanied by standard drawings of the Wind Powered System, including the tower, base and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer registered by the State of Texas shall also be submitted. Wet stamps shall be required.
- 3) Compliance with FAA Regulations: Wind Powered Systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 4) Compliance with National Electric Code: Building permit applications for Wind Powered Systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code.
- 5) Utility Notification: No Wind Powered System shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

G) Maintenance and Abandonment

- 1) A property owner with a valid permit to operate a wind powered system must submit to the Building Official every two years a letter prepared by a Professional Engineer registered in the State of Texas, stating that the wind powered system continues to meet current electrical and structural requirements as set forth in this Title.

2) A Wind Powered System that has become unstable, leans significantly out of plumb, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the System is located. The Building Official may order immediate repairs in the event of imminent collapse. Failure to make the required repairs within the time provided is an offense.

3) If the owner of a Wind Powered System plans to abandon or discontinue, or is required to discontinue, the operation of the System, the owner shall notify the Building Official by certified U.S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation.

4) In the event that an owner fails to give such notice, the Wind Powered System shall be considered abandoned if the Wind Powered System is not operated for a continuous period of six (6) months.

a) Upon abandonment or discontinuation of use, the property owner shall physically remove the Wind Powered System within ninety (90) days from the date of abandonment or discontinuation of use.

b) "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine and all other components of the Wind Powered System from the site of the original installation.

1.4.5 Conditional Use:

- A) The purpose of a conditional use permit provides a means for developing selected uses in a manner in which the proposed use will be compatible with adjacent property and consistent with the character of the neighborhood.
- B) The uses listed in each district as "Conditional Use" are prohibited in the district unless and until a conditional use permit is granted for such use by the City Council in accordance with the requirements and procedures set forth in this section. Conditional Use requirements as to number, area, location, duration or relationship to the neighborhood and adequate development standards and safeguards established for such use are intended promote the health, safety and welfare of the neighborhood and the City.
- C) Each Conditional Use Permit shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.
- D) Conditional Use Permit Application
 - 1) An application for a Conditional Use Permit shall be submitted to The Planning and Zoning Commission and shall include the following:
 - a) A written description of the proposed use.
 - b) A site plan showing the location of the proposed use on the site and documentation required of the site plan in Chapter 7 Design Standards and Site Plan Requirements.
 - c) Any additional information required by the Zoning Administrator.
- E) Review by the Commission and the Council of a Conditional Use Permit Application

- 1) The Planning and Zoning Commission shall hold a public hearing after proper advertisement and make a recommendation to the Council.
 - 2) The Council shall hold a public hearing and approve, approve with conditions, or deny the Conditional Use Permit based on the review criteria below.
- F) Conditional Use Permit Review Criteria: In granting a Conditional Use Permit, the Commission and the Council shall determine that the proposed use:
- 1) Compliments or is compatible with the surrounding uses and community facilities;
 - 2) Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;
 - 3) Is not detrimental to the public health, safety, or general welfare;
 - 4) Conforms in all other respects to all applicable zoning regulations and standards; and
 - 5) Is in conformance with the Annetta South Comprehensive Plan for Land Use Development.
- G) Additional Conditions on a Conditional Use Permit: The Commission and Council may impose reasonable conditions upon the granting of a Conditional Use Permit consistent with the Comprehensive Plan, other stated development goals and objectives of the City, and the requirements of other City regulations.
- 1) Such conditions may include, but are not limited to the location, health, safety, arrangement, operation, duration, traffic, parking and type, landscaping and manner of construction of any use for which a Conditional Use Permit is requested.
- H) Effect of Conditional Use Permit:
- 1) The granting of a Conditional Use Permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.
 - 2) A Conditional Use Permit runs with the land, a new owner is not required to reapply for a Conditional Use Permit unless a time limit that has been established runs out.
- I) Conditional Use Permit and the Zoning Map:
- 1) When the Council authorizes granting of a Conditional Use Permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.
 - 2) The amendment is to indicate the appropriate zoning district for the approved condition use and shall be suffixed by an "C" designation.
- J) Conditional Use Establishment and Revocation:
- 1) An approved conditional use shall be established and any construction authorized shall be commenced and diligently pursued within two (2) years from the approval date of such permit. The use permitted by approval of the conditional use shall expire without notice and become null and void if said use does not commence within the above time period.
 - 2) If the conditional use shall cease for any reason for a continuous period of two

(2) years or more the conditional use permit shall automatically terminate without notice and become null and void.

1.4.6 Temporary Use Permit:

- A) Purposed Temporary uses operating for less than 90 days within a one-year time period shall obtain a Temporary Use Permit from the Zoning Administrator. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare.
- B) Temporary Use shall include short-term or seasonal uses that would not be appropriate on a permanent basis. The following uses and activities shall be considered temporary uses:
 - 1) Fundraising Activities by Not-for-Profit Agencies. Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours.
 - 2) Special and Seasonal Sales Events. Significant commercial activities lasting not longer than 90 days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or parking lot sales of food, art work or other goods.
 - 3) Entertainment or Amusement Events. Short-term cultural and entertainment events including public or private events lasting not longer than 90 days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.
 - 4) Temporary Batch Plants in construction areas.
- C) Temporary Use Permit Applications: An application for a Temporary Use Permit shall be submitted to the Zoning Administrator at least 30 working days before the requested start date for a temporary use and shall include the following:
 - 1) A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event
 - 2) A written description of how the temporary use complies with the review criteria below.
 - 3) A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
 - 4) A letter from the property owners agreeing to the temporary use.
 - 5) Any additional information required by the Zoning Administrator
- D) Appeal of Denied Temporary Use Permit by the Planning & Zoning Commission.

- 1) The Zoning Administrator shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of submission of a complete application.
 - 2) Any applicant denied a permit by the Zoning Administrator shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Commission.
 - 3) A denial of a temporary use permit may be appealed to the Commission within 10 days of the Zoning Administrator's action. The appeal shall be made in writing to the City Secretary and a copy shall be provided to the Zoning Administrator.
- E) Review Criteria for Temporary Use Permits:
- 1) The temporary use must be compatible with the purpose and intent of this Ordinance.
 - 2) The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site or adjacent sites.
 - 3) The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.
 - 4) The temporary use shall conform in all respects to all other applicable City regulations and standards.
- F) Restoration of Site: Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
- G) Hours of Operation and Duration: The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Zoning Administrator at the time of approval of the temporary use permit.
- H) Traffic Circulation: The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
- I) Off-street Parking: Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
- J) Public Conveniences and Litter Control: Adequate onsite rest room facilities and litter control may be required.
- K) The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
- L) Appearance and Nuisances: The temporary use shall be

compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

- M) Signs: The Zoning Administrator shall review all signage. The Zoning Administrator may approve the temporary use of attention attracting devices.
- M) Additional Conditions for Temporary Use Permits: The Zoning Administrator may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.

1.4.7 Classification of New and Unlisted Use

- A) Unlisted Uses: The uses permitted are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed are prohibited. However, additional new and unlisted uses may be permitted by the Commission if the use is similar to other uses listed in the same Zoning district.
- B) Appeals: An applicant, aggrieved by the decision of the Commission may file an appeal of the decision to the Council. The appeal shall be filed in writing to the Zoning Administrator within 10 days of the Commission's action.
- C) Unless otherwise stated in the Commission action, the determination of the Commission with respect to the appeal shall constitute a permanent and consistent interpretative decision which the Chair shall apply in all future instances.
- D) Conditions on New Land Uses: When considering requests for a new land use, the Commission shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.
- E) Authorization of New Uses: If a new use is authorized by the Commission, a text amendment shall be sent immediately to the Council.

1.4.8 Specific Use Permit

- A) City Council may consider after public hearing, proper notice to all parties affected and recommendations by the Commission to grant a specific use permit for a premises under consideration. The Council shall determine that such use is harmonious and

adaptable to the building or structure and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations as to requirements for the traffic, access, parking, ingress, egress, provisions and drainage, protective screening and open space, heights of structures and compatibility of buildings.

- B) In granting a specific use permit, the City Council may impose conditions which may be complied with by the owner or grantee before a certificate of occupancy may be issued by the Zoning Administrator. The specific use permit shall be to the owner or grantee and is not transferrable with the lease or sale of the property. No specific use permit shall be granted unless and approved by the Council. The applicant shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing or drawings.

1.4.9 Non-Conforming Use being a lawful use of property existing at the time of the passage of the Zoning Ordinance that does not conform with this Zoning Ordinance is deemed a “non-conforming use”, except that any residential use existing at the time of passage of this ordinance shall be deemed a conforming use.

- A) If a non-conforming use of a property is discontinued and not occupied for more than (90) ninety days the use of the property is discontinued and any future use of said property shall be in conformity with the provisions of this Zoning Ordinance.
- B) A non-conforming use of a building may be continued and may be changed to another non-conforming use of the same or more restricted classification and may be extended through the building provided no structural alterations except those required by law or ordinance are made therein and further provided that in the event a non-conforming use of a building is once changed to a non-conforming use of a more restricted classification, its shall not later revert to a less restricted classification.
- C) The right to continue a non-conforming use is subject to such City regulations as to the maintenance of the premises and conditions of operations as may in the judgment of the Zoning Administrator, be reasonably required for the protection of the adjacent property.
- D) The non-conforming use shall not be continued in case of total destruction of the building by fire, wind or other cause. In the case of partial destruction, not exceeding fifty (50) percent of a building’s value, the Zoning Administrator shall issue a permit for reconstruction. If partial destruction is greater than fifty (50) percent, the Council may grant a permit for repair after public hearing and due regard for the property rights of the persons affected when considered in light of the public welfare and the character of the area surrounding the non-conforming use and of the

conservation and preservation of property.

1.4.10 Home Based Business/Home Occupation

A) Home based business and/or home occupation means business activities and uses that are incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.

B) The following regulations shall apply to a home based business or home occupation.

1) On-premise advertisements or signage is prohibited.

2) No display of goods or materials or signage.

3) Alteration of the exterior appearance of the residential structure or its accessory structure (s) shall not be permitted, nor shall the business occupation or use within the dwelling be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or by signs, or the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations.

4) There shall be no more than two (2) employees who do not reside on the premises that shall perform work on the premises.

5) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

6) There shall be no outdoor storage of materials or equipment. There shall be no merchandise visible from outside the dwelling.

7) The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

8) There shall be no use or storage of mechanical equipment not recognized as being part of normal household or hobby use visible from the public street or neighboring residential use(s).

9) All parking shall be on premises with no on street parking allowed for a home based business or home occupation.

10) As defined by the Human Resource Code, Chapter 42 an “In-home Day Care” or a “Family home” that is certified, listed or registered with the State of Texas is exempt from this Ordinance, and governed by the rules and regulations of the State of Texas.

1.4.11 Floodplain Area

A) Lands that are classified by Federal Emergency Management Agency (FEMA) as within the 100 year plan shall be conserved or reclaimed as natural undeveloped lands unless in conformance with the FEMA and U.S. Army Corp of Engineers regulations.

B) No grading, filling, excavation, or any other type of alteration of the lands and elevations shall occur unless in accordance with City of Annetta South Ordinance No. 51 Flood Damage Prevention Ordinance and as amended and as recommended by the City’s Engineer.

Chapter 5– Regulations Applicable To Zoning Districts

1.5.1 Agricultural District (A)

A) Land within The City of Annetta South presently used for agricultural, open space and conservation purposes assist in meeting the Goals and Strategies of the Comprehensive Plan for Land Use Development. The goals include maintaining design of low density development which successfully support the open prairie landscape and benefit uses that involve conservation of natural resources and agricultural activities both animal husbandry, grazing and plant production. Newly annexed areas will be zoned as an agricultural district initially.

B) Permitted Use:

- 1) Single Family Detached Dwelling
- 2) Agricultural Use, including one or more structures related to animal husbandry and plant production limited to no more than 20% of the lot area, and a minimum of 50 feet from a lot or property line.
- 3) Home based business within the single family detached dwelling
- 4) Federal, State or City owned or controlled facilities, utilities and uses
- 5) Cemetery and/or Mausoleum provided the principal or accessory structures are a minimum of 50 feet from a lot or property line
- 6) Churches and places of worship
- 7) No more than two accessory uses associated with a single family detached dwelling and limited to a free standing automobile parking garage; swimming pool; hobby shed; or at a minimum of 2,500 square feet, a guest house, care takers quarters, security quarters provided said facility has a separate access to a public road or street, and have a minimum of 50 feet front, side and rear yard and with all such accessory use yards shall be behind the front yard of the main structure on the lot.

C) Conditional Use

- 1) Animal Clinic, Animal Shelter, Animal Boarding and Stable or Kennel with inside and outside pens. Outside pens shall be a minimum of 50 feet from a lot or property line.
- 2) Greenhouse or Nursery (wholesale and retail) provided the retail use and any structure is a minimum of 50 feet from a lot or property line.
- 3) Manufactured Home Detached Dwelling Park of two or more dwellings
- 4) Privately or corporately owned educational and day care facility
- 5) Country Club, Golf Course, and/or Public Park
- 6) Wind energy, utility or telecommunication tower provided such structure is a minimum of 50 feet from a lot or property line and no less than its height from a property line.
- 7) Franchise holding facilities and utilities holding a franchise under the City of Annetta South

D) Development Standards: Following are the requirements for the Agricultural District.

Agricultural District (A)

Lot Size-Minimum Requirement

Lot Area 5 acres
 Lot Width (feet) 210
 Lot Width of Corner Lots (feet) 250
 Lot Depth (feet) 300

Principal Dwelling Regulations-Minimum Requirement

Minimum Square Footage 2,500
 Maximum number of principal single-family detached dwellings units per lot: one

Yard Requirements – Main Structures-Minimum setback

Front Yard (feet) 60
 Side Yard (feet) 20
 Side Yard of Corner Lots (feet) 50
 Side Yard of Permitted Nonresidential Use (feet) 50
 Rear Yard (feet) 50

Lot Coverage –Maximum Requirement

40%

Height of Structures-Maximum Requirement

Main Structure (feet) 50
 Agricultural Structure (feet) 65
 Accessory Structure (feet) 20

E) Additional Provisions:

- 1) A minimum separation of 100 feet between agricultural buildings and dwelling units on the same lot shall be maintained. Agricultural buildings for the purpose of this provision means those buildings used of the raising of crops or animals, or for the storage of agricultural equipment, supplies, or products with a minimum separation of 20 feet between agricultural buildings.
- 2) A minimum setback of 50 feet from the property line shall be provided for any agricultural building.

1.5.2 Single Family - 1 District (SF-1)

A) Purpose: SF-1 is a single family residential district for detached dwelling units on individual lots and requiring a minimum lot size of 2 acres. The cultivation of agricultural crops and livestock is allowed.

B) Permitted Use:

- 1) Single Family Detached Dwelling
- 2) Home based business or occupation within the single family detached dwelling.
- 3) Federal, State or City owned or controlled facilities, utilities, parks playgrounds, recreational facilities, open space preserves and municipal uses
- 4) Cemetery or Mausoleum provided the principal or accessory structures are a minimum of 50 feet from a lot or property line
- 5) Churches and places of worship
- 6) Two Accessory Uses customarily associated with a single family detached dwelling and limited to parking garages, swimming pools and hobby shed.

C) Conditional Use

- 1) Community or neighborhood swimming pool or recreational use provided the use and structures are a minimum of 50 feet from a lot, yard

or property line.

- 2) Real Estate Model Home
- 4) Privately or corporately owned educational and day care facility
- 5) Golf Course and/or Country club
- 6) Wind energy, utility or telecommunication tower, used for noncommercial purposes, provided such structure is no less than 50 feet from a lot or property line and in every case no less than its height from the property line.
- 7) Franchise holding facilities and utilities holding a franchise under the City of Annetta South
- 8) Temporary concrete batch plants limited to no more than 6 months however the limit on the temporary permit may be extended one more six month period, by the Zoning Officer as necessary to complete construction for the project under which the temporary permit was granted.
- 9) Two Accessory Uses customarily associated with a single family dwelling, detached and limited to separate parking garage, swimming pool or hobby shed.

D) Development Standards: Following are the yard, lot and space requirements for the Single Family 1 District.

Single Family 1 District (SF-1)

Density – Maximum Requirement

One single family detached dwelling per two gross acres

Lot Size-Minimum Requirement

Lot Area Minimum 2 acre (87,120 square feet)

Lot Width (feet) 210

Lot Width of Corner Lots (feet) 250

Lot Depth (feet) 200

Principal Dwelling Regulation-Minimum Requirement

Minimum Square Footage 2,500

Yard Requirements – Main Structures-Minimum Setback

Front Yard (feet) 60

Side Yard (feet) 15

Side Yard of Corner Lots (feet) 30

Side Yard of allowable nonresidential use (feet) 30

Rear Yard (feet) 15

Lot Coverage – Maximum Requirement

40%

Height of Structures-Maximum Requirement

Main Structure (feet) 50

Accessory Structure (feet) 20

E) Additional Provisions:

- 1) Non-Enclosed attached patio covers, although an addition to and part of the principal structure, shall be exempt from the rear yard setback requirements above. Patio covers shall be allowed to extend into the rear setback no closer than 10 feet from the rear property line provided maximum lot coverage is not exceeded.

Chapter 6 – Regulations Applicable to Planned Development

1.6.1. Purpose:

- A. The (PD) Planned Development District is intended to provide for an opportunity to offer special and superior design opportunities for exceptional residential design with the mix of housing types and densities when an opportunity presents itself as a unique opportunity to preserve open space and the Texas prairie, whether by a single owner or a combination of owners.
 - 1) The City Council may authorize the creation of a (PD) Planned Development District, after a public hearing has been convened and proper notice to all affected property owners has been made in accordance with the City of Annetta South, Texas Zoning Ordinance and after a recommendation by the Planning and Zoning Commission has been submitted to the City Council. The City Council may authorize the creation of a (PD) Planned Development District for residential developments on tracts of ten (10) acres or more when a determination has been made by the Planning and Zoning Commission that the area to be rezoned cannot be rezoned to any traditional residential development without creating the potential of adversely affecting the property's significant natural resources or unique prairie habitat and that subject of the zoning will not adversely affect adjacent properties.
- B. The residential uses to be permitted in a (PD) Planned Development District shall be enumerated in the ordinance which creates such district. Any proposed amendment to the uses permitted within a (PD) Planned Development District shall be submitted and processed in accordance with the City of Annetta South Zoning Ordinance.
- C. Procedures: The steps necessary to request creation of a (PD) Planned Development District shall be as follows:
 - 1) Pre-application conference with the Planning and Zoning Commission for presentation and discussion of a preliminary drawing in a form for a change of zoning with all required supporting materials.
 - 2) Every (PD) Planned Development District approved under the provisions of this Article shall be considered an amendment to the Zoning Ordinance and applicable only to the property described in the legal description of the property;
 - 3) In carrying out the development of a (PD) Planned Development District, compliance with the development conditions and the development schedule shall be required. Such conditions as are specified for the development of a (PD) Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy by the City of Annetta South.
- D. Pre-application Requirements
 - 1) Pre-application Conference: An applicant for a (PD) Planned Development District shall schedule a pre-application

Conference prior to the formal submission of the application materials. At the pre-application conference, the applicant shall provide preliminary drawings that includes, but is not limited to, the following:

- a) A statement of completion of the Pre-Application Checklist requirements. The Pre-Application Checklist will be available from the City Secretary's office.
 - b) Delineation of site boundaries; and
 - c) General site layout indicating relationship of the proposed residential land uses, parking, and street layouts(s); and
 - d) Proposed residential development densities; and
 - e) Projected building heights; and
 - f) General topographic conditions; and
 - h) Significant environmental features, including flood plains, native prairie, water course, unique native habitat and acreage for these areas specific.
- 2) Based on the information provided by the applicant, initial comments concerning the merits of the proposed development and provide any other information necessary to aid the applicant in the preparation of the formal application.
 - 3) Any person, group of persons, or Corporation having a proprietary interest in any property may file an application for a (PD) Planned Development District. Such application shall be submitted and processed in accordance with City of Annetta South, Texas, Zoning Ordinance.
 - 4) Formal Public Hearing: The Planning and Zoning Commission shall advertised and hold a public hearing in accordance with the procedures set forth herein. The Planning and Zoning Commission shall make its recommendation to the City Council in accordance with the standard procedures for a change in zoning classification in the City of Annetta South. The Planning and Zoning Commission may recommend, and the City Council may approve the request for a (PD) Planned Development District as submitted or may make any modifications thereto as may be appropriate.
 - 5) In approving an ordinance establishing the (PD) Planned Development District, the City Council shall, after recommendation of the Planning and Zoning Commission, specify such height density, site coverage, setback, landscaping, off-street parking and all other standards as are appropriate for the development which are considered necessary to protect the health, safety, and general welfare, and to create a reasonable transition to, and protection from, property adjacent to the (PD) Planned Development District.
- E) Development Schedule:
- 1) If the applicant desires, or the Planning and Zoning

Commission or the City Council requires, a development schedule shall be submitted indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule shall, if adopted by the City Council, become part of the ordinance creating such (PD) Planned Development District, and shall be adhered to by the owner, developer, and successors.

2) The Planning and Zoning Commission or the City Council may, if in their opinion the owner or owners of the property are failing or have failed to meet the approved schedule, initiate proceeding to amend the Ordinance of the (PD) Planned Development District, or remove all or part of the (PD) Planned Development District from the Official Zoning Map and place the area involved in another appropriate zoning district. Such action shall occur in accordance with this Ordinance. Upon the recommendation of the Planning and Zoning Commission, and for good cause shown by the owner or developer, the City Council may extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

F) Amendment to (PD) Planned Development District

- 1) Any major amendment, supplement, deletion or modification to the (PD) Planned Development District may be granted upon application by any person, group of persons or corporation having a proprietary interest herein. Any application for such amendment, supplement, deletion or modification shall contain the information specified in this Article and shall be processed in accordance with the procedures set forth in the Annetta South, Texas Zoning Ordinances.
- 2) The Mayor or designee may authorize minor amendments that:
 - a) Do not alter the basic relationship of the proposed development to adjacent property; and
 - b) Do not alter the permitted uses; and
 - c) Do not increase the maximum density, floor area, height, or site coverage; and
 - d) Do not decrease the amount of required off-street parking; and
 - e) Do not reduce the required minimum yards or setbacks.
- 3) An applicant may appeal the decision of the Mayor or Designee to the Planning and Zoning Commission for review and decisions as to whether a formal amendment to the (PD) Planned Development District shall be required.

G) Coordination with Subdivision Ordinance:

- 1) It is the intent of this section that subdivision review under the

subdivision regulation of the City of Annetta South is carried out simultaneously with the review of a (PD) Planned Development District under the provisions of this ordinance.

- 2) Both the Subdivision Ordinance and the Annetta South, Texas Zoning Ordinance, contain regulations which apply to such matters in the design of a (PD). Planned Development District such as streets, utilities, and open spaces. In any (PD) Planned Development District for which the provision of the two Ordinances are in conflict, the Mayor or Designee shall submit a recommendation to the Planning and Zoning Commission, which shall determine which standard shall prevail.

Chapter 7 – Site Plan Requirements

1.7.1 Purpose

- A) The purpose of this Section is to regulate the manner in which land in the City of Annetta South is used and developed, minimize adverse effects on surrounding property or the general public, protection from fire, protection of adjacent uses from obstructions to light, air and visibility plus provision of adequate storm water drainage facilities, transportation, water and sanitary sewage facilities.

1.7.2 Site Plan Application and Approval

- A) A site plan application and drawn to scale site plan shall be required prior to development or construction of any structure and the issuance of a building permit for a building.
- B) The City Council shall consider approval of the site plan after review by the Zoning Administrator and receipt of recommendations from the Planning and Zoning Commission.
- C) A water well house or well head structure and similar domestic utility structure and essential service shall be exempt from this site plan requirement provided such structure shall not exceed 200 (two hundred) square feet.

1.7.3 Site Plan Requirements

- A) The following information shall be required of a site plan drawing for the application, review and approval.
 - 1) Project Name
 - 2) Vicinity Map at a scale of less than 1":1,000'
 - 3) Scale of the site plan drawing shall be no less than 1":50'
 - 4) North Arrow
 - 5) Date
 - 6) Aerial Photography upon which the proposed development features shall be placed.
 - 7) Public Street Names and locations for all existing and proposed streets right of ways, within or on the boundary of the proposed development, pavement widths, sidewalks and bikeways.

- 8) Lot layout with dimensions for all lot lines, all yards and building site(s)
- 9) Zoning designations of proposed development and all adjoining lots and development
- 10) Location of all existing and proposed fences, structures, and buildings on the development site as well as within 200 feet of the proposed site.
- 11) Location and sizes of all existing and proposed easements, private and public utilities in and adjacent to the proposed development including:
 - a) Well location, water lines and diameter, fire hydrants, connections to a public water system
 - b) Septic field or sanitary sewer lines, diameters, manholes, connect to public sewer line
 - c) Storm water detention/retention facilities, outlets and inlets with pre and post detention facilities for 5 to 100 year storms in 5 year increments.
 - d) Electric and gas facilities and easements
- 12) Show existing land topography at contour interval of not more than two feet and proposed grading and changes to topography
- 13) Proposed open space reserves, park lands and recreation lands as applicable
- 14) Proposed location of all proposed parking and loading spaces, ingress and egress on the site, fire lanes, required site triangles, curb radius and on-site circulation
- 15) Location of existing landscaping features including, but not limited to existing trees greater than 6", creeks, wetlands, FEMA flood plains or ponds existing on the site and within 50 feet of the site boundary. Note any planned modifications of a natural landscape feature.
- 16) Landscape Plan showing detail of the location, type and size of the proposed landscaping and plantings as required by this Ordinance.
- 17) Architectural elevations for all buildings on all sides of the building proposed on the site. Plans to include material, color, texture, windows, doors and other design features of the building including screening for mechanical equipment on roof or visible at site. Elevations shall be submitted drawn to scale of 1":10' or greater.
- 18) Illumination plans shall be provided that show the illumination of the building and structures and the lighting levels within the site and within 20 feet of the site that encourage dark sky lighting and lessen light pollution.

1.7.4 Criteria for Approval

- A) All applicable City of Annetta South Comprehensive Plan for Land Development and Zoning Ordinance requirements shall have been met for site plan approval.
- B) All applicable Site Plan requirements of this Zoning Ordinance shall have been met for site plan approval.
- C) The adequate capacity of public or private facilities for water, sewer, access to, from and through the development shall be required for site plan approval.

1.7.5 Power to Amend Plans

- A) The Planning and Zoning Commission may include any or all of the following conditions as they find necessary to meet the intent and purpose of this Ordinance and the Comprehensive Plan for Land Development in consideration of recommendation and City Council approval of the Site Plan.

- 1) Require a traffic study
- 2) Require modifications in the landscaping plan to ensure proper screening and aesthetic appearance.
- 3) Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc., to be consistent with the standards.
- 4) Require the type and placement of shielding of lights for outdoor circulation and parking.
- 5) Require new development which produce more than 1,000 vehicle trips per day to provide traffic mitigation by means of traffic signals, controls and turning islands, landscaping or any other means necessary to insure the viability, safety and integrity of the major street as a through corridor.
- 6) Require pedestrian access, separate pedestrian access ways and sidewalks in new developments.
- 7) Require open space reserves, park land, recreational lands and development or a fee in lieu of land dedication or park land development.

1.7. 6 Term of the Approved Site Plan

- A) An approved Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the development has received a Certificate of Occupancy.

Chapter 8 Off-Street Parking and Loading Regulations

1.8.1 Purpose of Off-Street Parking and Loading Regulations

For the safe use of public streets and roads, all parking and loading of automobiles, trucks and other motorized vehicles shall be off of the public right of way, public street and public roads unless a City permit has been authorized for on street parking.

1.8.2 Off-Street Parking Site Design Requirements

- A) Parking shall be primarily to the side and rear of the principal use and not within the front yard.
- B) Access/ingress/Egress
 - 1) Driveways from the public street to the required parking space shall be constructed of reinforced concrete.
 - 2) Driveways serving all uses should be spaced a minimum of 100 feet from the intersection of a public street or as per the Texas Department of Transportation on State maintained roads.
 - 3) All ingress and egress driveways shall have a minimum turning radius of 30 feet unless more is required for truck delivery.
 - 4) Driveways shall maintain the required sight distance triangle at all perimeter entrances and exists.
 - 5) Developments of more than 2 residential lots shall have main entrances located at the public street. On minor arterial streets or thoroughfares including TXDOT FM 5 a subdivision of more than 2 residential lots shall provide a left turn lane into the main entrance street and a right hand deceleration lane into the development from the minor arterial street or thoroughfare.
 - 6) Cross access easements from adjoining property may be approved by the City.
- C) Street/driveway intersection visibility/site triangles

- 1) The site plan shall show the required site triangle on both sides of each proposed drive/street to the proposed principle use or proposed development with the grades, curb, elevations, proposed street/drive locations and all items (both natural and manmade) within the site triangle. The plan for the site triangle shall show no visibility restrictions either horizontal or vertical within the site triangle area.
 - 2) No fence, wall, screen, sign face, tree or shrub, foliage, berm or other item either manmade or natural shall be maintained, erected or planted in the site triangle area.
 - 3) Vision clearance, at all intersections, shall be clear at elevations between 24 inches and nine feet above the top of the curb elevation within a triangle area formed by extending the two curb lines from their point of intersection for the following minimum distances for the applicable intersection and connecting these points with an imaginary line, thereby making triangle. If no curbs are proposed or exist the triangle area shall be formed by extending the property lines from their point of intersection for a distances as noted below and connecting these points with an imaginary line, thereby making a triangle as shown below.
 - a) Two public streets-minimum required distance along each curb, from the curbs point of intersection shall be 30 feet and minimum distance along each property line, from the property lines intersection, within a curb, shall be 20 feet.
 - b) Public street intersection with a private driveway – minimum required distance, along the curb, from the curb point of intersection with the driveway shall be 15 feet and the minimum distance along the property line from the property line intersection, on streets without a curb, shall be 10 feet.
 - c) The required standards for both vertical and horizontal sight distance requirements set forth in the latest edition of AASHTO green book “policy on geometric design of highways and streets” for the construction of both public street intersections and private drive intersections, unless otherwise approve by the city engineer. If in the opinion of the city engineer, a proposed street or drive intersection may not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the city engineer.
- D) Off Street Parking Requirements
- 1) Auditorium or similar gathering assembly – one parking space for every 4 seats
 - 2) Cemetery or Mausoleum –For a gathering building or room a minimum of one parking space for each 300 square feet of space.
 - 3) Church – one parking space for every 300 square feet of floor area except in assembly areas where one space shall be provided for every 4 seats in an assembly area.
 - 4) Civic Center – one parking space for every 300 square feet of floor area except in assembly areas where one space shall be provided for every 4 seats in an assembly area.
 - 5) Educational Facility – 1 parking space per each employee plus one for every 4 classrooms for elementary levels, plus one for every four students for secondary and higher levels of education.

- 6) Group Home – four parking spaces
- 7) Home based bed and breakfast business – one parking space for each sleeping room
- 8) Library – one parking space for every 400 square feet of floor area
- 9) Single Dwelling Unit including a manufactured home – 2 covered parking spaces for each dwelling unit located behind the front yard building line
- 10) Unclassified use- for uses not included above one parking space for each 300 square feet of floor area.

1.8.4 Off -Street Loading Site Design Requirements

- A) Exterior loading space (s) shall be located to the rear of the principal use and not within the front yard or side yard. A minimum 10 foot screening wall of masonry or dense landscaping shall be required to screen views of loading spaces from any public right of way or adjoining residential use. If masonry is utilized said masonry is to match the masonry used on the principal building.
- B) Driveways from the public street to the loading space shall be reinforced concrete.

1.8.5 Off-Street Loading Space Requirements

- A) Cemetery or Mausoleum – one loading space
- B) Civic Center – one loading space plus one additional loading space for each 25,000 square feet of floor space above 25,000 square feet.
- C) Church – one loading space
- D) Educational – one supply loading space plus one additional loading space for each 25,000 square feet over 25,000 square feet. For bus loading –one loading space for each bus scheduled at simultaneous loading and unloading times.
- E) Library – one loading space
- F) Single Detached Dwelling- one loading space in the rear yard and not within the side or front yard shall be required for parking of any recreational vehicles other than a passenger automobile.
- G) Unclassified use – for uses not listed above one loading space plus one additional loading space for each 15,000 square feet over 25,000 square feet for the parking or a vehicle other than a passenger automobile. Said space shall not be within the side or front yard.

Chapter 9 Landscaping Requirements

1.9.1 Purpose:

- A) The purpose of these landscape requirements is to protect the public health, safety and welfare by requiring that new development is adaptive to the existing natural areas and sensitive to sustaining the existing tree canopy and Texas native landscape thereby reducing heat build-up, air pollution, soil erosion and reduction of the rate of storm water drainage as well as providing for the control of the density of development. Texas native landscape shall include grasses, trees and Forbes as identified as Texas native landscape by Texas A & M Agri-life Extension Service
- B) Landscape Plan Requirements
 - 1) As part of the Site Plan approval a landscape plan shall be prepared and submitted.

- 2) The Landscape Plan shall be prepared by a person knowledgeable in Plan material usage, irrigation and landscape design (e.g. a landscape architect is recommended as well as an irrigation specialist).
 - 3) A minimum of twenty (20) percent of the property shall be landscaped and ten (10) percent of existing trees over six (6) inches shall be preserved.
 - 4) The landscape plan, drawn to a minimum scale of one (1) inch equals fifty (50) feet , shall provide, at a minimum, the following:
 - a) Property limits, topography of the site, north arrow, date and name (seal if applicable) of preparer.
 - b) Location, size and species of all trees to be preserved indicating size measured at twenty four (24) inches above ground level, location size and species of Texas native landscape materials to be maintained.
 - c) Location and spacing of all plants and landscaping materials to be proposed, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (include depth of water).
 - d) Species of all plant materials to be proposed include common names as well as scientific names. Texas native plants species are preferred.
 - e) Size of all plant materials at time of planting and size of plant at maturity. Texas native plant materials are preferred.
 - f) Layout of irrigation, sprinkler or water systems including water source.
 - g) Description of landscape maintenance requirements and responsibility for all landscape features and plans.
- C) Required Landscaping Standards
- 1) **Planting Strip:** Along each street, a twenty (20) foot wide landscaped planting strip shall be required. The planting strip excludes driveways and access ways at points of ingress and egress to and from a property. The planting strip may be in the front yard. The planting strip may include some or all of the sidewalk. The planting strip will not be within the public right of way.
 - 2) **Street Trees**
 - a) For all development, a minimum of one (4) inch caliper, eight foot (8) height tree shall be required every 30 linear feet of linear feet of street frontage within the landscaped planting strip.
 - 3) For all single detached residential development lots a minimum of one (1) tree shall be located in the front yard of each lot and one (1) tree in the rear yard of each lot.
 - 4) Where landscaping is intended to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial plantings shall be sufficient to provide a functional screen within a single growing season.
 - 5) Vegetative mater shall cover seventy-five (75) percent of any landscape area.
 - 6) Storm water detention facilities do not meet the landscape requirements unless a rain garden is approved.

