



City of Colleyville City Council Worksession Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Wednesday, July 27, 2016
5:30 p.m.

Executive Conference Room
Third Floor - City Hall

EXECUTIVE SESSION - 5:30 P.M.

- 1. CALL TO ORDER**
- 2. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D**

Section 551.071 - Consultation with and legal advice from the City Attorney regarding the comprehensive plan and zoning

RESUME WORKSESSION - EXECUTIVE CONFERENCE ROOM - 6:00 P.M.

- 3. PRESENTATION AND DISCUSSION**

3a Discussion of the Comprehensive Plan and the Land Development Code

- 4. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, July 22, 2016 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Colleyville City Council Worksession Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3a	Agenda Date 07/27/2016	Number
Type Presentation and Discussion		
Department City Council		

Title

Discussion of the Comprehensive Plan and the Land Development Code

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

Staff has included the following items for this worksession review: current comprehensive plan, *Destination Colleyville*; Land Development Code, Chapter 3 Land Use; and the September 1, 2015 Pre Council discussion of density.

The Mayor had also requested a history on the Planned Unit Development (PUD) section of the Land Development Code; therefore, staff has included a PUD Summary Sheet, Ordinances O-77-248, O-00-1214, and O-05-1529. Staff has also included the briefing packet from the June 21, 2005, meeting which adopted Ordinance O-05-1529, and includes an itemization of changes to that ordinance.

Attachments

1. Comprehensive Plan - Destination Colleyville
2. Land Development Code - Chapter 3 Land Use
3. September 1, 2015, Pre Council agenda packet
4. PUD Summary Sheet
5. Ordinance O-77-248
6. Ordinance O-00-1214
7. June 21, 2005, Agenda Packet for Ordinance O-05-1529
8. Ordinance O-05-1529

Destination Colleyville



COMPREHENSIVE PLAN

**Adopted
December 15, 2015**

ORDINANCE O-15-1972**AN ORDINANCE ADOPTING THE COLLEYVILLE 2035 COMPREHENSIVE PLAN, DESTINATION COLLEYVILLE, BY REPEALING ORDINANCE O-04-1483; AUTHORIZING PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Council approved Ordinance O-04-1483 on October 19, 2004, adopting the 2004-2025 Colleyville Master Plan; and

WHEREAS, the City Council deems it in the best interests of the public to adopt this ordinance amending the 2004-2025 Colleyville Master Plan with the adoption of the Colleyville comprehensive plan, Destination Colleyville, to reflect the changes in the community demographics and to establish a land use plan for the future growth of the community; and

WHEREAS, the City of Colleyville has complied with the requirements contained in Section 11.03 of the Colleyville Charter regarding the Master Plan adoption procedure; and

WHEREAS, the City of Colleyville has complied with the provisions of Chapter 213.003 of the Texas Local Government Code regarding comprehensive planning public hearing requirements; and

WHEREAS, the Planning and Zoning Commission has forwarded their recommendation to the City Council of the final draft of the Colleyville comprehensive plan, Destination Colleyville; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purposes of this ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Colleyville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the document entitled "Destination Colleyville" is hereby adopted as the guide for future development of the community.
- Sec. 2. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication provided by law.
- Sec. 3. THAT this ordinance shall become effective immediately upon publication.

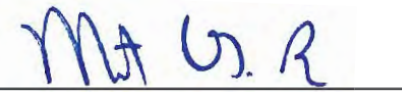
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of November 2015.

The second reading and public hearing being conducted on the 1st day of December 2015.

A third reading and public hearing being conducted on the 15th day of December 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 15th day of December 2015.

ATTEST:
Amy Shelley TRMC
City Secretary**CITY OF COLLEYVILLE**
David Kelly
Mayor**APPROVED AS TO FORM AND LEGALITY:**
Matthew C. G. Boyle
City Attorney



Destination Colleyville

A Comprehensive Plan

Prepared for

City of Colleyville, Texas

by

Halff Associates, Inc.



in association with



For more information, please contact:

100 Main Street
Colleyville, TX 76034
817-503-1000

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DESTINATION COLLEYVILLE - EXECUTIVE SUMMARY

Colleyville is one of the premier places to live in the greater Dallas-Fort Worth (DFW) Metroplex. The city is well known for its great neighborhoods, excellent schools, and well-maintained parks and amenities, all located with convenient access to regional employment destinations such as DFW International Airport, Downtown Fort Worth, Las Colinas, and Downtown Dallas.

This comprehensive plan reflects the vision for the Colleyville of tomorrow. It has been crafted from community input over the course of more than a year. It builds on the strengths of the city today and identifies the framework for key decisions and actions that will guide Colleyville over the next two decades to make that vision become a reality.

The Colleyville community recognizes and cherishes the strengths of the city and wants to preserve and enhance those qualities. The community wants to make Colleyville the destination of choice for those seeking a vibrant place to live, work, or play with a high quality of life. This plan reinforces and builds on the principles and values that have historically guided decisions in the city, but it also updates policies on new topics since the previous plan's adoption.

Destination Colleyville contains the following framework that encompasses the goals and policies of the Plan:

- Preservation of neighborhoods.
- Enhancing Colleyville's economic resilience.
- Creating a connected Colleyville.
- Enhancing Colleyville's character and brand.
- Securing the economic spine of the city.
- Enhancing amenities and services.

The Plan then translates these framework principles into key goals for economic stability, transportation, housing and neighborhoods, City services and facilities, future land use, and character and placemaking. Each of these elements includes goals, policies, actions and benchmarks which are based on Colleyville's unique context and community input.

More specifically, this Plan details the future vision for Colleyville Boulevard. Colleyville Boulevard is not only the city's main economic engine, but is also the key to defining the character of Colleyville. It provides access to entertainment and boutique retail destinations, as well as meeting the day-to-day needs of the residents who live in the city. One of the major goals of this comprehensive plan update is to address the redevelopment and enhancement of properties along Colleyville Boulevard to create a cohesive development character, while recognizing key nodes or areas as special places with greater concentration of commercial/retail uses in a more pedestrian-friendly context.

This Plan emphasizes implementation as a key for its success. Implementation in the Plan's context is aligning the policies in this plan with the city's regulatory, infrastructure, operational, and fiscal tools. In moving forward, this Plan and associated principles and goals help the community prioritize the city's actions in addressing its many competing needs and requests. *Destination Colleyville* guides the city into its bright future, setting the stage for continued success.

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ACKNOWLEDGEMENTS

The City of Colleyville Community Development Department would like to thank all those who have worked to bring about the completion and adoption of our new comprehensive plan – *Destination Colleyville*:

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CHAPTER 1 – INTRODUCTION

From its quiet rural beginnings, Colleyville has become one of the premier places to live in the greater Dallas-Fort Worth (DFW) Metroplex. The city is well known and admired for its great neighborhoods, excellent schools, and pleasing parks and amenities, all located within a few miles of DFW International Airport, Fort Worth and the many employment opportunities of the region.

The Colleyville community recognizes and cherishes the strengths of the city and wants to preserve and enhance those qualities. The community wants to make Colleyville the destination of choice for those seeking a vibrant place to live, work, or play with a high quality of life.

This comprehensive plan is the collective vision of the community for the Colleyville of tomorrow. It has been crafted with extensive input from the Colleyville community over the course of more than a year and represents the dreams and aspirations for the city. It builds on the strengths of the city today and identifies the framework for key decisions and actions that will guide Colleyville over the next two decades to make that vision become a reality.

This plan reinforces and builds on the principles and values that have always guided decisions in the city, but also establishes a fresh perspective that responds to changing dynamics.

What is “Destination Colleyville?”

The title “Destination Colleyville” represents a vision for what the city will become in the future, as well as how the city is perceived by those who live outside of it. The idea builds on the strengths of what Colleyville already is – a unique place that can be called home and that has everything that is needed, including great places to live and all the nearby amenities that make up a great way of life. It also recognizes that the Colleyville community has reconfirmed its commitment to maintaining the city’s unique rural character which makes it like no other place in the DFW Metroplex.

This plan recognizes that for the long-term vision to become a reality, Colleyville should not only be a choice community for residents and destination retail, but it should continue to draw from the regional market for new visitors and excellent companies.



Superb neighborhoods are an example of what makes Colleyville a “destination” in the greater DFW Metroplex region.

DESTINATION [des-tuh-ney-shuh n]



The word “destination” is defined as:

- the purpose for which something is “destined;”
- a place to which one is journeying; and
- a place worthy of travel or for an extended visit.

Why Plan?

Over the next 20 years, Colleyville will change and grow. In order to ensure that change occurs in a planned and positive fashion, it is critical to determine the highest priorities, steps to implement recommended changes, and any responsible parties. These important items are addressed by Destination Colleyville.

To set the stage, it is also important to recognize why the City should plan now. The previous comprehensive plan, *Colleyville Plan (2004–2025)*, and all comprehensive plans, are a snapshot in time. Much has changed in the past 10 years. Over time, significant internal and external influences begin to make previous planning efforts outdated, or at best, reactionary. Indeed, Colleyville is at a crossroads in determining its future, one where decisions made today will help re-confirm the vision, set the action agenda, and determine the highest priorities for moving forward.

Changing Influences

The DFW Metroplex of 2015 is quite different from the DFW Metroplex of 2004, and in fact, much has happened both locally and globally that has affected Colleyville. These changes call for a plan that embodies core principles reflecting the wishes and desires of the Colleyville community. These changing influences include:

- **The world is more connected today.** In 2004, Twitter did not exist, and Facebook had just launched. The first iPhone was still three years away from being introduced, and most were quite satisfied with the advanced technology of flip phones. Today, the world's social and economic system is even more connected and interdependent, where a slowdown in China or oil production decisions in the Middle East can have an immediate impact on the DFW Metroplex.
- **The DFW Metroplex economy is very different.** In 2004, the United States was still a net importer of energy, and the impacts of 9/11 were growing daily as Americans awoke to new security needs. In 2015, the energy sector is a huge driver of the region's economy, and the DFW Metroplex is a leader in wage growth, promoting demand for higher end retailing and amenities.
- **The DFW Metroplex population continues to grow.** The ever increasing population of the DFW Metroplex (i.e., 5.6 million people in 2004 to an estimated 7.1 million people in 2015) will drive increasing levels of traffic, further challenging the Colleyville community's desire to preserve the area's rural character. Further, the DFW Metroplex is one of the fastest growing metropolitan areas in the United States. By the year 2050, Tarrant County alone is projected to almost double in population (from 1.8 million people to almost 3.5 million people). Similarly, Dallas County will grow by 1.2 million people, and Collin County will almost quadruple to 3.8 million people. This significant growth will further increase the demand for high quality housing and neighborhoods in Colleyville.

REGIONAL GROWTH IMPLICATIONS

Significant regional growth provides greater opportunities for new public and private sector investment and reinvestment. It can also bring about negative impacts (e.g., increased traffic congestion) that require additional resources to mitigate.



- **There is an opportunity to provide for a range of options for the Colleyville Community.** While Colleyville's predominant attraction is the city's beautiful neighborhoods, a growing segment of the population is increasingly interested in connecting residential properties to amenities such as trails, parks, shopping, and dining areas that promote social experiences.
- **Colleyville's demographics continue to change.** As noted in The Colleyville Plan (2004–2025), the median age of the city's residents continues to become older, increasing from around 40 years in 2000 to 45.5 in 2010 and 45.6 in 2013. This gradually aging population may begin to impact the types of retailer, entertainment, and dining prospects for the commercial areas of Colleyville.

Building on the City's Strengths and Unique Opportunities

This plan fully recognizes the unique strengths of Colleyville and builds on them. These are discussed in detail in subsequent sections of the plan, but include:

- **The city has a great location.** In addition to being only five miles from DFW International Airport, Colleyville benefits from a back-door, direct connection that provides easy access to the airport for residents and local businesses. Additionally, the city benefits from newly improved freeways that provide quick access to the entire region.
- **Colleyville Boulevard provides an opportunity for economic growth.** When proposed improvements by the Texas Department of Transportation (TxDOT) including the turnback to city for maintenance are completed, Colleyville Boulevard will have improved traffic capacity. Better defined access points from

Colleyville Boulevard to adjacent commercial areas will provide opportunities to improve connectivity between developments. Planned walkways will also make walking and bicycling along Colleyville Boulevard more feasible, and additional aesthetic improvements will help create a true sense of place along much of the Corridor.

- **The city has character and exceptional natural areas.** Colleyville is known for the beauty of its neighborhoods. Its tree-lined roadways are complemented by stunning homes and pastures that contribute to Colleyville's "country feel." Natural and semi-natural areas such as Big Bear Creek and Little Bear Creek create spectacular amenities right within the core of Colleyville. Similarly, the Cotton Belt Trail corridor provides access to semi-natural areas and a corridor near the core of the city.
- **Non-residential redevelopment provides opportunities to further shape the city.** While much of Colleyville has been developed, a new round of redevelopment or enhancement of existing development, especially along Colleyville Boulevard, is already beginning to take place. Each project offers the opportunity to promote and reinforce the environmental character and connectivity goals established by this plan.

The Purpose of Destination Colleyville

The purpose of this plan is to guide the future growth and changes that will occur in Colleyville. Simply put, a comprehensive plan is a document that articulates the key principles and vision for a community, and outlines a set of goals and actions to achieve that desired vision. The plan provides guidance and direction to City staff, elected and appointed officials, residents, property owners, businesses, and developers in the choices and decisions that they make. It is first and foremost a plan driven by the Colleyville community, both current and future.

A comprehensive plan is also a policy document. It requires action to implement the vision and intent of the plan. Subsequent actions generated by a comprehensive plan may include:

- Improvements to the city's operations that implement the comprehensive plan's vision. Strategic investments in capital infrastructure, such as roadways, utility infrastructure, public facilities,



Destination Colleyville will help to create a framework for retaining what makes Colleyville attractive and unique.

and parks and trails. Although more specificity may be found in separately adopted plans, the comprehensive plan provides recommendations that create the framework for subsequent updates.

- Efforts and actions among city departments and other agencies that advance the goals and objectives of the plan.
- Partnerships with other parties, including other governmental agencies, private land owners or developers, and other stakeholders or interest groups who can carry forward actions recommended by this plan.
- Securing funding resources to accomplish the implementation of the plan.

How this Plan is Structured

Destination Colleyville is laid out in ten plan chapters that discuss the background for the plan, lay out the vision for the city in the future, and discuss recommendations for implementing key actions for moving forward. The ten chapters include:

- **Chapter 1: Introduction.** This chapter describes the meaning of *Destination Colleyville* and the basic framework of the plan.
- **Chapter 2: Colleyville Context.** This chapter describes the background conditions of Colleyville, including the physical, demographic, and economic nature of the city today.
- **Chapter 3: Plan Framework.** This chapter establishes the essential framework to guide the city into the future. Specifically, it captures the vision, goals, and policies to coordinate public and private decisions in the community.

- **Chapter 4: Economic Stability.** This chapter describes the city's current economic condition and future opportunities for businesses and financial sustainability in the community.
- **Chapter 5: Transportation.** This chapter describes the city's existing transportation and trail system and identifies ways to enhance them in addition to establishing the city's updated Master Thoroughfare Plan.
- **Chapter 6: Housing & Neighborhoods.** This chapter describes the city's existing neighborhoods and provides strategies to preserve and enhance the quality of life as the city grows and evolves.
- **Chapter 7: City Services & Facilities.** This chapter describes the city's existing services and facilities (e.g., parks, library, recreation, fire, and police) and infrastructure (e.g., drainage, water, and wastewater) and provides strategies to maintain and improve them over time.
- **Chapter 8: Future Land Use.** This chapter describes the future land use categories for the city and establishes the city's updated Future Land Use Map.
- **Chapter 9: Character & Placemaking.** This chapter establishes public streetscape and private development standards in order to create a unique vision for the city's major commercial corridors -- Colleyville Boulevard and Precinct Line Road.
- **Chapter 10: Implementation.** This chapter describes the implementation structure and mechanisms for moving forward and making the plan a reality.
- **Appendix A & B.** These outline an analysis of the Colleyville Boulevard Corridor (Appendix A), and assessment of existing zoning (Appendix B).

Plan Time Frame

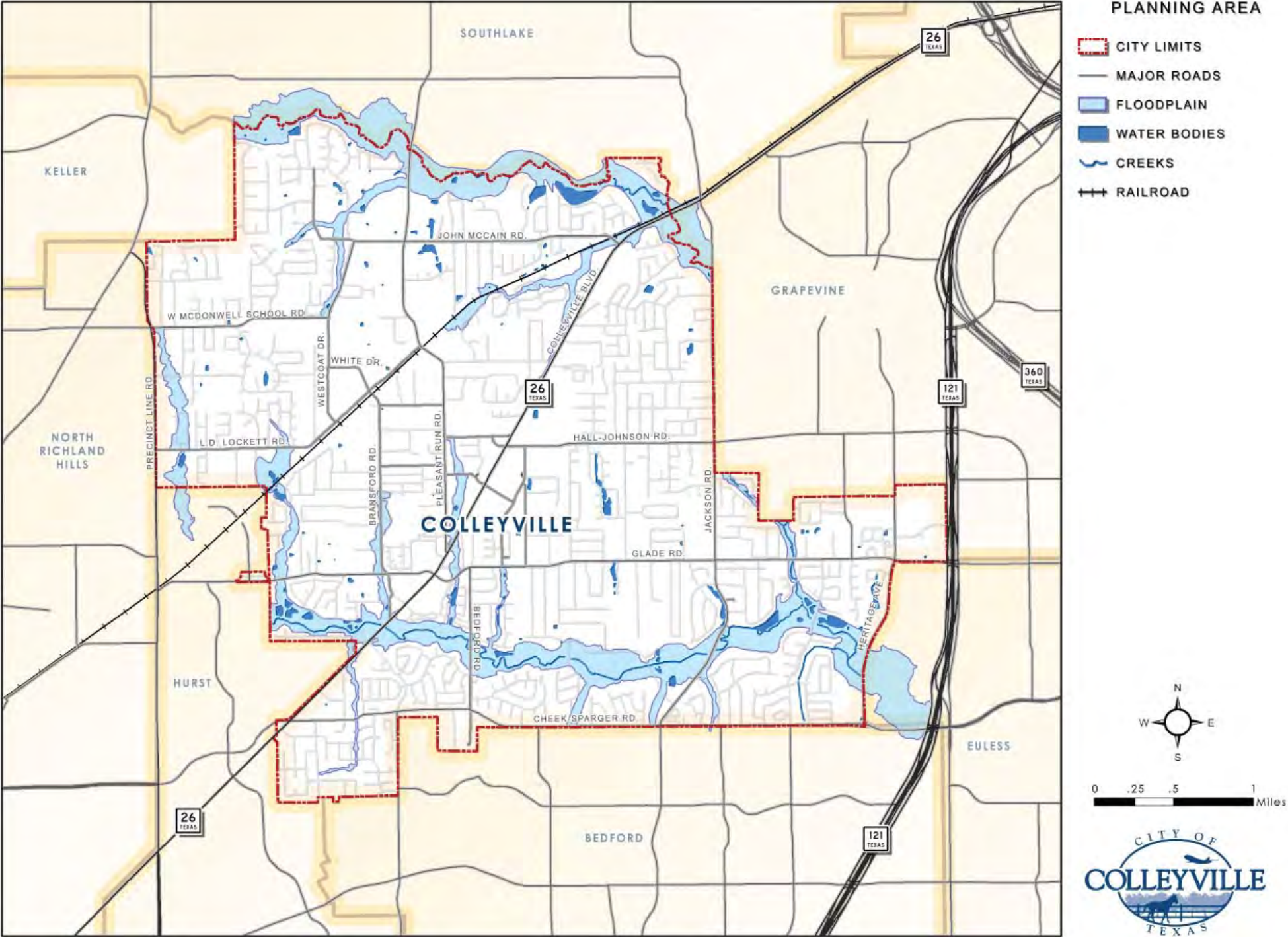
Destination Colleyville provides guidance for a time frame of up to 20 years, or until the year 2035. It looks out over this 20-year time frame and describes what the ideal Colleyville of 2035 looks and feels like. Given the rapid speed of changes in the world around us and in the DFW Metroplex, as well as more direct but unforeseen changes that may directly impact the city, this plan should be reviewed periodically.

Planning Area

The planning area for *Destination Colleyville* includes the corporate limits of the city, which encompasses 13.10 square miles of area. The city is bisected northeast to southwest by Colleyville Boulevard (State Highway 26), which is the major commercial corridor running through the city.

Surrounding the planning area are several neighboring cities: Southlake, Grapevine, Euless, Bedford, Hurst, North Richland Hills, and Keller. The established area of Colleyville and the surrounding cities means that the city has reached its full geographic extent. In other words, future growth and development will occur within the current corporate boundaries unless very minor boundary adjustments are made with other cities. See Map 1.1, *Planning Area*, on the next page.

Map 1.1, Planning Area



INTRODUCTION



Any realistic plan should be based on a comprehensive assessment of the community's context – physical, social, and market. This chapter describes Colleyville's planning context starting with its origins to its current population characteristics and future growth estimates.



History of Colleyville

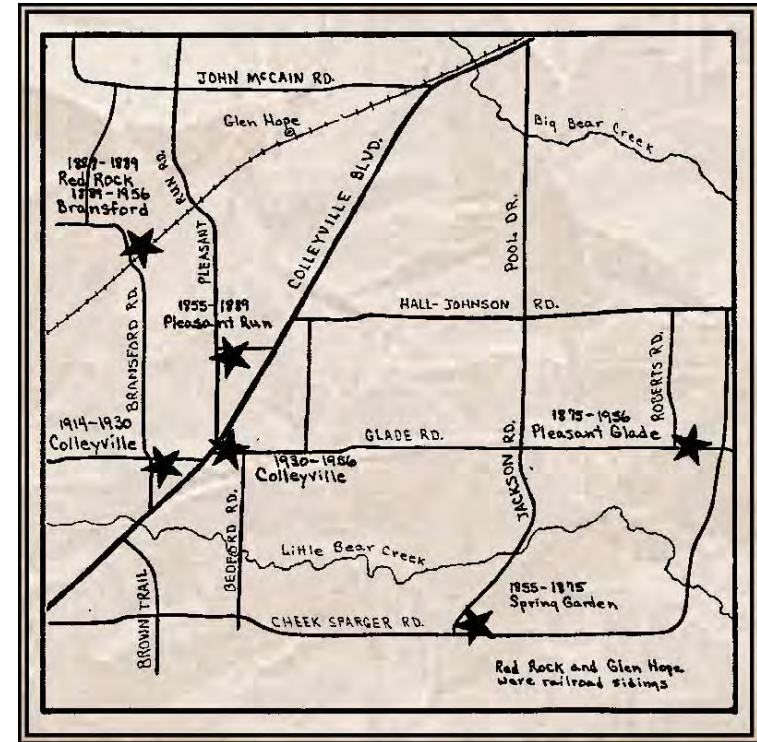
The Colleyville area was originally settled in the 1850s by people coming to the area for farming and ranching. Six small communities were established in the late 19th and early 20th century: Spring Garden, Bransford, Pleasant Run, Pleasant Glade, Colleyville (1914-1930), and Colleyville (1930-1936).

Colleyville's namesake was Dr. L.H. Colley, a physician who located to the area. He became one of the most well-known physicians in Northeast Tarrant County, and gradually the area became known as "Colleyville."

With the rise of the automobile and growth of industrialization, farming and ranching declined, and the rural communities came together to form the larger Colleyville. The town incorporated on January 10, 1956, primarily as a way to prevent annexation into one or more of the neighboring cities.

The earliest reported population for Colleyville was 25 in 1936, when the town had two businesses. By 1945 its population had increased to 40 and by 1958 a population of 100 was recorded. By 1960 the city had 1,491 residents.¹

¹ Texas Handbook Online.



Historic map of the original six communities that ultimately led to the establishment of Colleyville.

Source: The Colleyville Plan, 2004.



Historical photo of the McCain Harvest in Colleyville, Texas.

Connections to Colleyville's past are marked throughout the community. The Webb House is one of a few of the original structures that remain, and road names such as Bransford Road, Glade Road, and Cheek-Sparger Road give tribute to the original communities and residents that preceded the Colleyville of today.

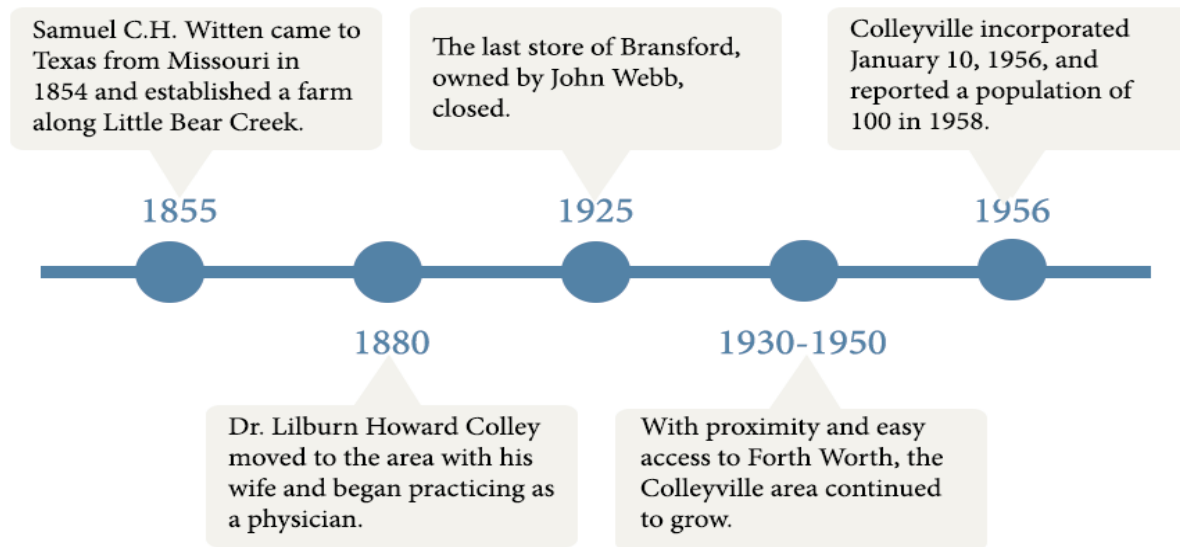


The Webb House (image on the left)

The Webb House was built in 1914 by John Rueben Webb to replace his family home, which had burned. The house stands in what was once the settlement of Bransford, one of the early communities that would later become known as Colleyville. An example of a regional housing design prominent in the early 20th century, the Webb House features a one-and-one-half story, gabled-roof, T-plan design, with a full-hipped roof porch on columns. The pair of central doors, flanked by double-hung windows with small space windows under the eaves, was typical of its era. Photo courtesy: City of Colleyville



Figure 2.1. Historical Timeline



Population Characteristics

In 2014, Colleyville had an estimated population of 23,740¹ persons, a 12.2 percent increase in growth since the city's comprehensive plan was last updated in 2004.² This equates to approximately 1.1 percent annual growth over the past 11 years.

Population characteristics can inform many of the decisions the City makes. They determine some lifestyle choices (e.g., shopping and spending habits), as well as household and community amenity preferences.

Colleyville is one of the most affluent communities of the Dallas-Fort Worth Metroplex, boasting the second highest median household income in the region, and having a highly educated population. The city has a higher-than average median population age (45.6), with those aged between 35 and 54 accounting for the largest percentage of the population. The median age in Southlake is 42.6 years. Grapevine is 36.9 years, and Bedford is 36.2 years. The State of Texas median age is 33.6 years.

The median age has increased from 40.0 in 2000 to 45.5 in 2010³ and 45.6 in 2013⁴. The cohorts with the largest changes in population since 2000 include a decline in those aged between 35 and 44 (-1,280 persons) and an increase in those aged between 60 and 64 (1,309 persons). The *Colleyville Plan* (2004-2025) identified a decline in young families in Colleyville since 1990. This trend has continued, with the population of those between 25 and 34, and children aged 0 to 14, declining since 2000.

A psychographic profile provided by the Market Analysis completed by Catalyst Commercial in 2015 provides further

information on individual values, attitudes, interests, and behaviors. The data can help inform decisions for land use and future development in Colleyville.

The report identifies the dominant psychographic categories in Colleyville as:

- **Crème de la Crème** – Urban neighborhoods with residents that measure far above average in all traditional classifications, including income, education, and family status.
- **Married in the Suburbs** – These suburban neighborhoods are home to upper-middle-class residents with high incomes, married-couple households, and white-collar jobs.
- **Retired in the Suburbs** – Suburban neighborhoods with a 40-plus demographic, high incomes, few children, and a comfortable standard of living.
- **Thriving Alone** – Neighborhoods distinguished by a large number of residents who are flourishing in solitary, highly urban, high-income lifestyles.



When asked what they liked about Colleyville, one respondent said “family friendly, small-town feel.”

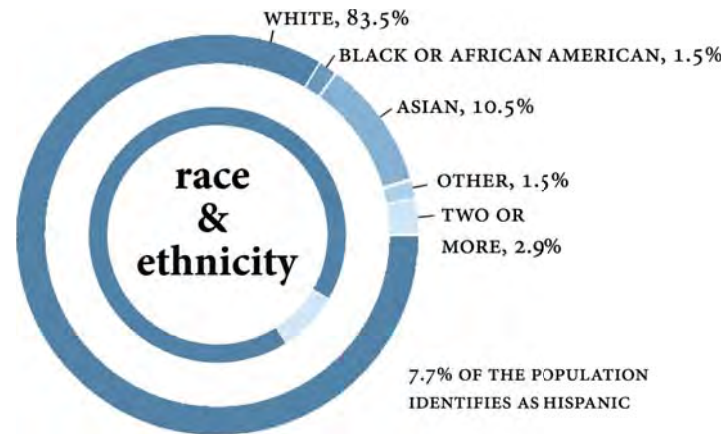
Source: Response to intercept survey at the Red, White & Souza event.

¹ City estimate. The 2013 American Community Survey population estimate was 23,465.
² The Colleyville Plan (2004-2025) used 21,157 persons as the starting point population estimate for projections in 2004.
³ 2010 Census
⁴ 2013 American Community Survey Estimate

Figure 2.2. Demographic Snapshot

An estimated
23,740
 people lived in
 Colleyville in 2014.
City of Colleyville

median household income
\$153,021
 exceeds region by
2nd highest in region **162%**

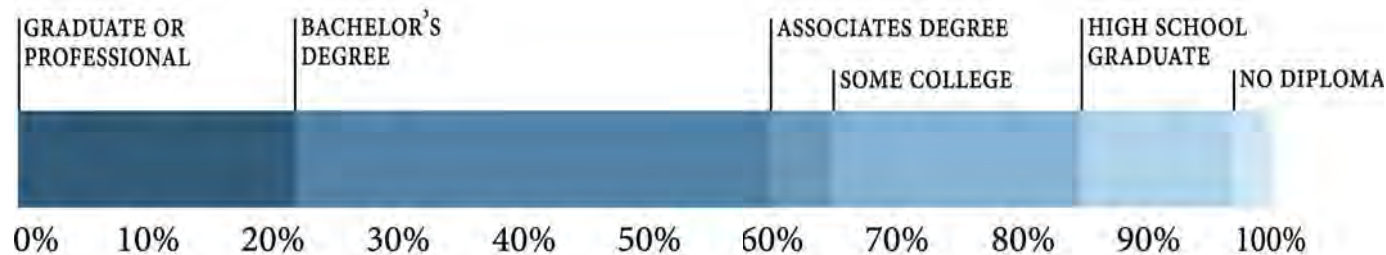


WHY ARE DEMOGRAPHICS IMPORTANT?

Demographic analyses provide a snapshot of specific aspects of a community (e.g., age, ethnicity, level of education, etc.) and how they change over time. It provides a basis of understanding which helps frame specific recommendations targeted to the actual needs of the community. For example, it could indicate that a community is aging and therefore additional resources may be needed for senior citizens during the horizon of the plan.



Nearly **two-thirds** of the city's population over 18 holds an associates college degree or higher.

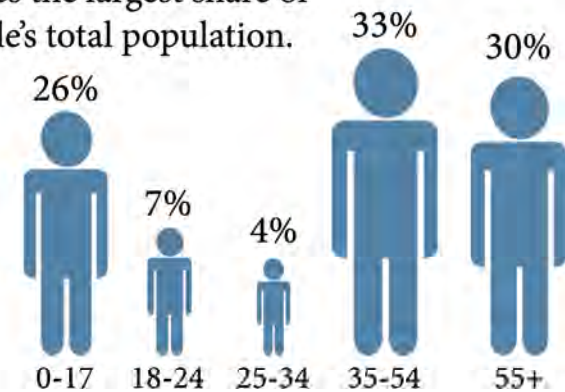


Demographic Snapshot Data Sources: U.S. Census Bureau, American Community Survey, 2013 5-year Estimates

Figure 2.2. Demographic Snapshot (con't.)

median age
45.6 years
 old

The population between **35 and 54** constitutes the largest share of Colleyville's total population.



Population Growth

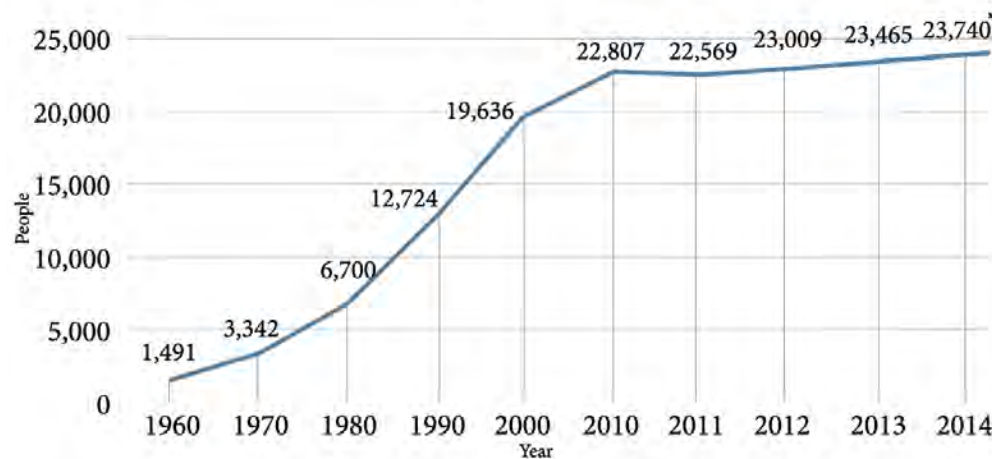
Colleyville's location in northeast Tarrant County has contributed to its growth since incorporating in 1956. Its proximity to Fort Worth and accessibility via State Highway 26 make it a prime location to live, work, or play.

In 1960, the city's first official count by the U.S. Census Bureau, the city had a population of 1,491 people. Each decade following, Colleyville doubled in size, until 1990, when it had a reported population of 12,724 people. While growth was still high, it slowed in the 1990s and has continued at a more moderate pace since then.

By 2014, Colleyville's estimated population was 23,740 people,¹ which is near what was projected in The Colleyville Plan (2004-2025) for the year 2015, a high and low estimate projected a population between 25,389 and 24,411 people.

¹ City estimate. The 2013 American Community Survey estimate was 23,465.

Figure 2.3. Colleyville Historical Population Growth: 1960-2014



Source: U.S. Census Bureau (1960 - 2010)

* City estimate (2014)

POPULATION STABILIZATION

Although the city experienced tremendous growth from the 1960s through the 2000s, the rate of growth has stabilized since 2010.



The Colleyville Plan (2004-2025) also projected that the city's maximum population would range between 26,020 people (low estimate) to 27,068 people (high estimate) and be reached by 2025. The population projection methodology correctly assumed that as the city ran out of remaining land left for development, the rate of growth would continue to decrease.

Further, the plan projected that the city's annual growth rate would slow to 1.25 percent during the years 2011 through 2015, decrease even further to 0.75 percent for the years 2016 through 2020, and decrease further to 0.50 after 2020. During the past five years (2010 to 2014), the city's actual annual growth rate was 0.81 percent.

With fixed boundaries and an increasingly limited amount of land remaining available for development, Colleyville is getting closer to its maximum population.

Population Estimate

While it would be easy to simply utilize the estimate that was contained in *The Colleyville Plan* (2004-2025), there have been many changes in the city that have occurred since then. First is that the city, like the rest of the country, has been impacted by a significant recession. While this may not have had as great of an impact on Texas cities as elsewhere, it has resulted in changes in consumer preferences (regarding housing, debt, driving and commuting preferences, among others). The city has also had 10 additional years of development which means there is less land available for development. Therefore, it was determined that

an analysis, using a similar methodology as was used in *The Colleyville Plan* (2004-2025), would further quantify the city's maximum population.

First, areas within the city that had sufficient acreage (approximately 3 acres or larger) and characteristics for potential redevelopment were identified. These areas equaled about 492.7 acres or 0.77 square miles out of 13.10 square miles. Second, an analysis of both the city's current Future Land Use Map (adopted 2004) and the draft Future Land Use Map contained within this plan were undertaken. Both maps identified that a majority of these potential areas are classified as single-family detached residential.

In *The Colleyville Plan* (2004-2025), the low and high estimates were calculated using an average residential density factor of 1.8 (base estimate) and 3.5 dwelling units per acre (high estimate). The estimate below was (see Table 2.1, *Population Forecast*) prepared using the following calculation:

$$[(\text{acres}) \times (\text{density}) \times (\text{occupancy rate}) \times (\text{household size})] + [(\text{vacant platted lots}) \times (\text{household size})] + (\text{current population estimate}) = \text{population forecast}$$



Population growth stabilizes as the city has fewer and fewer parcels remaining for development.

The result indicates that the city could reach a population of 27,943 people depending on the development that occurs over the next 20 years and beyond. The city can feasibly accommodate this population growth by utilizing sound land use planning and associated implementation tools. The differences in population should not have a significant impact on the city's ability to provide services or meet infrastructure needs.

Table 2.1, Population Forecast

Acreage ¹	Density	Vacant Platted Lots ²	Household Size ³	Occupancy Rate ⁴	Projected Maximum Population ⁵
492.7 +/-	1.8	600	2.88	96.9%	27,943 people
Notes: ¹ The identified acreage is based on an analysis of property that is of sufficient size, shape, and characteristics to be potentially redeveloped during this planning horizon. ² Is an approximate estimate of residentially zoned and platted lots that are currently vacant or under construction. ³ Household size is from the U.S. Census Bureau 2010 Decennial Census: <i>Profile of General Population and Housing Characteristics: 2010</i>. ⁴ Occupancy Rate is from the U.S. Census Bureau 2010 Decennial Census: <i>Profile of General Population and Housing Characteristics: 2010</i>. ⁵ The projected maximum population is derived by adding the estimated increase in population to the current population of 23,740 people.					

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INTRODUCTION

This chapter lays out the foundation for the entire comprehensive plan update -- the community's Vision, Goals, Policies, Actions, and Benchmarks for all critical elements of *Destination Colleyville*. Developed through an involved public process, the Plan Framework ties the different elements of land use, transportation, economic development, and public facilities together with a thoughtful implementation strategy to prioritize public investment.

VISION [definition]

- the act or power of anticipating that which will or may come to be
- something seen or otherwise perceived during such an experience
- a vivid, imaginative conception or anticipation



The Vision for the Future

Developing the Vision Statement for the future of Colleyville was the first step in creating the comprehensive plan. The Vision Statement reflects shared values of what the community hopes Colleyville will one day become, articulating the desired state of the community in the future. The Vision Statement was developed early in the planning process in order to help frame the goals, policies, and actions of the plan as the process progresses.

The comprehensive plan was crafted with significant help from stakeholder and public input over the course of a year. Discussions throughout the planning process helped to shape the development of this plan. The Community Development Department spearheaded

the planning effort and met with members from all departments and divisions throughout the process.

A Comprehensive Plan Advisory Committee (CPAC), comprised of representatives from the City Council, included representatives from the City Council, Zoning Board of Adjustment, Planning and Zoning Commission, Architectural Review Commission, and the Colleyville community.



Public meetings were held to gather the input of property owners, residents, and neighborhood representatives.

Public Engagement Summary

Engagement Methods

Multiple methods were used to gather input from the Colleyville community about their ideas and vision for the future. The various approaches to gain input included:

- **Project Website.** A website was created where information was posted about the planning process, schedule, relevant documents, meeting materials, announcements of upcoming meetings, a brief survey and a forum for sharing pictures.
- **Intercept Survey.** A small-scale survey was conducted “in the field.” The purpose of the intercept survey was to get a snapshot of the present thoughts regarding the community. The intercept survey took place at the Red, White, and Sousa event on June 27, 2014 and at other events during the planning process.
- **Mail-out/ Internet Survey.** A city-wide survey was mailed to all households and 1,323 responses (825 by mail; 498 online) were received. The survey results provided insight on quality of life questions; issues relating to transportation, neighborhoods, and retail goods and services; and satisfaction with City services.
- **Focus Groups.** Meetings were held with key stakeholders including neighborhood association leaders, homeowners, business owners, City Council members and other local leaders. These discussions helped refine and shape key areas for the plan. A 15-member Comprehensive Plan Advisory Committee (CPAC) also met at key intervals in the planning process to discuss important issues and help steer planning recommendations.

- **Public Meetings.** Three city-wide public meetings and workshops were held during the planning process. Each meeting served as an opportunity for City officials, the Planning Team and Colleyville residents to discuss thoughts, issues and the vision for the future.



WHAT MAKES COLLEYVILLE “UNIQUE?”

Most of the respondents to the mail-out/internet survey expressed pride in their community. When asked what made the city “unique,” respondents from the Colleyville community had the following to say:

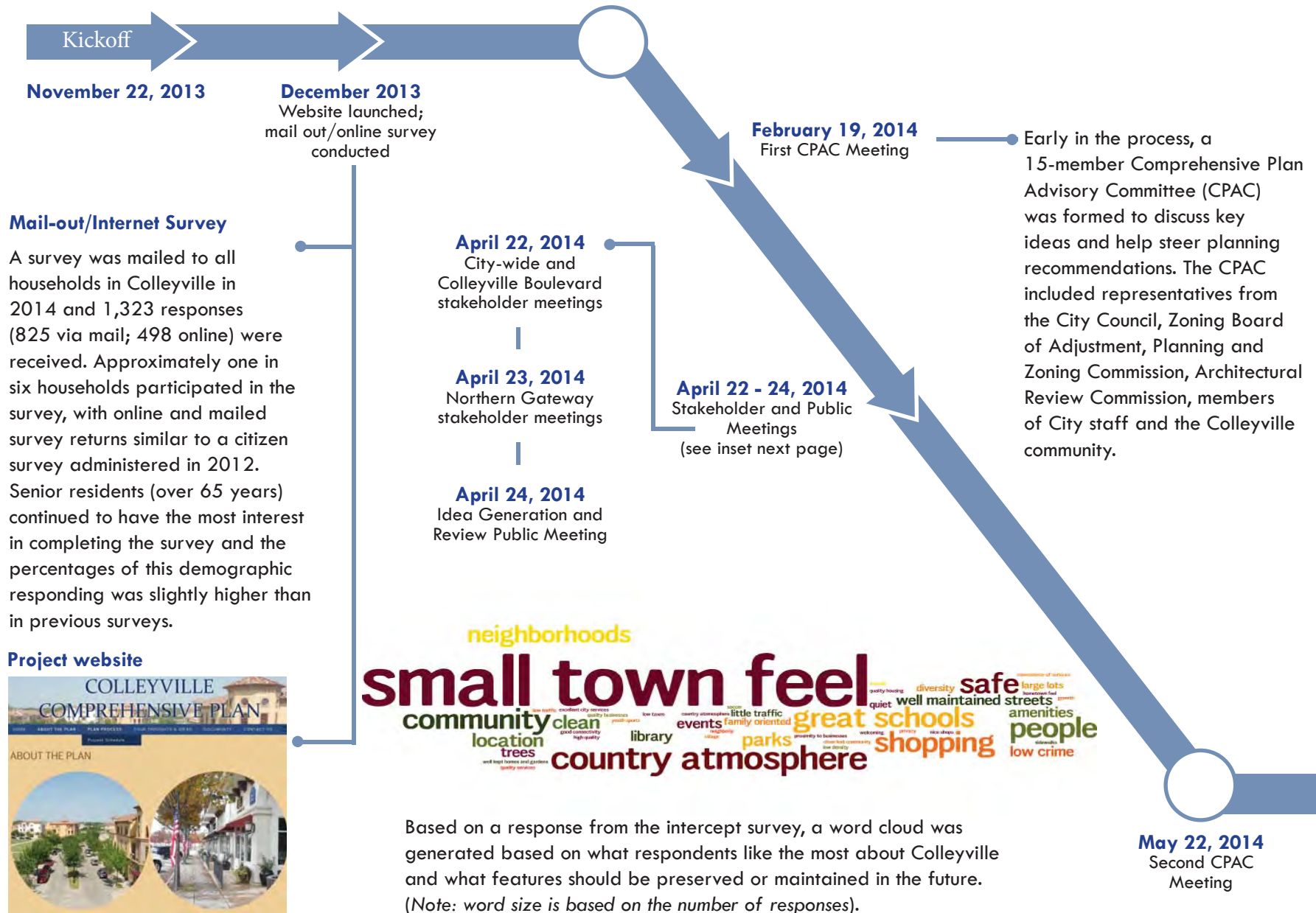


- Genuinely nice people
- Small town feel in the middle of a big town
- Upscale small town
- Two-lane roads, livestock, horses in the fields
- Parks and bike trails
- People using outdoor trails, parks, playgrounds, sports areas, etc.
- Great parks
- Beautiful neighborhoods
- Family centered
- Lots of young kids and great schools
- Best place to raise a family

Source: Respondents to the mail out/internet survey.

Public Engagement Timeline

Figure 3.1. Public Engagement Timeline



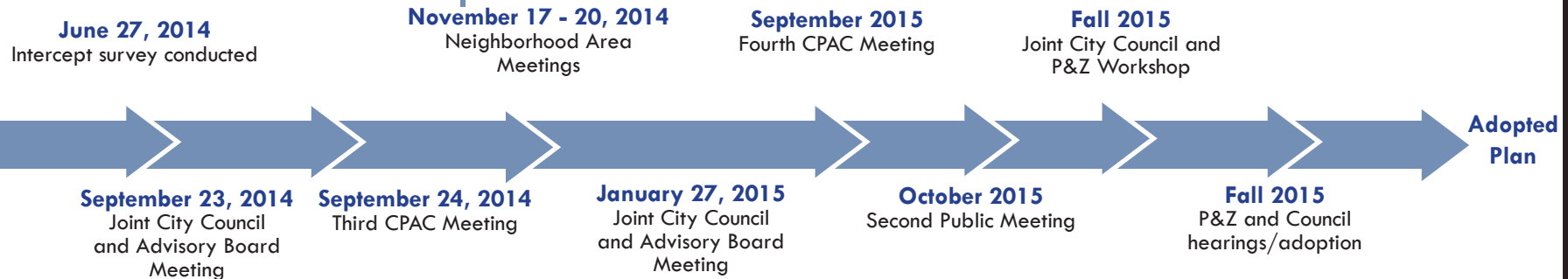
Public Engagement Timeline (con't.)

Stakeholders and Public Meetings on April 22 - 24, 2014

Various stakeholder meetings were held at the Colleyville Center and the public library involving property owners, residents, and neighborhood representatives. These meetings included design charrettes and roundtable discussions concerning the large undeveloped properties along John McCain Road, Colleyville Boulevard, and Precinct Line Road.



Neighborhood meetings were held with representatives from each of the six neighborhoods to learn and discuss ideas and priorities for the future.



What Was Heard

The surveys and public meetings provided the Colleyville community an opportunity to voice their thoughts on a variety of planning issues. Below is a summary of community feedback.

QUALITY OF LIFE

- Preserve the unique small town feel of Colleyville
- Create walkable, vibrant mixed-use developments
- Provide consistency in building and sign design guidelines

RETAIL

- Attract more sit-down restaurants
- Attract more medium-sized retail stores
- Bring in more entertainment venues, like an event space that could accommodate an amphitheater or stage
- Add more large retail stores and a major supermarket



OVERALL SATISFACTION

Satisfaction with overall quality of life remains very high (98% of the respondents indicated that they were “very satisfied” or “satisfied” with most city services in mail-out/internet survey).

Respondents continued to be satisfied with city services, most noticeably – fire and police protection, emergency medical services (EMS), libraries, and trash/recycling collection. Respondents also indicated that City employees provided good customer service and satisfaction ratings have remained high.

Source: Respondents to the mail out/internet survey.

TRANSPORTATION

- Improve Glade Road and Cheek - Sparger Road to improve traffic flow.
- Create better sidewalks/trails for walking and bicycling
- Establish more tree-lined roadways

NEIGHBORHOOD ISSUES

- Improve condition of major streets leading into neighborhoods
- Reduce door-to-door solicitations
- Reduce speeding
- Provide appropriate transitions between commercial and residential uses
- Preserve existing trees

CHALLENGES

- Improve traffic congestion
- Attract more retail and commercial services
- Improve the appearance of Colleyville Boulevard
- Preserve Colleyville’s rural atmosphere

Building on Past Planning Efforts

Creating a vision for the future involves identifying community goals for where the city needs to be in 20 years and beyond. Planning for that future involves understanding where the city is today and then determining appropriate goals, policies, and actions to implement the vision.

Creating a new vision for the future does not mean that earlier progress is dismissed; rather, much of the existing city is a product of prior planning efforts. These past planning efforts are extremely important to the success of this plan too. To some degree, they have provided the framework for this process – through the assimilation of existing conditions that have not changed, through the identification and celebration of successes already achieved, and conversely, through the understanding of lessons learned. Consequently, each of the planning efforts described below (among others) have been thoroughly analyzed, and relevant and applicable information has been synthesized into this plan, where appropriate:

The Colleyville Plan (2004-2025)

The Colleyville Plan (2004-2025), which was prepared as an update to the city's 1998 Master Plan, was a city-wide long-range plan designed to guide the city through to the year 2025. In the plan, it clearly acknowledged that the city had been undergoing significant growth pressures for the previous four decades. In an effort to change course, the community envisioned a new future dedicated to “preserving and enhancing strong family and community values, gracious suburban living, natural beauty and historical settings” (vision statement). The plan also acknowledged that the path forward involved fostering and managing growth consistent with the city's resources, infrastructure, and services.

Water & Wastewater Master Plan (2014)

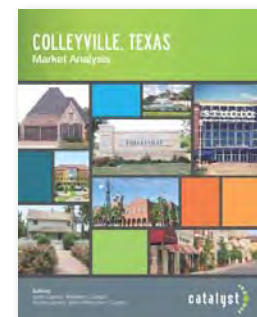
Acknowledging that the City does not own its own water and wastewater treatment facilities (it is a wholesale customer of the Trinity River Authority [TRA]), the City commissioned the 20-year *Water and Wastewater Master Plan* to evaluate the current conditions of the city's existing infrastructure, and to proactively and adequately prepare for the future. A 20-year, \$55 million water and wastewater capital improvement program (CIP) was developed to ensure the City could comply with minimum State requirements while meeting the usage needs of the predicted population.

2011 Parks, Recreation & Open Space Master Plan

In 2011, the City adopted the *Parks, Recreation and Open Space Master Plan*, a visionary and ambitious plan of action to improve the city's passive recreational opportunities (particularly through an expanded park system connected by trails) and improve overall quality of life. As a central tenet, it called for providing one of the highest quality parks, recreation, and open space systems in the Metroplex. In the Plan, recommendations were provided to create a system where residents could escape, enrich, and enjoy Colleyville's great park and recreational facilities and beautiful natural resources. The plan also synthesized applicable recommendations from the 2005 *Colleyville Pathways Plan*.

Colleyville, Texas, Market Analysis

In 2010 and 2013, the City worked with Catalyst Commercial to perform an in-depth retail market analysis with an intent of ensuring that future retail would fit within the city's existing market and economic reality and vision for the future.



Vision Statement (2015)

In 2004, the City Council adopted a vision statement to be included in the 2004 *The Colleyville Plan*. This vision statement represented the collective thoughts and ideas of those citizens and officials involved in the master planning process regarding the future direction for the community. The Comprehensive Plan Advisory Committee (CPAC) reviewed the 2004 Vision Statement and updated it to reflect the desire to make Colleyville a true Destination for residents and visitors alike (updates to the 2004 statement are in **bold**).

To promote continuity with past planning efforts and because this vision statement still resonated in today's planning process, the 2015 Vision Statement as adopted by City Council through this Comprehensive Plan is remaining largely the same as what was envisioned in 2004. This is a testament to the clarity this community has with regard to where the city will be in the future.

*We, the citizens of Colleyville, are dedicated to preserving and enhancing strong family and community values, gracious suburban living, natural beauty and historical settings. We will foster and manage commercial and residential growth consistent with our city's resources, infrastructure and services. We will work in partnership with our school system to provide the best possible education and training for our following generations. We will promote effective and efficient city management, elected leadership **and ensure great communication between the city and residents.***

*We are committed to **making Colleyville a destination place, where residents can live, work, and play.** We will foster and manage commercial and residential growth such that both will be compatible with each other, with the quality of life policies, and within the confines of the resources of the City of Colleyville.*

We will provide safe, visually pleasing roadways with better mobility and attractive landscaped residential and commercial environments. We will balance development with parks and open spaces accessible to all citizens. We will provide our citizens with a safe community free of pollution, crime, and drugs.

We recognize that this vision statement is the ideal on which our community is shaping its future. Therefore, we the citizens of Colleyville, pledge ourselves to a program of goal-oriented actions and decision making, for the betterment of Colleyville.

– THE COLLEYVILLE COMMUNITY
2015 VISION STATEMENT

Plan Principles

Although the vision has remained the same, the path to achieve it has to keep up with a changing environment. Continued outward expansion from the DFW Metroplex increases the scale and intensity of growth pressures being felt in Colleyville, not to mention a host of fundamental changes in the world around us.

Based on long-standing community input from previous planning efforts, as well as this one, a new set of plan principles were developed to ensure Colleyville continues progression toward its envisioned future. These plan principles provide the fundamental framework for the analysis and recommendations discussed throughout the rest of this plan. They include:

- **Preservation of neighborhoods.** Colleyville is a superb place to live. Its neighborhoods are beautiful and housing is attractive and very well maintained. All neighborhoods have attractive natural settings or an emphasis on significant landscaping. Amenities are plentiful, both within neighborhoods and nearby. First and foremost, Colleyville's neighborhoods, both existing and yet to come, should remain among the very best in the entire region.
- **Enhancing Colleyville's economic resilience.** The diversification of Colleyville's tax base is key to enhancing the city's economic status. Proactive strategies are necessary to improve on what is already an excellent financial position. It may be necessary to fund the type of management, maintenance, and investments in the future that the Colleyville community has asked for. Encouraging non-residential development that provides that strong resource underpinning is vital to the future of the city. This may include increasing the value of development in key areas, such as the areas along Colleyville Boulevard, at the northern gateway to Colleyville, and along the city's edges at Precinct Line Road and State Highway 121.
- **Creating a connected Colleyville.** The Colleyville community expressed their interest in a completely connected city, where major destinations such as parks, schools, retail, dining and civic facilities are all easy to get to in a variety of modes and not only by driving. This goal was echoed repeatedly throughout the planning process. Whether walking or riding a bicycle, a comfortable and safe network (which is well underway) should be completed. Colleyville has the opportunity to make additions and improvements to the network that can have significantly positive effects on quality of life.
- **Enhancing Colleyville's character and brand.** The Colleyville community wants to preserve its unique character and country feel while reinforcing this aesthetic into creating a special brand that sets the city apart.
- **Securing the economic spine of the city.** Through high-quality infill development, more walkable and urban-scaled buildings, and the strategic placement of parking in less visible locations, the Colleyville Boulevard Corridor can gradually evolve into a more identifiable special place. The Colleyville community expressed significant interest in moving forward with this throughout the planning process.
- **Enhancing amenities and services.** In city-wide surveys over the years, the Colleyville community has expressed their appreciation for the effective infrastructure that they have. They are interested in quality over quantity, ensuring that amenities, such as parks and the library, and services, such as public safety and utility infrastructure, are all high quality and provide great value to the community.

Goals, Policies, Actions, & Benchmarks

The Colleyville community has voiced their ideas and intentions which have been captured by the Vision Statement, and the plan goals, policies, and actions of *Destination Colleyville*.

Destination Colleyville, as summarized in this chapter, addresses many facets of Colleyville and how those pieces fit together to provide a comprehensive plan. The plan addresses the steps (i.e., the plan of action) to make the Vision a reality over the coming years.

The vision and goals are applied to the different plan elements involved in the comprehensive planning process, including economics, transportation, infrastructure, housing, parks, trails, recreation, and other community facilities.

Each plan element contains a goal(s), a series of policies, and recommended actions. Benchmarks for measuring success are also included for most plan elements. Together, these goals, policies, actions, and benchmarks are the building blocks for Colleyville's future. This plan helps guide the "finishing touches" and lays the groundwork for an even stronger Colleyville, one that preserves its strengths while adapting to future change.

- **Goals** – Describe the desired outcome for a plan element. It is different from the Vision Statement in that it speaks directly about the element in more detail.
- **Policies** – Identify strategies that are more focused to work towards the element goal. There may be more than one policy working towards the same goal.
- **Actions** – Include specific tasks or steps taken in order to implement a policy. Action items are specific enough to identify a target timeframe, partners or agencies, and, in some cases, potential costs for implementation.
- **Benchmarks** – Measure progress toward achieving the goals over time.



Summary of Plan Element Goals & Policies

The goals, policies, actions, and benchmarks identified below are explored in further detail in the following chapters in this plan:

Economic Sustainability Chapter 4



Goal:

Expand the retail base and diversify the local economy to strengthen Colleyville's position in the region and increase its attractiveness as a high quality place to live, work, and play.

Policies

1. Redevelop – Encourage commercial redevelopment opportunities consistent with Land Use and Placemaking policies.
2. Recruit – Continue to promote Colleyville as an excellent and convenient place to locate a business.
3. Retain – Continue to support existing business development opportunities and initiatives.

Benchmarks

- Increased traffic to the City's Economic Development webpage.
- Increased and encouraged engagement in business networking activities.
- Increased sources for sales tax revenue.

Transportation Chapter 5



Goals:

Maintain the existing street network that encourages efficient and pleasant movement of all modes in the city with a focus on improving strategic vehicular, pedestrian, and bicycle connectivity at key locations.

Balance the need for efficient movement with promoting and protecting the unique character of the city's established roadways.

Policies

1. Implement the Master Thoroughfare Plan.
2. Explore opportunities to improve connectivity within and between neighborhoods and developments (especially along the Colleyville Boulevard Corridor and adjoining neighborhoods).
3. Balance traffic volume, capacity, and mobility needs with the preservation and/or creation of character along city streets.

Benchmarks

- Additional facilities constructed to connect key destinations by walking and bicycling.
- Additional intersection improvements completed.
- Increased number of cross access points between existing and future developments where appropriate.

Housing & Neighborhoods Chapter 6



Goals:

Preserve high quality, established neighborhoods with an emphasis on large lots and natural settings with a “country feel.”

Connect neighborhoods and provide high quality amenities.

Policies

1. Preserve neighborhood character and quality.
2. Enhance neighborhood-level amenities and connectivity such as pocket parks, sidewalks, and trails.
3. Require new neighborhood developments to demonstrate and contribute to Colleyville’s character.

Benchmarks

- Improved access to neighborhood-level park improvements.
- Increased number and quality of neighborhood-level amenities and connections (ex. trails).

City Services & Facilities Chapter 7



Goal:

Maintain an exceptional system of City services and facilities that is technologically current, efficient, and responsive to the needs of the Colleyville community.

Policies

1. Continue to maintain and improve the City’s facilities as appropriate.
2. Continue proactive and effective public services to ensure the public health, safety, and welfare of the Colleyville community.
3. Provide and maintain a well-planned and fiscally sustainable public infrastructure.
4. Proactively support efforts to promote green initiatives for fiscal resilience.

Benchmarks

- Additional facility improvements completed.
- Maintained a minimum 90 percent level of satisfaction among the community with City services.
- Maintained or improved current response times for Police and Fire services.
- Additional infrastructure improvements completed.

Future Land Use Chapter 8



Goal:

Maintain the integrity of the existing land uses by ensuring the Future Land Use Plan map and categories reflect the land use mix and character of desired development.

Policies

Establish appropriate future land use categories in the City's Future Land Use Map (FLUM):

- Residential
- Commercial
- Institutional
- Parks and Open Space
- Colleyville Boulevard Corridor (CBC)

Character & Placemaking Chapter 9



Goal:

Ensure high quality neighborhood design that positively contributes to surrounding neighborhoods and the country character of Colleyville.

Enhance the city's commercial corridors to make them unique destinations – specifically Colleyville Boulevard and Precinct Line Road – by creating a unique design aesthetic that sets these corridors apart from adjoining communities and continues to attract destination commercial uses.

Policies

1. Preserve the “country-feel” of roadways.
2. Ensure compatibility of new neighborhoods with existing neighborhoods and connectivity with adjoining developments where appropriate.
3. Create a plan to coordinate the public realm and private development standards for the Colleyville Boulevard Corridor with a strong and unique sense of place that transforms the Corridor into a true destination.
4. Create a unique commercial corridor for Precinct Line Road.

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INTRODUCTION



Economic sustainability is essential to Colleyville's future. At its core, it will impact Colleyville's growth and vitality, regional competitiveness, city tax rates, and capacity to maintain the high quality public facilities and services that the Colleyville community expects.



Creating a Strong and Sustainable Economy for Colleyville

Colleyville is strategically positioned to maintain economic health and vitality. The city's economy is supported by a variety of components, including above average talent, high quality commercial, preeminent housing, but also the wide services and choices available in Colleyville.

While market conditions can influence economic development, the City can play a vital role in making sure Colleyville continues to be an attractive place to do business. Proactive strategies currently employed by the City help set the stage for new development as well as facilitate economic development growth.

A Strong Regional Economy

Colleyville's location is ideal in the heart of the Dallas-Fort Worth (DFW) Metroplex and benefits from the

region's economic vitality. DFW is currently one of the strongest economies in the nation. According to the Bureau of Labor Statistics, it was ranked number one for job growth and number two in number of jobs added in the second quarter of 2014.

Colleyville has a robust commercial tax base and premier residential neighborhoods that support its economy. Its proximity to DFW International Airport and growing employment centers make Colleyville competitive and well positioned compared to other outlying suburbs.

Colleyville is part of the Tarrant County Workforce Development Area (WDA). According to the Texas Workforce Commission, the WDA is expected to gain over 192,000 employees between 2012 and 2022, a change of 22.3 percent. This would bring total employment in the WDA to over one million.

Colleyville is one of the most economically resilient municipalities, due to its proximity to the Dallas/Fort Worth International Airport, affluent population, quality school district, and central location to a diverse population base. [All these make] Colleyville a good location for commercial growth and sustainability.

Source: Catalyst Commercial. Retail Analysis and Merchandising Plan for Colleyville, Texas, 2010.

Colleyville has a growing commercial core and a number of large employers. The three industries that are most relevant to Colleyville's economic context with strong projected growth (based on percentage) are education & health services (29.9%), professional & business services (29.8%), and leisure & hospitality services (29.6%) (see Figure 4.1 *Employment by Industry Projections* below).

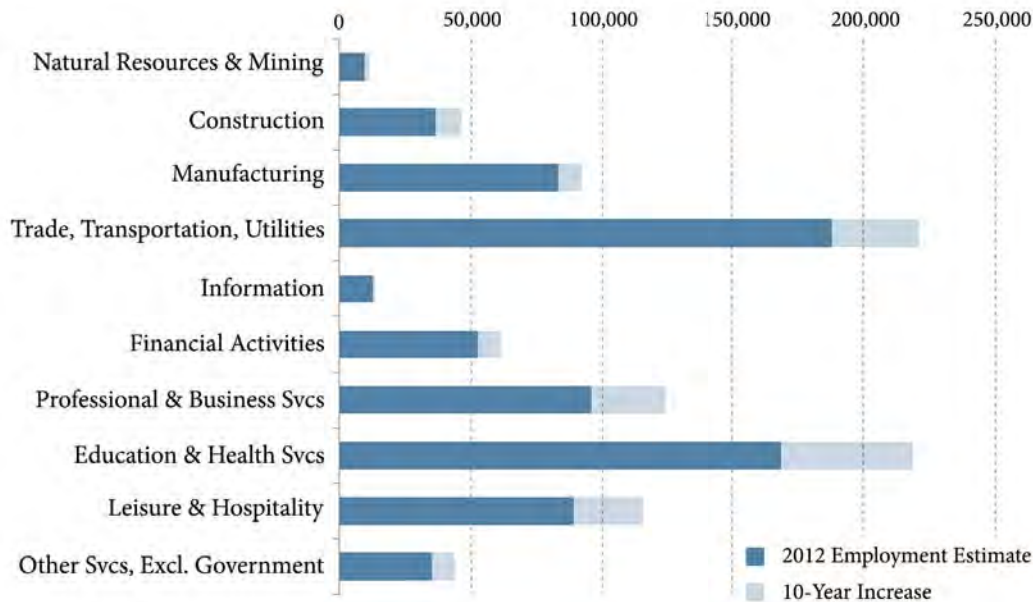
Due to its central location, proximity and access to the DFW International Airport, combined with the city's diverse population base and educated workforce, Colleyville is well-positioned to capitalize on forthcoming economic development opportunities.

Economic Opportunities for Colleyville

Given that Colleyville is a desirable community with a high quality of life, the City is in an excellent position to leverage the economic strengths of the region. The key is to ensure that these economic strengths are perpetuated into the future.

As described previously, the Colleyville community is well educated and highly trained. As such, 58 percent of the residents hold occupations in management, business, science, or arts, and 26 percent hold sales or office occupations. These occupation types typically pay higher than median salaries and can support the high property values associated with Colleyville's beautiful estates.

Figure 4.1. Employment by Industry Projections



Education & health services, professional & business services, and leisure & hospitality services are the three industries with top projected growth by 2022.

Source: Texas Workforce Commission Tracer Data, Tarrant County Workforce Development Area Employment by Industry Projections, 2012-2022.

Moreover, the workforce is employed in those industries poised for the highest growth in the region. Nearly 40 percent of the city's workforce is employed in administrative support, professional scientific and technology services, and health care and social assistance.¹ As employment opportunities increase in the area, Colleyville will benefit by maintaining a stable residential base and capturing more retail and office uses within the city. A market analysis performed by Catalyst Commercial identified specific retail and office opportunities in Colleyville, which are summarized below:

RETAIL OPPORTUNITIES

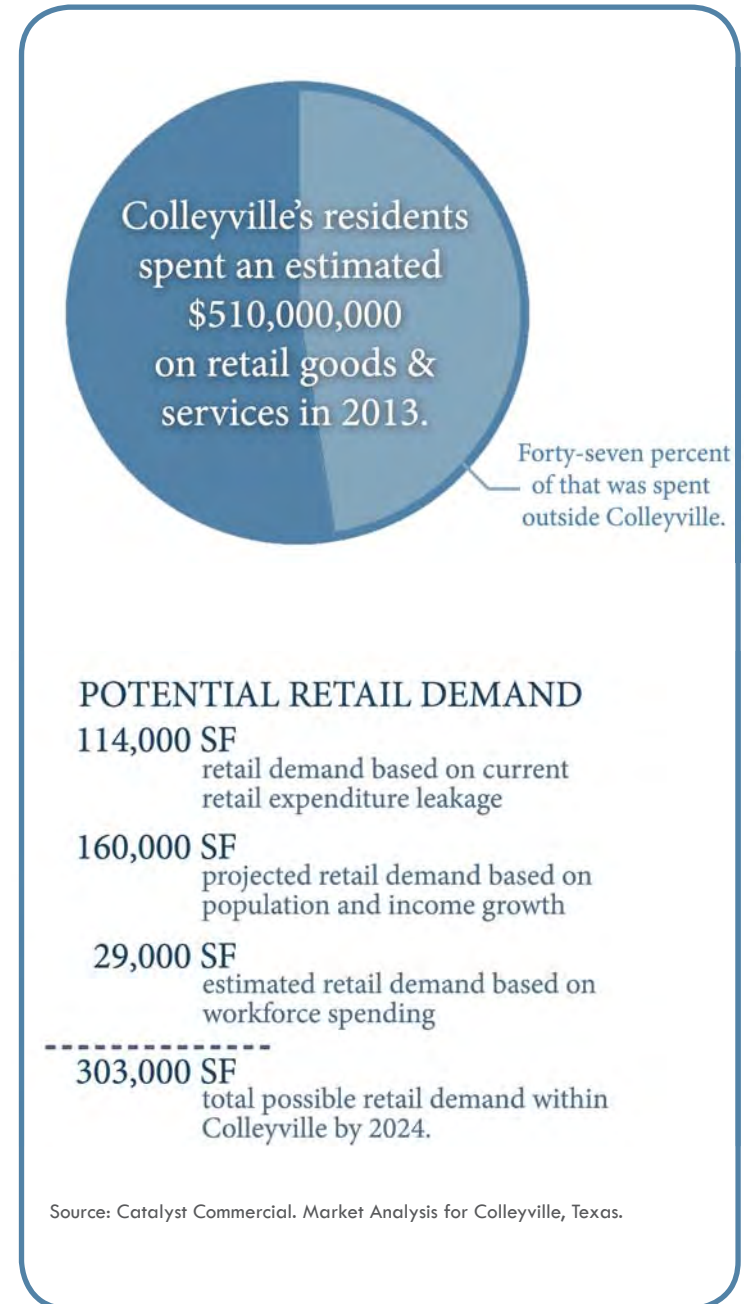
There is a high demand for retail in Colleyville due to retail leakage caused by residents shopping elsewhere in the region. Current and projected retail demand among residents in Colleyville and surrounding communities is high. Additionally, the workforce that commutes into and through Colleyville creates additional demand for retail. Based on Colleyville household data, there is enough current and projected demand to support an additional 303,000 square feet of retail goods and services in Colleyville by 2024.

This retail analysis took into account proximity of adjacent community retail centers, limited amount of greenfield land and lack of highway frontage in Colleyville, and the changing face of retailing due to competition from web-based retailers.

According to Catalyst's market analysis, workforce spending patterns account for an additional \$195 per person per week, totaling \$99 million in annual sales in the city's retail stores and restaurants. It is estimated that the addition of more high quality development with national and regional brands, convenient parking, and a variety of retail and restaurant options could bring in an additional 10 percent of potential retail expenditures from the local

¹ Catalyst Commercial. Market Analysis for Colleyville, Texas.

Figure 4.2. Potential Retail Demand



workforce which are currently spent outside the city limits (see Figure 4.2 *Potential Retail Demand* on Page 34).

OFFICE SPACE OPPORTUNITIES

As industries expand and diversify in the area, demand for professional office space will also grow. Office space users will include not only those businesses that provide services to residents, such as lawyers, real estate agents, and financial businesses, but also businesses that provide support services to other companies.

Rental rates in the Westlake/Grapevine/Colleyville submarket are some of the strongest in the region, and vacancy rates of class A and B office space in Colleyville are below the average of the overall market.

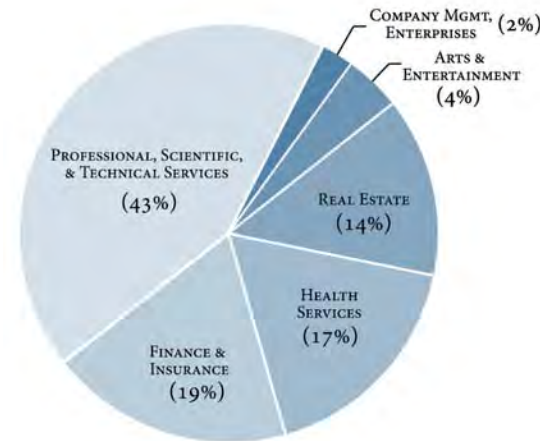
According to the office market analysis performed by Catalyst Commercial, there is 817,000 square feet of office space in the city, 88 percent (719,000 square feet) of which is for small office firms. Most of these small firms (43%) provide professional, scientific, and technical services. Only 17 percent is occupied by firms that offer health services (see Figure 4.3 *Employment Trends* on the right).

Overall, the city's 12 largest employers account for over 60 percent of the city's overall employment. In total, approximately 2,700 businesses employ over 9,800 workers within the city. A significant portion of these workers are employed in the retail and food service sector which accounts for approximately 18 percent of all workers.

Based on current trends, nearly 5,300 square feet of net absorption will be for small office space (firms with five employees or less). Small business relocation from existing space may create additional demand. Based on historical office space turnover trends and average vacancy rates, Colleyville could capture an additional 9,500 square feet of annual office demand for a total of 14,800 square feet of annual absorption.

Figure 4.3. Employment Trends

Small Office Firms by Industry Sector



Source: Catalyst Commercial. Market Analysis for Colleyville, Texas.

Top Local and Area Employers

The City of Colleyville and surrounding area is home to numerous employers. Below are the top employers (based on total employment) in the area:

DFW International Airport (on-airport employees only)	60,000
Sabre Corporate HQ	2,532
Grapevine Colleyville ISD*	1,681
Texas Health Harris Methodist Hospital	1,546
Gaylord Texan Resort Hotel & Convention Center	1,500
HealthMarkets	1,450
Baylor Regional Medical Center at Grapevine	1,230
Atlantic Southeast Airline, Inc.	1,000
Triad Financial Group	1,000
Market Street*	369

*in City of Colleyville

OFFICE CLASS DEFINITIONS



Office classes represent a subjective quality rating of buildings which indicates the competitive ability of each building to attract similar types of tenants. A combination of factors including rent, building finishes, system standards and efficiency, building amenities, location/accessibility and market perception are used as relative measures.

Class A: Most prestigious office buildings competing for premier office users with rents above average for the area. Buildings have high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence.

Class B: Office buildings competing for a wide range of users with rents in the average range for the area. Building finishes are fair to good for the area. Building finishes are fair to good for the area and systems are adequate, but the building does not compete with Class A at the same price.

Source: Building Owners and Managers Association International (<http://www.boma.org/research/Pages/building-class-definitions.aspx>)

Outside of the projected annual demand, Colleyville remains and can continue to be an attractive location for office uses due to the City's proximity to DFW International Airport.

Relevance to Destination Colleyville

One key to creating a sustainable economic development strategy for Colleyville is through placemaking. A vibrant and attractive physical context creates the environment for bringing new spending, leveraging existing visitors, and retaining as much local demand as possible.

Although Catalyst Commercial's analysis identifies several areas where Colleyville is currently underserved with regard to available retail and office space, there are significant challenges to attracting

new commercial development. The first challenge is the significant regional competition, and the second is a limited availability of undeveloped land in high demand locations.

In order to address the first challenge, the City will need to build on its current successful strategy of creating a targeted and niche recruitment strategy for choice retailers and high quality businesses. The second challenge can be addressed by optimizing development and redevelopment opportunities by integrating public investment in placemaking elements.

Such a public investment strategy, together with the focused recruitment strategy, should create a market dynamic where the city's commercial corridors remain competitive as market conditions change, well into the future.

Economic Sustainability Framework

Based on a careful analysis of Colleyville's context and market opportunities, the following section establishes the framework of policies and actions to implement the City's Economic Sustainability goal:

GOAL

Expand the retail base and diversify the local economy to strengthen Colleyville's position in the region and increase its attractiveness as a high quality place to live, work, and play.



Policy: Redevelop – Encourage commercial redevelopment opportunities consistent with Land Use and Placemaking policies.

Given Colleyville's development context, there are limited opportunities for new commercial development on undeveloped properties. In addition, as identified in the work undertaken by Catalyst Commercial, there is an opportunity for optimization of additional sales tax-generating businesses that could be captured within the city. This dynamic will, in the long-term, create a more sustainable commercial tax base, thus helping to reduce the tax

responsibilities placed on residential landowners. However, many of these new businesses will want to be located along the Colleyville Boulevard Corridor. With limited opportunities, this needs to be through a carefully crafted redevelopment strategy for existing underutilized and under-performing properties based on market opportunities.

- **Action 4-1: Continue to utilize creative funding mechanisms (e.g., grants, public improvement or municipal development districts, etc.) to encourage desirable economic growth in targeted areas of commercial redevelopment.**

The City already has been successful in using a range of funding mechanisms, such as matching grants, infrastructure participation, and non-cash incentives as tools for attracting new businesses and improving existing ones along Colleyville Boulevard. Incentives, when quantified, can be effective in mitigating excessive development costs and gaps in public infrastructure needed to facilitate high quality development, especially in a redevelopment context. Incentives should be evaluated based upon need, overall public/private ratio, payback period, impact on adjacent developments, net new benefits and other policy goals. In addition, where possible, performance-based incentives should be used. This also includes a continual evaluation of existing programs (e.g., the city's existing Tax Increment Reinvestment Zone (TIRZ)) to ensure they are functioning as needed, and whether or not additional restructuring is recommended.

Incentives, if carefully targeted, frequently provide a net positive return on public investment. This then increases the City's capacity to bring additional private investment that can contribute to the continued economic vitality of the city.

- **Action 4-2: Facilitate infrastructure improvements and amenities that support placemaking.**

Today, cities are competing to be great places to live and work. In that regard, facilitating development and redevelopment that has a "sense of place" is becoming an essential component of many economic development efforts. This plan establishes a strong vision to transform Colleyville Boulevard into a true destination with a set of coordinated public and private improvements.

Redevelopment is often more expensive due to demolition, property agglomeration, upgrading infrastructure, amending easements, utility relocations, and coordinating with existing adjoining businesses and neighborhoods. To this end, the city should identify and prioritize public infrastructure investments that can encourage private redevelopment that creates higher quality environments, better merchandising, and enhances elements that improve quality of life.

PLACEMAKING

"Placemaking is a multi-faceted approach to the planning, design, and management of public spaces...the art of creating places that uplift and help us connect with others."



Source: Project for Public Spaces.

Figure 4.4. Businesses Needed in Colleyville

As part of the city-wide survey administered during this comprehensive planning process, participants identified the following types of businesses that were needed in the city. These expressed “needs” by community residents can contribute to additional sales tax dollars and revenues for the city.

- **Small retail stores / boutiques** – 48.3 percent of respondents felt that more small retail / boutique stores were definitely needed (15%) or somewhat needed (33.3%).
- **Medium-sized retail stores** – 77.7 percent of respondents felt that medium-sized retail stores were definitely needed (34.0%) or somewhat needed (43.7%).
- **Large retail stores** – 56.1 percent of respondents felt that large retail stores were definitely needed (30.6%) or somewhat needed (25.5%).
- **Professional services** – 42.5 percent of respondents felt that additional professional services (e.g., medical, legal, health, beauty, etc.) were definitely needed (10.2%) or somewhat needed (32.3%). Conversely, almost 40 percent felt that more of these services were not needed.
- **Sit-down restaurants** – 85.2 percent of respondents felt that additional sit-down restaurants were definitely needed (45.2%) or somewhat needed (40.0%). Conversely, 50.4 percent felt that more fast food services were not needed.
- **Mixed-use developments** – 47.0 percent of respondents felt that mixed-use areas were definitely needed (16.2%) or somewhat needed (30.8%).

Source: Community responses from the 2014 city-wide opinion survey

Policy: Recruit – Continue to promote Colleyville as an excellent and convenient place to locate a business.

Businesses are attracted to locations that are vibrant and offer a high standard of living for their management and staff. Businesses with specialized professional staff, in particular, favor walkable and vibrant locations that help them attract top talent. Colleyville can readily be promoted as a place where it is easy to live, work, play, and stay. The City’s neighborhoods and schools are already top-notch and can help recruit businesses to the City in conjunction with the City’s incentive policy and Economic Development Strategic Plan.

There are limited locations within the City for new, quality, commercial development. It will be imperative to ensure that the City can maximize this new commercial development potential to the extent possible. Details on the design and quality considerations are included in Chapter 9.

■ **Action 4-3: Continue to pursue new commercial development in the Colleyville Boulevard Corridor and other appropriate locations.**

Pursuing new, quality, commercial development in the Colleyville Boulevard Corridor, specifically at the Northern Gateway, and the Precinct Line Road Corridor, is a priority to increase commercial tax base, and to reduce retail sales leakage to other cities within the region. Catalyst’s assessment identified the capacity for an additional 303,000 square feet of retail goods and services by 2024 (see Figure 4.4. *Businesses Needed in Colleyville* on the left).

Historically, the City has absorbed an average of 6,000 square feet of professional office space and current absorption is close to 15,000 square feet with vacancy near 7%. Additional opportunities in Colleyville would be for boutique corporate headquarters. Overall, forecasts show that demand for quality office will continue to increase. The addition of quality professional office uses will not only capitalize on the areas available highly educated workforce but also provide additional daytime visitors that can increase sales at Colleyville’s stores and restaurants.

- **Action 4-4: Continue to identify the types of prospective businesses (retailers, restaurants, and office uses) that will complement Colleyville's market context.**

The City has already recruited several quality retailers and restaurants. Continuing to use this strategic approach by communicating the strength of the city's economic development opportunities and incentives to prospective new retailers and restaurants, will be the key to maintain the current momentum. This could include continuing coordinating meetings at local and regional conferences, organizing annual Retailers Roundup events, etc.

- **Action 4-5: Continue to pursue and strategically develop high quality lodging-related uses within the city.**

As part of a larger effort to increase long-term tax revenue, the City should target hospitality-related uses to attract tourists and visitors. This will support leisure and corporate recruitment and retain visitor spending. In addition, the City should explore integrating conference/meeting space to attract out-of-town guests and increase spending on hotels, restaurants, and local shopping for additional tax revenue. In addition to providing direct jobs within the community, hotels and other lodging-related uses provide the city with hotel occupancy tax revenue and other complementary benefits that can be utilized to fund additional marketing and promotional materials or events.

- **Action 4-6: Establish partnerships to create a business incubator or accelerator to support start-ups and local businesses within the city.**

In addition to national credit retailers and established chain restaurants, it will also be important for the City to support a program to incubate new local businesses in an effort to diversify the city's commercial base.

A small business incubator or accelerator is a facility that provides small, start-up businesses with temporary space and shared business support services. An overarching goal of an incubator or accelerator is to enhance the entrepreneurial climate within the city and to create jobs that can lead to growth and expansion. The focus is on helping new businesses overcome the common problems that cause a business to fail within its first four years of existence. These include poor management, lack of funding, and inadequate marketing.

Although it is normal that small business start-ups have a high failure rate, the City can support the Chamber of Commerce and others in efforts to increase their chances of success. Led by the Chamber, this can include, but is not limited to, temporary office space, office services (e.g., copying, printing, faxing, computers, and high-speed Internet access), etc.

WHAT IS A BUSINESS INCUBATOR or ACCELERATOR?

A business incubator or accelerator is a business support process that accelerates the successful development of start-up and fledgling companies by providing entrepreneurs with an array of targeted resources and services.

Source: National Business Incubation Association, www.nbia.org



Additional resources on business incubators or accelerators can be found through the Economic Development and Tourism division of the Office of the Governor and through the National Business Incubation Association.

Policy: Retain - Continue to support existing business development opportunities and initiatives.

As the anticipated reconstruction of Colleyville Boulevard and associated redevelopment of properties occur, it is important to retain and support existing businesses that are performing well and those that fit into Colleyville's commercial niche strategy. Working with the Chamber of Commerce and other area organizations to create a support system for existing businesses will be important in this regard.

■ **Action 4-7: Continue to promote a “buy local” program.**

“Buy local” campaigns are great marketing tools used to generate pride and increase the economic stability of small businesses. In addition, it retains as much spending as possible within the community. As of 2015, the total retail leakage (i.e., retail expenditures by Colleyville residents outside Colleyville) is over \$242 million annually. Some of this retail sales tax leakage can be stemmed by new commercial development within the city. However, a long-term buy local program can complement the City's strategy to maximize sales tax revenues.

■ **Action 4-8: Continue to support the business counseling program offered in association with SCORE.**

SCORE “Counselors to America's Small Businesses” is a nonprofit association comprised of over 13,000 volunteer business counselors throughout the United States. Members are trained to serve as counselors, advisors, and mentors to aspiring entrepreneurs and business owners. The services provided are offered as a community service at no fee. Continued support by the City can provide the necessary assistance for small businesses to get started and grow.

■ **Action 4-9: Coordinate with area partners and social media channels to develop promotional materials to market Colleyville as a “destination,” in addition to promoting the city in general.**

The city can benefit from promoting Colleyville as a destination. There are several opportunities to create a variety of digital and/or hard-copy marketing and promotional materials including shopping and dining guides, shopping coupons, event flyers, etc.

While residents shopping locally can help retain sales tax revenues, visitors are equally important as they bring outside dollars into Colleyville. The City should consider a tourism marketing study to understand the profile of its

non-local visitors and develop a targeted marketing campaign to popular channels that align with Colleyville's visitor profile.

Currently, the City promotes Colleyville through a number of social media outlets, including Facebook pages and through the quarterly economic development newsletters. In the age of social media, this is an important, and oftentimes inexpensive, means of communicating with the community. Additional means of promotion should be explored to "get the word out" about available programs and offerings; amenities, events, and festivals; and other important information. The effectiveness of existing outreach should be evaluated to ensure the message is appropriate and resonating with the Colleyville community.



Colleyville's existing Facebook fan pages provide an inexpensive means of outreach to the Colleyville community. More importantly, they engage the community using technology that is already being used on a daily basis.

Source: <https://www.facebook.com/colleyvilletexas>



Colleyville's Economic Development newsletter that keeps the development community and citizens at large up-to-date about development activity in the city.

Source: <http://www.colleyville.com/economicdevelopment.html>

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CHAPTER 5 - TRANSPORTATION

INTRODUCTION

Ultimately, the success of a transportation system is measured in terms of access and mobility. In other words, it is measured by how easy it is to get where you are going, no matter how you are getting there. A good transportation system provides balance between accessibility and mobility to create safety and efficiency in the movement of people and goods.



Transportation

A city's transportation system has a strong influence on the quality of life and economic prosperity of a community. When residents and visitors cannot move with relative ease, it leads to increased frustration, lower quality of life, and negative perceptions about the community in general. Conversely, when movement around the city occurs easily, and through a quality and connected street network, it leads to positive perceptions about the community and oftentimes increases the economic attractiveness of the city to potential new residents and businesses.

Although cities are comprised of many moving parts, one of the most complex is transportation. In particular, transportation planning involves a deep understanding of how transportation decisions affect land uses, and vice versa. Transportation should accommodate multiple modes of travel, often times within the same limited right-of-way. The city's transportation network is part of, and interrelated to, a greater regional network of transportation facilities. Accordingly, this brings multiple jurisdictions to the table, all which can impact how people move into, out of, and through the city.

Despite the fact that Colleyville's population has leveled since 2010, and population growth is projected to be modest until the city reaches its maximum population, the city will still be impacted by growth stemming from the DFW Metroplex. As stated previously in Chapter 1, *Introduction*, the DFW Metroplex is one of the fastest growing in the United States, with Tarrant County alone being projected to almost double in population (from 1.8 million people to 3.5 million people) by 2050. Due to the city's proximity to the DFW International Airport and its superb quality of life, the city's transportation system will surely be impacted by regional growth trends.

For Colleyville, a community that has reached its geographic extents for new growth, transportation planning and thoroughfare development will be more focused on improving key linkages; refining existing corridor appearance, functionality, and efficiency; and improving the balance of transportation choices for all users, particularly during revitalization and redevelopment projects.

Streets

Streets are one of the most important physical parts of any city and can often represent as much as one-fifth of the community's total developed area. In Colleyville, streets and street rights-of-way represent approximately 12 percent of the city's total land area. In addition to the movement of traffic throughout the city, streets also move pedestrians and bicyclists within the same rights-of-way. Streets provide access to, and accommodate drainage for, abutting properties, provide for open space between buildings, and provide space for the installation of various utilities (e.g., storm sewers and surface drainage, sanitary sewers, water mains, gas mains, cable television and electric transmission lines). Streets are also the primary means by which emergency services (e.g., police and fire protection) are provided to an area.

Just as importantly, streets are the primary way in which one experiences a city. In Colleyville, tree-lined streets and large estates lend the city a rural feel, particularly when combined with beautiful and attractive front yards. Retaining that rural character and country feeling is one of the most important priorities of the Colleyville community. To many, it is one of the primary reasons they moved to the city and what makes them stay in Colleyville.

Streets are among the most important “framework” elements in a city, and how they look tells us a lot about a city.

“Quiet country atmosphere, including the many attractive two-lane roads such as Pleasant Run, Bedford Road, and Westcoat.”

PERCEPTIONS OF STREETS IN COLLEYVILLE

Most of the respondents to the mail-out/internet survey had a positive impression of the overall street network in the city. In fact, many of the responses to the question of “what makes Colleyville unique” involved answers relating to the quiet, rural roads within the city.

Source: Respondents to the mail out/internet survey.

Since streets provide for the movement of people and goods to, from, and through the community, considerable forethought has been given to the development of adequate circulation. The locations of the various land use arrangements are ultimately determined, to a large degree, by the location and type of transportation facilities available to handle traffic, both within the city itself, and between the city and adjacent communities.

Access to the major transportation network is very important to the community, since over 88.8 percent of all Colleyville workers commute to work in automobiles. The mean travel time for those commuting was 25.4 minutes.¹

Similar to many communities across the country, the Colleyville community has expressed significant interest in increasing bicycle and pedestrian connectivity in the city. The community also prefers to invest in improving vehicular transportation. The roadway network needs to be sufficient to serve the automobile as the primary mode to move people to and from their destinations, but additional linkages in other modes such as walking and biking are also desired.

¹ U.S. Census Bureau, 2013 ACS

Complete Streets

A “Complete Street” provides access for all users, including motor vehicles, bicycles, and pedestrians. Users of all ages and abilities are able to move safely along and across a Complete Street.¹ Benefits of Complete Streets include:

- Creation of more efficient streets that do not depend on one single mode of mobility;
- Ensuring that current and future street improvements, by any entity (private or public), consider providing balanced access to non-vehicular modes, as well as vehicles;
- Greater attention being paid to streetscape elements such as crosswalks, street lighting and

¹ National Complete Streets Coalition, <http://www.smartgrowthamerica.org/complete-streets/complete-streets-fundamentals/complete-streets-faq>

furniture, pedestrian crossings, wide sidewalks, street trees, promenades, and accessibility ramps;

- Helping create a healthier and more vibrant community by encouraging walking and bicycling by residents and visitors of all ages; and
- Providing access for younger residents of the city to walk or ride a bike to school, leading to more active youth in Colleyville.

In Colleyville, the rural cross-section found on many well-loved streets creates challenges to providing facilities for pedestrians and bicyclists. However, considerations to provide for such facilities where appropriate and feasible are recommended for every street on the Master Thoroughfare Plan.



An example of a proposed Complete Street in Sugar Land, Texas.

Character of Streets

The community identified the country character associated with driving along roads within and throughout Colleyville as one of the community's key strengths. The old county roadway system that previously existed in most of the neighboring communities eventually gave way to multi-lane improvement projects. However, in Colleyville, significant sections of the old county roadway system have been retained and generally function today as

the collector streets. Many of the existing roadways in the city contain signature elements (e.g., mature trees, rural fencing, open swales, etc.) that create a unique character which sets Colleyville apart from many of the surrounding communities. See Figure 5.1, *Existing Streets With Character*. Some of these streets include sections of Pleasant Run Road, Cheek-Sparger Road, Jackson Road, Oak Knoll Drive, Westcoat Drive, Bransford Road, John McCain Road, and McDonwell School Road.

Figure 5.1. Examples of Existing Streets With Character



Fencing and open space as signature elements



Mature trees and no curbing as signature elements



Open swales and no curbing as signature elements



Fencing and woodlands as signature elements

The Colleyville community and Comprehensive Plan Advisory Committee (CPAC) recommended that the character of key roadways in the city be considered when planning for land use and street improvements. Some newer streets in Colleyville incorporate some desired elements (e.g., sidewalks and parkway areas), but suffer from wide pavement cross-sections and a lack of mature trees (see Figure 5.2, *New Streets With Character Elements*). Along these streets, consideration

could be given to narrower lane widths, wider parkway areas, greater connectivity between developments, and more emphasis on capacity at intersections. Similar to many other communities across the country, other existing streets in Colleyville were designed and constructed without character-creating elements. Many of these streets (see Figure 5.3, *Streets With Character Opportunity*) result in streets that lack a sense of place.

Figure 5.2. New Streets With Character Elements



Existing street with additional character elements

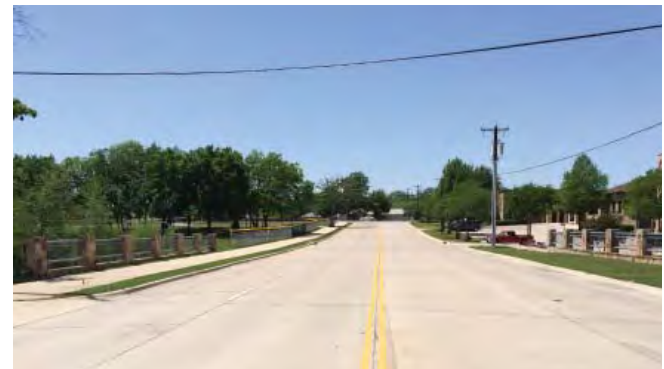


Rebuilt street with additional character elements

Figure 5.3. Streets With Character Opportunity



Street with opportunity for additional character elements



Street with opportunity for additional character elements

Master Thoroughfare Plan (MTP)

The Master Thoroughfare Plan (MTP) identifies the major thoroughfare routes serving the community and the general location of all future major thoroughfares. The MTP, prepared as a component of *Destination Colleyville*, updates the 2004 Master Thoroughfare Plan.

Regional Transportation System

The major transportation facilities serving northeast Tarrant County are Interstate Highways 30 and 35W, Loop 820, State Highway 183, State Highway 114, and State Highway 121 (see Map 5.1, Regional Transportation System).

Each of these facilities plays an important role in gaining access to Colleyville. Interstate Highway 30 is a major national roadway extending east from Dallas and west to IH-20 at the Parker County line. Interstate Highway 35W connects Hillsboro to Denton and is a very heavily traveled highway. In recent years, it has become a major route for truck traffic associated with international trade.

Loop 820 is the major circulation route around Fort Worth and serves a number of communities located on the edge of Fort Worth's urban area. State Highway 183 basically extends east and west between Dallas and Fort Worth, and is a major facility for commuters between these two cities and cities situated adjacent to this major highway. State Highway 114 connects northern Tarrant County and Denton County to DFW International Airport and Dallas.

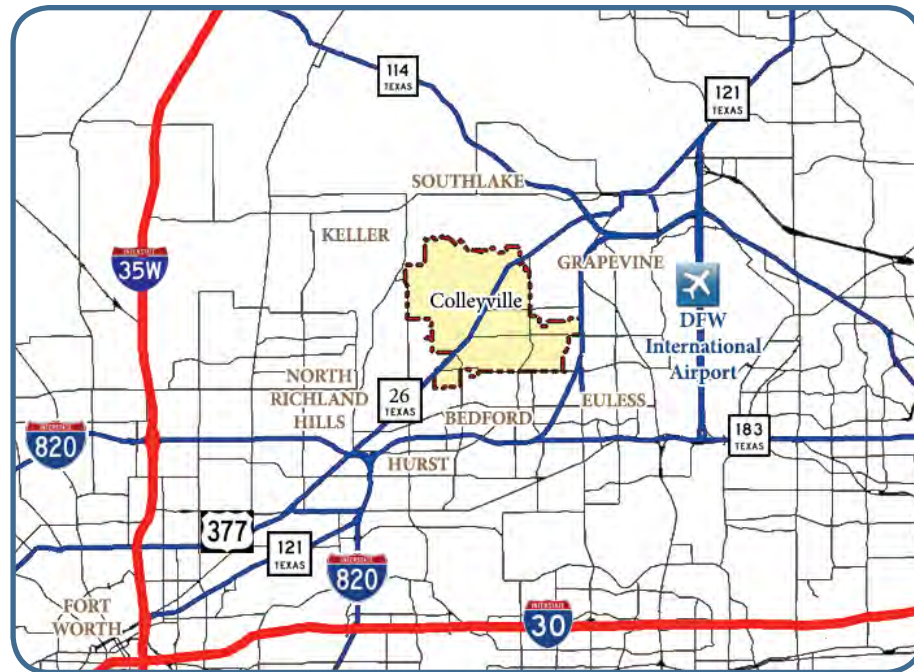
Local Transportation System

State Highway 121 extends north-south along the eastern boundary of Colleyville, and provides a major connecting route to the DFW International Airport and the northern portion of Dallas. The significant street

intersections along State Highway 121 which serve Colleyville are at Cheek-Sparger Road, Glade Road, and Hall-Johnson Road. The completion of the "DFW Connector" project in 2013 has significantly improved mobility along State Highway 121.

State Highway 26 (Colleyville Boulevard) and FM 3029 (Precinct Line Road) also serve as important transportation routes in Colleyville. Colleyville Boulevard is a four- to five-lane undivided highway that traverses the center of Colleyville, entering from the southwest and exiting at the northeast corner of the city. It is along this corridor where the majority of Colleyville's commercial properties are located. It is currently being reconstructed into a six-lane divided roadway. Precinct Line Road is a seven-lane undivided

Map 5.1, Regional Transportation System



regional roadway that extends along the western edge of Colleyville and serves as the western boundary between Colleyville and North Richland Hills.

Traffic Generators

Typically, the major sources of traffic in a community are internal (e.g., travel to and from a school or a shopping center). In Colleyville, however, a significant amount of vehicular traffic is generated by adjacent community residents traveling through Colleyville to reach destinations in other nearby communities. Colleyville Boulevard carries a significant amount of external commuter traffic. However, its route does not extend through Colleyville's residential neighborhoods, contrary to the east-west roadways of McDonwell School Road, John McCain Road, Glade Road, Hall-Johnson Road, and Cheek-Sparger Road.

In the past, Colleyville has received relatively little economic benefit from increased traffic through the community. With the growth of retail areas such as Colleyville Downs, the Village at Colleyville, and the Colleyville Town Center/Market Street development, connectivity can serve to generate significant activity that benefits the city.

North Tarrant Parkway was recently extended to Interstate Highway 35W, between Fort Worth and Keller. This route provides a multi-lane connection from the north side of Fort Worth to Precinct Line Road. Due to its completion, east-bound traffic will likely increase in the future along McDonwell School Road and John McCain Road. Mid-Cities Boulevard already provides a multi-lane east-west roadway from Saginaw to DFW International Airport through Colleyville along Cheek-Sparger Road.

During early morning and evening commute times, additional traffic (which comes in large part from the external pass-through traffic) increases congestion along Colleyville's roadways making it more difficult to gain access to adjacent residential neighborhoods. This is not to be too unexpected, as most of the major intersections on the city's predominantly two-lane arterial system are not designed to accommodate high volumes of turning movements.

Traffic Volumes

On an annual basis, City collects traffic volume information for most of the major roadways in the community, generally taken near major intersections. Future traffic volume projections are derived from the North Central Texas Council of Governments (NCTCOG) 2035 Traffic Volume Projections. However, several roadways are already seeing traffic counts at the 2035 level. Information on both current and projected traffic volumes is useful for economic development purposes as well as for establishing a sound roadway maintenance or improvement program.

TRAFFIC GENERATORS

Within the city limits, the major traffic generators include, but are not limited to, the following:

- Glade Points shopping center
- Colleyville Downs shopping center (formerly Village Park)
- Colleyville Town Center
- Village at Colleyville
- Area schools



Thoroughfare Classifications and Standards

The following describes the general functional classifications of streets that are defined in the Master Thoroughfare Plan. Each type of street is grouped into classes according to the character of service they are intended to provide. Each also function differently, with varying rights-of-way widths, number of vehicular lanes, and vehicular lane widths. A description of each classification and typical dimensions follows:

LOCAL STREETS

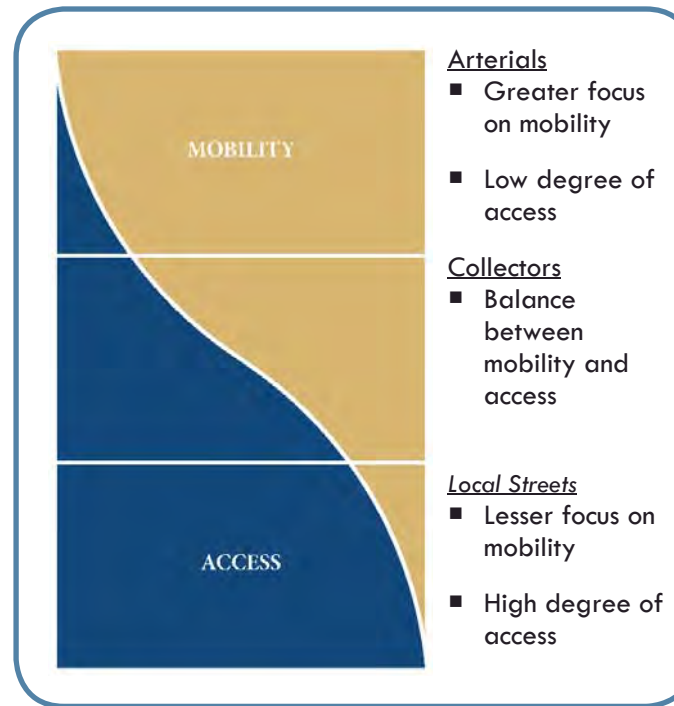
Local streets provide access to properties, typically residential or local destinations, and prioritize accessibility over mobility. Local streets generally make up the majority of the streets in a community.

The actual cross-section of local streets may vary from community to community, depending upon street construction practices, abutting land uses, parking, planting of street trees, and other considerations. In Colleyville, local streets will typically have a right-of-way width of 50 feet. Recommended pavement widths for a local street are 28 feet (29 feet back to back of curb for an urban section). For a rural section, the travel lane width will be 24 feet with a two-foot concrete ribbon along the outside edges. This pavement width is adequate for common residential densities, which typically generate an average of approximately 10 vehicle trips per weekday, per each urban dwelling unit.

COLLECTOR STREETS

Collectors provide the transition from arterials to local streets. Service is at a lower speed for shorter distances by “collecting” traffic. They typically connect residential areas, schools, local shopping centers, and destinations, and move traffic over shorter distances. Collectors try to balance mobility and accessibility.

Figure 5.4. Street Functional Classification Differences



Local land access should be more carefully regulated along a collector street. Numerous driveway cuts increase the number of potential conflict points and create safety issues, including increased congestion and number of traffic accidents. Parking on major collector streets should be discouraged, and residential buildings should preferably not face onto, or have driveways entering, the major collector streets. Examples of major collector streets in Colleyville include John McCain Road and Bransford Road.

From a design standpoint, the right of way of a collector street should not be narrower than any of the local streets entering it. Additionally, the design of a collector street should include consideration for the right-of-way width and number of lanes which provide for continuity of the overall system. Right-of-way widths will be a maximum of 75 feet with pavement widths of 28 to 42 feet, depending on whether the street is serving an urban or rural area and the need for a specific lane configuration (e.g., six-foot paved shoulders, center turn lane, etc.).

ARTERIAL STREETS

Arterials move large volumes of traffic between major destinations. With some degree of access control they prioritize mobility over accessibility in order to provide the highest level of service at the greatest speed for the longest uninterrupted distance. Major arterial thoroughfares are often multi-lane facilities and are often constructed and maintained by the Texas Department of Transportation (TxDOT). The two major arterial streets in Colleyville are Colleyville Boulevard and Precinct Line Road. Minor arterial streets provide for traffic movement from the various neighborhoods to commercial areas and other major traffic generators (e.g., schools and municipal buildings), and also serve as routes for thru-traffic from adjacent cities. Right-of-way widths will be a maximum of 95 feet with pavement widths of 36 feet to 44 feet. Examples of minor arterial streets include Hall-Johnson Road, Cheek-Sparger Road, and Glade Road.

EXPRESSWAYS/FREEWAYS

Expressways/freeways provide for expeditious movement of traffic between areas and across cities,

with an intent of moving large volumes of traffic at relatively high speeds, with as few delays and interruptions as possible. One of the ways this occurs is through the limitation of direct access to adjacent properties. With the exception of adjacency to a segment of State Highway 121 on the eastern border of Colleyville, no expressways will occur in the city.

Street Design Standards and Cross-Sections

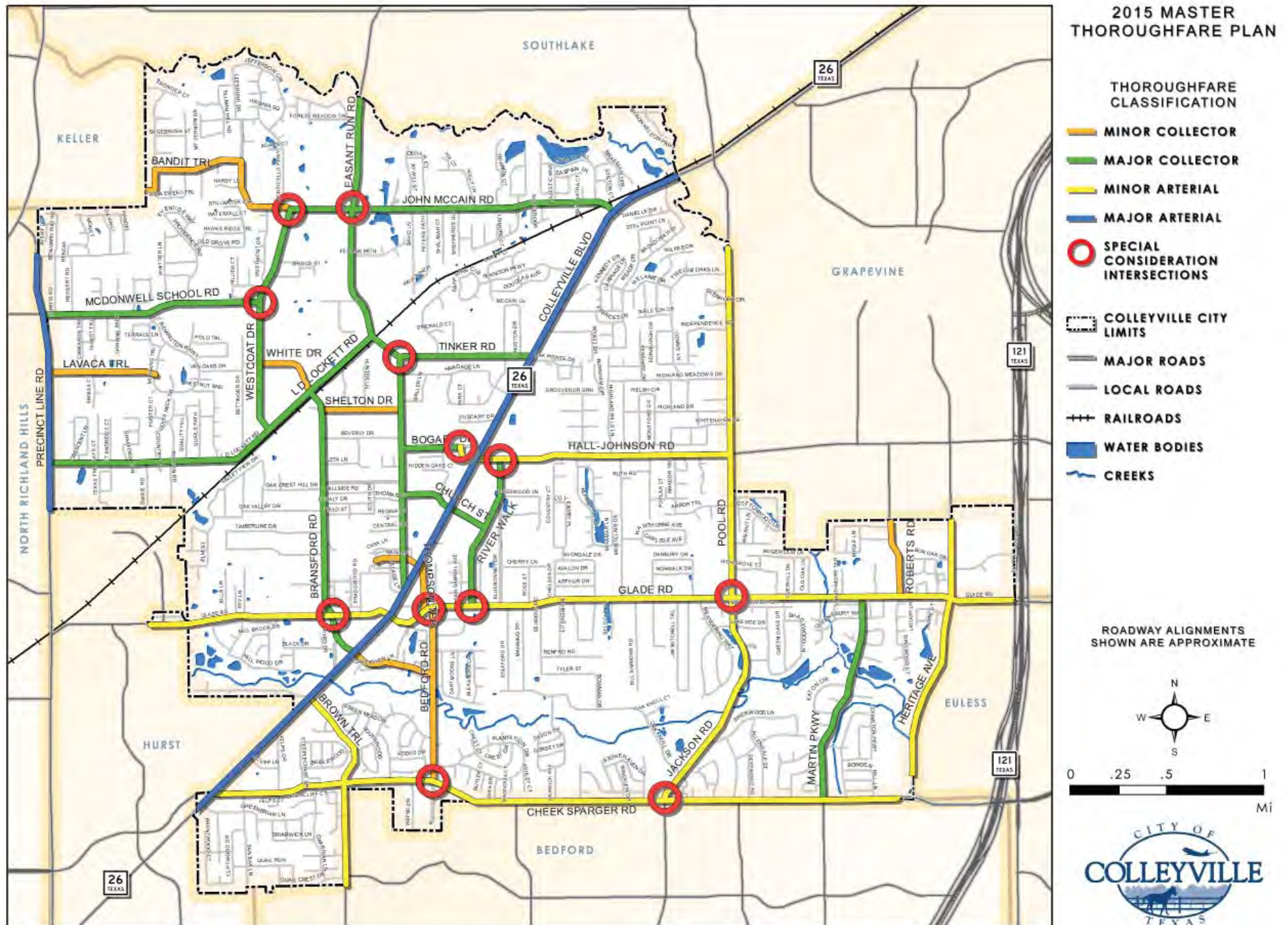
The Master Thoroughfare Plan (MTP) is designed to provide for the future travel needs of the community by ensuring the orderly development of the street system. It is also designed to ensure that adequate rights-of-way are preserved with general alignments and sufficient width to allow for the efficient expansion and improvement over time. While Colleyville's existing thoroughfare system is nearly complete, there are areas where future traffic capacities will require existing travel lanes to be expanded for improved traffic flow.

The MTP provides guidance as to the functional classification of street. These functional classifications are then subject to design standards which provide specifications on right-of-way and pavement widths, traffic capacity, number of lanes (including turn lanes), and the design of sidewalks or trails (see Table 5.1., *Master Thoroughfare Plan Design Standards*, below). Cross-sections are provided to help illustrate the different types of street designs standards for Colleyville (see Figures 5.5 through 5.13, located on pages 55 through 59).

Table 5.1. Master Thoroughfare Plan Design Standards

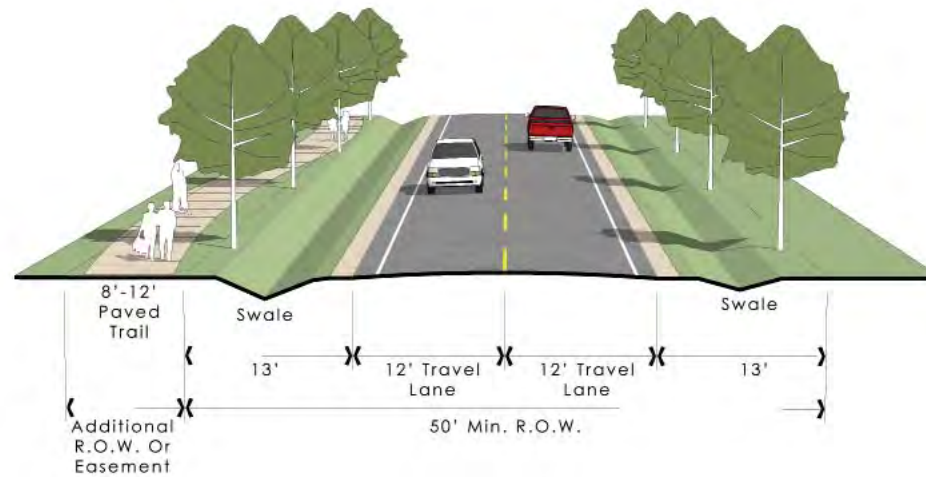
CITY OF COLLEYVILLE - MASTER THOROUGHFARE PLAN CLASSIFICATION CRITERIA											
Road Classifications	Road Type	Ideal Traffic Volume Capacity ¹ (Average Daily Traffic)	Right-of-Way Width (Feet)	Roadway Typical Section ⁵							
				Pavement Width ² (Feet)	Number of Lanes (#)				Minimum Median Width (Feet)	Parkway Width ³ (Feet)	Sidewalk Minimum Width (Feet)
					Total Number of Lanes	Dedicated Left Turn Lane	Dedicated Right Turn Lane	Parking Allowed			
Local	R2U	0 - 1,250	50'	24'-28'	2 Lanes	N/A	N/A	Yes	N/A	11'-13'	5'
Minor Collector	C2U	1,250 - 3,500	75'	30'-36'	2 Lanes with Option for Turn Lanes at Intersections	Optional	Optional	Yes	N/A	19.5' - 22.5'	5'
Major Collector	C2U/C3U	3,500 - 13,000	75'	36'-42'	2+ Lanes	Optional	Optional	No	N/A	16.5' - 19.5'	5'
Minor Arterial	M2U/M4U/M4D	8,000 - 23,000	95'	36' -44'	2+ Lanes	Optional	Optional	No	16'	17.5' to 29.5'	5'
Principal Arterial	P4D/P6D	21,000 - 35,000	TxDOT ⁴								
Notes: 1. Traffic Volume Capacity is based on guidance from the North Central Texas Council of Governments (NCTCOG) Roadway Service Volume (Capacity) Estimates. The Traffic Volumes are the Non-Directional and represent the Average Daily Traffic (ADT) in a 24-Hour Period. Assuming a Level of Service "C" Capacity, Principal Arterial is LOS "D". 2. Total Pavement width shown is for a typical cross section, and may vary at intersections. The Total Pavement width for undivided roads is from face of curb to face of curb. The continuous two-way left turn lane (if used) is included in the Total Pavement width. For median divided roads, pavement width is for all through traffic lanes. The pavement width does not include the width of the median. For all roads that do not have a continuous left turn lane, additional left turn or right turn lanes at intersections are not included in the Total Pavement width. 3. Parkway Width is face of curb to right-of-way. The width shown represents one side of the road (not both parkways). 4. The only Principal Arterial in the City of Colleyville is State Highway 26 (Colleyville Boulevard). State Highway 26 is a Texas Department of Transportation (TxDOT) Controlled Road. Therefore, TxDOT will determine road right-of-way and typical section. 5. Context-Sensitive Solutions (CSS) principles, called for in Action 5-10 on page 65, shall be used when developing specific street and sidewalk designs, and may impact some street and sidewalk dimensions.											

Map 5.2, Master Thoroughfare Plan



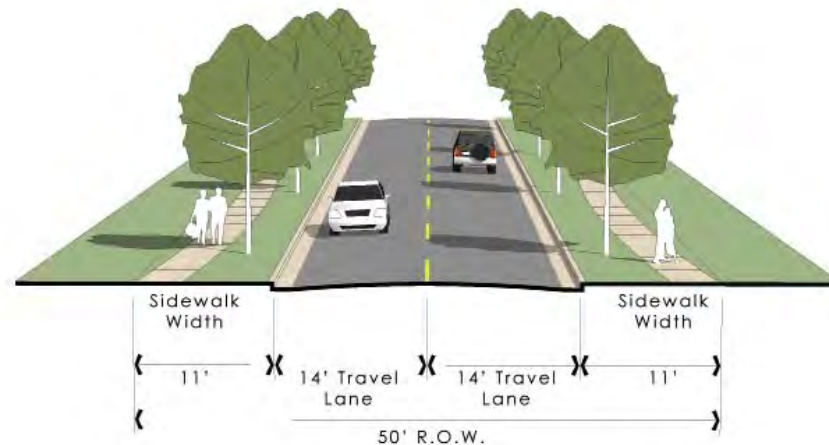
LOCAL STREET CROSS-SECTIONS

Figure 5.5. Local Street – Rural Cross-Section

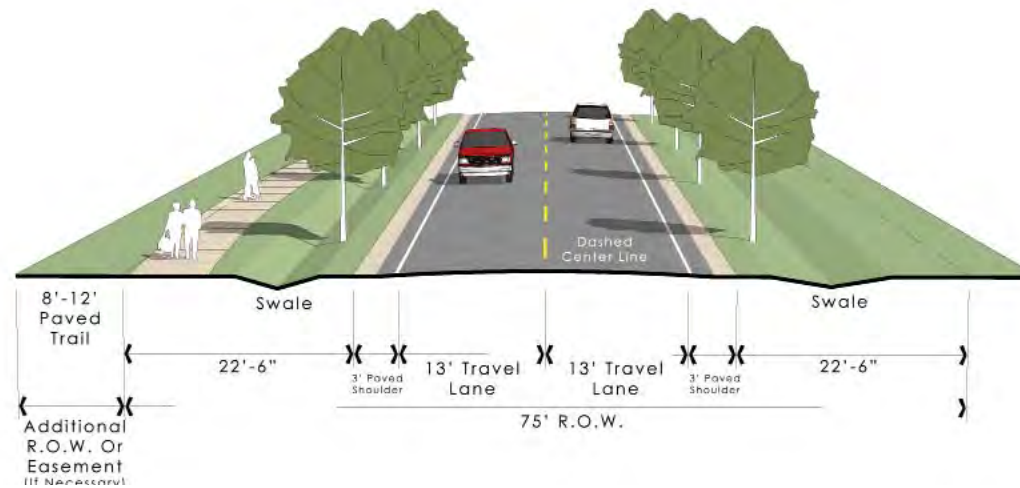


The cross-section of a rural local street provides 24 feet of pavement for two travel lanes. Additional two-foot wide concrete ribbons run along both outside edges of the travel lanes and are part of the parkway. The width of the travel lanes and concrete ribbons provide room for on-street parking while still maintaining traffic flow on these relatively low-volume streets. Depending on the adjacent land uses, sidewalks or trails may be provided in the 13-foot wide parkway. If a trail is required, additional right-of-way or an easement will be needed.

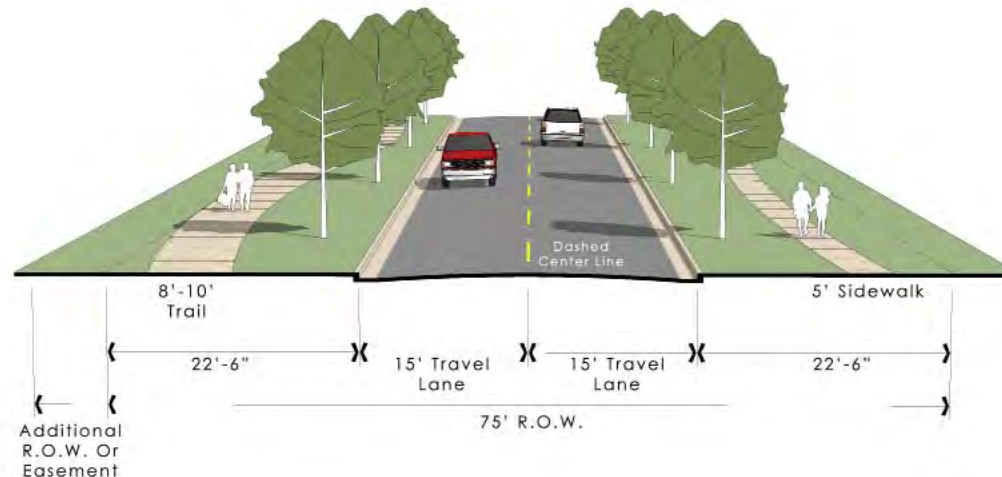
Figure 5.6. Local Street – Urban Cross-Section



The cross-section of an urban local street provides 28 feet of pavement from face of curb to face of curb for two travel lanes. The 28-foot width provides room for some on-street parking while still maintaining traffic flow on these relatively low-volume streets. Within the 11-foot parkways, there is room for a sidewalk or possibly a trail. If a trail is required, and there is not sufficient right-of-way, additional right-of-way or an easement will be needed.

MINOR COLLECTOR STREET CROSS-SECTIONS**Figure 5.7. Minor Collector Street – Rural Cross-Section**

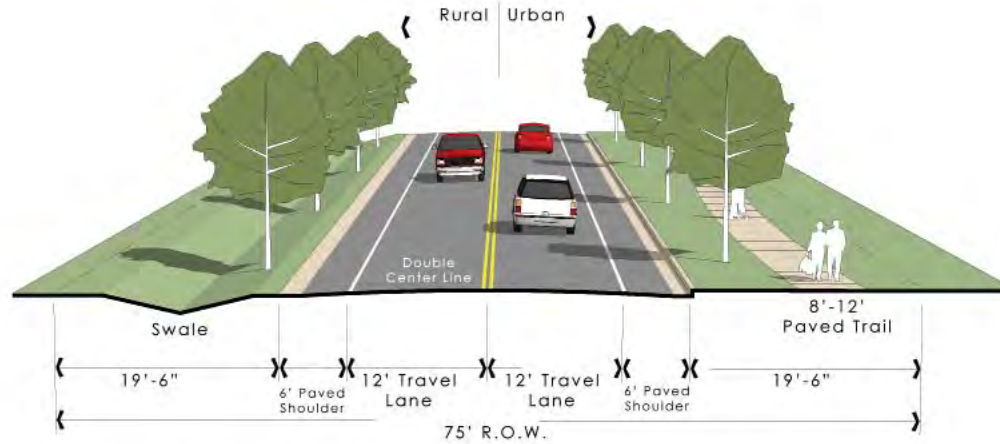
The cross-section of a rural minor collector provides 30 feet of pavement for two travel lanes, plus two-foot wide concrete ribbons along both outside edges of the travel lanes. The 30-foot width provides additional space for traffic flow and on-street parking while still maintaining the flow of traffic. With 75 feet of right-of-way, there should be adequate space to provide a sidewalk or possibly a trail. If for some reason neither a sidewalk nor trail can be accommodated in the 75 feet of right-of-way, additional right-of-way or an easement will be required.

Figure 5.8. Minor Collector Street – Urban Cross-Section

The cross-section of an urban minor collector provides 30 feet of pavement from face of curb to face of curb for two travel lanes. The 30-foot width provides additional space for some on-street parking while maintaining the flow of traffic. With 75 feet of right-of-way, there should be adequate space to provide a sidewalk or trail.

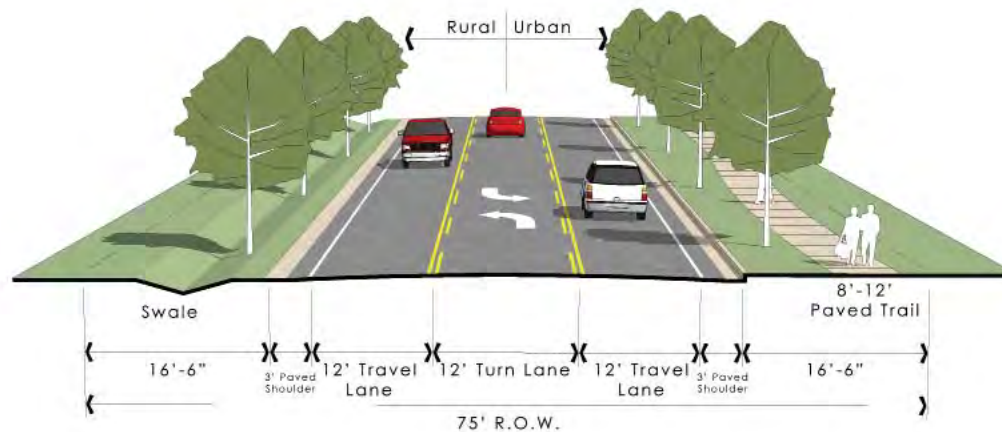
MAJOR COLLECTOR STREET CROSS-SECTIONS

Figure 5.9. Major Collector Street – Rural or Urban Two-Lane Cross-Section



The cross-section of a rural or urban two-lane major collector provides 36 feet of pavement for two travel lanes. The 36-foot pavement width provides additional width to allow for emergency vehicles to pass and provides additional capacity by allowing space for vehicles to pass on the right side of a left-turning vehicle. It also provides more room for the flow of traffic and higher traffic volumes. As shown above, a rural cross-section is depicted on the left and an urban cross-section on the right. With 75 feet of right-of-way, there should be adequate space to provide a sidewalk or trail in both rural and urban areas.

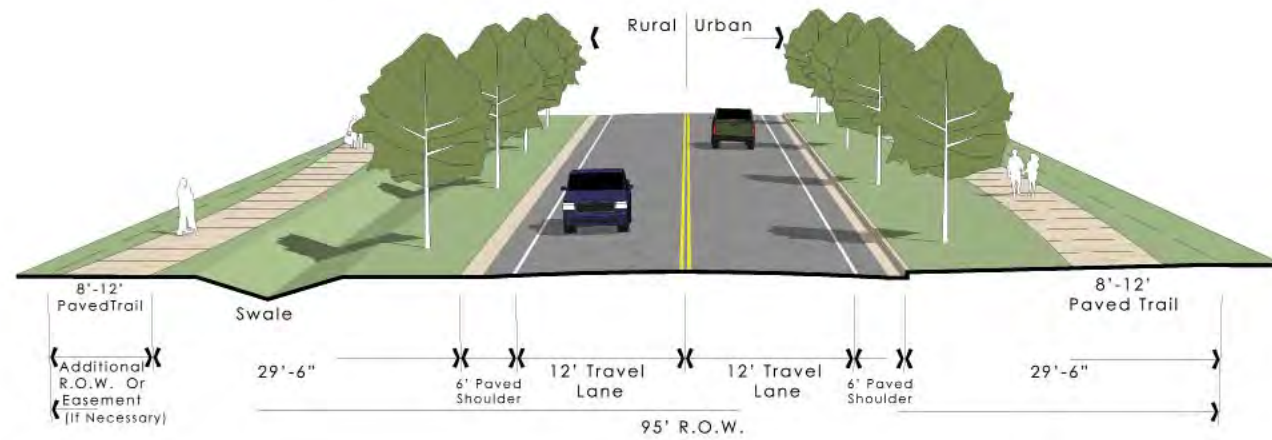
Figure 5.10. Major Collector Street – Rural or Urban Three-Lane Cross-Section



The cross-section of a rural or urban three-lane major collector provides two travel lanes, plus a two-way left-turn center lane. The rural major collector includes two-foot wide concrete ribbons along both outside edges of the travel lanes. The center turn lane provides additional capacity by providing a full lane for left-turning vehicles, allowing through traffic to flow unimpeded. As shown above, a rural cross-section is depicted on the left and an urban cross-section on the right. With 75 feet of right-of-way, there should be adequate space to provide a sidewalk or trail in both rural and urban areas.

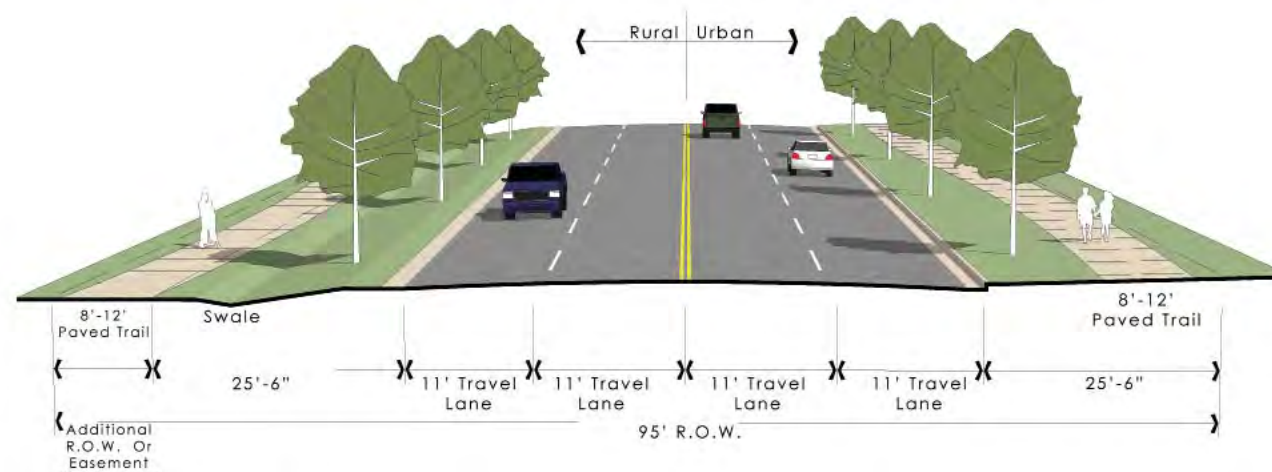
MINOR ARTERIAL STREET CROSS-SECTIONS

Figure 5.11. Minor Arterial Street – Rural or Urban Two-Lane Cross-Section



The cross-section of a rural or urban two-lane minor arterial provides two 12-foot travel lanes with two six-foot paved shoulders. As shown above, a rural cross-section is depicted on the left and an urban cross-section on the right. With 95 feet of right-of-way, there should be adequate space to provide a sidewalk or trail in urban areas. However, additional right-of-way may be needed for trails in rural areas if sufficient right-of-way is not present.

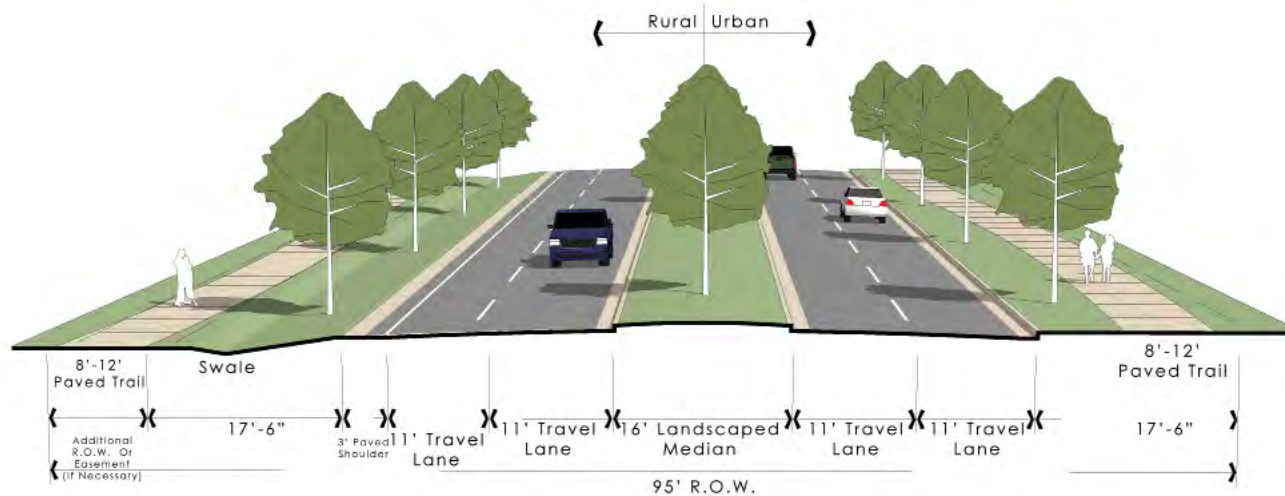
Figure 5.12. Minor Arterial Street – Rural or Urban Two-Lane Cross-Section



The cross-section of a rural or urban four-lane minor arterial provides four 11-foot travel lanes and no paved shoulders. As shown above, a rural cross-section is depicted on the left and an urban cross-section on the right. With 95 feet of right-of-way, there should be adequate space to provide a sidewalk or trail in urban areas. However, additional right-of-way may be needed for trails in rural areas if sufficient right-of-way is not present.

MINOR ARTERIAL STREET CROSS-SECTIONS (CON'T.)

Figure 5.13. Minor Arterial Street – Rural or Urban Four-Lane Cross-Section



The cross-section of a rural or urban four-lane minor arterial can also be designed with a 16-foot center median, four 11-foot travel lanes, and no paved shoulders. As shown above, a rural cross-section is depicted on the left and an urban cross-section on the right. With 95 feet of right-of-way, there should be adequate space to provide a sidewalk or trail in urban areas. However, additional right-of-way may be needed for trails in rural areas if sufficient right-of-way is not present.

Transportation Framework

GOALS

Maintain the existing street network that encourages efficient and pleasant movement of all modes in the city with a focus on improving strategic vehicular, pedestrian, and bicycle connectivity at key locations.

Balance the need for efficient movement with promoting and protecting the unique character of the city's established roadways.



Policy: Implement the Master Thoroughfare Plan.

The Master Thoroughfare Plan establishes the City's ultimate street network most of which is already in place. Implementing the Master Thoroughfare Plan helps to improve traffic flow and other short- and long-term mobility needs of the city. As Colleyville continues to grow and adds new residents, and as the population of the DFW Metroplex also grows, traffic levels along the City's arterial and collector streets will increase. More specifically, Colleyville Boulevard is slated to be improved to a six-lane boulevard within the next few years.

■ Action 5-1: Consider access management strategies along city streets.

As traffic in the city evolves, additional consideration regarding potential access management strategies that could be implemented during street improvement and redevelopment projects. These could include limiting the number of access points (streets and driveways) along arterial streets (e.g., Cheek-Sparger Road), synchronization of traffic control devices, adding acceleration or deceleration lanes, cross-access easements between adjoining developments, and in some cases, adding center turn lanes or medians. Access management should be implemented in conjunction with turn lanes and other cross-access improvements that to ease congestion on city streets.

■ Action 5-2: Continue to design and implement improvements at key intersections designated on the Master Thoroughfare Plan.

Given the challenges to increasing roadway capacity along many of the city's rural roadways, improvements to facilitate vehicular movements at key intersections (denoted on the Master Thoroughfare Plan as "special consideration intersections") should remain a high priority. By reducing delays at intersections, the capacity of area roadways is enhanced.



During the planning process, the Colleyville community frequently noted their appreciation for the roundabouts that have been installed in recent years, and asked that those improvements continue. The photo depicts the roundabout installed at the intersection of Glade and Pool Roads.

Policy: Explore opportunities to improve connectivity within and between neighborhoods and developments (especially along the Colleyville Boulevard Corridor and adjoining neighborhoods).

As Colleyville developed, many neighborhoods were built with only one or two vehicular access points and frequently lacked vehicular connections to nearby neighborhoods. In recent years, many newer developments have been built in the same manner, forcing all traffic out to the nearby collectors or arterials. In places where higher capacity collectors and arterials are available, this may be acceptable. However, with the desire to maintain a rural character in Colleyville, this design arrangement simply increases the burden on the city's collectors and arterials. Similarly, many commercial developments were designed without internal connectivity to adjacent parcels.

In addition, there is increasing desire on the part of Colleyville residents to be able to walk or ride a bicycle to nearby destinations. Access to sidewalks and trails for both recreation and mobility is becoming an important element of quality of life for many communities, especially for Colleyville. The Colleyville community has expressed this desire repeatedly, going back to the 1998 Plan, The Colleyville Plan (2004– 2025), and most recently as part of the 2011 Parks, Recreation & Open Space Master Plan.

Given the narrow pavement sections and the desire to maintain the rural character of drainage swales along many streets, the preferred solution to improve connectivity for both bicyclists and pedestrians is to expand the city's system of trails that parallel many streets. These trails are typically 10-foot wide and can carry low to medium volumes of both bicyclists and pedestrians concurrently (as long as high-speed bicycle travel is not anticipated). Since there is a growing interest in walking and bicycling, every neighborhood in Colleyville should have comfortable and appealing options for users to walk or ride to nearby destinations.

- **Action 5-3: Improve roadway connectivity within and between residential subdivisions where appropriate.**

All new developments should be encouraged to provide agreements with adjacent developments to allow shared connection points, especially for pedestrian and bicycle access. For existing developments, the City should continue to work with local neighborhood representatives to build support for increased connectivity between developments in the future. At a minimum this could include sidewalk or trail access as a start. Improving external access not only improves the connectivity of the development it serves, but if implemented across several developments, will improve connectivity across the entire community. Concerns about cut-through traffic can be alleviated through the means of appropriate traffic calming measures.

- **Action 5-4: Improve vehicular and pedestrian connectivity within and between commercial developments for all new development and redevelopment.**

The medians being proposed on Colleyville Boulevard as part of the imminent improvements to the Corridor will limit access to several existing developments that may not have direct access to a full median opening. Although the Land Development Code already makes cross-access between adjoining properties a requirement for all new development, the City could partner with property owners to proactively retrofit existing parking lots to connect at key locations.

In addition to vehicular connectivity between commercial developments, sidewalk or trail connectivity should also be prioritized, especially if there are any existing sidewalks or trails in the vicinity of the development.

- **Action 5-5: Coordinate with neighborhood representatives to improve walking and bicycling opportunities within neighborhoods and between neighborhoods.**

Since much of the city's built environment already exists, improving pedestrian and bicycle connectivity to, from, and within residential areas will involve working collaboratively with the individual neighborhoods and their respective neighborhood associations. In addition to improving pedestrian connectivity in conjunction with vehicular connectivity, emphasis should be placed on connecting existing residential neighborhoods to key areas of interest in the community, including, but not limited to, schools, parks, libraries, and nearby retail and entertainment areas. See Map 5.3, *Connecting Destinations*

■ **Action 5-6: Promote and encourage walking and bicycling as a reasonable choice to access schools, parks, key commercial areas, and other areas of interest.**

Due to the significant interest expressed by the Colleyville community for walking and bicycling opportunities, the City should continue to improve its overall trail and sidewalk system. Successful implementation involves collaboration between the City and area organizations and local school districts to conduct events that encourage youth and adults to walk and bicycle around the city more frequently. Priorities should be established to improve connectivity from the existing trail and sidewalk system to key areas of interest in the community. See Map 5.3, *Connecting Destinations* (on the page 64).

The City should partner with local school districts to improve connectivity to neighborhood schools. This involves creating a Safe Routes to School (SRTS) Plan, applying for available SRTS grants, and the design and installation of proper infrastructure (e.g., clearly signed and demarcated crosswalks), as well as promotion to and education of families.

■ **Action 5-7: Update the City's trail plan.**

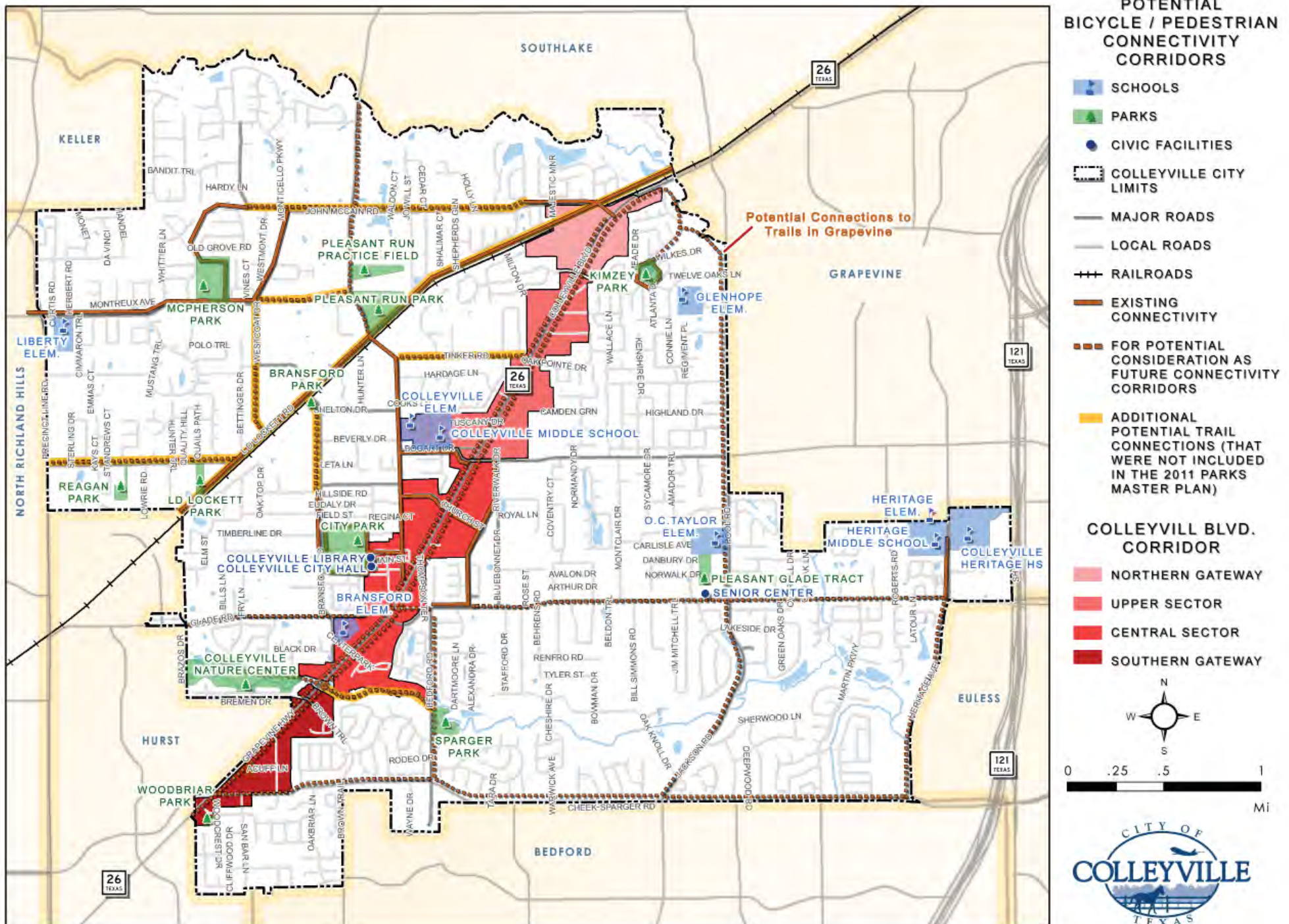
Currently located within the 2011 Parks, Recreation & Open Space Plan, the city's trail map identifies the overall network of existing and future trails throughout Colleyville. The plan should be updated to confirm and unify trail standards (for width and type), document where trail gaps exist, identify where key connections and future trails are feasible, and to establish key short- and longer-term priorities for trails. In addition, the update should include criteria for where trails should be considered and constructed. This could include an evaluation of the potential connectivity between key points of interest (see Map 5.3, *Connecting Destinations*), proximity to school attendance zones, community interest and support, and feasibility of construction (e.g., available right-of-way, impacts to the urban tree canopy, needed grading or drainage improvements, etc.). This could also include a scoring matrix to assign points to each recommended trail based on how well it conforms to the established criteria listed above.

The Plan should also address innovative best practices that should be allowed (and/or required) as part of private sector development of trail segments. These could include such things as "sand bridging," the use of multiple trail surfaces, varying trail widths to preserve trees or other native features, etc. Finally, guidance should be provided as to how trail segments should be prioritized for inclusion in the city's annual capital improvement plan.

■ **Action 5-8: Integrate trail and sidewalk improvements as part of street improvement or redevelopment projects where appropriate.**

Where feasible, fund trails as part of street improvements – since many trails in Colleyville will be developed in parallel with improvements to roadways in the City, trails that are designated on the City's trail plan should be implemented as part of street upgrades. In this way, the trails and streets can be designed at one time to address unique corridor constraints or opportunities.

Map 5.3, Connecting Destinations



■ **Action 5-9: Integrate trail and sidewalk improvements as part of the City’s Capital Improvements Program (CIP) with a direct tie to the City’s trail plan.**

In addition, the City should consider creating a sidewalk or trail infill program as part of the CIP which can prioritize short segments (1 /4 mile or less) that can be implemented if street improvements are not imminent in order to provide short term (between 5 and 10 years) connectivity or critical links.

Policy: Balance traffic volume, capacity, and mobility needs with the preservation and/or creation of character along city streets.

The rural character exhibited by many of the streets in Colleyville is one of the city’s strongest assets. Colleyville, as a community, strongly supports the preservation of that rural character, rather than developing standard streets that can be found in any community in the area. Given the relatively low number of collectors and arterials in Colleyville, attention should be paid to the character and context of each non-local street. Further, both the Colleyville community and the Comprehensive Plan Advisory Committee (CPAC) recommended that the character of key roadways in the city be considered when planning for land use and roadway improvements.

■ **Action 5-10: Develop site-specific or context-sensitive solutions (CSS) that preserve the character of streets as they are improved.**

As streets are redeveloped or improved, signature elements (e.g., the drainage swales which help to create a rural character along many of the city’s roadways) should be identified for possible protection prior to finalizing design and construction plans. Landscape architects, planners, or urban designers should be included as early in the process as possible when a street is considered for improvement. Preliminary engineering reports should be used to identify solutions that combine appropriate best practices and design standards, while also exploring specific strategies to preserve the character-building signature elements of that street (see the Character of Streets section earlier in this Chapter). Standard cross-sections should be used for guidance, but should maintain flexibility and be adjusted as necessary using CSS.

BAR DITCHES / SWALES

In the 2014 Citizens’ Survey, 57 percent of respondents expressed that eliminating bar ditches on city streets is not important for Colleyville to address in the near future (27% not very important; 14% not at all important; 17% no opinion). Bar ditches (also known as barrow pits or swales) are roadside channels dug for drainage purposes.

Source: 2014 Citizens’ Survey.



WHAT IS CSS?

Context sensitive solutions (CSS) is a collaborative, interdisciplinary approach that involves all stakeholders in providing a transportation facility that fits its setting. It is an approach that leads to preserving and enhancing scenic, aesthetic, historic, community, and environmental resources, while improving or maintaining safety, mobility, and infrastructure conditions.

– Results of Joint AASHTO / FHWA Context Sensitive Solutions Strategic Planning Process, Summary Report, March 2007



The rural character while traveling through many parts of the city, especially west of Colleyville Boulevard, is unique to the area and helps Colleyville stand out as a community.

■ **Action 5-11: Encourage preservation of signature street elements as part of improvement projects.**

Since the character of many existing streets is such an asset for the community, implementation of unique, one-of-a-kind solutions, where appropriate, should be supported. Utilize preliminary engineering reports to identify the funding levels needed for improvements to each street corridor. Support efforts for companion tree preservation and streetscape elements as part of improvements to streets, where possible.

■ **Action 5-12: Consider context-sensitive solutions to constructing trails within the city.**

Many of the streets in Colleyville are conversions from the city's rural past and are still lined with trees. Consequently, even trail or sidewalk design and construction should consider the context of each individual corridor to determine appropriate solutions for building that segment of trail or sidewalk. Since many of the streets within the city have relatively narrow rights-of-way, drainage swales could be utilized to improve city-wide connectivity. While the City should have general standards for trail width that it applies consistently, the implementation of trails should use context-sensitive solutions to protect mature trees and other signature elements that define Colleyville's rural character.



CHAPTER 6 - HOUSING & NEIGHBORHOODS

INTRODUCTION

Colleyville is known as a superb place to live. It will take a lot of effort to ensure that existing housing and neighborhoods are maintained in a high quality condition, that existing neighborhoods are continually improved to keep pace with changing preferences (e.g., more walkable), and that new neighborhoods are designed and constructed in a manner that contributes to (rather than detracts from) the existing character of the city. Each of these focuses are important to ensure that housing and neighborhoods in Colleyville continue to be among the very best in the DFW Metroplex.



Housing and Neighborhoods

Colleyville is widely known for the high quality of its neighborhoods. Colleyville residents enjoy quiet internal neighborhood streets with little traffic, mature trees, extensive green areas, nearby parks and other amenities, and access to some of the best schools in the entire DFW Metroplex region. The city's crime rate is extraordinarily low, and residents can also rest assured that their investment in their property will retain its value over the years. As a result, Colleyville continues to be one of the most desired places to live.

Retaining the value and quality of neighborhoods is one of the single most important priorities of the Colleyville community.

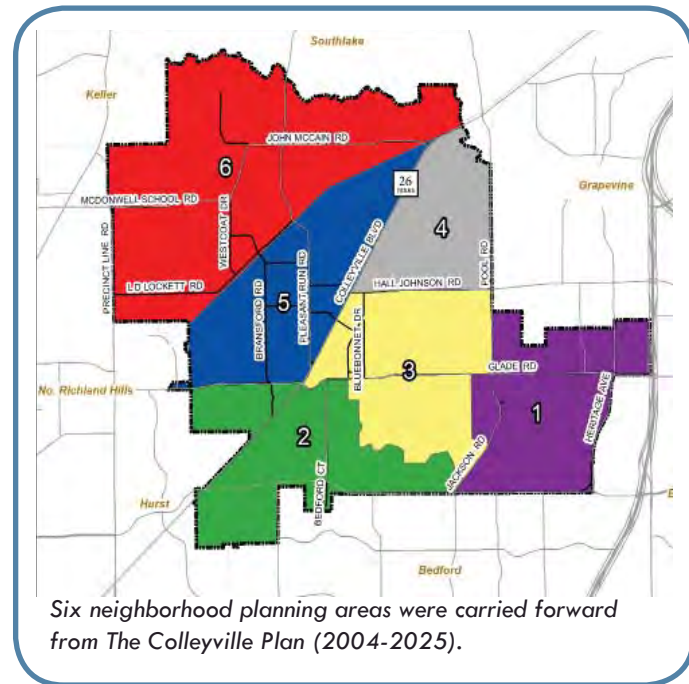
Since much of the city consists of existing residential neighborhoods, Colleyville's long-term future is inextricably tied to its housing quality and conditions. While one challenge is to protect and preserve existing neighborhoods, another is to ensure future housing further strengthens the city's status in the DFW Metroplex region. In the city's mature existing neighborhoods, housing exhibits a rural character accessed by rural roadways. In these areas, increased access to quality-of-life amenities (e.g., improved walkability, recreation, etc.) is important. In new neighborhoods, tree preservation, high quality layout and design should be a minimum requirement to ensure that these important amenities are considered while creating neighborhoods that have a sense of character. Each of these considerations, if done well, strengthens the character of the city which is so important to the Colleyville community.

Neighborhood Planning Areas

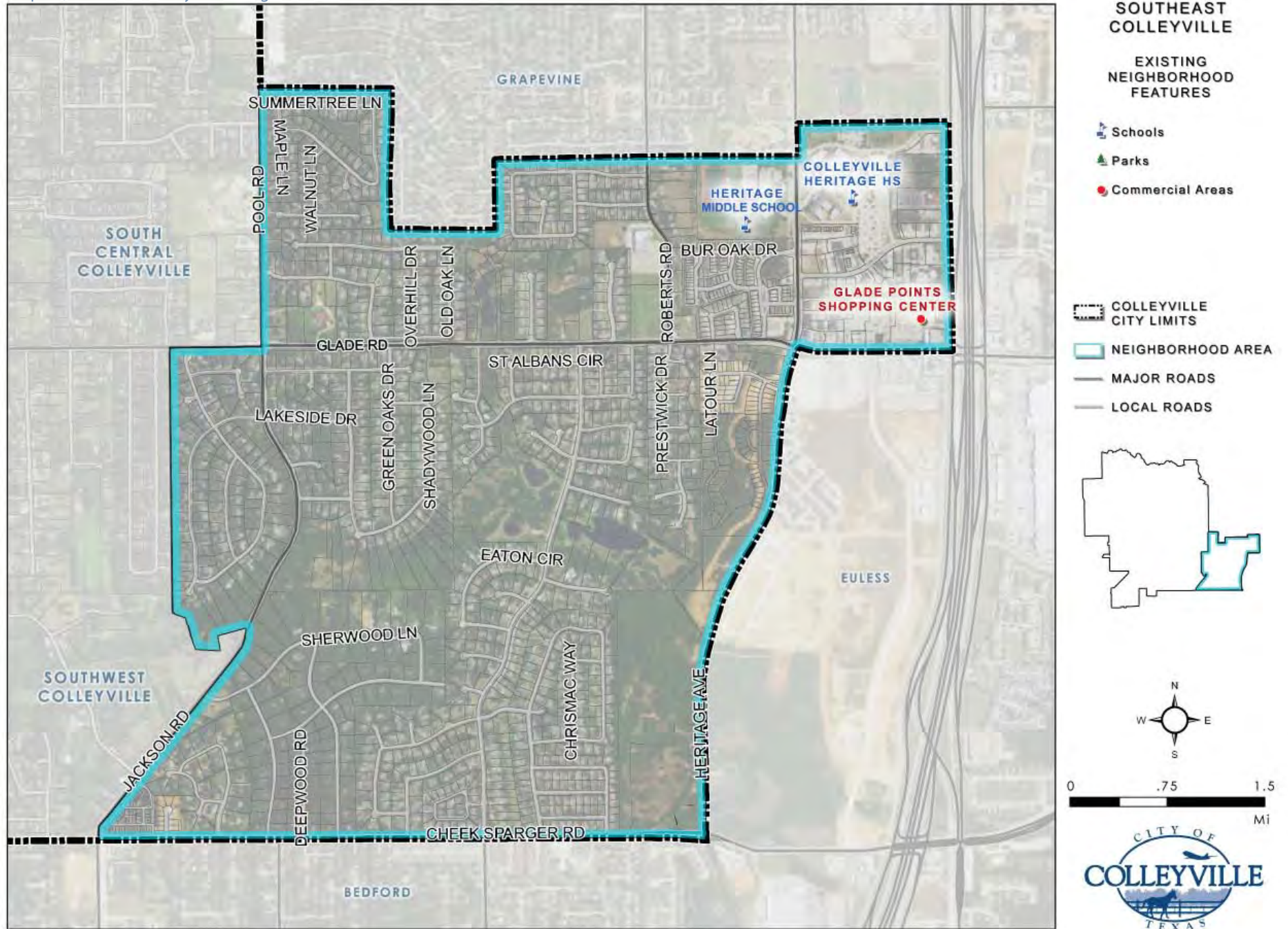
During the planning process for The Colleyville Plan (2004-2025), the city was divided into six neighborhood planning areas to help facilitate participation and planning. The boundaries of the six planning areas were chosen based on the service areas of the existing homeowner associations, as well as physical features such as major streets, railroads, and creeks.

Destination Colleyville uses the same six neighborhood planning areas to facilitate discussions and develop strategies to enhance neighborhoods in all parts of the city.

Figure 6.1. Six Neighborhood Planning Areas



Map 6.1, Southeast Colleyville - Neighborhood Area 1



Southeast Colleyville - Neighborhood Area 1

Placement in the Community

Southeast Colleyville occupies the southeast quadrant of the city. Bounded by Cheek-Sparger Road to the south, Jackson and Pool Roads to the west, State Highway (SH) 121 and Heritage Avenue to the east, and the city limits with Grapevine to the north and east, Southeast Colleyville totals approximately 1,213 acres (1.9 square miles) or 14.3 percent of the overall land area of Colleyville. With the development of the Heritage Avenue tract into single family homes, most of Southeast Colleyville is developed.

During the planning process for the comprehensive plan, feedback from focus groups comprised of residents of this area noted the convenience of living here, with easy access to SH 121 and also to commercial areas along Colleyville Boulevard. The major issue for the area is traffic congestion along Glade Road and Cheek-Sparger Road, and occasional periodic traffic delays generated by other users in the area (e.g., churches).

Character and Form

The following descriptions provide a summary of the character, development pattern, transportation and connectivity, and parks, recreation and open space in Southeast Colleyville.

- **General character.** Small portions of this area can be characterized as fairly typical suburban style developments. However, these developments transition to portions of Southeast Colleyville that are among the most beautiful in all of Colleyville. Home styles vary from older 1970's ranch style homes to large mansions with extensive open space and attractive front yards. Several gated communities exist in the area along Martin Parkway

and Jackson Road. Much of the area drains to tributaries of Little Bear Creek, and as a result the area is heavily wooded with stands of large mature trees. This wooded character is extremely appealing and is one of the distinguishing aspects of much of Southeast Colleyville. Private ponds which are visible from the area's public streets also contribute to the lush, luxurious feel of the area.

- **Development Pattern.** Approximately 90 percent¹ of this area is comprised of existing single family residences, with the remaining 10 percent consisting of commercial and institutional uses. Residential lot sizes vary from estate-sized lots along drainage tributaries of Little Bear Creek, to garden home-sized lots north of Glade Road and west of Heritage Avenue. Development patterns transition from freeway commercial uses at Glade Road and SH 121, to garden residential lots near Heritage Avenue and Glade Roads, finally to larger lots further to the west and throughout the remainder of Southeast Colleyville. Residential uses in the area total 1,112 acres and 1,707 lots, yielding a residential density of approximately 1.54 dwelling units per acre².
- **Transportation and Linkages.** Glade Road and Cheek-Sparger Road are the primary east-west minor arterials in the area. Heritage Avenue, Martin Parkway, and Jackson Road are the primary north-south roadways for this area. Apart from the four-lane sections of Glade Road and Heritage

¹ Existing residential percentage for each neighborhood area includes all areas within residential and agricultural zoning districts and includes rights-of-way and parks.

² Residential density is calculated by dividing the total number of residential lots (occupied and vacant) in the neighborhood by the total land area in the neighborhood in residential or Agricultural zoning district categories.

Avenue at the commercial areas near SH 121, most streets in the area, including arterial, are two-lane roadways.

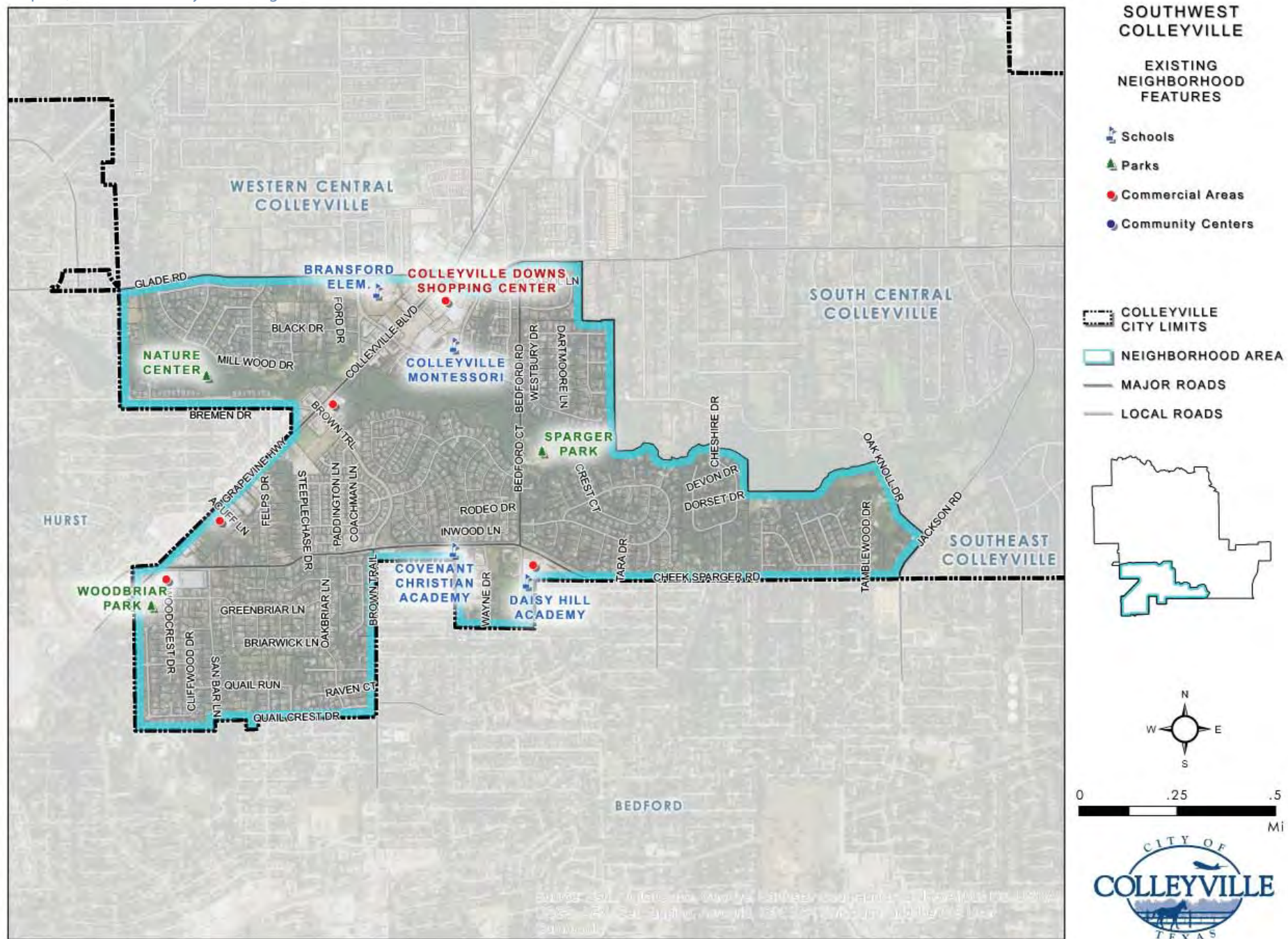
- **Parks, Recreation, and Open Space.** Southeast Colleyville has several private parks but no public parkland. The open parkland behind the Senior Center in Southwest Colleyville provides the main park space for this area. A total of 46 acres of private parkland are contained in the area, however, much of this private parkland is fenced and restricted to specific neighborhoods or homes. Some residents of the area have access to Melrose Park, which is a large private neighborhood park located on Martin Parkway. With the exception of wide sidewalks along a portion of Glade Road and Heritage Avenue, leading to the middle school and high school, the area has no existing public trails. Private recreational trails can be found in Melrose Park, as well as in privately shared open space east of Martin Parkway.

Key Current and Future Considerations for Southeast Colleyville

1. The commercial areas between SH 121 and Heritage Avenue are vital to the overall fiscal health of the city. They are the only freeway-oriented properties in the city, and have no direct residential adjacencies. As such, the intensity of development directly adjacent to SH 121 should be maintained and even increased where appropriate. Non-residential densities can decrease closer to Heritage Avenue, but should still remain among the highest in the city.
2. Roadway improvements are discussed in the Transportation section of this plan. However,

Southeast Colleyville residents have expressed their desire that Glade Road remain two lanes, with the exception of upgrades at intersections to improve traffic flow. Any improvements to Cheek-Sparger Road should carefully consider the character of the roadway. For both roads, shoulder improvements for roadway safety and traffic flow improvements at key intersections should be considered, where and when feasible.

3. No public park improvements are currently slated for this area. However, future park improvements in the city's park land adjacent to the Senior Center will be needed to provide public facilities for residents of Southeast Colleyville.
4. Sections of eight- to 10-foot wide trails exist along the north parkway of Glade Road between Pool Road and Heritage Avenue. Filling trail gaps along this section of Glade Road should be planned in order to enhance connections to area schools, retail and dining closer to SH 121.
5. Heritage Avenue and Cheek-Sparger Road intersection – work with the City of Euless to make improvements as appropriate when necessary.



Southwest Colleyville - Neighborhood Area 2

Placement in the Community

Southwest Colleyville occupies the southwest corner of Colleyville, and is generally bounded by Glade Road and Little Bear Creek to the north, Cheek-Sparger Road to the south, Jackson Road to the east, and Colleyville Boulevard to the west. A portion of Southwest Colleyville neighborhood area is west of Colleyville Boulevard and extends to Precinct Line Road which is the city limits with Hurst. Southwest Colleyville totals approximately 1,292 acres (2.02 sq. miles) or 15.3 percent of the overall land area of Colleyville.

Feedback from focus groups comprised of residents of this neighborhood area noted the high quality of their neighborhoods and, with this area's proximity to Colleyville Boulevard, the relative convenience and accessibility to other areas of the city.

Character and Form

- **General character.** While more than three-quarters residential, this area also has some non-residential uses extending along Colleyville Boulevard. The area is traversed by Little Bear Creek and consequently includes significant green spaces. Bedford Road, which crosses Little Bear Creek, is representative of the characteristic beautiful Colleyville thoroughfare, with large trees and a classic rural feel along much of the roadway in this area.
- **Development Pattern.** Southwest Colleyville is essentially completely developed, with only a few lots remaining open for development. The area is approximately 83 percent existing residential uses with 1,718 lots. This neighborhood has a density of

approximately 1.60 dwelling units per acre. Lots in the area are still generally below average in size, ranging from 10,000 to 15,000 square feet in size.

- **Transportation and Linkages.** Glade Road and Cheek-Sparger Road are the only east-west minor arterials in the area. Colleyville Boulevard, Precinct Line Road, Bedford Road, and Brown Trail are the only major north-south roadways in the area. With an eventual six lanes, Colleyville Boulevard has significant capacity to handle the traffic needs of the area. However, getting to Colleyville Boulevard is through a two lane section of Cheek-Sparger Road between Oakbriar Lane and Colleyville Boulevard.
- **Parks, Recreation, and Open Space.** This area has a higher percentage of public parkland than any other in the city. The Colleyville Nature Center and Sparger Park take advantage of their pristine locations adjacent to Little Bear Creek and are major amenities for the area. Woodbriar Neighborhood Park provides amenities south of Cheek-Sparger Road, and all neighborhoods in this area have close access to parks. Trails can be found in both parks, and older private trails along Cheek-Sparger Road point to future trail possibilities that mimic the public trail across Cheek-Sparger Road in Bedford.

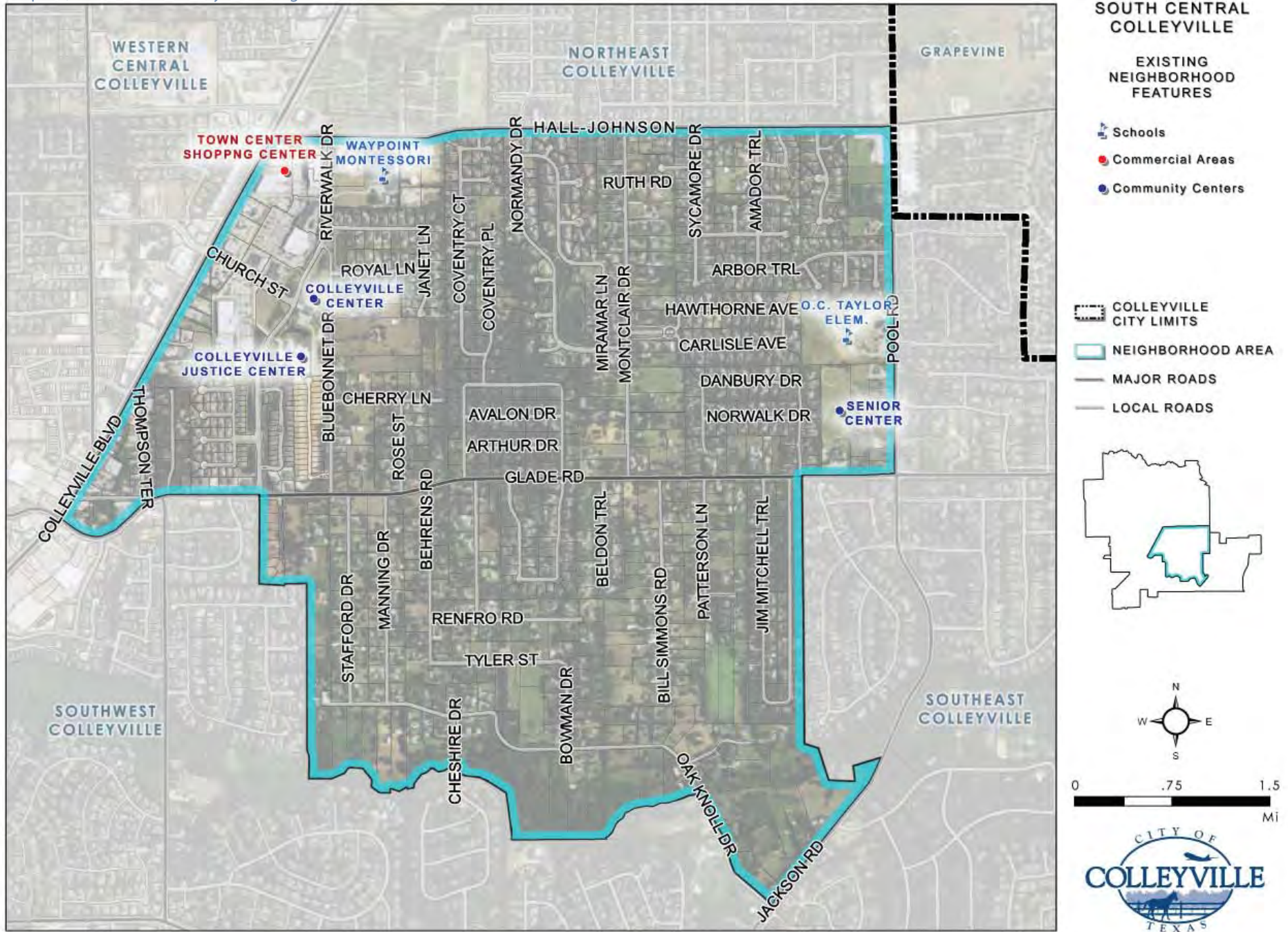
Key Current and Future Considerations for Southwest Colleyville

1. Redevelopment of the existing commercial lands between Colleyville Boulevard and Felps Drive will most likely occur in the future, and should be encouraged to bring additional destination value to Colleyville Boulevard. The buffering of residential

areas east of Felps Drive should be incorporated into any redevelopment plans for the area. More compact and walkable non-residential development should be encouraged for other tracts along Colleyville Boulevard, and should take advantage of the desire to be close to Colleyville Downs Shopping Center.

2. Neighborhood-scale retail and office uses should be encouraged at the southern corners of Cheek-Sparger Road and Bedford Road, with adequate buffering provided where residential adjacencies occur.
3. Proposals for development of floodplain lands on the north side of Little Bear Creek between Colleyville Boulevard and Bedford Road should be carefully evaluated for their potential impact on area flooding and the beautiful creek environment. The loss of creek environment could impact the value of nearby residential areas.
4. Evaluate options to improve traffic flow along Cheek-Sparger Road between Bedford Road and Colleyville Boulevard, including improving the intersection of Bedford Road and Cheek-Sparger Road. Consider improvements as appropriate along Cheek-Sparger Road between Colleyville Boulevard and Brown Trail (San Bar Lane to Oakbriar Lane).
5. Trail linkages between the Nature Center and Sparger Park would create a unique amenity for this neighborhood area and should be a high-priority focus. These trail linkages could use natural paving materials in keeping with the character of the area.
6. Explore ways to widen and enhance the existing trails on the south side of Cheek-Sparger Road in partnership with the City of Bedford.

Map 6.3, South Central Colleyville - Neighborhood Area 3



South Central Colleyville - Neighborhood Area 3

Placement in the Community

Neighborhood Area 3 (South Central Colleyville) focuses on a central area of the city, east of Colleyville Boulevard. It extends from Pool Road on the east, the centerline of Little Bear Creek and Jackson Road on the south, Colleyville Boulevard on the west, and Hall-Johnson Road to the north. This area is key to the future of Colleyville, since it contains commercial areas along the Colleyville Boulevard Corridor. South Central Colleyville totals approximately 1,248 acres (1.95 sq. miles) or 14.7 percent of the overall land area of Colleyville.

Feedback from focus groups comprised of residents of this neighborhood area noted the quality and love for their neighborhoods. They expressed the desire to ensure that the character of major streets in the area, such as Glade Road, is not lost due to roadway improvements to increase traffic flow.

Character and Form

- **General character.** Much of this neighborhood area has a large estate lot feeling to it. The area also includes significant commercial development along Colleyville Boulevard. Residential areas along Little Bear Creek, with forest-like stands of mature trees, are among the most scenic and beautiful areas in the entire city.
- **Development Pattern.** As is the case in other areas, South Central Colleyville is essentially completely developed, with only a few lots remaining to be developed. The area is approximately 90 percent existing residential uses, which is the third highest ratio of residential to non-residential in the city. This neighborhood has an approximate density of 1.00 dwelling units per acre. A significant number

of large estate-sized lots can be found along Oak Knoll Drive, other streets south of Glade Road, and along Montclair Drive and Bluebonnet Drive north of Glade Road.

- **Transportation and Linkages.** Glade Road and Hall-Johnson Road are the only major east-west arterials in the area, and they link this neighborhood area to commercial developments along Colleyville Boulevard. Colleyville Boulevard and Pool Road provide major north-south access north of Glade Road, and are supplemented by Riverwalk Drive and Montclair Drive in the area. South of Glade Road, Jackson Road, Martin Parkway, and Heritage Avenue all provide adequate north-south connectivity given the low density of the area.
- **Parks, Recreation, and Open Space.** South Central Colleyville has only one public open space, at the Senior Center along Glade Road, and no significant private parks. Although it is located in Southwest Colleyville, nearby Sparger Park also serves this area. Open spaces at the Colleyville Center also have potential to address quasi-parkland needs for this area. Trails can be found in Sparger Park, at the Senior Center, and along Church Street and Riverwalk Drive. Trails along Glade Road stop at Pool Road and do not extend westward into this area.

Key Current and Future Considerations for South Central Colleyville

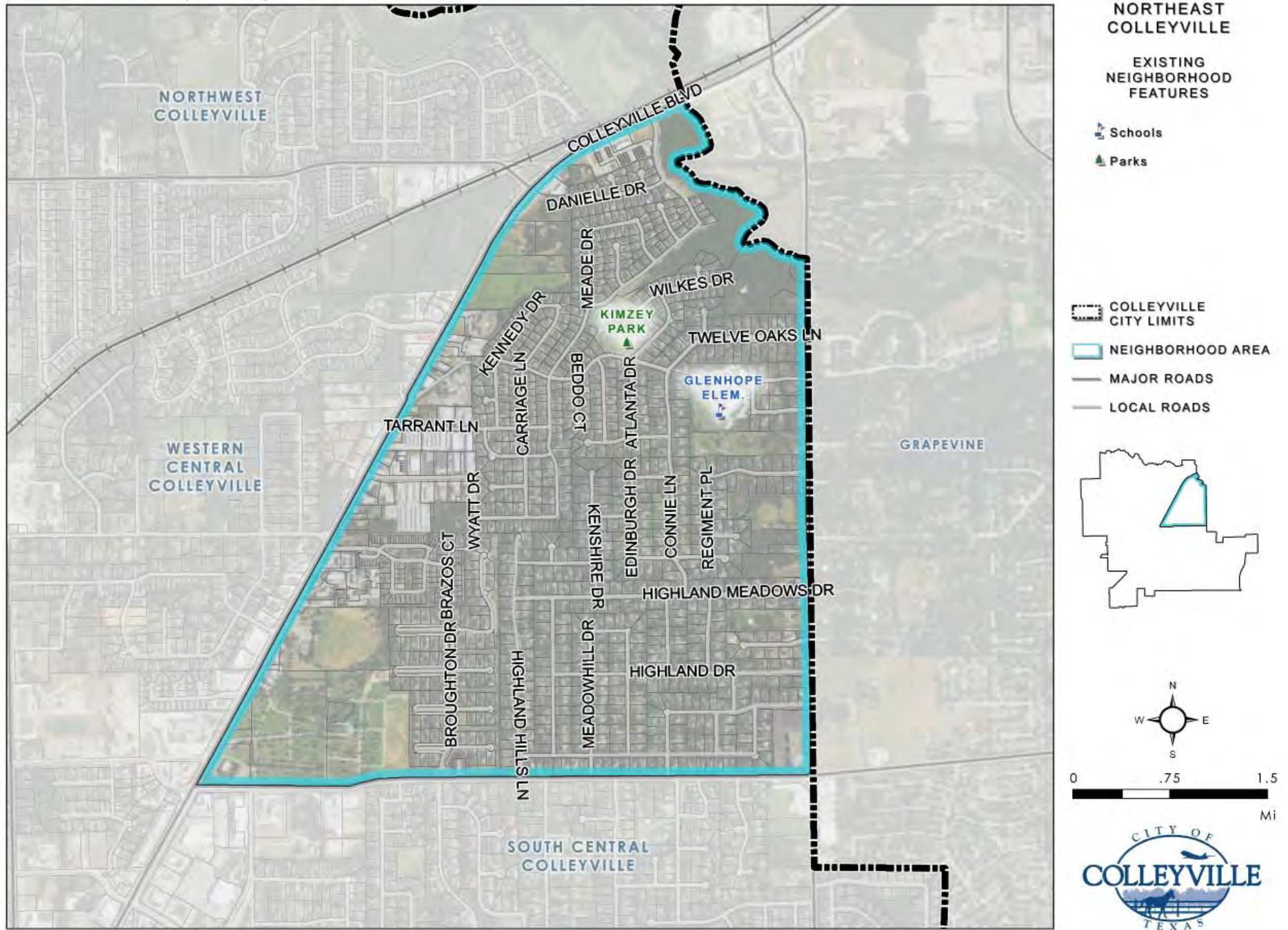
1. Though not yet realized, pedestrian and bicycling connections between this area and the major retail, dining, and entertainment uses along Colleyville Boulevard are vital and highly desired. Efforts to

provide these connections, while preserving the area's existing character and large trees, should be a priority.

2. Intersection, and ingress/egress, and other improvements along Glade Road as planned should continue to improve traffic flow. Preservation of mature trees should be prioritized and may require unique design solutions.



The Colleyville Senior Center is one of the amenities serving the Colleyville community in South Central Colleyville (Neighborhood Area 3).



Northeast Colleyville - Neighborhood Area 4

Placement in the Community

Occupying the northeastern portion of the city, Neighborhood Area 4 (Northeast Colleyville) encompasses the area north of Hall-Johnson Road, east of Colleyville Boulevard, west of Pool Road and south of Big Bear Creek. Northeast Colleyville totals approximately 793 acres (1.24 sq. miles) or 9.4 percent of the overall land area of Colleyville.

Feedback from focus groups comprised of residents of this neighborhood area were concentrated on issues dealing with the future development of large rural tracts along Colleyville Boulevard, and the interest in trail connections to Big Bear Creek.

Character and Form

- **General character.** This area is characterized by more traditional suburban residential neighborhoods. Lot sizes in this area might be considered large in other communities but are on the smaller side for Colleyville. Neighborhoods range in age from more mature developments that have been in place for more than 30 years, to newer areas around Kimzey Park that were developed within the last 10 to 15 years. With the exception of the visual open space provided by Bluebonnet Hills at the corner of Hall-Johnson Road and Colleyville Boulevard and a portion of Big Bear Creek north of Kimzey Park, this area has no significant open space features. Neighborhoods have attractive mature trees that add character and value to properties in the area.
- **Development Pattern.** While still largely developed, Northeast Colleyville does have some large remaining undeveloped areas along Colleyville Boulevard. Northeast Colleyville is

approximately 81 percent existing residential uses, which is the lowest ratio of residential to non-residential in the city. At approximately 1.59 dwelling units per acre, this area has the highest overall density of single family residential in the city.

This area incorporates extensive commercial properties along Colleyville Boulevard. Many of these commercial and industrial type uses can be redeveloped in the future.

- **Transportation and Linkages.** Hall-Johnson Road is the only major east-west minor arterial in the area, and provides the only direct link to commercial areas along Colleyville Boulevard. Colleyville Boulevard and Pool Road provide major north-south access, with no other continuous north-south roads in the area. Apart from Tarrant Lane, Industrial Boulevard and Oak Pointe Drive provide limited road connections between area neighborhoods and the commercial destinations along Colleyville Boulevard. However, the bulk of the residents to go south to Hall-Johnson Road or north along Pool Road to access signalized intersections at Colleyville Boulevard.
- **Parks, Recreation, and Open Space.** Kimzey Park in the northern tip of this area and the playground facilities at Glenhope Elementary School provide the only public park and playground services for residents of this area. A small private park with a pond and walking trail located south of Independence Street provides park access to nearby residents. Natural areas along small portions of Big Bear Creek which are within Colleyville are found in this area. Apart from walking trails located in Kimzey Park, the area has no significant publicly accessible trails.

Key Current and Future Considerations for Northeast Colleyville

1. Promote the development of a unique walkable commercial site at the Northern Gateway, an undeveloped 23 acre tract across from John McCain Road and Colleyville Boulevard. Ensure that adequate buffering/transitions between the development and adjacent residential areas is incorporated.
2. To provide a stronger and more sustainable economic foundation for the city, encourage the redevelopment of older commercial and industrial uses along Colleyville Boulevard into high quality commercial and service destinations. Where feasible, make these walkable.
3. Create additional pedestrian and bicycling connections between neighborhoods in this area and the major retail, dining, and entertainment uses along Colleyville Boulevard.
4. Create walking and bicycling connections between Kimzey Park and regional trails to the north along Big Bear Creek.

Western Central Colleyville - Neighborhood Area 5

Placement in the Community

Occupying the center-west portion of the city, Neighborhood Area 5 generally occupies the area between Colleyville Boulevard to the east and the Cotton Belt Trail corridor to the west. Glade Road forms the southern boundary of this area. The area contains a portion of the northern gateway, three connected undeveloped tracts that total to 36 acres. Western Central Colleyville totals approximately 1,324 acres (2.07 sq. miles) or 15.6 percent of the overall land area of Colleyville.

Feedback from focus groups comprised of residents of this neighborhood area focused on issues relating to appropriate transitions to the future development on the large Northern Gateway tracts along Colleyville Boulevard, and the interest in connections to the regional Cotton Belt Trail.

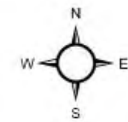
Character and Form

- **General character.** This area is characterized by a mix of residential lot sizes, ranging from high quality, zero-lot-line homes in the Village area to large estate-sized lots closer to the Cotton Belt Trail. Tinker and Bransford Roads in the area are all two-lane rural roads that characterize the city's country past. Extensive mature trees and open swale drainage preserve a country feeling throughout the residential portions of this area.
- **Development Pattern.** Western Central Colleyville is approximately 86 percent existing residential uses. and its density is approximately 1.16 dwelling units per acre. Non- residential development along Colleyville Boulevard ranges

The map illustrates the layout of Colleyville, Texas, divided into four quadrants: Northwest, Northeast, Southwest, and South Central. The city is bordered by Keller to the west, Southlake to the north, and Hurst to the south. A prominent blue line delineates the city's boundaries. Key features include Bransford Park and City Park in the northwest, Colleyville Elementary School in the northeast, and the Village at Colleyville, Colleyville Library, and Colleyville City Hall in the southwest. Major roads such as L.D. Lockett Rd, Colleyville Blvd, and Elm St are clearly marked. Red dots indicate the locations of future retail and offices, primarily situated in the northeast quadrant near the intersection of Colleyville Blvd and Tinker Rd.

EXISTING NEIGHBORHOOD FEATURES

-  COLLEYVILLE CITY LIMITS
 NEIGHBORHOOD AREA
 MAJOR ROADS
 LOCAL ROADS



from the walkable, mixed-use character of The Village, to churches, medical facilities, and schools between Church Street and Bogart Drive, to older commercial developments north of Tinker Road. The northernmost tip of Western Central Colleyville includes the 59-acre undeveloped lands that are referred to as the city's Northern Gateway. Thirty-six (36) of those acres are on the west side of Colleyville Boulevard and 23 on the east.

- **Transportation and Linkages.** Glade Road serves as the only continuous east-west road in the area. Other east-west connections are provided by Tinker Road and Bogart Drive, but neither extend completely across the area. Conversely, excellent north-south movement is provided by Colleyville Boulevard, Pleasant Run Road, and Bransford Road.
- **Parks, Recreation, and Open Space.** City Park is centrally located in this area and serves as the major passive and active park for the area. Bransford Park has also been recently improved with many amenities and is home to the historic Webb House. In addition, private parklands in the northern tip of this area provide trails and park facilities for residents in the Tension Parkway area. The Cotton Belt Trail is one of the major regional amenities in the area, and is accessed via Bransford or Pleasant Run Roads. The availability of trails is among the best in the city in this area.

Key Current and Future Considerations for Western Central Colleyville

1. Promote high quality non-residential development of the Northern Gateway properties, so as to contribute to a sustainable economic foundation for the city. Ensure that adequate buffering from

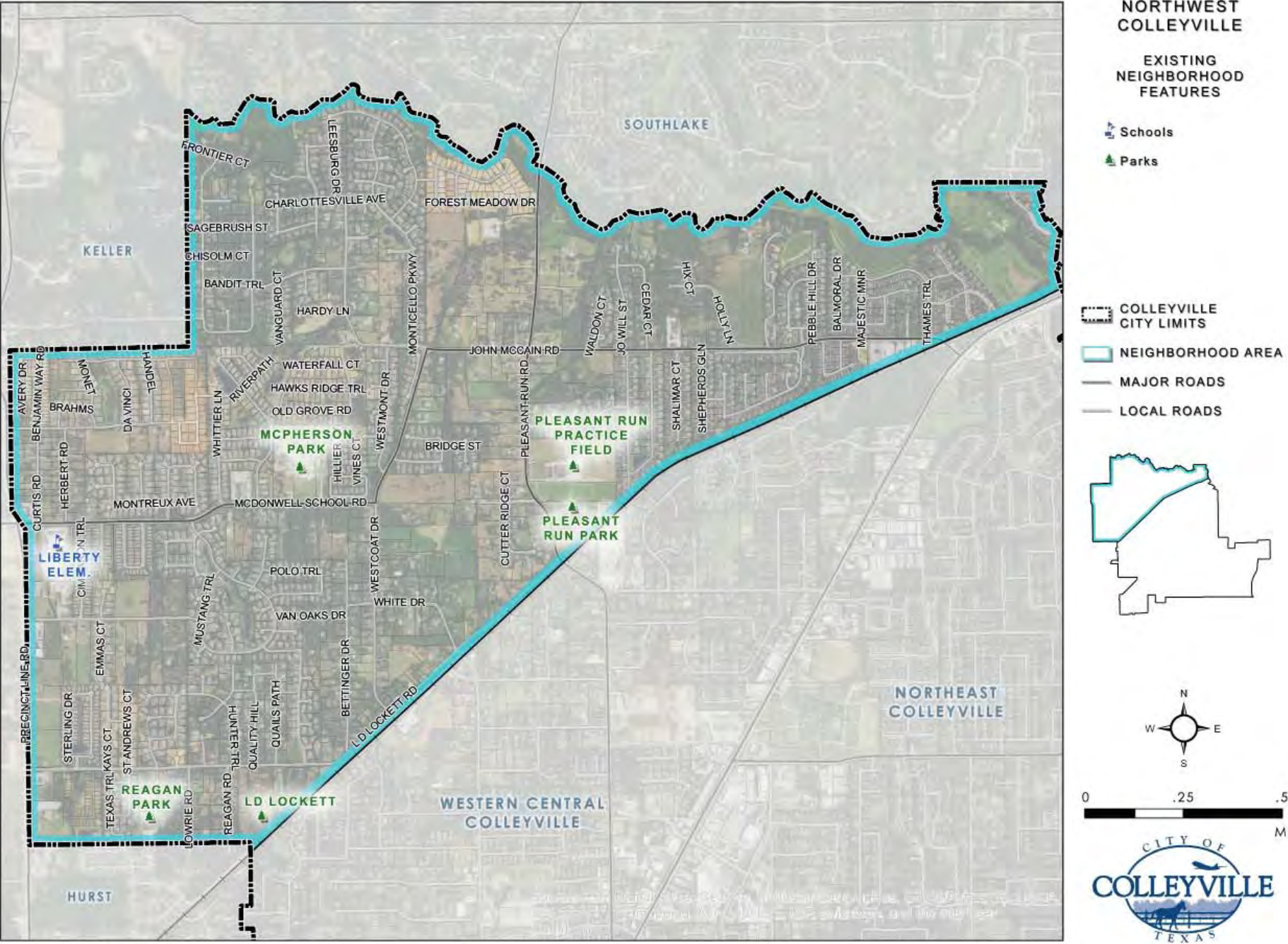
and transitions to adjacent residential areas are provided.

2. Promote the maintenance of larger lot (1/2 to one acre) requirements.
3. Encourage the development of a "creekwalk" environment along the existing drainage corridor between Church and Main Streets (see Chapter 9 for additional information). Added value and a unique sense of place can create a one-of-a-kind destination in the area.



Maintaining areas in larger lot configurations is important for areas on the western edge of Western Central Colleyville.

Map 6.6, Northwest Colleyville - Neighborhood Area 6



Northwest Colleyville - Neighborhood Area 6

Placement in the Community

Neighborhood Area 6 (Northwest Colleyville) encompasses the western third of Colleyville. It is bounded by the Cotton Belt Trail corridor to the east, Big Bear Creek to the north, Precinct Line Road to the west, and L. D. Lockett Road to the south. Northwest Colleyville totals approximately 2,601 acres (4.06 sq. miles) or 30.7 percent of the overall land area of Colleyville.

Character and Form

- **General character.** This neighborhood encompasses the entire western sector of the city. A significant number of the large estate lots on the far western edge of the city near Precinct Line Road have been redeveloped into smaller-lot neighborhoods transitioning to lower density neighborhoods to the east. The Northwest Neighborhood has beautiful established areas with the country character that represents what the Colleyville community wants to preserve.
- **Development Pattern.** This neighborhood area is the largest in the city, encompassing more than 30 percent of the gross land area of the city. Northwest Colleyville has experienced significant change since the previous comprehensive plan in 2004. The neighborhood's residential density of 1.06 dwelling units per acre is one of the lowest in the city. Overall, 96 percent of the area is existing single family residential uses, the highest percentage in the city. The area has significant open space and parklands, but a very small amount of retail development.
- **Transportation and Linkages.** Major roadways in the area include L. D. Lockett Road, Westcoat

Drive, McDonwell School Road, Precinct Line Road, Pleasant Run Road, and John McCain Road. In addition, the MTP proposes McDonwell School Road be extended east from Westcoat Drive to connect just west of Cutter Ridge Court to improve east-west connectivity in the area. Most roadways in Northwest Colleyville all are generally two-lane rural cross-sections, and intersection improvements and MTP connectivity recommendations can serve to improve traffic flow in the area.

- **Parks, Recreation, and Open Space.** This area has four City parks and multiple smaller private parks. L. D. Lockett, McPherson, Reagan, and Pleasant Run Parks are the major public park facilities in the area. Trail connections along McDonwell School Road and Westcoat Drive, as well as the Cotton Belt Trail, are the major trail corridors in this area. Trails along McDonwell School Road are excellent examples of trail integration adjacent to a two-lane roadway.

Key Current and Future Consideration for Northwest Colleyville

1. Encourage a mix of retail and professional office uses along the remaining undeveloped areas of Precinct Line Road, with the goal of expanding the city's sales tax base.

Housing and Neighborhood Framework

GOALS

Preserve high quality, established neighborhoods with an emphasis on large lots and natural settings with a “country feel.”

Connect neighborhoods and provide high quality amenities.



Policy: Preserve neighborhood character and quality.

Neighborhoods are one of Colleyville's greatest assets, as they form the foundation for the city's reputation and quality of life. As neighborhoods age and mature, some develop a unique and enduring character while others are unable to maintain the quality of development they once had. For this reason, the City should support neighborhood protection and preservation efforts. Safe, well-maintained neighborhoods that have enduring character allow reinvestment and help maintain property values and residential tax base.

The City can support and establish programs to protect and enhance the integrity of its neighborhoods. Potential strategies include improving or updating public facilities and services such as streets, street lighting, drainage systems, traffic control or management, neighborhood policing, and code enforcement.

■ **Action 6-1: Consider overlays for established neighborhoods.**

In many neighborhoods, residents may want to protect the existing character of development. In these cases, the City could work with neighborhood residents and representatives to develop specific recommendations for protection or enhancement. This may include the creation of a special area plan that frames appropriate changes needed in the underlying regulations, such as garage placement, setbacks, building materials, etc. This may also include other actions that help existing neighborhoods maintain or add landscaping, sidewalks, trails, and park amenities.

■ **Action 6-2: Provide mechanisms for context-sensitive residential redevelopment.**

Given the high demand for homes in the Colleyville area and as the city approaches build-out, it will be important to thoughtfully design new residential projects with appropriate considerations of lot sizes, transitions and connections to adjacent neighborhoods, trails, open space and tree preservation, and design of open fencing, landscape treatment, and setbacks along rural character roadways.

Policy: Enhance neighborhood-level amenities and connectivity such as pocket parks, sidewalks, and trails.

While the city is known for its superb neighborhoods, there are still opportunities for improvement so they continue to be one of the key assets in the community. Access to sidewalks, trails, and parks is becoming an important element of quality of life for many communities, especially for Colleyville. Neighborhoods designed with such amenities typically maintain their property values over time. It is about providing safer and inviting ways to move in and around one's neighborhood without having to get in an automobile in addition to creating a reinvestment dynamic in the neighborhood as it matures.

■ **Action 6-3: Continue to focus on neighborhood park and recreation improvements to positively contribute to neighborhood vitality.**

Clean, well-maintained, and vibrant neighborhood parks are an anchor for strong, established neighborhoods. The City can work with neighborhoods to determine ideas to increase access to, and amenities at, neighborhood parks. This could include the installation of upgraded or additional amenities at existing parks.

■ **Action 6-4: Improve neighborhood connectivity to the Colleyville Boulevard Corridor and key destinations.**

Colleyville Boulevard is the economic spine for the city. It also contains most of the commercial services that the Colleyville community is interested in visiting. Currently, the Village at Colleyville is probably the most walkable and pedestrian-friendly commercial area in the city. As additional areas of Colleyville Boulevard are redeveloped and revitalized (e.g., in the Northern Gateway), more opportunities for creating walkable and pedestrian-friendly environments can be created. As a result, there will also be increased demand for accessing these areas without having to get in an automobile. Consequently, the City can proactively increase neighborhood connectivity to the Colleyville Boulevard Corridor. This could include the development of key greenway trails (e.g., along Little Bear Creek) which provide needed east-west connectivity from established neighborhoods to Colleyville Boulevard. This could also include the installation of new sidewalk and trail segments in areas where sidewalk connectivity is limited or nonexistent, and the installation of crosswalks. In addition, connections to the Cotton Belt trail from the Northern Gateway should be prioritized.

Policy: Require new neighborhood developments to demonstrate and contribute to Colleyville's character.

As evident by the online survey that was administered during the planning process, the Colleyville community has expressed an interest in quality development as one of the key attributes that makes Colleyville unique. As such, it is also a high priority to ensure that all new neighborhoods add to the existing quality of development. This can be done by requiring the development of neighborhoods which provide a high quality of design, an easily perceived sense of identity, and bicycle and pedestrian connectivity.

■ **Action 6-5: Encourage new neighborhood design that creates defined centers, edges, common spaces, and entries.**

Creating neighborhoods with defined centers, edges, and entries where feasible gives neighborhoods a sense of place. A defined center provides for a focal point to gather (e.g., park, trail, school, etc.), defined edges allows neighborhood residents to take pride in their geographic area, and bold and unique entries (e.g., entrance monuments) provide notice to residents and visitors that one has entered into a new defined place.

■ **Action 6-6: Require new neighborhoods to be connected where appropriate.**

Connectivity is an important quality of great neighborhoods. A well-connected neighborhood reduces congestion along major streets, is friendlier to pedestrians and bicyclists, facilitates active transportation, and leads to higher levels of physical activity. One way to ensure that new neighborhoods are connected is to require conformance

with additional connectivity standards which could be incorporated into the City's subdivision regulations. Concerns about cut-through traffic can be alleviated through appropriate design of new residential streets for low speed traffic and traffic calming measures on existing residential streets.

For vehicles, it is important to create multiple entries between a neighborhood and the City's thoroughfare system. This reduces congestion at intersections and along the entire thoroughfare system by dispersing vehicles among multiple access points. This could also include reducing the use of cul-de-sac streets and increasing the number of internal connected streets. Although given Colleyville's development context, there may be few remaining opportunities to create new strategic connections to help overall traffic circulation.

At a minimum, it will be important to create a strong internal sidewalk system to connect to all internal (e.g., neighborhood pools and schools) and external (e.g., off-site trails, commercial areas, etc.) destinations. This may include the creation of internal greenway trails and pedestrian access easements through connecting cul-de-sacs and the middle of long blocks.

- **Action 6-7: Encourage the construction of local gateways and signs that promote unique neighborhood identity that is tied to Colleyville's heritage and/or a "country feel."**



The entrance to Pebble Hill Plantation Estates is an example of a well-designed neighborhood entrance.

Gateways help define entrances and provide a sense of place to a neighborhood. Many existing neighborhoods include attractive gateway entrance features. The City can review its sign regulations to ensure that there is enough flexibility to allow for creative design of gateway entrance monuments that add to the character of the city's neighborhoods. In addition, the City can encourage the construction of unique gateway entrances for all new neighborhoods. Such gateways and signs should be coordinated with landscaping, fencing, and other streetscape elements within the neighborhood.

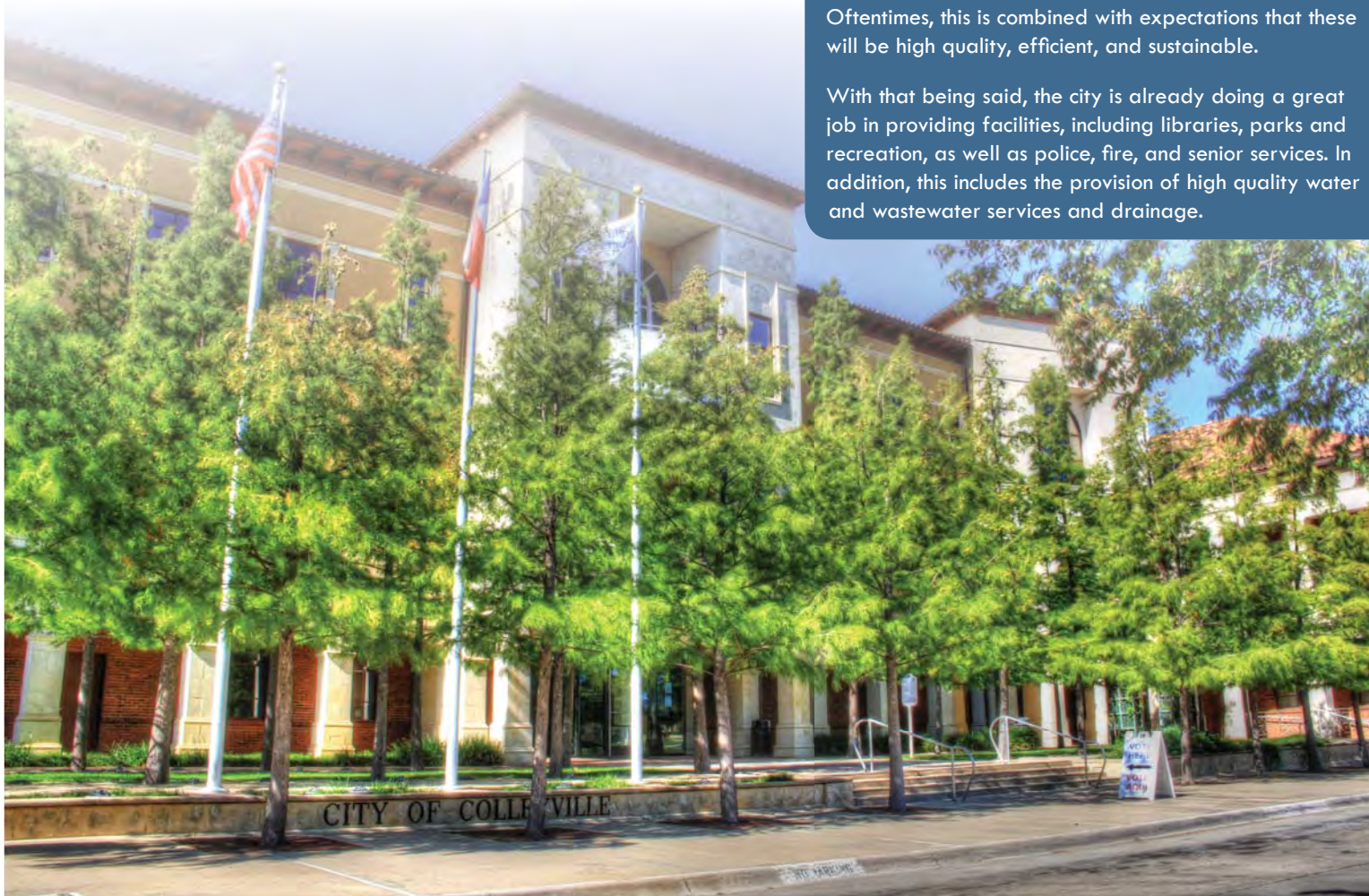
CHAPTER 7 - CITY SERVICES & FACILITIES

INTRODUCTION



As a city matures over time, the demand for high quality services and facilities also increases. Particularly in affluent communities such as Colleyville, expectations are set high that the city will continue to provide, if not expand, the types of services and facilities available. Oftentimes, this is combined with expectations that these will be high quality, efficient, and sustainable.

With that being said, the city is already doing a great job in providing facilities, including libraries, parks and recreation, as well as police, fire, and senior services. In addition, this includes the provision of high quality water and wastewater services and drainage.



City Services & Facilities

Colleyville provides high quality community services and facilities to its community. These include, but are not limited to, a library, parks and recreation, senior services, fire and police services, drainage, and water and wastewater services (see Map 7.1, *Colleyville City Facilities*, on the next page). The City continually pursues new ways to deliver these services in the most efficient and cost-effective manner as possible. This ensures that the high quality levels of services are maintained over time.

Changing demographic preferences and ever-evolving technologies create new demand for the same services. In addition, the simple passage of time will require the City to provide services differently. For instance, most of Colleyville has been developed in recent decades as part of the outward expansion of the DFW Metroplex. Now that the City has reached its maximum geographic extent and there are limited new parcels for development, the City will have to begin considering how existing infrastructure will require replacement and address some capacity enhancements. Accordingly, this chapter provides the necessary guidance to improve and expand the city's existing services and facilities to meet the expectations of the Colleyville community.

The Colleyville Public Library

The Colleyville Public Library opened in 2003 and is located next to City Hall in The Village. Originally, it operated out of a 10,000 square-foot floor area; but since its opening the library has continued to experience annual growth in circulation numbers and has expanded its services. In some years, the library has seen double and triple digit increases in circulation. To accommodate this growth, the library began a second floor expansion in 2011 which added an additional 14,000 square feet of public service

SATISFACTION WITH CITY SERVICES

94.4 percent



When asked about the overall quality of city services, the Colleyville community resoundingly indicated that they were satisfied. The 94.4 percent response rate breaks down into 35.8 percent being very satisfied and 58.6 percent being satisfied.

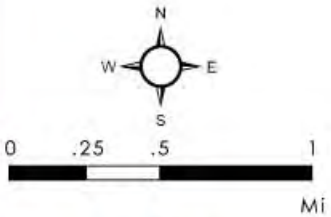
Source: Respondents to the mail out/internet survey.

area, bringing the library's total square footage to approximately 24,000 square feet. The purpose of the expansion was to provide additional space for basic services; relocate the children's area to the second floor; provide space for growth in collections; enable the zoning of activities of similar noise levels; create generous programming, meeting space, and a teen area; and to leverage staff operations so that they could serve the highest and best use for patrons.

As of 2015, the Colleyville Public Library is managed by the Library and Recreation Department and serves the cultural, educational, intellectual, and recreational needs of the Colleyville community. It provides an array of adult and children library materials in a variety of formats that meet the needs of a diverse patronage. It provides fiction and non-fiction books, magazines, DVDs, music CDs, books on CD, digital media downloads (including audio books, eBooks, eMagazines, music and videos), and online databases which can be accessed both on site and remotely.

Although the Library itself provides 48 hours of on-site access, the library's online and digital materials

 SCHOOLS
 PARKS
 CIVIC FACILITIES
 COLLEYVILLE CITY LIMITS
 MAJOR ROADS



are available 24 hours a day, seven days a week. In addition to the enormous amount of available online and on-site materials, the Library also provides interlibrary loan service, access to public computer stations, children's and adult programming, free on-site wi-fi, and other services.

Since the Library has opened, it has accomplished several strategic goals which have improved the access and availability of library resources for the Colleyville community. These include completing the migration to a statewide interlibrary loan system, launching three new interactive digital services for youth patrons (i.e., BookFlix, TrueFlix, and FreedomFlix) and a new downloadable audiobook collection (i.e., OneClickdigital), completing the LS2 PAC eBook integration with Overdrive, and offering several special events that celebrated the Library's tenth year of service to the Colleyville community.



Figure 7.1. Trends Affecting Public Libraries

The library will have to be proactive in adapting to the following trends affecting all public libraries:

- Communication systems are continually changing the way people access information.
- All technology ends. All technologies commonly used today will be replaced by something new.
- The ultimate small particle storage has not been reached yet.
- Search technology will become increasingly more complicated.
- Time compression is changing the lifestyle of library patrons.
- The demand for global information is growing exponentially.
- The stage is being set for a new era of Global Systems.
- A transition from a product-based economy to an experience-based economy is occurring.
- Libraries will transition from a center of information to a center of culture.

Source: City of Colleyville Annual Operating Budget Fiscal Year 2015.

Since it opened in 2003, the Colleyville Public Library has seen tremendous growth in circulation. Technology, such as this self-checkout kiosk, helps the library grow without the need for significant increases in staffing. The library is managed by the Library and Recreation department, which also oversees the Senior Center and recreation for the city.

Library Support

The Library is supported by the Colleyville Public Library Foundation and the Friends of the Colleyville Public Library, both nonprofit organizations. The Colleyville Public Library Foundation was established in 2002 with a purpose of raising funds needed for improvement and expansion. Since its inception, the Colleyville Public Library Foundation has raised over \$500,000 to benefit the Library, its programs and projects. The Friends of the Colleyville Public Library organization was established in 1991 to promote the interest and welfare of the library as a cultural, educational, and community asset to Colleyville. As part of its mission, it provides fundraising, volunteer support, and cultural and educational programs.

The Colleyville Public Library should update its long-range plan for the Library to continue to adapt to an industry that is undergoing an unprecedented technology-driven transformational change (see Figure 7.1. *Trends Affecting Public Libraries*).



As part of an active marketing program, the City produces the Colleyville Active Adult guide outlining a complete listing of events, classes, and activities available for active adults. This, in addition to quality recreational programs, led to a 21 percent increase in active memberships at the Senior Center from 2013 to 2014.

Recreation & Senior Center

Colleyville's recreation programming, including the Senior Center, is managed by the Library and Recreation Department.

The Recreation division provides youth, adult, and athletic programs along with managing special events for the City. It also assists Colleyville Youth Sports Associations in securing City and GCISD practice and game facilities. As part of an effort to improve a sense of community, the Parks and Recreation and Library resources were combined together for special event coordination, programming, and management.

The Senior Center is one aspect of recreation that has seen significant growth in recent years, particularly as Colleyville's demographics continue to age. Colleyville's median age increased from 40 years to 45.6 years from the year 2000 to 2013 (see the demographic snapshot provided in Chapter 2, *Colleyville Context*).

The Senior Center strives to create a diverse and fun environment which encourages individuals and groups to connect with one another through a wide variety of health, wellness, enrichment, technology, education, special events, and travel opportunities for the Colleyville community.

Parks

Parks have been an important priority for the Colleyville community for many years. Planning started back in the 1990's with the adoption of the 1998 Pathways Plan and 1999 Parks, Recreation, and Open Space Master Plan, which provided the foundation that created the system that exists today. More recently, the city adopted an updated 2011 Parks, Recreation, and Open Space Plan (which integrated the recommendations from the 2005 Pathways Plan) to

guide the actions of staff and elected and appointed officials as they work to implement the long-term vision over the next 20 years. These independent and highly detailed documents provide an action plan for how the city moves forward with the acquisition and development of new property, the redevelopment and maintenance of existing property, and the types recreational services that are provided.



Parks provide active and passive recreation opportunities for the community.

A Vision for Parks

As part of the development of the 2011 Parks, Recreation, and Open Space Master Plan, a mission was identified to provide one of the highest quality parks, recreation, and open space systems in the DFW Metroplex by creating opportunities where people can “escape and enjoy an enriching environment.” Through the public engagement process, a new vision was created for the future of the parks and recreation system (see at right).

To help implement this vision, a series of goals were developed and adopted by the Parks and Recreation Advisory Board and City Council. These include:

- Provide parks and trails within easy and convenient access to households in Colleyville.
- Provide leisure opportunities for all ages, specifically targeting young adults to baby boomers (who are historically underserved in terms of recreation facilities and programming).
- Support the development of a healthy community by providing facilities and programs that lead to choices for healthy living.
- Aim to be comprehensive and financially sustainable while encouraging collaboration.
- Market Colleyville as a destination known, in part, for its unique parks and leisure programs, while also marketing to current users and residents.
- Reflect and support the city’s objective to become the environmental leader in Tarrant County.

Needs Assessment

While the existing parks, recreation, and open space system was rated as excellent, a plan of action for the future is necessary to ensure the system continues to excel long into the future. This is particularly important as the city nears its population estimate of 27,943 persons by 2035 (see Chapter 2, *Colleyville Context*, regarding the historical and projected population of the city).

Colleyville is unique in that the majority of park acreage in the city is made up of private parks and open spaces (over 301 acres as compared to approximately 225 public park acres). In most cities in the DFW Metroplex, park and recreation areas are predominantly comprised of public parks. Therefore, the acreage for private parks and open spaces is included in the level of service (LOS) analysis of this plan because of its significant contribution to the overall public-private park system in the city.

Colleyville’s current LOS and future LOS were calculated using the historical population counts from the 2010 U.S. Census, combined with recommended National Recreation and Park Association (NRPA) standards that have been tailored to the city’s unique situation (see Table 7.1, *Current and Projected Parkland LOS*, on the next page). These numbers differ slightly than what was indicated in the 2011 Parks, Recreation, and Open Space Master Plan because of a larger projected maximum population (see Chapter 2, *Colleyville Context*, regarding the historical and projected population of the city) and more accurate 2010 Census Data.

Today, the city’s LOS for overall public parks is 9.88 acres per 1,000 people. This is less than the per capita

“Colleyville has a renowned system of parks, recreation, open space, and trails that creates a true sense of ‘home’ within the city of Colleyville.”

Source: Vision from the 2011 Parks, Recreation, and Open Space Master Plan

acreage recommended by the National Recreation and Parks Administration (NRPA), which the city compares itself against for national benchmarking. In order to meet the NRPA LOS standard for public parks for the current population, the city would need to add approximately 32 additional acres of public parkland. In order to meet the NRPA LOS standard for public parks for the projected population, the city would have to add approximately 90 to 98 acres of new public parkland. When factoring in the city's private parks and open space lands, the city has more than enough acreage to meet the minimum LOS standard for the

current population and would still be near the top of the range for the projected population.

Park Service Area Deficits

In addition to determining current and future park acreage needs based on the city's population, it is also important to ensure that the park and recreation system is well distributed and accessible for most users. Typically, neighborhood parks serve an area of about one-quarter mile to one-half mile (which equates to about a five to 10 minute walk), while community parks serve an area of about one mile (which equates to about a five minute drive).

Table 7.1. Current and Projected Parkland LOS

Park Category	Existing Acreage (2015)	NRPA Standard	Level of Service (LOS) (22,807 population) ¹	Projected 2035 LOS (27,943 population) ²
Public Parks	225.24	11.25 - 20.50 acres / 1,000	9.88 acres / 1,000	8.06 acres / 1,000
Neighborhood Parks	41.66	1 - 2 acres / 1,000	1.83 acres / 1,000	1.49 acres / 1,000
Community Parks	101.10	5 - 8 acres / 1,000	4.43 acres / 1,000	3.62 acres / 1,000
Other Parks	82.48	Variable	3.62 acres / 1,000	2.95 acres / 1,000
Private Parks and Open Space	301.70	None	13.23 acres / 1,000	10.80 acres / 1,000
Grand Total	526.94	11.25 - 20.5 acres / 1,000	23.10 acres / 1,000	18.86 acres / 1,000
Table Notes: ¹ The current population of 22,807 people is derived from the 2010 Census Bureau. ² The projected population of 27,943 people is derived using the population estimates set out in Chapter 2, Colleyville Context.				

Fire Department

The Colleyville Fire Department is a strong community asset, providing excellent fire protection and emergency medical response services to the community. It accomplishes this through prevention and safety focused messages, emergency medical services (EMS), fire suppression operations, emergency management operations, and non-emergency community activities such as the promotion of fire safety and prevention education throughout Colleyville and the DFW Metroplex.

The department is comprised of four divisions, including Fire Administration, Fire Operations, EMS Operations, and Fire Prevention/Investigation. Fire Administration is responsible for overall planning, development, and administration and implementation of all department services. In addition, Fire Administration is also responsible for the maintenance of a comprehensive all-hazards emergency management program for the city.



The Fire Department provides both emergency services and non-emergency activities for the community.

Fire Operations is responsible for fire suppression, rescue, emergency medical response, and hazard mitigation. They currently operate out of three facilities, two of which opened in 2008. All three facilities are at or near capacity in terms of equipment. The three facilities provide satisfactory coverage to all areas of the city, and are located at:

■ **Central Fire Station and Administration.**

Located at 5209 Colleyville Boulevard in the geographic center of the city, this station houses a fire truck, two medical units (one front line, one reserve), and a battalion response unit. The station opened in early 2008.



- **Station #2.** Located at 5212 Pool Road, adjacent to O.C. Taylor Elementary School, this station also opened in early 2008, and serves the eastern areas of Colleyville. The station houses a fire response truck.



- **Station #3.** Located at 312 West McDonwell School Road, this station serves the northwestern areas of the city. The station is 15 years old, and houses an engine truck and a smaller brush fighting unit.



EMS Operations is responsible for the provision of emergency medical care to sick and/or injured persons as well as providing transportation to the hospital. Fire Prevention/Investigation is responsible for all fire alarm and fire sprinkler plan review and inspections, fire investigations, and the coordination and delivery of fire safety education programs.

In the 2014 fiscal year, there were an approximate total of 627 fire and service related responses and 950 EMS related responses recorded. The call volume is anticipated to continue to increase.

The department also has mutual aid agreements with neighboring communities, and calls requesting mutual aid have also been increasing. At the beginning of the 2015 fiscal year, the department operated with over 42 full-time staff members, including administrators, battalion chiefs, engineers and firefighters. While it is not anticipated that any additional fire stations are needed, a key area to monitor is ensuring that the department has adequate equipment and resources to maintain the high level of quality and safety the Colleyville community has come to expect. This includes possible renovation of the Hall-Johnson facility to house reserve equipment.

Police Department

The Colleyville Police Department utilizes a community-based policing philosophy which focuses on forming community partnerships to protect and preserve the community. It strives to maintain a high level of community involvement and low crime rates.

With an extremely low incidence of reported violent crimes in 2013 (nine), a very low ratio for a city of over 20,000 residents, the city had a crime rate that is almost 85 percent better than the typical Texas

community average. The Colleyville Police Department is charged with providing exceptional police services that ensure safe and secure neighborhoods and support the city's high quality of life.

The police department maintains a staff of 48 officers and support personnel, of which 42 are sworn positions. Since 1999, the department has also been supported by the Colleyville Crime Control and Prevention District (CCCPD), which is authorized by

"In 2013, Colleyville was ranked as the safest community of its size in Texas and made the list again in 2015 as the second safest community in Texas."

Source: www.safewise.com



48 dedicated police officers and support personnel help to maintain the safety of Colleyville.

Colleyville voters through 2024, and receives proceeds from a half-cent sales tax allocation to help with funding. This assistance and the city's very high safety standing reflect the high priority the community places on the department. Indeed, a very high level of public safety is a key component of Colleyville's very high standard of living.

The Police Department is located near the center of the city at the Colleyville Justice Center on Riverwalk Drive. When it opened in 2003, the Colleyville Justice Center was appropriate for the city. It now needs to be reevaluated to support a strong push by the department for community-based collaborative policing. The Colleyville Justice Center includes jail facilities which are no longer needed due to regionalization of this service, but which are difficult to reconfigure into a more open layout. A recent brief evaluation pointed out potential reconfiguration scenarios, but a more detailed assessment is required to flesh out a preferred reconfiguration option.

The Police Department is comprised of three divisions, including Police Administration, Patrol, and Services. The Police Administration Division serves and protects the Colleyville community through prevention, proactive partnerships, and professional service. It focuses on reducing the crime rate, updating policies and procedures to keep current with the Texas Best Practices Recognition Program, providing officers with specialized training, and fostering strong community relations.

The Patrol Division utilizes a community-based policing program which focuses on fostering partnerships with high levels of community involvement and preventative policing. One of the unique aspects of the Colleyville Police Department is its use of innovative programs and

technology to maintain and promote a safe and secure environment. This includes such things as automated license plate reader technology, digital message boards in the patrol briefing rooms, and weekly training programs.

One of the key components in the Patrol Division includes the Bicycle Patrol Program. This unit consists of officers who have volunteered, in addition to their regular duties, to utilize bicycles to protect the Colleyville community on trails, near retail establishments, and in other areas where regular patrol cars may not have adequate access.

The Services Division includes staffing and resources for warrant officers, criminal investigations, school resource officers, and code enforcement. In addition, it is responsible for all personnel training. For criminal investigations, the focus is to review and investigate all reported criminal activity, identify possible suspects, and process all crime scenes. Similar to other divisions, the use of technology plays an important role in maintaining a high level of police services and low crime rate within the city.

The School Resource Officers Program is also another important program within the department. It works closely with the Grapevine-Colleyville Independent School District to ensure the safety and security of all students.

The Police Department is also responsible for Code Enforcement within the City. The department tries to obtain voluntary compliance of nuisance codes through community education and by appealing to civic responsibility. A citation is normally issued only as a last resort and is easily avoided through responsible action by a property owner.

Drainage

Colleyville has two main creeks known as Big Bear Creek and Little Bear Creek. These creeks generally flow west to east through the city. There are four tributaries in Colleyville that flow into Big Bear Creek and 12 tributaries that flow into Little Bear Creek.

Big Bear Creek, Little Bear Creek, and their tributary creeks are shown on Flood Insurance Rate Maps (FIRM), dated September 25, 2009, that were prepared by the Federal Emergency Management Administration (FEMA). The FEMA FIRMs show areas subject to flooding, limits for the one percent annual chance flood (100-year flood), limits for the 0.2 percent annual chance flood (500-year flood), and other flood prone areas. The intent of the FIRM is to administer the National Flood Insurance Program, not necessarily to identify all areas subject to flooding, particularly from local drainage sources of small size. Current floodplain areas in Colleyville with a one percent annual chance of a flood occurring are shown on Map 7.2, *Drainage Areas*, on the next page.

Halff Associates, Inc., performed a Drainage Master Plan for Colleyville and published this plan in January 1992. Several other drainage studies in specific areas of the city have been prepared since 1992, but a comprehensive Drainage Master Plan has not been performed since 1992. Over the past few decades, significant development has taken place in Colleyville. This has greatly increased the impervious surface coverage throughout the city and has the potential of significantly changing the localized flooding conditions in Colleyville. An update to the Drainage Master Plan is a priority in the City's Capital Improvements Program (CIP).

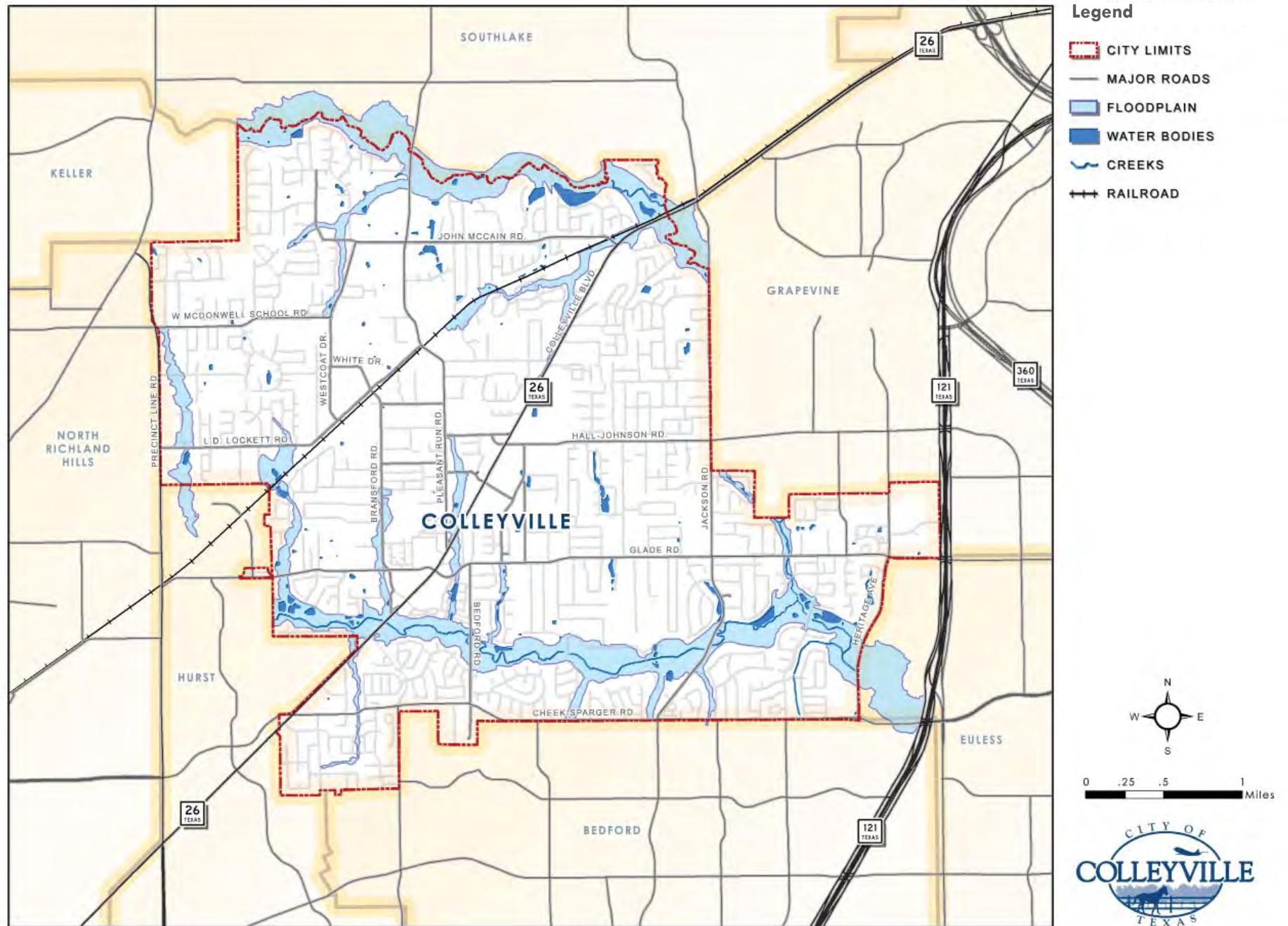
The cities of Colleyville and Southlake are working together to study Big Bear Creek using funding from FEMA's Cooperating Technical Partners (CTP) Program. The CTP Program is an innovative approach to creating partnerships between FEMA and participating National Flood Insurance Program (NFIP) communities, regional agencies, and states agencies that have the interest and capabilities to become more active participants in the FEMA flood hazard mapping program. The North Central Texas Council of Government (NCTCOG) is administering the funding for the program for FEMA.

To protect the public health and safety from the loss of life and property caused by surface water overflows, stagnation, and pollution, the City enacted a public drainage utility in 1993 which assesses charges for all property within the delineated area. These assessments are used for the future construction, repair, and maintenance of the drainage system (see Chapter 98, Article IV, *Drainage Utility System*, of the Colleyville Code of Ordinances).



Drainage areas in Colleyville are also one of the city's greatest natural assets. Many of these areas retain significant amounts of trees and vegetation, and create some of the most beautiful locations in the city.

Map 7.2 Drainage Areas



Water & Wastewater

Prior to drafting Destination Colleyville, the City commissioned a private sector consulting firm to develop the Water and Wastewater Master Plan (completed December 2014). The purpose of the plan was to evaluate the current conditions of the existing infrastructure and to adequately prepare for future growth and facility maintenance over the 20-year plan horizon. The plan included a 20-year capital improvement plan (CIP) totaling \$55 million.



Above is one of three elevated storage tanks located in Colleyville.

Water Treatment & Distribution

Although the City owns and maintains its water distribution system, it purchases wholesale treated water from the Trinity River Authority (TRA). Accordingly, all treatment of the City's domestic water is done by the TRA. The ability to track this transfer of water is accomplished through a series of four metered points located throughout the city. Once received from the TRA, the city distributes it to municipal customers through 200 miles of pipelines across two pressure planes (a high and a low). To overcome gravity, the city uses one pump station and one ground storage tank, as well as three elevated storage tanks.

As part of the assessment of existing conditions, most water distribution facilities were found to be in good condition with the exception of the Overland Trail Ground Storage Tank which has been decommissioned due to the need for extensive rehabilitation. The overall positive condition of the water distribution system is not atypical considering that much of the city is still relatively new despite its high growth rates over the past several decades.

Wastewater Treatment & Distribution

Similar to the water system, the City does not own or operate a wastewater treatment plant. Rather, the City contracts with the TRA to provide treatment of the City's wastewater. To collect this wastewater, the City owns and maintains 159 miles of sanitary sewers, 3,029 manholes, and two lift stations. The collected wastewater is transferred to the TRA at two interceptors which accommodate each of the 12 sewer drainage basins.

As part of the assessment of existing conditions (undertaken as part of the Water and Wastewater Master Plan in 2014), the City's wastewater collection system was generally found to be in good condition and only minor improvements were needed. An assessment of manholes did, however, identify that almost a third of those analyzed needed rehabilitation.

In addition, an infiltration and inflow (I/I study) analysis was performed. This was undertaken to determine how much rainwater was infiltrating the sanitary sewer system during rain events. Fortunately, it was determined that the City's overall rate of infiltration and inflow is low.

Finally, an analysis and prioritization model was developed to assist the City with determining when a project is necessary. As part of the analysis, a series of triggers were identified to help classify both the water and wastewater infrastructure potential projects.

Capital Improvements Program (CIP)

Overall, 27 water projects and 17 wastewater projects were identified in the 2014 Water and Wastewater Master Plan as needing to be addressed for the ongoing growth and maintenance of the City's existing and future distribution and collection system. The 20-year CIP totals \$54.9 million in new projects needed during the duration of this plan.

City Services & Facilities Framework

GOAL

Continue to maintain an exceptional system of City services and facilities that is technologically current, efficient, and responsive to the needs of the Colleyville community.



Policy: Continue to maintain and improve the City's facilities as appropriate.

The quality of city facilities plays an important role in the ensuring quality of services delivered and in turn, the success (both socially and economically) of a city. Facilities that create community pride, are up-to-date both physically and technologically, and responsive to the needs of the community, result in high levels of satisfaction. High levels of satisfaction can lead to positive self image of the community, which is a strong marketing advertisement for outsiders who may be interested in relocating to the city (either for residence or business). While the City's current efforts have resulted in a high level of satisfaction today, the Colleyville community did express an interest in improving and/or expanding on what currently exists. The City should periodically monitor city facilities and develop options to address future needs. This includes an assessment of the City's Parks Maintenance Facility and Public Works Service Center.

■ Action 7-1: Update the long-range plan for the Colleyville Public Library.

To effectively respond to the trends affecting all public libraries (see Figure 7.1, Trends Affecting Public Libraries, earlier in this chapter), the city should develop a new three- to five-year long-range plan for the Colleyville Public Library. This should include a community needs analysis as well as an identification of current use and future demand for library services and programming. It should also evaluate the potential to transform the Library into a true "third place" that anchors community life in Colleyville and facilitates broader, more creative interaction. Such a plan should also identify future improvements and funding opportunities. As an implementation action of the long-range plan, a timeline should be developed to review and revise the existing library policies and procedures to reflect any changes identified.

■ Action 7-2: Update the Parks, Recreation, and Open Space Master Plan as needed.

In order to be competitive for Texas Parks and Wildlife Department (TPWD) grant funding, the state specifies that a park master plan must cover the full planning area of the jurisdiction, provide guidance for a period of at least 10 years, and be updated every five years. The City should consider initiating an update to the 2011 Parks,

Recreation, and Open Space Master Plan so that the City remains competitive for grant funding. As part of the update process, the City should:

- Conduct an updated survey and solicit feedback from the Colleyville community on trail alignments, the need for additional shade protection, specific needs for enhanced or more outdoor space for community special events, and indoor space for recreational programming
- Conduct a park conditions assessment.
- Evaluate opportunities to add new types of recreational amenities or programming that appeal to inter-generational and non-traditional users (including young adults and those who may be in retirement) in existing and future parks.
- Determine strategies to increase, improve, and maintain the existing and future parks and recreation system in a manner that is comprehensive while being fiscally sustainable.
- Consider undertaking a park condition assessment for each park in the park and recreation system.
- Use of the Park and Recreation System in marketing efforts as part of an overall economic development program.

■ **Action 7-3: Evaluate options to upgrade the Colleyville Senior Center to continue to serve senior residents of the City.**

The Senior Center is in a converted building that is aging and in need of modernizing. An evaluation with alternative options to improve the building has been conducted. The City should continue to explore options to fund the suggested improvements and to determine the appropriate timing for those improvements.

■ **Action 7-4: Evaluate options to improve the Colleyville Center so that it can continue to meet citizen needs as well as attract additional usage and visitations.**

The Colleyville Center is an excellent community resource as well as a facility that attracts many events and meetings to the City. The facility is in a highly competitive market for private events and the City should continue to evaluate options to upgrade, enhance and/or expand the facility so that it continues to excel in attracting events to Colleyville.

Policy: Continue proactive and effective public services to ensure the public health, safety, and welfare of the Colleyville community.

The Colleyville Fire, Police, and EMS Departments are assigned the responsibility of protecting the public health, safety, and welfare of the Colleyville community. As growth continues in the city (particularly infill growth along Colleyville Boulevard), the City will need to evaluate the availability and effectiveness of both facilities & equipment and staffing to make sure it is sufficient to adequately respond to both emergency and non-emergency situations to maintain current response times. Effectiveness also includes having well-trained police officers, EMS personnel, and firefighters and buildings, equipment, and apparatus that are technologically up-to-date and well-maintained.

■ **Action 7-5: Continue to ensure Police, EMS, and Fire Department equipment and facilities continue to meet the current and future public safety needs of the Colleyville community.**

Continue to evaluate and upgrade Police, EMS, and Fire Department equipment as needed. Over the next decade, the Fire Department will need to continue to convert and modernize the response fleet. Ultimately the fleet should include two front line engines, a front line response truck, and a reserve truck and engine.

Evaluate options to either replace or upgrade the current Fire and EMS Department's reserve unit storage. The current facility at the Hall-Johnson site could be effectively and efficiently renovated to meet the current and future needs by gutting out and expanding the existing facility.

One of the priorities identified is to upgrade the Colleyville Justice Center to meet new collaborative trends in policing. This involves retaining a qualified architect to conduct a detailed assessment, developing detailed internal and external reconfiguration options and cost assessments, determining the time frame for construction based on the evaluation and recommended scenarios, and identifying the appropriate funding source to complete this project within a 10-year time frame.

■ **Action 7-6: Continue to ensure that firefighter, EMS personnel, and police officer training is adequate to respond to emergency situations.**

The City should continue to prepare and implement a departmental and interdepartmental continuing education training program so that emergency responders (Fire, Police, and EMS) can adequately enhance and maintain the skills necessary to fulfill their mission.

■ **Action 7-7: Continue to ensure that Fire, Police, and EMS Departments staffing needs are maintained adequately to address changes in growth and current levels of service.**

As the city continues to grow to its maximum population, the City should ensure that the Fire, Police, and EMS Departments have adequate number of firefighters, police officers, and emergency medical technicians to protect the public health, safety, and welfare of the Colleyville community and maintain current levels of service. Periodic evaluations should take place to determine the correct number based on the needs of the community.

■ **Action 7-8: Maintain a proactive approach to the use of technology to improve public safety in Colleyville.**

Rapidly evolving technology is making public safety more efficient and effective, and the City should support new technological initiatives that help communicate with residents and help prevent and solve crimes. In addition, the City should also conduct periodic reviews to assess new technologies and determine if they are appropriate for the city.

Policy: Ensure that there is well-planned and fiscally sustainable public utility infrastructure (e.g., drainage, water, and wastewater).

The supply of water, treatment of wastewater, and drainage are significant long-term issues for any community which must be planned well in advance of future needs.

■ **Action 7-9: Annually budget the necessary funds to design and construct the identified projects set out in the established Capital Improvements Program.**

As part of the 2014 Water and Wastewater Master Plan, Garver identified future growth and usage and developed a 20-year, \$55 million capital improvement plan which will allow the City to both properly maintain the existing infrastructure and plan for the future. Accordingly, the City should allocate the necessary funding on an annual basis to ensure the system is maintained and/or expanded in a cost-effective, efficient, and timely manner. Subsequent year allocations should be determined using the capital improvement triggers identified in the plan which were established to help the City classify deficiencies and help determine when a project is necessary.

■ **Action 7-10: Evaluate options to improve the Public Works facility.**

The Public Works facility and outdoor yard area on Hall Johnson Road requires improvements and upgrades to continue to provide high quality service to all of Colleyville's citizens. The City should explore options to renovate and enhance the facility and should identify potential funding sources and timing for those improvements.

■ **Action 7-11: Periodically update the Water/Wastewater Master Plan.**

Periodically update the Water and Wastewater Master Plan to reflect changing conditions. An update should be considered by the year 2020.

■ **Action 7-12: Update the Master Drainage Plan to continue to ensure the city is adequately protected.**

The City's Master Drainage Plan should be updated to develop a higher level of detail than what was provided in the 1992 plan. This Master Drainage Plan would provide the City with the tools necessary to identify the most critical flood-prone locations, potential solutions, and the costs for necessary drainage projects.

Depending on the recommendations identified in the Master Drainage Plan, the City should identify available funding sources to implement to make the improvements to the city's drainage system in addition to evaluating the City's current utility fee structure.

Policy: Proactively support efforts to promote green initiatives for fiscal resilience.

Colleyville should explore opportunities to promote more environmentally friendly and green initiatives that are also fiscally beneficial to both the City and residents.

■ **Action 7-13: Work with regional water supply entities to ensure that Colleyville's drought contingency planning is proactive and innovative.**

Ensure that the City continues to monitor and maintain a strong water supply, and that efficient and effective water conservation techniques are used where appropriate.

■ **Action 7-14: Explore low impact development (LID) solutions for commercial, residential, and public infrastructure projects.**

The City should explore LID solutions as an opportunity to implement storm water management and water quality management strategies over that can have a significant impact on this sub watershed and also provide quality of life and aesthetic benefits while saving costs. The City should evaluate the benefits of adopting and participating in North Central Texas Council of Governments' (NCTCOG's) *integrated Stormwater Management* (iSWM) program which is intended to help area cities achieve their goals of water quality protection, streambank protection, and flood mitigation, while also helping communities meet their construction and post-construction obligations under state stormwater permits.

■ **Action 7-15: Promote green building and energy efficiency as part of public and private development.**

As part of a growing trend to reduce the environmental impact of development, the City should support efforts in both public and private sector development that incorporate green building practices and/or energy efficiency. This could include an assessment of the City's Land Development Code to remove impediments and/or add

incentives for green building practices. Examples of green building practices that should be considered include low impact development (which utilizes the site's natural resources as part of the overall stormwater management program), rainwater capture, xeriscaping, and pervious pavement, among others.

■ **Action 7.16: Consider establishing an Urban Forestry Program to preserve and enhance the urban tree canopy in the city.**

Tree canopy within Colleyville is an important component of the city's overall character and is one attribute that sets the city apart from other areas within the DFW Metroplex. As the city continues toward developing the limited number of remaining lots and revitalizing and redeveloping existing lots, it is important to have a strategy in place to protect what makes the city what it is today. An urban forest provides a number of economic, environmental, and social benefits to a city. Economic benefits include attracting tourists and businesses, increasing property value, and reducing the amount of energy needed for development. Environmental benefits include providing food and habitat for wildlife, absorbing carbon dioxide, reducing the heat island effect, and reducing sedimentation in streams. Social benefits include adding character and promoting a sense of pride in a community as well as increased privacy. Due to the significant amount of benefits provided, the City should consider establishing an Urban Forestry Program to protect this significant asset to the community. This could include an initial assessment of city parks, followed by an assessment of all City-owned property. A subsequent phase could include the eventual preparation of an Urban Forestry Master Plan, which is a roadmap to effectively and proactively manage and grow the city's urban tree canopy.



CHAPTER 8 - FUTURE LAND USE

INTRODUCTION

The purpose of this chapter is to establish the necessary policy guidance to effectively plan for the future growth and redevelopment of the city, to develop differing areas of character, and to identify placemaking strategies that strengthen the uniqueness of the city that already exists.

Identifying the future land use of the city helps elected and appointed officials, City staff, the Colleyville community, and private developers, better understand why and how land should be developed in the city.



Land Use

Understanding how existing land use patterns have developed in the city is important to identifying future land uses. In other words, future land use is guided first and foremost by existing development patterns, followed by changes in community preferences and market conditions. Future land use categories guide development proposals and economic development opportunities.

Existing Land Use

Beginning as a rural farming community, the city has evolved into a prosperous community that still retains its unique country charm and rural identity. This is a significant reason why Colleyville has such a strong residential market. Indeed, when viewed as part of the DFW Metroplex, Colleyville is renowned as a very

desirable place to live. The city has benefitted from the strength and vitality of the DFW Metroplex over the past decade. In particular, during the 2013-2015 time period, the City issued over 100 new residential permits and around six to 10 new commercial permits per year. As of 2015, there were 599 total new residential lots under construction, approved, or proposed in the development pipeline.

A comparison of existing land use changes between 2003 and 2015 is shown in Table 8.1, *Existing Land Use Comparison (2003-2015)*. Key land use trends over the past decade include:

- **Colleyville is approaching build-out.** One of the most significant changes in land use that has occurred over the past decade is that the city is

Table 8.1. Existing Land Use Comparison (2003-2015)

Existing Land Uses	Existing Land Use (2003) ¹	Existing Land Use (2015) ²
Residential	53.7%	60.3%
Commercial	2.4%	4.2%
Mixed Use	-	0.03%
Light Manufacturing/Commercial Tech	0.7%	0.4%
Institutional	3.8%	4.5%
Public Parks & Open Space	2.0%	2.3%
Private Open Space	5.5%	4.9%
Streets/railways	12.1%	13.6%
Vacant/undeveloped/ranch or agriculture	19.4%	9.8%

¹ The delineation of existing land use was derived from a study undertaken in 2003 as part of the development of *The Colleyville Plan (2004-2025)*.

² The delineation of existing land use is derived from a study undertaken as part of this planning process. The existing land use types do not correlate exactly to Future Land Use Categories established in this plan.

approaching its maximum development potential with a decrease in vacant/undeveloped land from 19.4 percent in 2004 to 9.8 percent today. In fact, much of the undeveloped lands are large remnant pasture/agricultural tracts or open space associated with larger homesteads. This is even more significant considering that Texas encountered a slowdown in development activity during several of the years in the past decade. Despite that, an additional 10 percent of vacant land was developed within the

city, predominantly as residential (an increase of 6.6%) and commercial (an increase of 1.8%).

- **Changes in the pace of development/redevelopment.** Over the past decade, the pace of new development decreased while the pace of redevelopment increased.

Figure 8.1. General Residential Land Use Areas (2015)

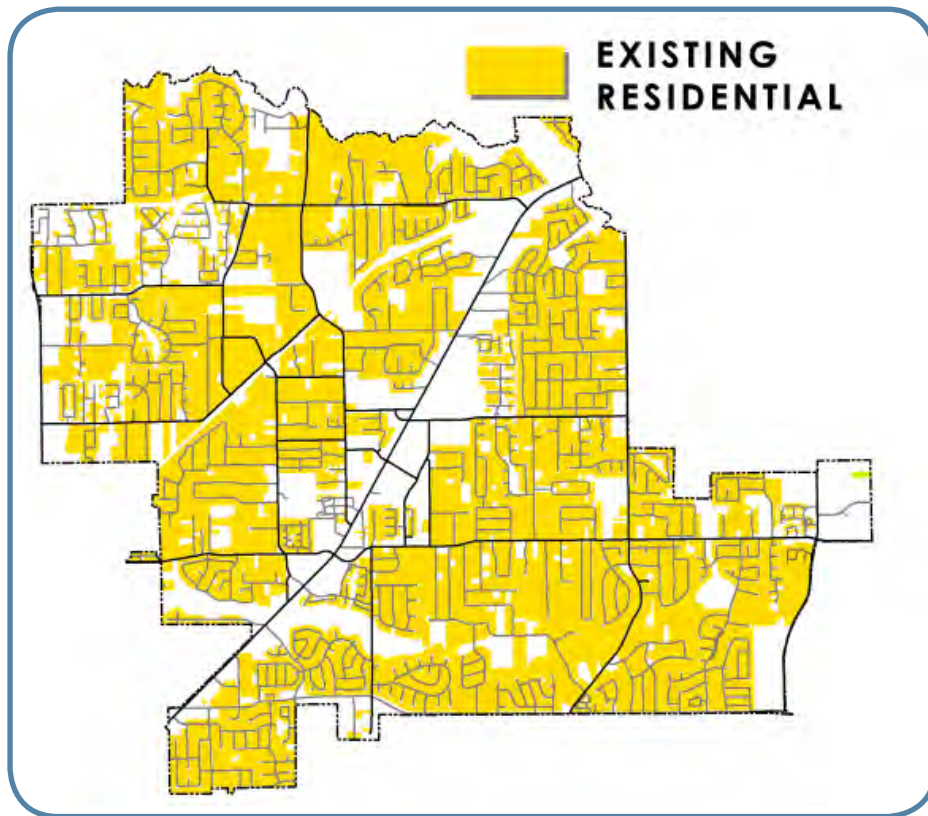
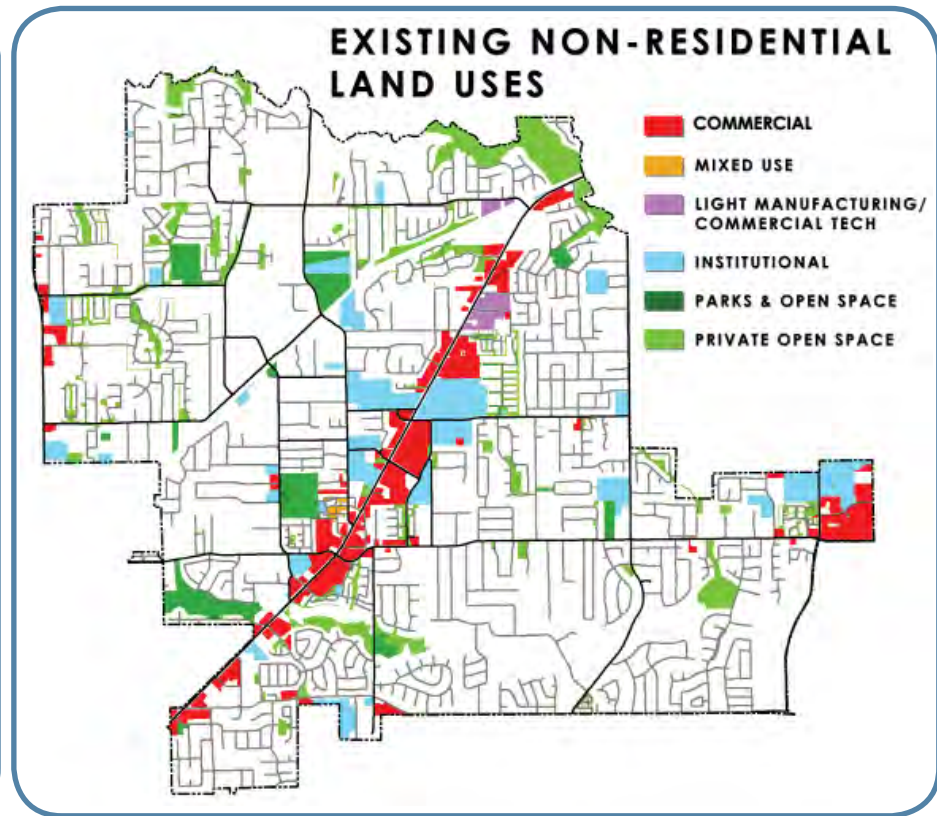


Figure 8.2. General Non-residential Land Use (2015)



- **Higher quality commercial developments.**

Colleyville's efforts to attract higher quality retail and entertainment developments continues. These are typically in the form of the redevelopment of older retail centers or buildings. The redevelopment of a grocery anchored site into the Colleyville Downs Shopping Center in 2014 signaled a new interest in Colleyville as a higher-end retail and commercial destination.

- **Minor changes in the ratio of light industrial uses.**

The amount of light industrial or warehouse type uses has decreased slightly from 0.7 percent to 0.4

percent. As rents along Colleyville Boulevard rise, this trend of industrial uses transitioning to higher-rent office and retail-service uses will continue.

- **Little change in institutional, public parks, and public/private open space.** The amount of lands allocated to institutional uses (e.g., civic buildings, schools, and churches), public parks, and public/private open space has generally remained the same. As a small portion of the overall percentage of the city, changes to these land use categories will have little effect on the remaining composition of the city.



The Colleyville Town Center.

Residential Density

The maximum density of each residential project should be 1.8 dwelling units per gross acre. Destination Colleyville proposes to maintain the residential density policies of the 2004 Colleyville Plan. The 2004 Colleyville Plan states:

“One of the fundamental principles associated with the City’s zoning authority, as granted by the State, is the ability to regulate population density through the adoption of zoning regulations. By establishing a variety of zoning districts, and each district with a different minimum lot size, municipalities are able to control the number of dwelling units that can be built in a particular area. Controlling the overall density has far-reaching public interests and ultimately has an effect on transportation, parks, schools and other public facilities.

Colleyville is noted for its large-lot subdivisions and for its large homes with generous front and side yards. Additionally, many older single family homes located along the major collector street network have been demolished and the properties rebuilt into estate type settings. The redevelopment of these estate properties has helped to keep the overall residential density quite low and promotes the rural atmosphere that Colleyville citizens enjoy.

In Colleyville, the 1998 Comprehensive Plan established a city-wide residential density benchmark of 1.8 dwelling units per net acre. This standard approximates the density achieved by the R20, Single Family Residential District, which calls for a minimum lot size of 20,000 square feet. The intent of this lower residential density standard is to maintain the rural character and ensure a higher quality of residential development that makes Colleyville unique.”

The 2004 Colleyville Plan further states that “Developments with densities higher than 1.8 dwelling units per acre would be acceptable, according to the 1998 Mater Plan guideline, but only in those areas deemed to be consistent with sound land use planning principles, such as for those transitional areas situated between commercial uses and less dense residential developments, or near major street intersections. Higher density development may also be appropriate for smaller parcels that make less dense development economically difficult or on sites with unique topographical features. Since the future land use plan of Colleyville, prepared in 1998, utilized the 1.8 dwelling unit per acre guideline and the community has embraced this as a suitable development density, there is no need to deviate from this standard.”

Each residential project should be a maximum of 1.8 dwelling units per acre, but “variances” could be allowed in certain and specific situations. Variances to the 1.8 dwelling units per gross acre maximum could be the following:

- The project is located within a transitional area.
 - » Between commercial and residential uses (existing or Future Land Use Map-designated).

OR

- The project is located on a property with unique topography.
 - » Restricted access options,
 - » Significant floodplain or drainage considerations,
 - » Property shape that necessitates deviations from standard development, or
 - » Native tree stand(s).

COMPATIBILITY CONSIDERATIONS**1. Landscape buffers:**

- a. Preserve existing trees that separate the proposed use from the existing use when possible.
- a. Preference for landscape screening and open fencing to contribute to residential character.
- a. New trees planted where proposed use is adjacent to existing use for beautification and screening.

2. Form:

- a. As residential square footage to lot area ratio increases, open space(s) and buffering provided should also increase.

3. Traffic Impacts:

- a. Connections to existing neighborhoods should be provided with sensitivity to the existing homes.
- b. Impact to roadways and intersections in the vicinity should be mitigated where possible.

TRANSITIONAL AREAS

A key topic during the comprehensive plan drafting process was the need for guidance related to proposals for transitional developments, especially as it concerns developments proposed with lots smaller than 20,000 square feet. Although residential developments with large lots are very common in Colleyville and are still being proposed for new construction, as the city approaches build out, many new residential neighborhoods have come under the Planned Unit Development - Residential (PUD-R) zoning district. PUD-Rs provide some level of variation with respect to lot sizes and development standards while giving the City more control over the development character, treatment of transitions, and overall quality of the development.

A transitional area is a piece of land that may be appropriate for residential development with lots smaller than 20,000 square feet. These areas serve as gradual changes in intensity from commercial or institutional uses to lower density residential uses (lots 20,000 square feet or larger). Proposals requesting variance to the 1.8 dwelling units per gross acre requirement should address each compatibility consideration listed here.

There are instances when an existing land use will be different from the land use designated on the Future Land Use Map or instances when the existing land use will be different than the zoning on a property. For example, there could be a residential home on a property zoned for commercial uses and also designated on the Future Land Use Map for commercial uses. In these instances, a proposal can provide a phased approach whereby screening and/or landscaping provided could be adjusted along the common boundary once the residential property was redeveloped with commercial uses (ex. wooden screening fence with shrubs then gets removed to provide cross access between commercial parcels).

Future Land Use Map Framework

GOAL

Maintain the integrity of the existing land uses by ensuring the Future Land Use Plan map and categories reflect the land use mix and character of desired development.



Policy: Establish appropriate future land use categories in the City's Future Land Use Map (FLUM).

The Future Land Use Map (FLUM) provides a roadmap indicating future areas within the city that are comprised of similar or compatible land uses. This “preferred future” provides guidance to City staff, appointed and elected officials, land and business owners, the public, and private developers as to what types of development are desirable in different parts of the city (see Map 8.1, *Future Land Use Map*, on the next page).

As its core, the FLUM helps to implement the preferred future by providing decision-making guidance. The FLUM strikes a balance between ensuring predictable outcomes for the community at large while responding to community needs.

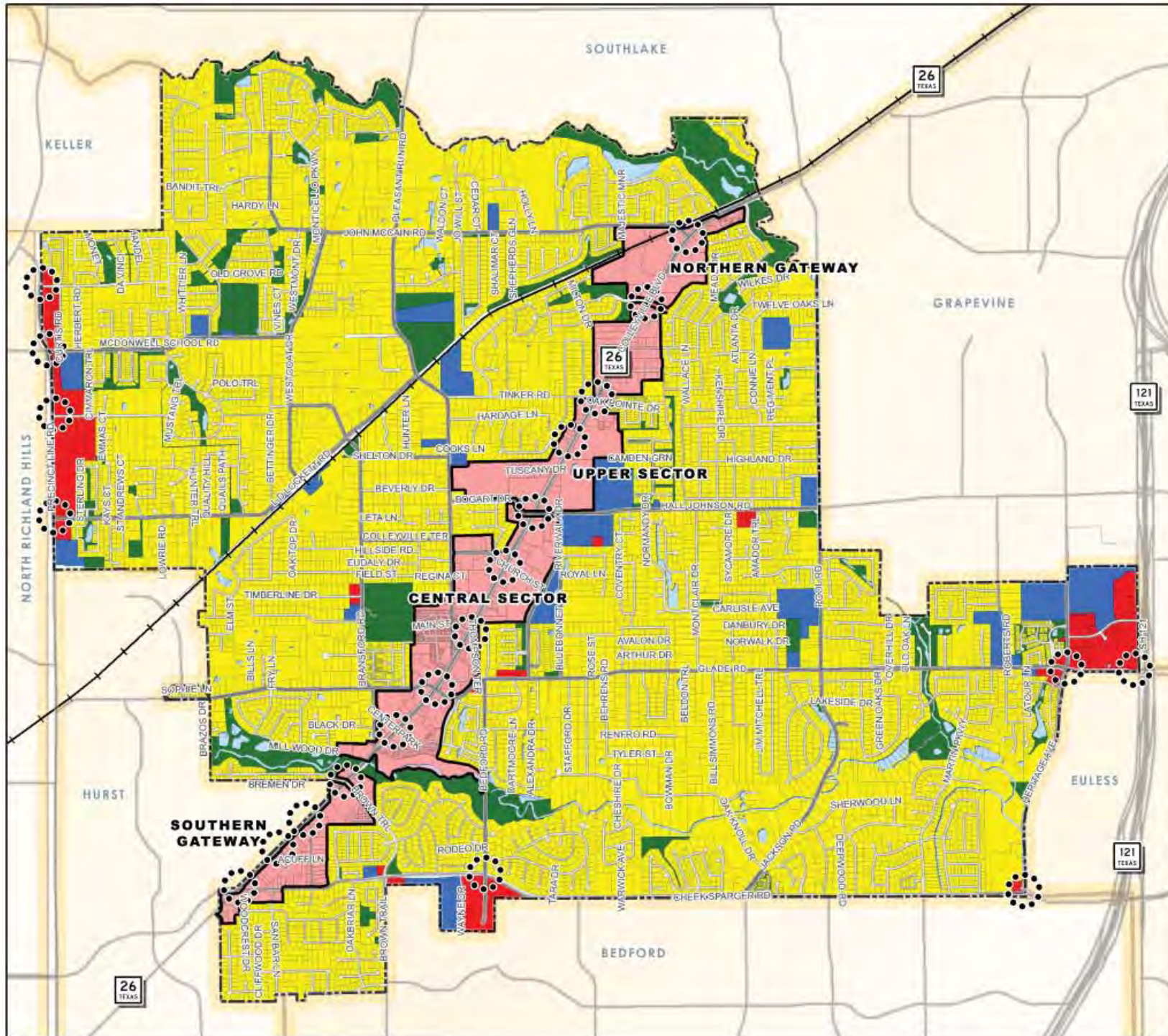
Therefore, it becomes important to have and implement a FLUM that is supported by the community, and that truly reflects the envisioned future of the Colleyville community. If this support is comprehensive, the vision of the FLUM can be implemented.

The following section provides descriptions of the intended uses and character of development within these future land use categories. This is intended to guide the development community with respect to the community's consensus vision for development within each land use category.

The recommended FLUM includes the following land use categories:

- Residential
- Commercial
- Institutional
- Parks and Open Space
- Colleyville Boulevard Corridor (CBC)

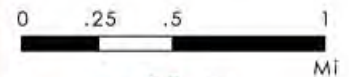
Map 8.1, Future Land Use Map



FUTURE LAND USE MAP

- RESIDENTIAL
- COMMERCIAL
- INSTITUTIONAL
- PARKS/OPEN SPACE
- COLLEYVILLE BLVD CORRIDOR

- SALES TAX PREFERRED INTERSECTION
- COLLEYVILLE CITY LIMITS
- MAJOR ROADS
- RAILROADS
- WATER BODIES AND CREEKS
- PARCELS



A COMPREHENSIVE PLAN SHALL NOT CONSTITUTE ZONING REGULATIONS OR ESTABLISH ZONING DISTRICT BOUNDARIES

Residential

This land use category is predominantly comprised of single-family detached residential dwellings. The preference for new residential areas is that they preserve rural character along John McCain Road, Westcoat Drive, Pleasant Run Road, Bransford Road, and similar roadways, and that they incorporate landscaping and tree preservation features to retain the natural quality of new residential areas in the city. Residential areas typically include:

LAND USE TYPES

- Detached residential
- Parks, trails, and open space

DESIRED DEVELOPMENT CHARACTERISTICS

- Predominantly single family residences on lots over 20,000 square feet with natural landscaping, a rural appeal, and significant private open space.
- Overall aesthetic is country charm, exemplified by large open spaces, mature trees, and rustic ranch fences in some areas of the city – especially along rural roadway corridors such as Westcoat Drive, Pleasant Run Road, and Bransford Road.
- High-quality development with attractive entrance areas and amenities (e.g., internal walking trails).
- Appropriate transitions (e.g., one-story offices) between residential and non-residential areas.

Figure 8.3. Illustrative Residential Uses



Commercial

This land use category is comprised of commercial development (e.g., retail, professional services, office). The current character of these areas is dominated by streets, access driveways, and surface parking areas that are frequently located in the front of the building. Moving forward, the desired character of these commercial areas is more visually attractive development with architectural styles that are less residential in character, have less parking along the front, and improved landscaping. These land uses are generally found along the major roadways of Precinct Line Road, SH 121, and Cheek-Sparger Road in order to take advantage of larger volumes of traffic.

This category excludes development along Colleyville Boulevard which is its own district due to the unique vision for that corridor.

Commercial areas typically include:

LAND USE TYPES

- Sales-tax generating businesses at key intersections (retail sales and service uses)
- Entertainment and recreation uses
- Office uses
- Parks, trails, and open spaces

DESIRED DEVELOPMENT CHARACTERISTICS

- Attractive buildings highlighted by distinct architectural elements such as towers, entry features, arcades, etc.
- Extensive landscaping to improve visual quality of the site and buffer adjacent, non-compatible uses.
- Features that enhance walking and bicycling to and within the development and to adjoining neighborhoods.

Figure 8.4. Illustrative Commercial Uses



Institutional

This land use category is comprised of public and institutional development which includes City-owned facilities, plus other public and private buildings and sites with an institutional nature (e.g., schools, places of worship, etc.). Institutional areas typically include:

LAND USE TYPES

- Government/civic buildings
- Schools, colleges, and universities
- Places of worship and cemeteries

DESIRED DEVELOPMENT CHARACTERISTICS

- Architecture and site characteristics that are distinct and attractive.
- High degree of automobile and pedestrian activity, oftentimes during both the day and night.
- Institutional functions may require multiple buildings, arranged in a campus-like setting.
- Sites may have special parking and passenger drop-off requirements.
- Civic buildings include public outdoor spaces that can be used for social gatherings, attractive open space, or serve as supplemental park space (as in the case of school play yards).
- Shared facilities to contribute to efficient use of land and convenience to community members.

Figure 8.5. Illustrative Institutional Uses



Parks and Open Space

This category is comprised of public and private park and recreation areas and greenways. The main purpose is to provide places for the Colleyville community to get together and socialize or recreate. A portion of these areas are public parks and trails. A larger portion, however, encompasses the city's significant areas of private parks and open spaces. Open space areas typically include:

LAND USE TYPES

- Public parks and open space
- Private parks and open space
- Linear greenways and buffers
- Public or private lands within drainage or flood-prone areas that are generally unsuitable for development

DESIRED DEVELOPMENT CHARACTERISTICS

- Park design, intensity of development, and planned uses/activities that match the character of the area that it is serving (by way of example, a park located in a rural area should be designed and configured in a way that is compatible with the area's rural character).
- Architecture and site characteristics that are distinct and attractive.
- On- and off-site pedestrian and bicycle connectivity.
- Protection of, and interaction with, sensitive natural resources.

Figure 8.6. Illustrative Open Space Uses



Colleyville Boulevard Corridor

This land use category is to promote the transformation of Colleyville Boulevard into a vibrant and economically strong “town center” for the City. While still readily accessible via the automobile, more compact and walkable development types will create a distinct sense of place. The Colleyville Boulevard Corridor includes:

LAND USE TYPES

- Retail, service, and entertainment
- Office
- Public and institutional uses
- Flexible innovation uses (e.g., research, office-warehouse, etc.)

DESIRED DEVELOPMENT CHARACTERISTICS

- Architecture and site characteristics that are distinct, attractive, and have a pedestrian-friendly urban form.
- Able to accommodate a high degree of automobile activity, but parking is not the predominant visual feature from adjacent streets.
- Significant connectivity through cross/mutual access easements and multi-modal options (biking and walking).
- Design encourages a high degree of pedestrian activity, oftentimes during both the day and night.
- Institutional functions may require multiple buildings, arranged in a campus-like setting.
- Building facades are articulated, have significant window areas, and often include porticos or awnings to provide shade for pedestrians.
- Multistory buildings are encouraged to add a greater variety of destinations and uses in close, walkable proximity. This in turn leads to an increased vibrancy for the area and more available commercial development square footage.

Figure 8.7. Illustrative Colleyville Boulevard Corridor Development Types



COLLEYVILLE BOULEVARD CORRIDOR LAND USE AREAS

The Colleyville Boulevard corridor has unique land use areas with distinct character and land use characteristics. The areas serve as the basis for specific policies and actions related to each area. The four areas are described below:

- Northern Gateway: Offers a unique opportunity for new development on relatively undeveloped property as a new mixed commercial node, highlighting this northern entry point into the city along the Corridor.
- Upper Sector: Offers a unique opportunity to create an eclectic Corridor node with a mixture of newer buildings with older buildings that can take advantage of the City's façade improvement grant program and evolve over time into a more attractive and cohesive section of the Corridor with a mixture of retail, office, and service uses.
- Central Sector: Has the most potential to become a true center of activity within the city by tying the major commercial and entertainment centers along the Corridor with a focus on creating a more walkable street context.
- Southern Gateway: An opportunity to create a more memorable entry point to the city and elevate the quality of the existing development with a focused, long-term redevelopment strategy.

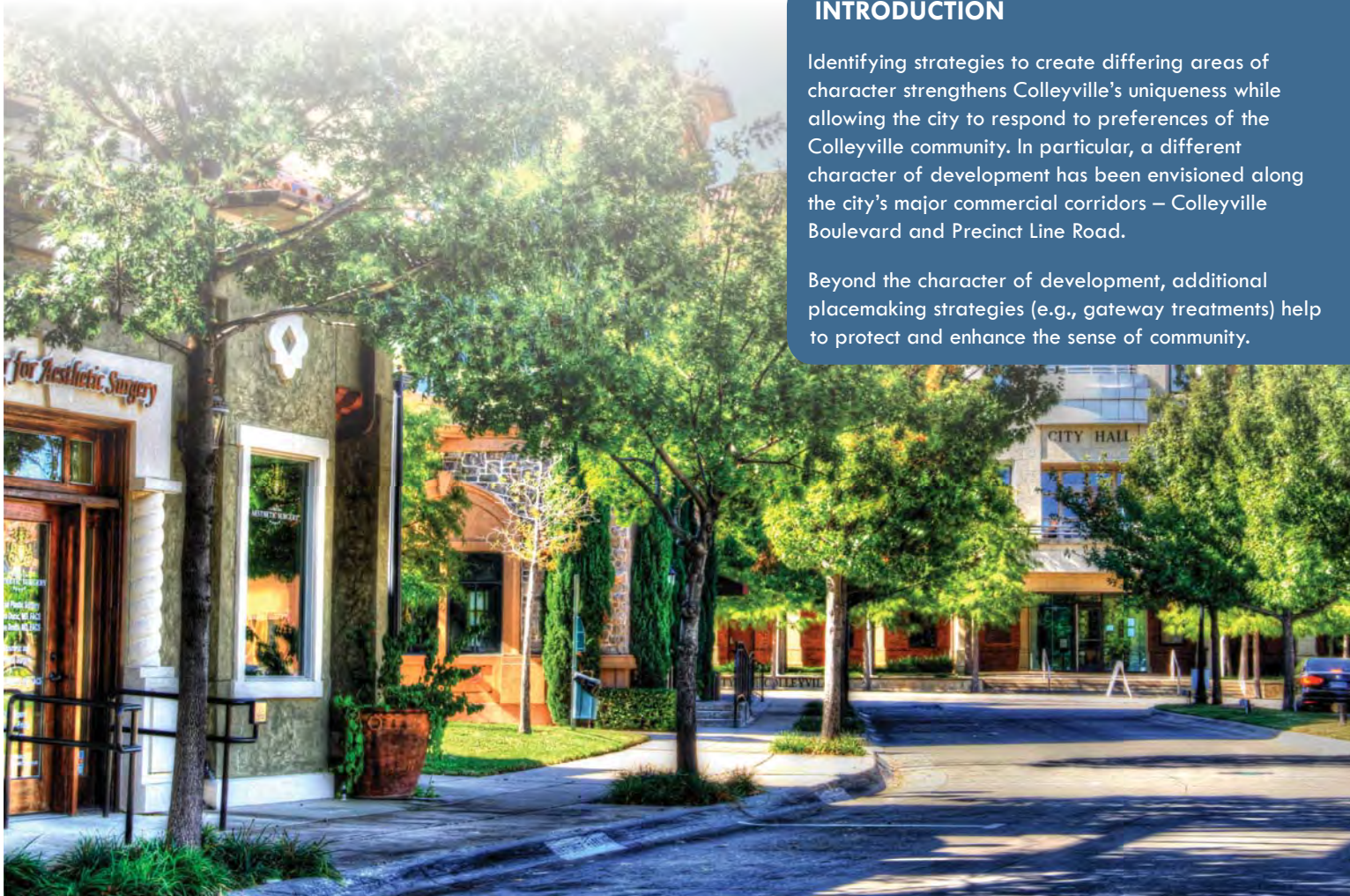
Actions related to each Colleyville Boulevard Corridor area are contained in Chapter 9, and a detailed discussion of each area is contained in the Appendices.



INTRODUCTION

Identifying strategies to create differing areas of character strengthens Colleyville's uniqueness while allowing the city to respond to preferences of the Colleyville community. In particular, a different character of development has been envisioned along the city's major commercial corridors – Colleyville Boulevard and Precinct Line Road.

Beyond the character of development, additional placemaking strategies (e.g., gateway treatments) help to protect and enhance the sense of community.



Character and Placemaking Framework

Communities are becoming increasingly concerned about a lack of character or a “sense of place.” Colleyville already has neighborhoods that have quality amenities with a unique sense of place. The key will be to ensure that neighborhoods maintain this sense of place and character. Even the City’s historic structures should be considered and maintained as part of Colleyville’s unique character.

In addition, this chapter also lays out the key development character and placemaking goals, policies, and actions to transform the city’s major commercial corridors – Colleyville Boulevard and Precinct Line Road.

GOALS

Ensure high quality neighborhood design that positively contributes to surrounding neighborhoods and the country character of Colleyville.

Enhance the city’s commercial corridors to make them unique destinations – specifically Colleyville Boulevard and Precinct Line Road – by creating a unique design aesthetic that sets these corridors apart from adjoining communities and continues to attract destination commercial uses.

Policy: Preserve the “country-feel” of roadways.

PUBLIC REALM



The public realm consists of all of the public spaces and places where Colleyville citizens have shared encounters each day. Sidewalks, trails, streets, parks, and plazas are

the areas where they can come together, socialize, intermingle and experience the city. The physical surroundings that define these spaces contribute to creating a sense of place and a quality of life that is unique to Colleyville.

Some of the city’s roadway’s contribute to its rural feel and identity and is one of the city’s strongest assets. Colleyville, as a community, strongly supports the preservation of that rural character, rather than developing standard streets that can be found in any community in the area. Further, both the Colleyville community and the Comprehensive Plan Advisory Committee (CPAC) recommended that the character of key roadways in the city be considered when planning for land use and roadway improvements.

■ Action 9-1: Establish rural character standards along certain streets, in the public realm, where appropriate, such as John McCain Road, Bransford Road, Jackson Road, and Cheek-Sparger Road.

The City should evaluate standards as they impact private development, and public and private infrastructure standards (specifically street and drainage) to ensure that priority is given to design elements that help preserve and create the rural character of key roadways.

■ **Action 9-2: Ensure that new development preserves the rural character in design efforts.**

In reviewing new residential development applications, priority should be given to design elements such as open fencing, deeper setbacks, natural landscaping, low-impact trails, bio-swales, tree preservation, etc. Tree planting, where appropriate, in both the private and public realm, should be considered to add to the city's "brand".

■ **Action 9-3: Ensure that street and trail/sidewalk improvements are undertaken with consideration of the rural character context (see Chapter 5 for additional detail).**

Many of the streets in Colleyville are conversions from the city's rural past and are still lined with trees. Consequently, even trail or sidewalk design and construction should consider the context of each individual corridor to determine appropriate solutions for building that segment of trail or sidewalk. Since many of the streets within the city have relatively narrow rights-of-way, drainage swales could be utilized to improve city-wide connectivity. While the City should have general standards for trail width that it applies consistently, the implementation of trails should use context-sensitive solutions to protect mature trees and other signature elements that define Colleyville's rural character. The cross sections in Chapter 5, Transportation should be used as guides and modified to fit the specific context under consideration.

Policy: Ensure compatibility of new neighborhoods with existing neighborhoods and connectivity with adjoining developments where appropriate.

As evident by the online survey that was administered during the planning process, the Colleyville community has expressed an interest that high quality development is one of the key attributes that makes Colleyville unique. As such, it is also a high priority to ensure that all new neighborhoods add to the existing quality of development. This can be done by requiring the development of neighborhoods which provide a high quality of design, an easily perceived sense of identity, and a range of amenities.

■ **Action 9-4: Continue to examine site design criteria, as it relates to buffers between residential and non-residential uses.**

The City should evaluate current buffering and screening standards between commercial and residential uses and develop a tool box of solutions that can be adapted to different conditions. This includes, but is not limited to, height slope requirements, flexibility in screening walls, limitations on loading, unloading, and dumpster locations, trail and linear open space connectivity, etc.

The Colleyville Boulevard Corridor

- **Action 9-5: Evaluate non-residential product types and scales in areas to create appropriate transitions while preserving established neighborhoods.**

In addition to physical design of buffers between commercial and residential neighborhoods, other site layout, block organization, land use, and building type considerations should also be tailored to accommodate adjoining contexts.

- **Action 9-6: Implement a program for sidewalk/trail infill projects between the Colleyville Boulevard Corridor and adjoining neighborhoods through the City's Capital Improvements Program (CIP).**

Where feasible, fund trails as part of street improvements – since many trails in Colleyville will be developed in parallel with improvements to roadways in the city, trails that are designated on the City's trail plan should be implemented as part of street upgrades. In this way, the trails and streets can be designed at one time to address unique corridor constraints or opportunities.

In addition, the City should consider creating a sidewalk or trail infill program as part of the CIP which can prioritize short segments (1/4 mile or less) that can be implemented if street improvements are not imminent in order to provide short term (between five and 10 years) connectivity or critical links.

Policy: Create a plan to coordinate the public realm and private development standards for the Colleyville Boulevard Corridor with a strong and unique sense of place that transforms the Corridor into a true destination.

Colleyville Boulevard is not only the economic spine of the city, but can also be the key to defining its character. It functions as a regional transportation corridor, a local connector, provides access to entertainment and boutique retail venues, as well as meeting the day-to-day needs of the Colleyville community.

One of the major goals of *Destination Colleyville* is to address the redevelopment and enhancement of properties along the Colleyville Boulevard Corridor. It is critical to maintain and enhance this corridor as a thriving address for destination businesses, specifically sales tax-generating businesses. To this end, it is important to create a market-based development framework that combines a strong physical vision, regulatory structure, and public infrastructure investment into a business plan for the Corridor.

The goal is to create a de-facto "master developer" context along the Corridor that facilitates high quality development and redevelopment due to coordinated public and private efforts. This will create the market context for long-term redevelopment and enhancements to underutilized properties, thus making the Corridor a magnet for choice retailers, destination restaurants, and high quality entertainment uses.

LOCATION

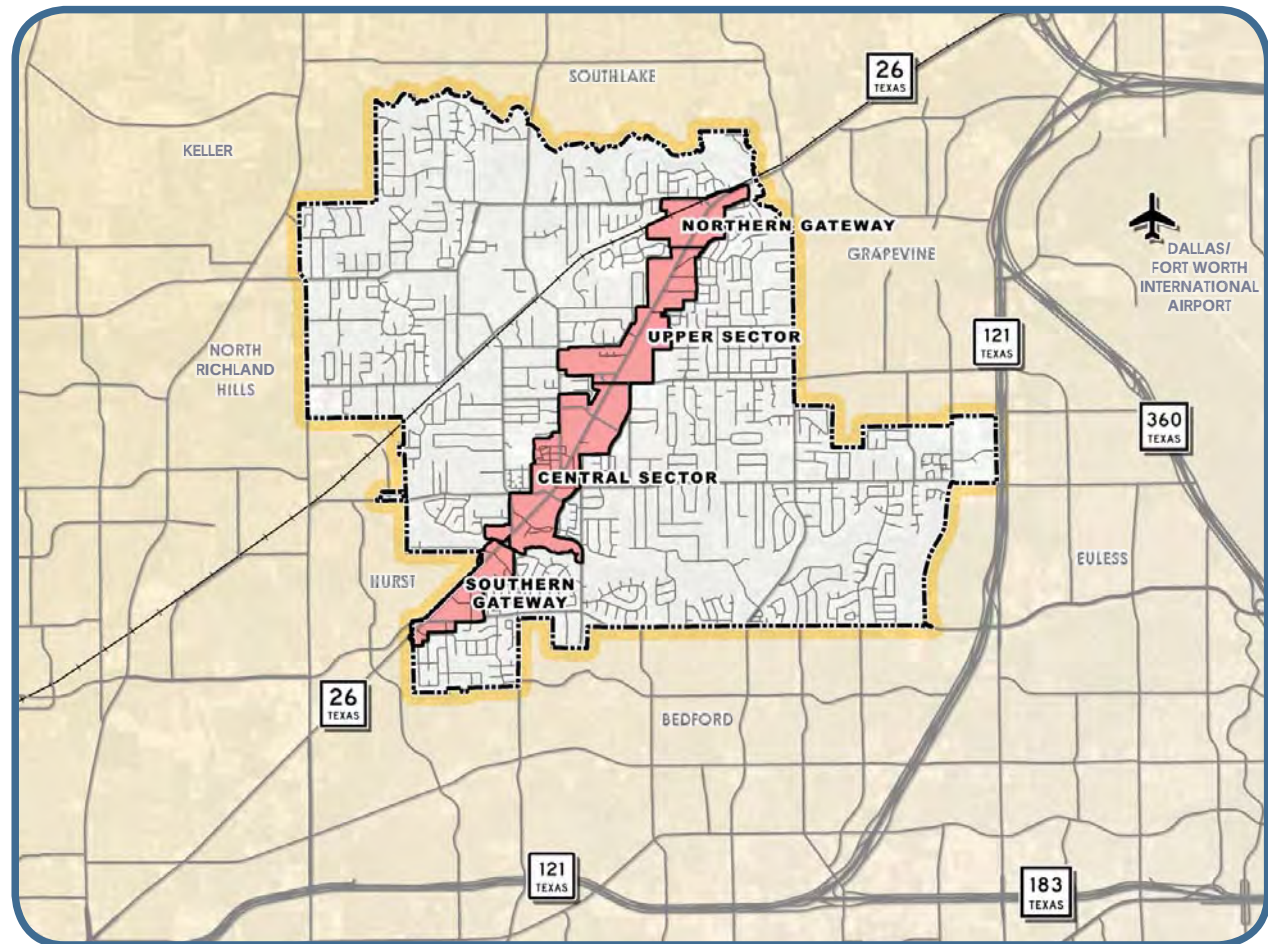
There are three major roadways affecting the city – State Highway 121 (SH 121) (on the eastern edge), Precinct Line Road/FM 3029 (on the western edge), and State Highway 26 (Colleyville Boulevard). Of the three, Colleyville Boulevard runs diagonally through the city from northeast to southwest and is one of the primary roadways used by the Colleyville community for accessing neighborhoods, schools, and shopping, as well as for commuting to and through the city (see Map 9.1, *Regional Context for the Colleyville Boulevard Corridor*).

Colleyville Boulevard connects the cities of Grapevine, Colleyville, Hurst, North Richland Hills, and Haltom City, and is a major regional arterial in northeast Tarrant County. Through Colleyville, it is approximately four miles in length and is mostly a four-lane facility with a continuous two-way center left turn lane and no curbs or gutter. The section of Colleyville Boulevard from the northern city limit line to John McCain Road is currently being improved to a six-lane facility with a center median and turn lanes. Future phases include improvements to implement a six-lane facility from John McCain Road to Brown Trail.

EXISTING DEVELOPMENT CONTEXT & CHARACTER

Along the length of the Colleyville Boulevard Corridor within the city, the existing context (land uses and development character) is not uniform along its entire length. To assist with this planning effort, the Corridor can be characterized as four distinct zones or sectors starting from the north and proceeding south. They are:

Map 9.1, Regional Context for the Colleyville Boulevard Corridor



- **Northern Gateway** (Bear Creek to Tennison Parkway)
- **Upper Sector** (Tennison Parkway to Hall-Johnson Road)
- **Central Sector** (Hall-Johnson Road to Brown Trail)
- **Southern Gateway** (Brown Trail to Cheek-Sparger Road/Mid-Cities Boulevard)

The development context along the Corridor is a mix of older auto service, industrial development mixed in with newer office, professional services, and retail buildings towards the northern sectors of the corridor. The Central Sector has the highest concentration of newer retail developments, many of which have been built or significantly redeveloped over the past 15 years. The lower or southernmost portion of the Corridor also has smaller and aging auto-service and strip retail buildings. Generally, there are very few vacant or undeveloped properties, but a large agglomeration of vacant properties is located in the northern section of the Corridor (see Map 9.2, *Colleyville Boulevard Corridor and Sectors*).

The Corridor is mostly auto-oriented, with buildings set back from the roadway and parking located in front of the buildings between the roadway and the buildings. Most of the corridor also lacks sidewalks and safe places to walk. Shoulders, if any, are very narrow with swales immediately adjacent to them. Most of the Corridor also has overhead utility lines and poles that add to the visual clutter. (see Figure 9.1. *Character of Existing Development along the Colleyville Boulevard Corridor*.)

Although it is clear when traveling down Colleyville Boulevard that it is a center for activity and commerce, there are no clear signs that the Corridor is Colleyville's

main destination or that it is specifically in Colleyville either. There is a patchwork of architectural styles and materials, some properties lacking landscaping while others provide abundant and tasteful landscaping. There are no distinguishing features that indicate when one has entered or left the city other than two Colleyville monument signs. Appendix A provides more detailed discussion about the existing land use context and development character in the different sectors of the Corridor.

Figure 9.1. Character of existing development along the Colleyville Boulevard Corridor



At Centerpark Drive

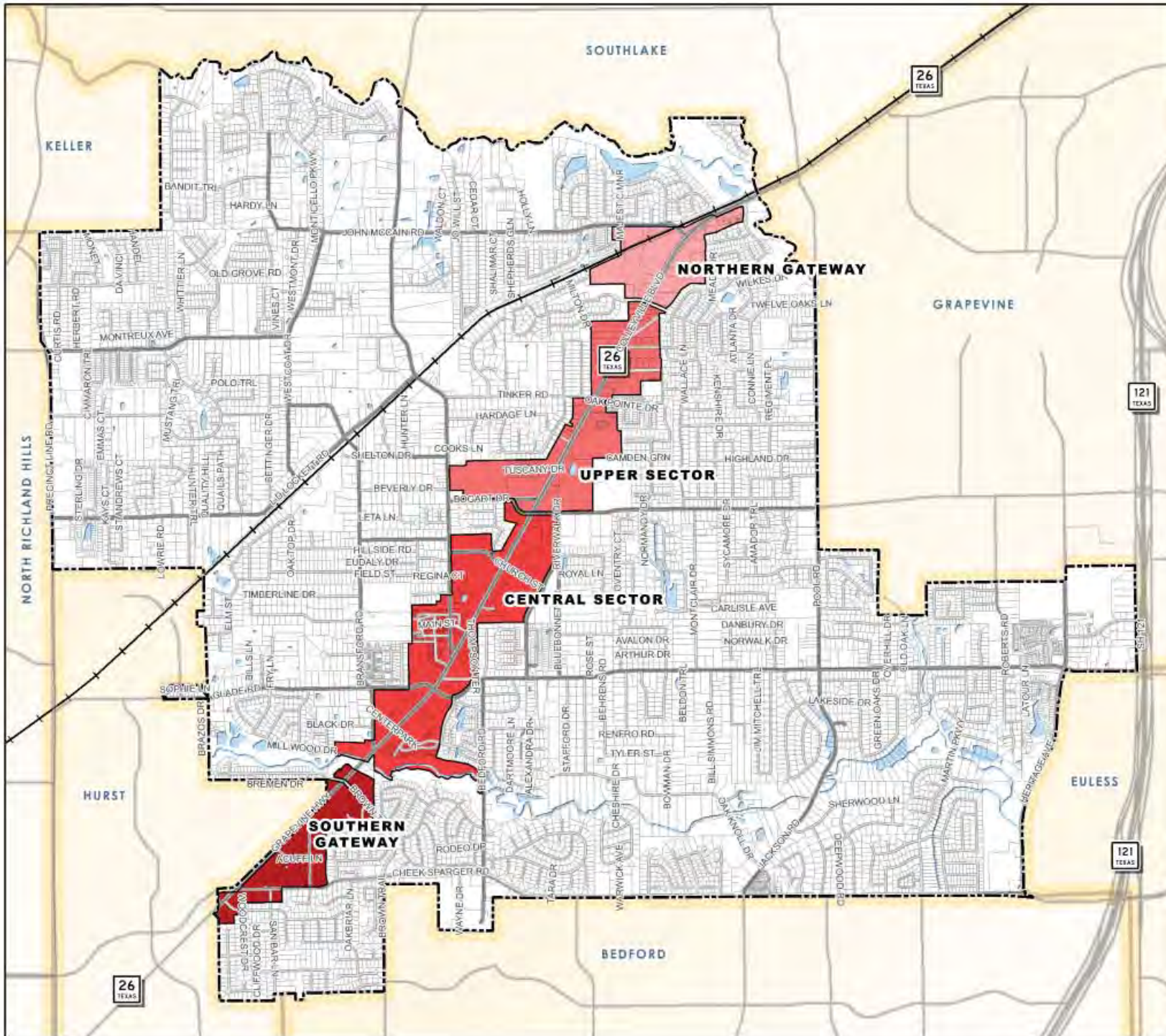


At Hall-Johnson Road



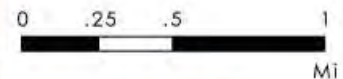
At Tennison Pkwy

Map 9.2, Colleyville Boulevard Corridor and Sectors



COLLEYVILLE BOULEVARD CORRIDOR AND SECTORS

- NORTHERN GATEWAY
- UPPER SECTOR
- CENTRAL SECTOR
- SOUTHERN GATEWAY
- CITY LIMITS
- MAJOR ROADS
- LOCAL ROADS
- RAILROADS



COLLEYVILLE BOULEVARD CORRIDOR: FUTURE VISION AND DEVELOPMENT CHARACTER

This section explores the future vision for the Colleyville Boulevard Corridor (herein called the Corridor) based on an assessment of current context, market potential, and community preferences. The goal is to create a cohesive development character along the corridor while recognizing key nodes or areas as special places with greater concentration of commercial/retail uses in a more pedestrian-friendly context.

The whole corridor cannot be made walkable, but key locations or nodes can be made more pedestrian friendly to facilitate a “park-once” environment. A “park-once” environment provides better connections between neighborhoods and adjoining commercial uses and between adjoining commercial developments to allow a driver to park one time and walk to multiple

uses, buildings, and blocks. In addition, a key principle is to create a design context that elevates the tenant mix and creates a better functional linkage between redevelopment and economic development.

The recommendations include short- and long-term strategies to retrofit some of the more auto-oriented development to create a more pedestrian-oriented context and create a more nuanced design context along the Corridor. This means that different locations along the Corridor lend themselves to different redevelopment opportunities based on the market and current context. The following section describes the vision, goals, and implementation strategies for the Corridor as a whole and for the specific sectors along the Corridor.

Overall Corridor Recommendations

■ Action 9-7: Establish overarching design principles and guidelines for the entire Corridor.

- Improve and unify key private development character by providing a unifying palette of materials that can be interpreted differently along the Corridor. The palette of materials that is appropriate in the Colleyville Boulevard Corridor includes (see Figure 9.2, *Desired Character in the Colleyville Boulevard Corridor*, on page 133 and Figure 9.3, *Desired Architectural Treatments for Key Facade Elements*, on page 134):
 - » Building materials of limestone, brick, and stone
 - » Clay tile or metal sloped roofs or flat roofs with parapets
 - » Native and drought tolerant landscaping
 - » Architectural details for buildings at street intersections and emphasis of key building entrances
 - » Vertical landmarks at key focal points
- Improve and unify key visual qualities of development along the Corridor, such as public realm streetscape elements, by providing a palette of materials that can be interpreted differently along the Corridor (see Figure 9.4 *Desired Character of Public Realm Improvements in the Colleyville Boulevard Corridor* on page 135). The palette of materials that is appropriate in the Colleyville Boulevard Corridor includes:

Figure 9.2. Desired Character in the Colleyville Boulevard Corridor



- » Screening of parking lots with shrubs or low walls
- » Street lighting standards (pedestrian and vehicular lighting)
- » Drought tolerant landscape palette for parkways and medians that includes ornamental and shade trees in addition to shrubs and ground cover
- » Sidewalk and pedestrian amenities
- » Special treatment of intersections and pedestrian crosswalks with stamped concrete or asphalt
- Develop a strategy to address the visual appeal and character of all public realm elements of the Corridor.
 - » Based on existing development, future development, and the ultimate vision for redevelopment along the Corridor, specific locations (such as the Central Sector) should be considered a priority for public realm improvements.
 - » To minimize the visual impact of overhead utilities on the Corridor in the short-run, canopy or ornamental trees should be planted in between the utility lines and the travel lanes to shield them. Long-term, the City should possibly evaluate a range of funding options and partnerships including zoning entitlements such as mix and intensity of uses, developer's agreements, Chapter 380 agreements, tax increment financing (TIF) reimbursements, and other incentives.
- Encourage the creation of unified sign plans for large development projects to enhance the character of development along the Corridor.

Figure 9.3. Desired Architectural Treatments for Key Facade Elements



Tower elements, storefronts, sidewalk cafes, doors, windows, balconies, roof and building materials, and the screening of streets are all appropriate architectural treatments for key facade elements.

- » Promote consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the site.
- » Enhance the compatibility of signs with the architectural and site design features within a development.
- » Encourage signage that is in character with planned and existing uses thus creating a unique sense of place.
- » Encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.
- Develop a comprehensive vehicular and pedestrian wayfinding plan for the city's major destinations, specifically destinations within the Central Sector in order to facilitate easy access for both local and regional visitors to the corridor. (see Figure 9.5, *Desired Vehicular and Pedestrian Wayfinding*, on page 135.)

Figure 9.4. Desired Character of Public Realm Improvements in the Colleyville Boulevard District



Examples of desired public realm improvements such as native and drought resistant landscaping, cross walk and sidewalk treatments for improving walkability, etc.



Figure 9.5. Desired Vehicular and Pedestrian Wayfinding

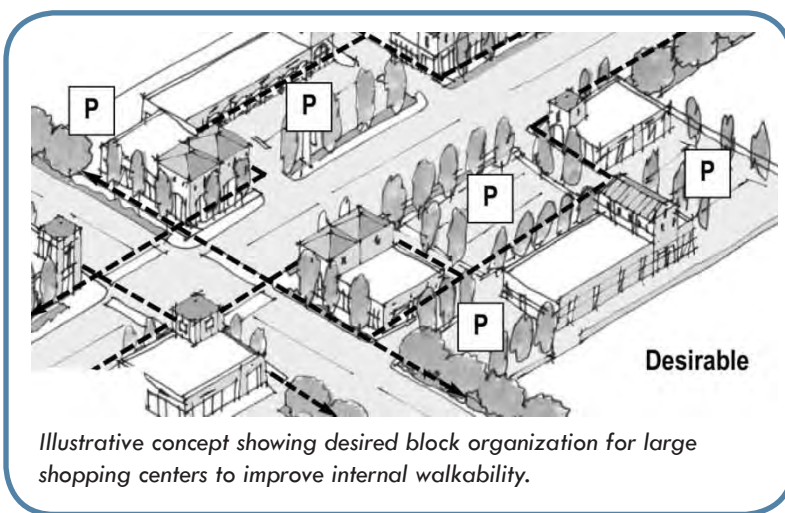
Desired examples of vehicular and pedestrian wayfinding along the city's major corridors and within major destinations.

As discussed in Chapter 8, the Colleyville Boulevard Corridor was further divided into four sub-areas, which in turn allow for specific ideas and actions to be developed for each sub-area. The four sub-areas are a) the Northern Gateway, b) the Upper Sector, c) the Central Sector, and d) the Southern Gateway. Recommended actions related to each sub-area are as follows:

Northern Gateway ■ Action 9-8: Establish specific design principles and guidelines for the Northern Gateway, based on the market opportunities and physical context.

The Northern Gateway (see Map 9.3 *Northern Gateway Context*) offers the city a unique opportunity for new development on relatively undeveloped property as a new node highlighting this entry point into the city along the Corridor. Given the importance of ensuring the right character of development at this location, several design concepts were explored based on community input, market opportunities, and existing context assessments. Some key goals of the preferred Northern Gateway concepts include:

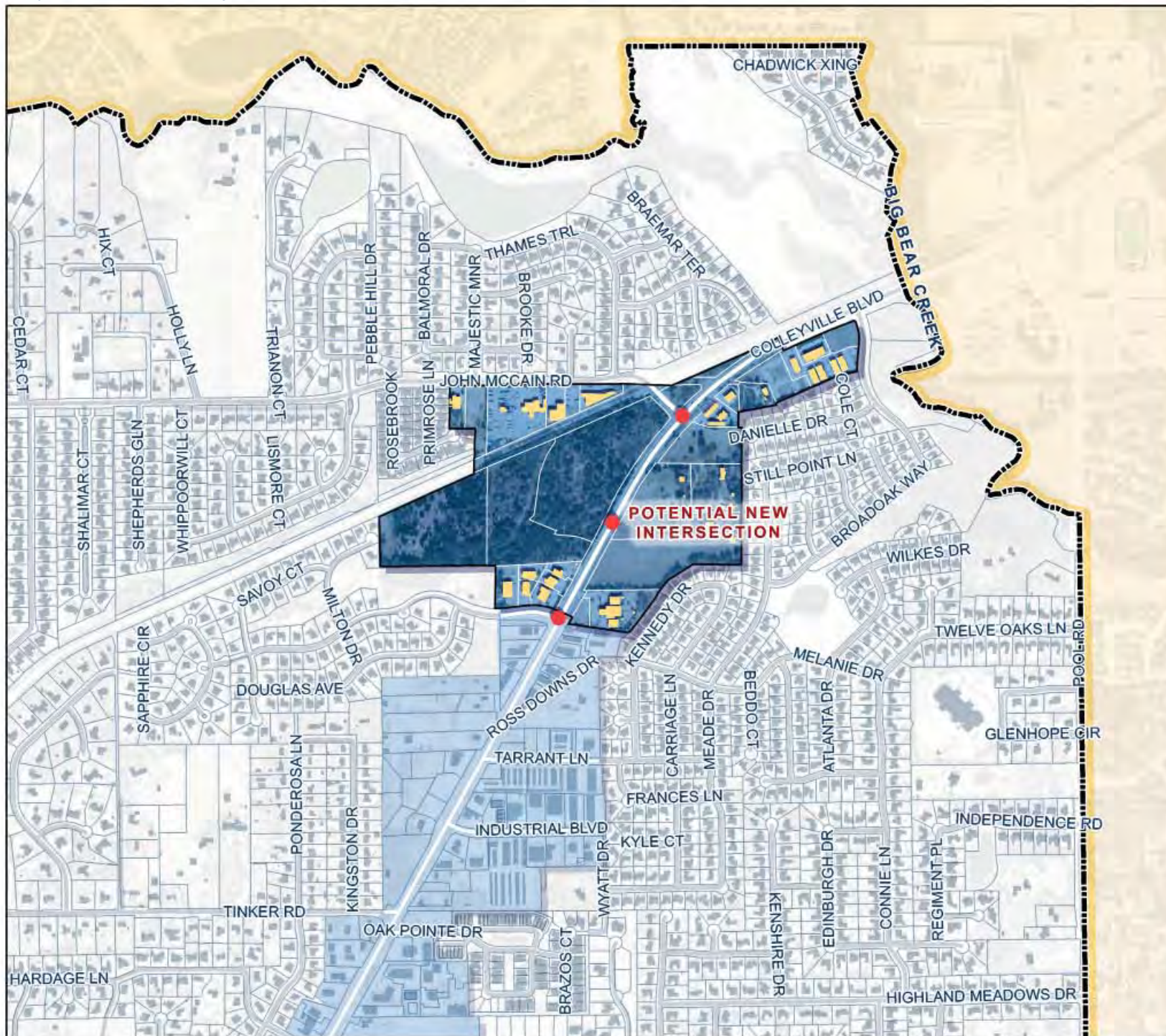
- Use any detention areas immediately adjacent to the roadway at the intersection with John McCain Road to create a vertical gateway element announcing both the development and entrance into the city. Such a gateway element could include signage, public art, landscaping, a water feature, or combination of similar elements.
- Bring buildings closer to Colleyville Corridor and minimize visibility of any surface parking along the Corridor.
- Encourage multi-story buildings immediately adjacent to the Corridor in addition to corner tower elements to add interest and character along the Corridor.
- Create an internal “street” network that creates a walkable block pattern with buildings and sidewalks lining it, parallel or angled on-street parking, service areas behind the building and the bulk of the parking located in the middle of the block (see Figure 9.6, *Illustrative Desired Block Organization*).



- Create appropriate transitions to adjoining neighborhoods:
 - » Preserve any existing landscape buffers, require masonry screening, and building height transitions.
 - » Minimize the impact of any service areas located adjacent to existing neighborhoods by increasing setbacks and ensuring any outdoor lighting is away from residential uses (see Figure 9.7a and 9.7b, *Concept for the Development of the Northern Gateway*, on the next two pages).
- Incorporate park- or square-like, centrally-located amenity areas for public gathering or café-style outdoor dining.
- Focus the frontage of the Corridor on attracting quality retail and restaurant uses that generate sales taxes with office and/or retail-service uses as transitions to existing neighborhoods.

Figure 9.6. Illustrative Desired Block Organization

Map 9.3 Northern Gateway Context



LEGEND

COLLEYVILLE BOULEVARD CORRIDOR

- NORTHERN GATEWAY
- CITY LIMITS
- KEY INTERSECTIONS
- CITY LIMITS
- KEY INTERSECTIONS
- EXISTING BUILDINGS

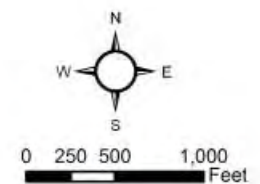


Figure 9.7a, Concept for the Development of the Northern Gateway *



*Figure 9.7a provided for illustrative conceptual purposes only.

Figure 9.7b, Concept for the Development of the Northern Gateway (con't)

- ① Development emphasis on tax generating uses.



- ② Screen or locate parking areas so as to not dominate development.



- ③ Create continuous "creekwalk" environment along existing drainage/preserve existing trees.



- ④ Use necessary detention areas to create a "gateway" element for Colleyville.



- ⑤ Create compatible & similar "gateway" effect along both sides of Colleyville Blvd.



- ⑥ Create connectivity/high level of walkability in internal streets.



- ⑦ Maintain existing trees/add masonry walls to buffer adjacent residential areas.



- ⑧ Incorporate park-like amenity areas as central features.



Northern Gateway DESIRED DEVELOPMENTAL ELEMENTS

Colleyville Comprehensive Plan

Figure 9.8. Desired Campus-style Office Development in the Northern Gateway Sub-Area



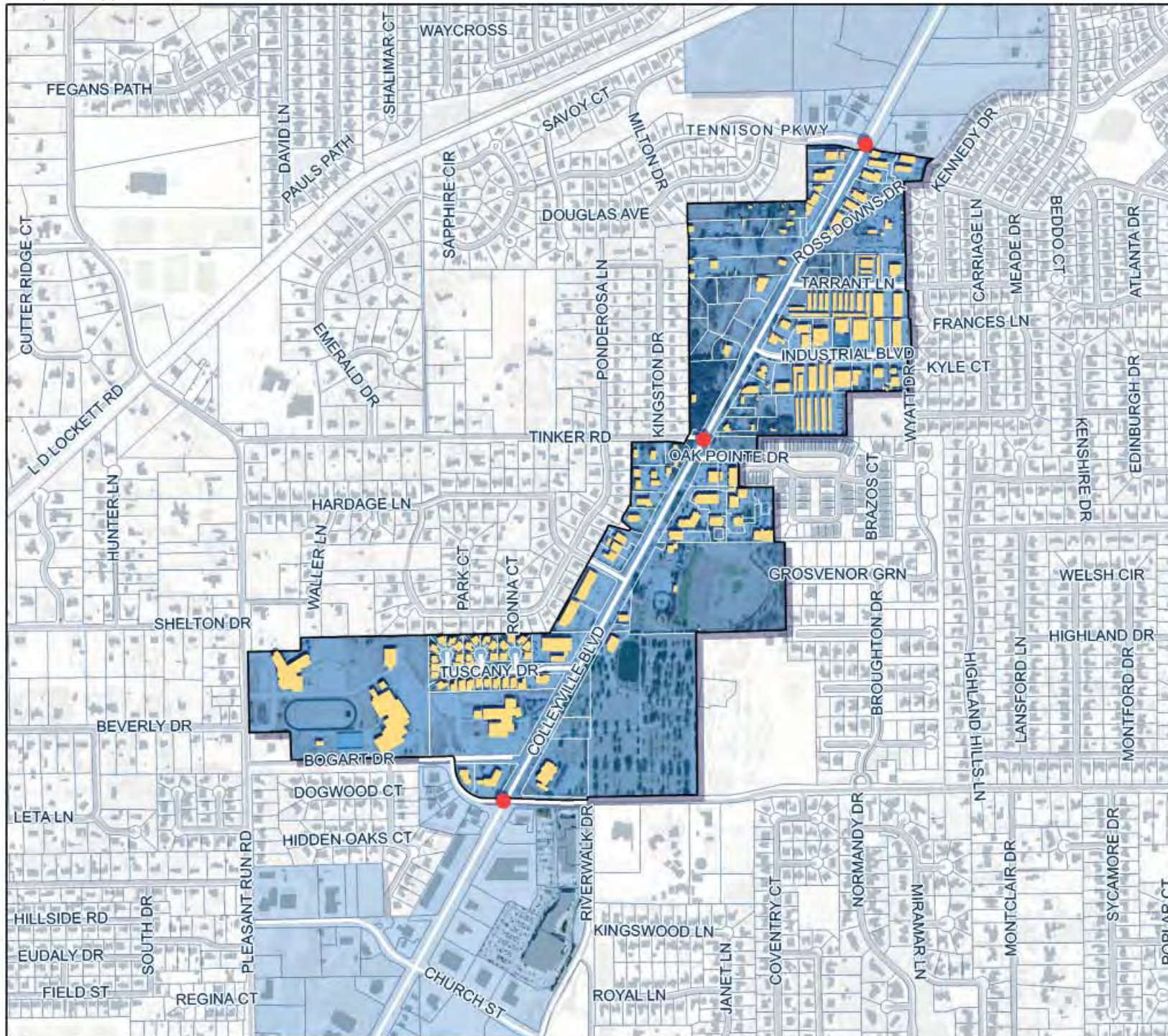
- Create a “creekwalk” environment with outdoor café-style dining by preserving the existing drainage and vegetation that separates the front third of the site from the back two-thirds.
- Promote a campus-style office park development in Area ‘C’ of the site, and preserve the existing vegetation to the extent possible (see Figure 9.8, *Desired Campus-style Development in the Northern Gateway*).

Upper Sector

- **Action 9-9: Establish specific design principles and guidelines for the Upper Sector of the Corridor based on existing context and long-term redevelopment opportunities.**

The Upper Sector of the Corridor offers a unique opportunity to create an eclectic corridor with a mix of newer buildings and older buildings that can take advantage of the City’s Facade Improvement Grant Program (see Map 9.4. *Upper Sector Context*). This area can evolve over time into a more attractive and cohesive section of the Corridor. Given that there are no major intersections, there may be limited potential for retail-focused uses in the short-term along this section of the Corridor. However, allowing some of these older, smaller, auto-service and light industrial uses to transition to flex offices, garden offices, and retail-service uses would create some redevelopment

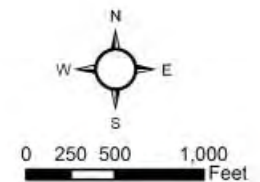
Map 9.4 Upper Sector Context



LEGEND

COLLEYVILLE BOULEVARD CORRIDOR

- UPPER SECTOR
- CITY LIMITS
- KEY INTERSECTIONS
- CITY LIMITS
- EXISTING BUILDINGS



activity in an area of the Corridor that would benefit from incremental changes to properties in order to set the Upper Sector on the right path over the long-term (10-plus years).

- Target older buildings in this Sector to take advantage of the City's Facade Improvement Grant Program.
- Partner with the property owners/business owners to improve landscaping and/or streetscaping along the Corridor in conjunction with any Facade Improvement Grant.
- In conjunction with any facade or site improvements, work with adjoining property owners to identify opportunities for cross-access easements that would provide alternative access to businesses along this section of the Corridor. The medians being constructed with TxDOT's State Highway 26 improvements will limit access to some properties which could benefit from a long-term plan to encourage cross-access from one property to the next along both sides of the Corridor. The City should promote its matching grant program for cross-access easements along the Corridor.
- Prioritize private development standards that:
 - » Limit surface parking along the Corridor to no more than one double-loaded parking aisle (angled or head-in).
 - » Screen surface parking along the Corridor with country character design elements such as open, decorative wood or metal fencing or vegetative screening.
 - » Encourage shared parking between adjoining properties with non-competing peak parking demands.

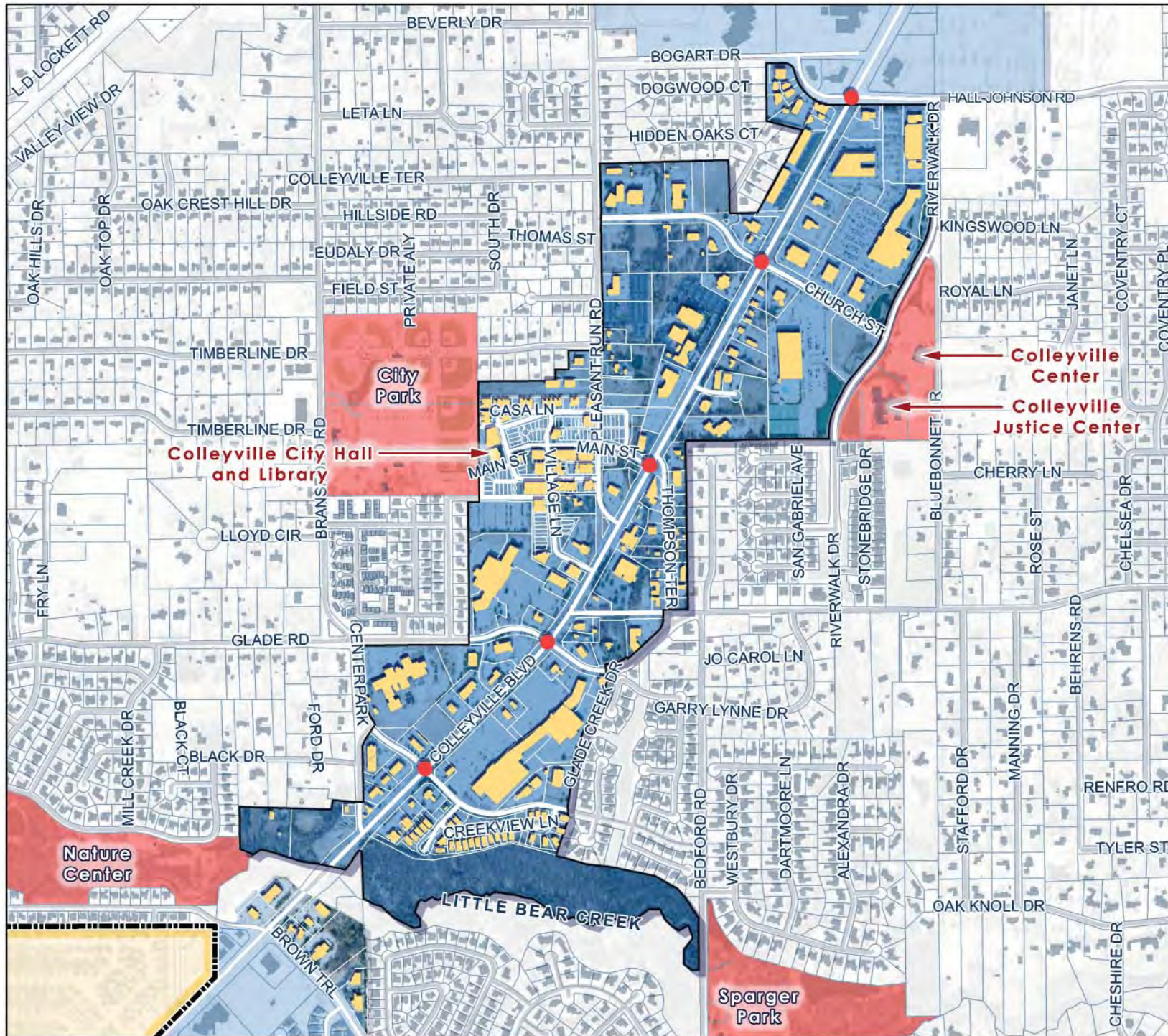
Central Sector

■ Action 9.10: Establish specific design principles and guidelines for the Central Sector of the Corridor to transform it into a true walkable, mixed commercial center for the city.

The Central Sector of the Corridor currently has the most commercial retail development and has the most potential to become a true center of activity within the city. It can be envisioned as a series of major nodes (centers) that are connected along the Corridor starting with the Colleyville Town Center at Hall-Johnson Road to the Village at Main Street and Colleyville Downs at Centerpark (see Map 9.5. *Central Sector Context*). The goal is to make each of these nodes or centers internally walkable to create more of a "park once" environment while creating a unique sense of place along the Colleyville Boulevard Corridor. To this end, there are several recommendations that are unique to this section of the Corridor (see Figure 9.9, *Desired Character in the Central Sector*, on page 144).

- As redevelopment occurs, bring buildings closer to Colleyville Corridor at key intersections (Hall-Johnson Road, Church Street, Main Street, Glade Road, Centerpark Drive, and Brown Trail) and orient buildings to anchor the corner and the east-west street connecting adjoining neighborhoods to the Corridor.

Map 9.5 Central Sector Context



LEGEND

COLLEYVILLE BOULEVARD CORRIDOR

- CENTRAL SECTOR
- CITY LIMITS
- KEY INTERSECTIONS
- CITY LIMITS
- EXISTING BUILDINGS



0 250 500 1,000
Feet



- Encourage multi-story buildings immediately adjacent to the Corridor in addition to intersection tower elements to add appropriate scale, interest, and character along the Corridor.
- Improve and unify key private development character by providing a palette of materials for the Central Sector of the Corridor. The palette of materials may include:
 - » Building materials of limestone, brick, and stone
 - » Clay tile or metal sloped roofs
 - » Native and drought tolerant landscaping
 - » Screening of parking lots with shrubs or low walls
 - » Corner building/tower elements
 - » Architectural details for buildings, emphasis of key building entrances
 - » Facade details, vertical and horizontal courses such as cornices, lintels, sills, and water courses should be used to add interest along building facades
 - » Vertical landmarks at key focal points

Figure 9.9. Desired Character in the Central Sector

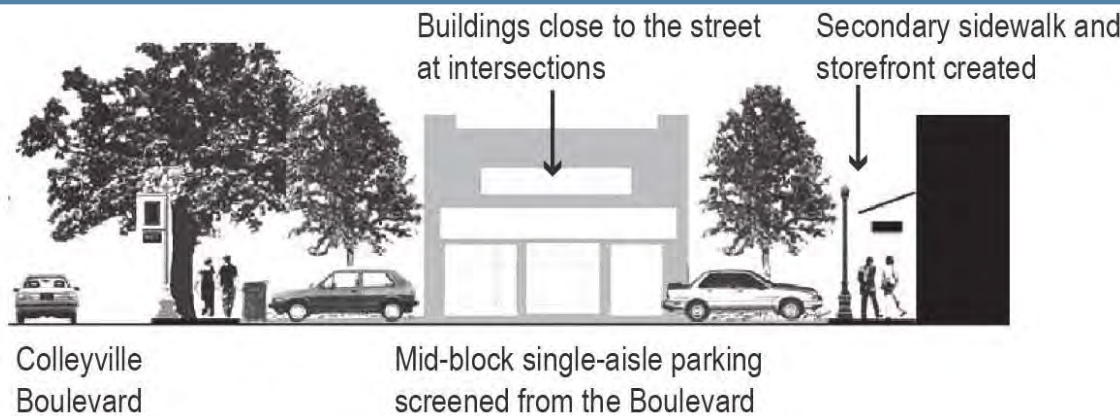


Storefronts, corner elements, streetscape treatments, sidewalk cafes, and building materials are all desired architectural treatments of key facade elements in the Central Sector of the Colleyville Boulevard District.

- Create a “hybrid” street frontage context along Colleyville Corridor where some buildings (at street intersections) are closer to the Corridor and mid-block buildings are set back with a secondary sidewalk context created along the storefronts (see Figure 9.10, *Illustrative Concept of Desired Development Frontage Along Colleyville Corridor*, and Figure 9.11, *Desired Development Along the Frontage of Colleyville Corridor*).
- Manage off-street parking to create a “park-once” environment:
 - » Limit surface parking along the Corridor to mid-block locations and to no more than one double-loaded parking aisle (angled or head-in).
 - » Encourage shared parking between adjoining properties with non-competing peak parking demands.
 - » Encourage parking management strategies, including parking time limits and valet parking at peak demand periods.
 - » Establish a blended parking ratio for all commercial uses in order to allow uses to change over time based on market preferences without being burdened by use-based parking ratios.
 - » Treat mid-block locations with surface parking along the Corridor frontage with street screens of shrubs or low masonry walls or open fencing in addition to a double row of trees to create a de-facto “street wall” along the Corridor.
 - » When justified by market demand, structured parking should be considered long-term to allow for greater intensity of commercial development as land values and rents rise based on market momentum. Given three major centers along the Central Sector of the Corridor, three possible locations for parking garages

PARK ONCE DISTRICT

Park once districts are areas where people may drive to a single destination park one time and then walk within that area to different businesses such as a bank, a doctor’s office, or stopping for lunch and doing some shopping. Many trips but only one parking space. This is sometimes called a “park once” district, because people are encouraged to park in one place and then make stops on foot rather than driving from one destination to another within the district.



Conceptual sketch showing desired development frontage along Colleyville Boulevard.

Figure 9.10. Illustrative Concept of Desired Development Frontage Along Colleyville Boulevard

should be explored. Special attention should be given to the design of parking garages to avoid plain facades with views of parked cars from adjoining properties and rights-of-ways. Facade details, vertical and horizontal courses such as cornices, lintels, sills, and water courses should be used to add interest along parking garage facades. To the extent possible, parking garages should be located behind principal structures to limit views from the Corridor and should not be located next to any existing residential neighborhoods. In addition, where feasible, ground floors of parking garages should accommodate commercial uses.

- Encourage increased walking and bicycling to the Corridor by improving pedestrian and trail connections to adjoining neighborhoods along the major east-west streets (Hall-Johnson Road, Church Street, Main Street, Glade Road, Centerpark Drive, and Brown Trail) from the Corridor.
- Large shopping centers should be encouraged to have a block organization that creates an interconnected system of internal “streets” with sidewalks and continuity of storefront experience (see Figure 9.13. *Illustrative Desired Block Organization*). Some of the key elements are:
 - » Anchor and pad tenants have ample visibility from the Corridor.
 - » Buildings are located along the street edge, especially at street intersections, and the majority of parking is located in the interior of the site.
 - » Block pattern should be designed in a manner as to evolve to be more pedestrian-friendly and walkable.
 - » Incorporate small public spaces or areas for sidewalk cafes.
 - » Interconnected driveways and walkways to create a park-once environment.

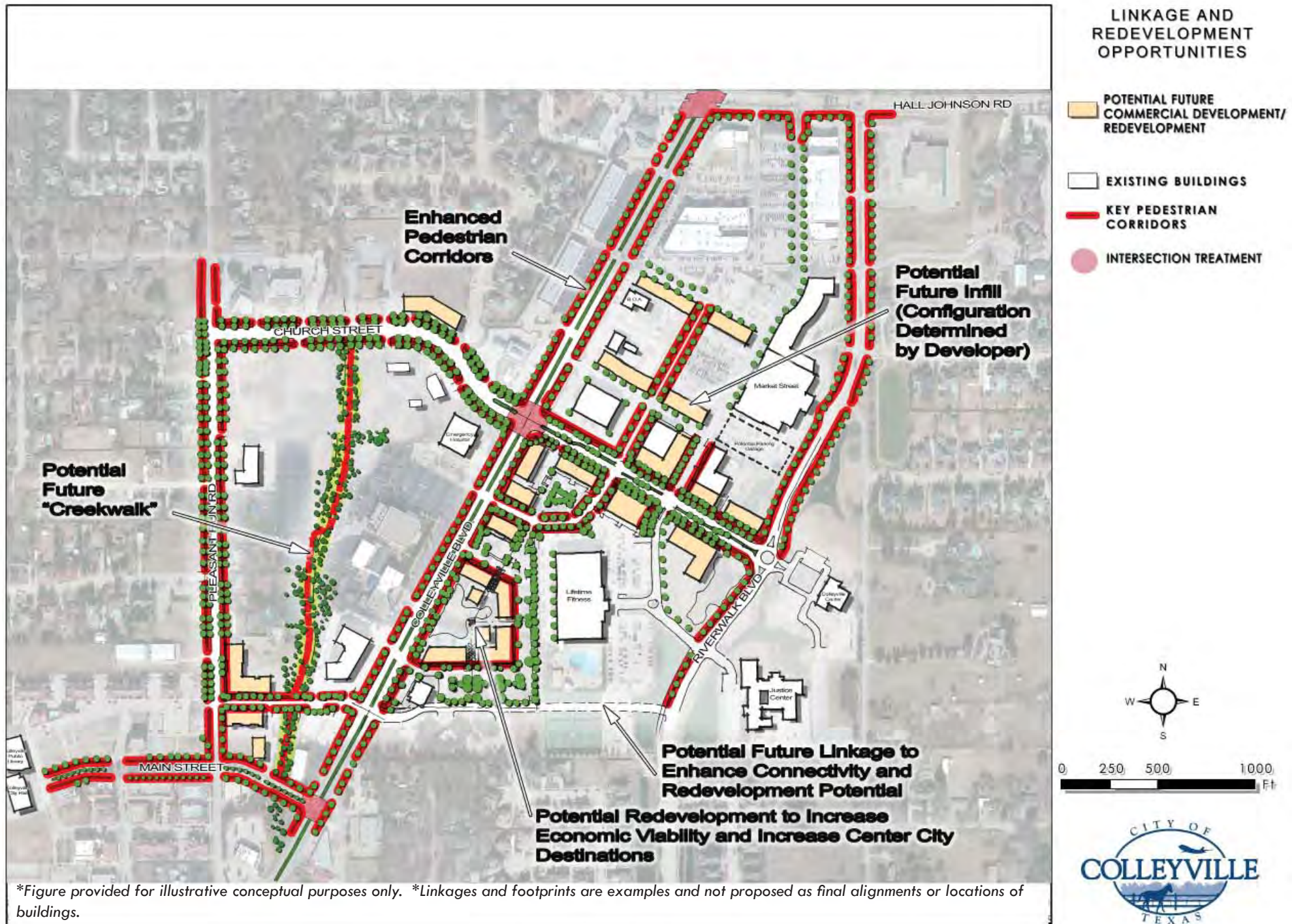
Figure 9.12, *Opportunities for Linkage and Redevelopment in the Core Area of the City* on the following page illustrates how infill development and future streetscape efforts can link key areas within the Central Sector of the Corridor into a more walkable environment.

Figure 9.11. Desired Development Along the Frontage of Colleyville Boulevard



Images showing the desired frontage in the Central Sector.

Figure 9.12, Opportunities for Linkage and Redevelopment in the Central Sector of the Corridor*



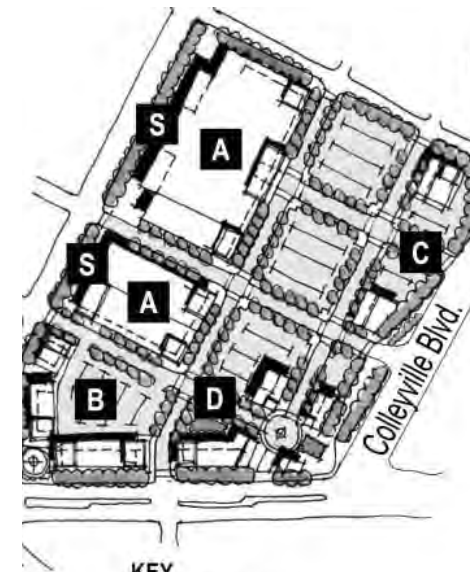
*Figure provided for illustrative conceptual purposes only. *Linkages and footprints are examples and not proposed as final alignments or locations of buildings.

Southern Gateway ■ Action 9-11: Establish specific design principles and guidelines for the Southern Gateway based on market and long-term redevelopment opportunities.

The Southern Gateway is currently ambiguous and is mostly a series of small lots with auto-service uses in old metal buildings and non-updated uses and structures (see Map 9.6. *Southern Gateway Context*). This location has the benefit of proximity to the Central Sector of the Corridor, but has the challenges due to existing development, multiple property ownership, floodplain proximity, and neighborhood adjacencies. The goals are to create a more memorable entry point to the city and elevate the quality of development. This can be done either by a lot by lot and building by building redevelopment that takes advantage of the City's Facade Improvement Grant Program or a property agglomeration under a master developer with a complete redevelopment. Some of the key goals for the Southern Gateway include:

- Target older buildings in this section of the Corridor to take advantage of the City's Facade Improvement Grant program.
- Partner with the property owners/business owners to improve landscaping and/or streetscaping along the Corridor in conjunction with any Facade Improvement Grant.
- In conjunction with any facade or site improvements, work with adjoining property owners to identify opportunities for cross access easements that would provide alternative access to businesses along this section of the Corridor.
- Prioritize private development standards that:
 - » Limit surface parking along the Corridor to no more than one double-loaded parking aisle (angled or head-in).
 - » Screen surface parking along the Corridor with country character design elements such as open, decorative wood or metal fencing or vegetative screening.

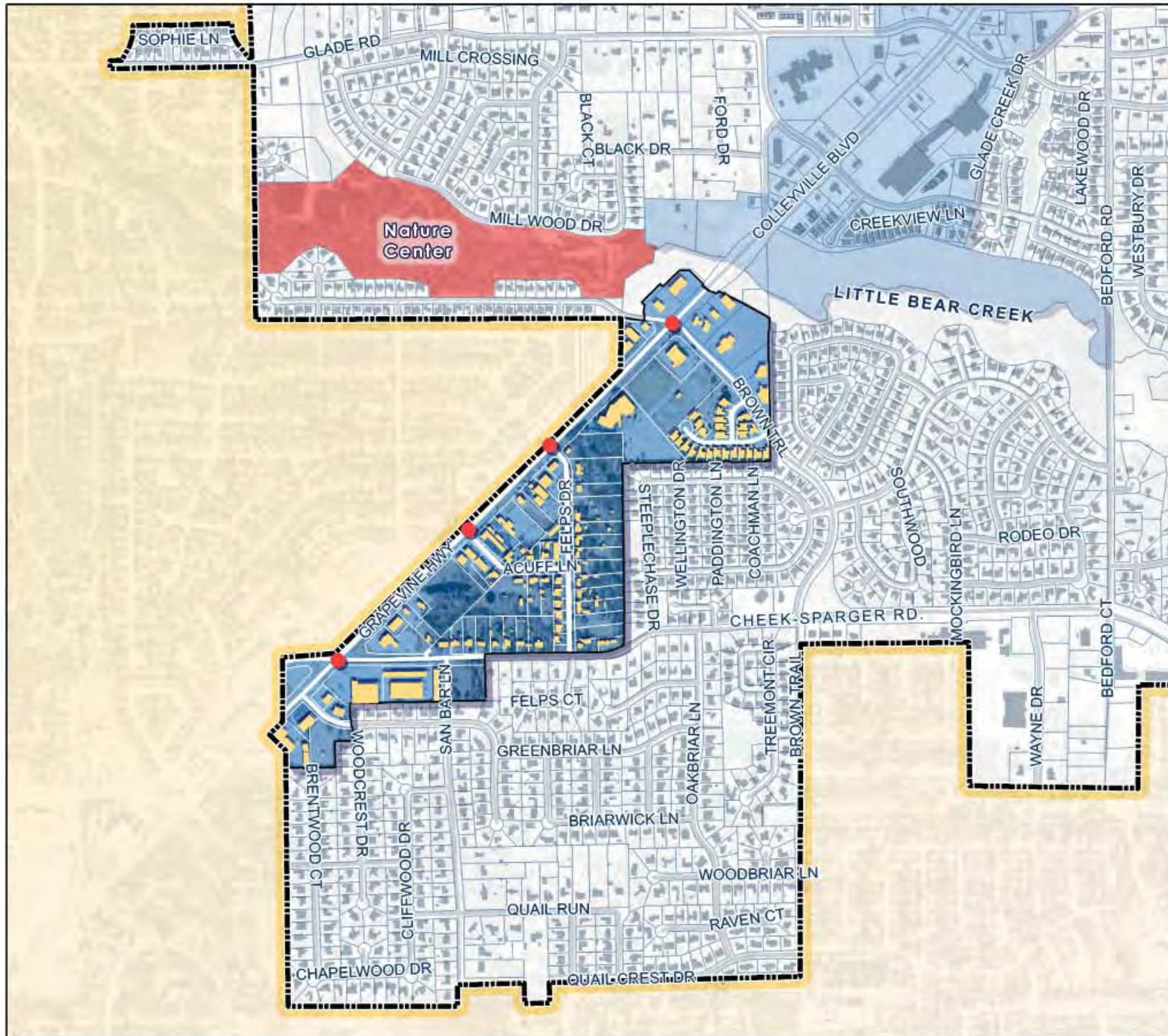
Figure 9.13. Illustrative Desired Block Organization



KEY

- A. Anchor Stores
- B. In-line Shops
- C. Commercial Pads
- D. Open Space/Public Art
- S. Service/Loading Docks

Illustrative concept showing desired block organization for large shopping centers to improve internal walkability.



LEGEND

COLLEYVILLE BOULEVARD CORRIDOR

SOUTHERN GATEWAY

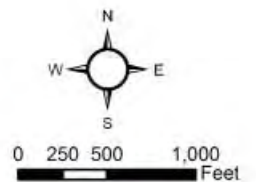
CITY LIMITS

KEY INTERSECTIONS

CITY LIMITS

KEY INTERSECTIONS

EXISTING BUILDINGS



- » Encourage shared parking between adjoining properties with non-competing peak parking demands.
- » Encourage transitioning of auto-service uses to office or retail-service uses.
- If a long-term wholesale redevelopment of this section of the Corridor can be either coordinated with the multiple property owners or master developer, development concepts similar to the Northern Gateway could be explored.

■ **Action 9-12: Evaluate an increase in funding for the Façade Improvement Grants Program for properties within the Colleyville Boulevard Corridor, but also consider making the program for landscaping and other improvements that could help achieve the vision for the Corridor.**

- Evaluate the potential to target specific areas such as properties in the Southern Gateway and Upper Sector to encourage redevelopment that is more consistent with the vision for the Corridor.
- Ensure that with the Facade Improvement Grant, other streetscape and site improvements that are feasible and make the properties come closer into compliance with the vision are also encouraged.

■ **Action 9-13: Complete the northern and southern gateway features, either in conjunction with Colleyville Corridor street improvements or with private development.**

- Partner with TxDOT or with developers to create stand-alone or development coordinated entry signage that could include monument sign, public art, bridge improvements (over Big Bear and/or Little Bear Creek), landscaping, or a combination of similar elements.

Precinct Line Road

Policy: Develop a unique set of standards for Precinct Line Road that can set it apart from other communities and create a unique commercial corridor

Distinct from the Colleyville Corridor is the Precinct Line Corridor. It runs along the western edge of the city and is a major north-south regional arterial that links the cities of Southlake, Keller, North Richland Hills, and Hurst to SH 121, Loop 820, and SH 183. Its current cross section is a seven-lane undivided roadway with a two-way continuous left turn lane. The west side of corridor is in North Richland Hills and the east side of the corridor is in Colleyville. The corridor is mostly residential with key intersections of modest neighborhood-oriented commercial.

- **Action 9.14: Focus on attracting sales-tax generating uses at intersections and professional or medical office uses at mid-block locations.**

There are several vacant parcels along this corridor and these represent some additional remaining opportunities for sales tax-generating development in Colleyville. The challenge, however, is the significant retail node located at the intersection of Davis Corridor (FM 1938) and Precinct Line Road just north of the city limits. There are opportunities for modestly scaled neighborhood-oriented retail at key intersections with office and/or retail service uses at mid-block locations.

- **Action 9.15: Encourage the coordination of commercial signage, landscaping, and building design to create a cohesive design aesthetic for the Precinct Line Corridor.**

While enhancing the appearance of the Colleyville Corridor is of high importance, it is also important to improve the appearance of Precinct Line Road. This could include improved landscaping, sign controls, building materials, among other amendments to the City's Land Development Code and could include standards that are similar to those applied to the Colleyville Boulevard Corridor in many respects.

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CHAPTER 10 – IMPLEMENTATION & NEXT STEPS

Introduction

Implementation is a critical part of any plan's success. While preceding chapters of *Destination Colleyville* discuss how to achieve the desired vision and goals for the future of Colleyville, successful implementation requires a well-planned strategy. The strategy for *Destination Colleyville* identifies methods for strengthening execution of the recommendations through an alignment of the city's regulatory framework, funding priorities, and incentive policy.

Specifically, this section makes several recommendations for improvements both in the public realm and for private development. This section establishes community priorities and potential funding sources. This section also lists recommended zoning and design standards needed to implement key elements of the vision in a manner that is consistent with the plan's vision.

The implementation strategy is organized into the following six components:

1. Regulatory Framework
2. Identify and fund catalyst projects;
3. Targeted use of public investments;
4. Establish prioritization;
5. Continue to seek partnerships; and
6. Monitor progress.

1. Regulatory Framework

A strong vision developed by the community cannot be realized without an alignment with the regulatory tools in the LDC. This alignment will build on market momentum for quality development, provide for market predictability, and give City staff and elected and

Figure 10.1. Implementation Tools

It is oftentimes said that planning is the easy part while implementation is the hard part. Accordingly, it will take a lot of hard work and initiative to successfully implement the vision of *Destination Colleyville*. As detailed in this plan, the goals and actions will be achieved using the following types of implementation tools:



Council adopted policies and regulations.



Fiscal prudence and transparency.



Changes in operations and new programs.



Capital improvement projects.



Strategic partnerships, collaboration and teamwork.



Updates and determination of the following year's "to do" list.

appointed officials a rational method for sustained implementation.

A summary assessment of the existing regulatory structure is included in Appendix B. Based on the issues identified in that assessment and the Vision for the Colleyville Boulevard Corridor the following section lays out the recommended regulatory framework.

PROPOSED REGULATORY FRAMEWORK

The first set of recommendations are overarching for the whole city (shown in Table 10.1 *Overarching Zoning Recommendations* on the next page). Table 10.2, *Proposed Colleyville Boulevard Corridor Regulatory Framework*) beginning on this page, summarizes the

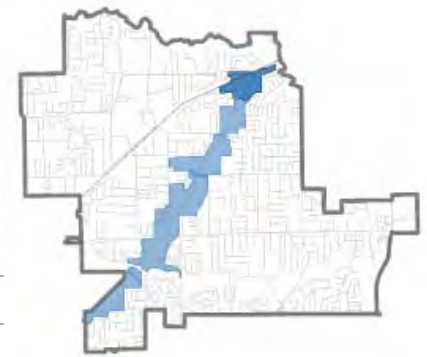
desired standards and framework for converting each of the Colleyville Boulevard Corridor Sectors into more walkable and memorable zones.

Table 10.1. Overarching Zoning Recommendations

Land Use Designation	Recommended Zoning Tool	Recommended Implementation Priority
Residential	■ Maintain maximum density target of 1.8 dwelling units per gross acre. ■ Revise the PUD-R development standards to establish rural frontage standards along certain key roadways such as John McCain Road, Pleasant Run Road, Bransford Road, and Westcoat Drive. ■ Revise PUD-R standards to require appropriate transitions and quality open space. More specifically, establish design and performance criteria for open space to maximize value creation, tree preservation, preservation of rural frontage along key roadways, etc.	City Initiated
Commercial	■ Streamline all commercial design standards into one section of the LDC. ■ Include all elements of building and site design in the same section. ■ Create corresponding public realm and streetscape standards to complement the private realm standards. ■ Revise PUD standards to address appropriate design context for mixing of residential and commercial uses in the same PUD.	City Initiated
Colleyville Boulevard Corridor	■ Create an integrated regulatory tool (through a Corridor Zoning District or similar tool) to achieve a mix of commercial uses, appropriate transitions and buffers, and desired character that is tailored to the four different sections of the Boulevard as described in the vision -- the Northern Gateway, Upper Sector, Central Sector, and Southern Gateway (see Table 10.2, <i>Proposed Colleyville Boulevard Corridor Regulatory Framework</i> for more detail). ■ Establish appropriate urban design standards associated with each sector including building design, site design and orientation, mix of use, signage, and civic/open space standards with pedestrian-oriented design elements, specifically in the Central Sector. ■ Establish public and private street design standards that are consistent with the different sectors and vision for the Corridor.	City Initiated

Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework

Corridor Sector	Northern Gateway
Purpose & Intent	■ Intended to create a new development node at this northern entry point to the city. ■ Take advantage of the significant vacant/undeveloped property and key location. ■ Create significant value by allowing greater building massing and intensity while preserving the natural assets of the site. ■ Mix of commercial (retail, restaurants, corporate and professional office - mainly sales-tax generating uses) envisioned on both sides of the Gateway. ■ Implementing a coordinated streetscape creates a strong and appealing image at this entry point into Colleyville.
Location	■ From Big Bear Creek (northern city limits) to Tension Parkway
Land Uses	■ Commercial (office, retail) on any floor (emphasis on sustained sales tax-generating uses with direct frontage on Colleyville Boulevard. ■ Corporate office anchor potential behind the Boulevard frontage on the western site. ■ Commercial frontage (ground floor built to commercial code standards) required along Colleyville Boulevard frontage. ■ Some residential uses (single-family, live-work) may be permitted on the western site as a transition to the existing neighborhood through the R-PUD process. ■ Garden office uses may also be permitted as a transition to the adjacent existing neighborhoods. ■ No drive-thru, gasoline sales and service, or auto-related sales and service permitted.
Building Placement and Development Standards	
Building Heights	■ Multiple-story buildings along the Corridor and transitioning down two (2) stories maximum next to existing neighborhoods.
Building/Parking Placement	■ Encourage the creation of a quasi-pedestrian block structure internal to the site with key private streets as pedestrian-oriented streets. ■ Require joint/cross access easements between adjoining developments. ■ Require new buildings to be built at or close to major street intersections and along key pedestrian-oriented streets. ■ Off-street parking limited to a single parking aisle with two rows of head-in angled or perpendicular parking between the building and Colleyville Boulevard.
Building Frontage	■ A minimum amount of the lot frontage (approx. 60% - 75%) along Colleyville Boulevard to be occupied by buildings ■ Create a secondary street frontage with streetscape treatment (street trees/shade and minimum 10-foot wide sidewalks) along the storefronts behind the parking row along Colleyville Boulevard.



Map 10.1, Northern Gateway Key Map

Map 10.1, Northern Gateway Key Map

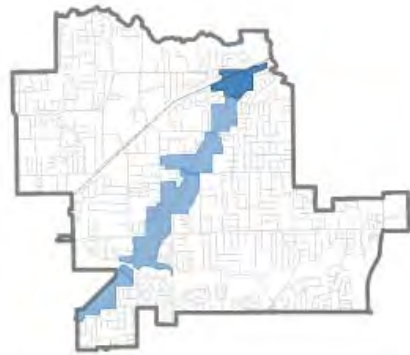


Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Northern Gateway (con't)
Off-Street Parking Strategy	- Shared parking permitted; shared parking agreements may be needed. - Location of parking – limit parking between buildings and right-of-way of SH 26 to a single aisle (double row, head-in, parallel, or angled); bulk of surface parking located behind the building or middle of blocks. - Joint access easements between one property and adjacent properties encouraged.
Residential Transition Requirements	- Building heights limited to two (2) stories within 50 feet of single-family residential zoning (1:1 height transition). - Keep existing vegetation or enhance vegetative buffer between existing residential zoning and new development. - Min. eight-foot high masonry or similar fence with 15-foot landscape buffer. - Loading/unloading, dumpsters, or service areas are not permitted directly adjacent to existing neighborhoods.
Building Design Elements	
Building Orientation and Entrances	Buildings to be oriented towards Colleyville Boulevard at key intersections (John McCain Road) and pedestrian-oriented internal streets with at least one primary pedestrian entrance such as an internal street.
Roof Forms	Simple flat roofs with parapet with sloping roof accents (corners, towers, awnings, etc.).
Minimum Facade Transparency	- Establish a minimum requirement for doors and windows along Colleyville Boulevard and key internal pedestrian-oriented street-facing facades (70% - 40% for ground floors and 50% - 25% for upper floors). - Limit large expanses of blank walls.
Facade Design	- Base, middle, and top articulation. - Horizontal rhythm (20'-30'): Shall be the repetition of certain vertical elements on a building facade to establish a pedestrian scale along the street front. This rhythm may be expressed by changing materials or color, by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building facade. - Encourage corporate office campus/building design. - Design standards for parking garages should be established.
Building Materials	- Convey the impression of permanence and stability. - Generally masonry or comparable for Colleyville Boulevard and key internal pedestrian-oriented street facades.

Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Northern Gateway (con't)
Streetscape & Landscape Elements	■ Screen surface parking from roadway with three-foot high vegetative or open rural type fencing (wood or metal) screen along Colleyville Boulevard. ■ Strong internal walkability between uses along internal “streets” with consistent streetscape elements –sidewalks, lighting, and street trees. ■ Consistent and similar tree planting, street screens, and strong vertical monument features (integrated with development signage) on either side of Colleyville Boulevard to create a “Gateway” effect.

Representative character for corporate office campus areas within the Northern Gateway Sub-Area



Map 10.2, Upper Sector Key Map



Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Upper Sector
Purpose & Intent	Intended to allow for a long-term transition from its current smaller scale auto-service and industrial character to an eclectic mix of services, retail, office, and innovative commercial uses.
Location	From the intersection of Tennison Parkway south to north of Hall-Johnson Road.
Land Uses	- Mix of services, retail, office, and commercial uses with direct frontage on Colleyville Boulevard. - Some auto-related sales and service uses are allowed in this area (if they are existing), as well as outdoor nursery sales. - Transition to office and medical/high-tech assembly and innovation uses. - No residential uses are envisioned in this area. - Preference for sales-tax generating uses at signalized intersections.
Building Placement and Development Standards	
Building Heights	Multiple story buildings with appropriate transitions to any adjacent neighborhoods
Building/Parking Placement	- Off-street parking limited to a single parking aisle with two rows of head-in angled or perpendicular parking between the building and Colleyville Boulevard. - Joint access easements between one property and adjacent properties encouraged; together with consolidation of driveways and access management.
Building Frontage	A minimum amount of the lot frontage (approx. 50%) along Colleyville Boulevard to be occupied by buildings.
Off-Street Parking Strategy	Shared parking permitted; shared parking agreements may be needed.
Residential Transition Requirements	- Keep existing vegetation or enhance vegetative buffer between existing residential zoning and new development. - Min. eight-foot high masonry or similar fence with 15-foot landscape buffer. - Screen or limit frontage of loading/unloading or service areas that are next to existing neighborhoods.

Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Upper Sector
Building Design Elements	
Building Orientation and Entrances	Buildings to be oriented towards Colleyville Boulevard with main entrances off Colleyville Boulevard
Roof Forms	Simple flat roofs with parapet with sloping roof accents (corners, towers, awnings, etc.) or sloping roofs (for smaller building footprints < 6,000 sq.ft.)
Minimum Facade Transparency	Limit large expanses of blank walls
Facade Design	- Horizontal rhythm (20'-30'): Shall be the repetition of certain vertical elements on a building facade to establish a pedestrian scale along the street front. This rhythm may be expressed by changing materials or color, by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building facade. - Allow flexibility to encourage adaptive reuse of existing metal buildings with upgraded facades that meet the intent of this section
Building Materials	Allow more flexibility for conversions of existing metal buildings with updated facades using architectural metal, masonry, or similar combination of cladding materials
Streetscape & Landscape Elements	- Screen surface parking from roadway with three-foot high vegetative or masonry street screen along Colleyville Boulevard. - Streetscape and street lighting elements may be more functional/utilitarian than decorative or stylistic compared to the Northern Gateway and Central Sector.

Representative images of desired development character in the Upper Sector of the Colleyville Boulevard Corridor



Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)



Corridor Sector	Central Sector
Purpose & Intent	- Envisioned as the core of the Colleyville Boulevard Corridor that is walkable and vibrant especially walkable from neighborhoods adjoining the Corridor. - Focus of the highest intensity of retail, dining, and entertainment uses within a compact, linear corridor. - Higher non-residential intensities are encouraged, made feasible by supplemental structured parking.
Location	From north of Hall-Johnson Road to the intersection of Brown Trail.
Land Uses	- Emphasis on retail, dining, and entertainment uses, but supplemental service uses are also encouraged. - Auto-related sales and service uses are not permitted. - Limit location and establish design standards for drive-thru facilities. - No new residential uses are envisioned in this area. - Sales-tax generating uses are encouraged throughout this Sector.
Building Placement and Development Standards	
Building Heights	- Multiple-story buildings along the Boulevard and transitioning down two (2) stories next to existing neighborhoods. - Buildings at key street intersections (Hall-Johnson Road, Glade Road, Centerpark Drive, and Brown trail) should incorporate tower elements to create interest and sense of arrival.
Building/Parking Placement	- Encourage the creation of a quasi-pedestrian block structure internal to the site with key private streets as pedestrian-oriented streets. - Require new buildings or additions to existing buildings to be built at or close to major street intersections and along the key pedestrian-oriented streets (major east-west streets and internal streets). - Off-street parking limited to a single parking aisle with two rows of head-in angled or perpendicular parking between the building and Colleyville Boulevard.
Building Frontage	- A minimum amount of the lot frontage (approx. 60% - 75%) along Colleyville Boulevard to be occupied by buildings and along the major east-west streets (Hall-Johnson Road, Glade Road, Centerpark Drive, etc.) - Create a secondary street frontage with streetscape treatment (street trees/shade and min. 10-foot wide sidewalks) along the storefronts behind the parking row along Colleyville Boulevard. - Incorporate sidewalk cafes, plaza, and active open spaces to create more vibrancy along the street edge

Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Central Sector (con't)
Off-Street Parking Strategy	■ Establish the same off-street parking ratio (One (1) space per 275 - 300 sq.ft.) for all commercial uses in order to facilitate a long-term market-based transition of uses. ■ Joint access easements between one property and adjacent properties encouraged; together with consolidation of driveways and access management. ■ Shared parking permitted; shared parking agreements may be needed. ■ Location of parking – limit parking between buildings and right-of-way of SH 26 to a single aisle; bulk of surface parking located behind the building or middle of blocks. ■ Encourage a consolidated, structured parking strategy for key locations within the Central Sector.
Residential Transition Requirements	■ Building heights limited to two (2) stories within 50 feet of single-family residential zoning (1:2 height transition). ■ Min. eight-foot high masonry or similar fence with 15-foot landscape buffer. ■ Screen or limit frontage of loading/unloading or service areas that are next to existing neighborhoods.
Building Design Elements	
Building Orientation and Entrances	■ Buildings to be oriented towards Colleyville Boulevard at key intersections and east-west streets (Hall-Johnson Road, Glade Road, Centerpark Drive, etc.) and pedestrian-oriented internal streets with at least one primary pedestrian entrance such as an internal street.
Roof Forms	■ Simple flat roofs with parapet with sloping roof accents (corners, towers, awnings, etc.).
Minimum Facade Transparency	■ Establish a minimum requirement for doors and windows along Colleyville Boulevard, key east-west streets, and key internal pedestrian-oriented streets (60% - 40% for ground floors and 50% - 25% for upper floors).
Facade Design	■ Base, middle, and top articulation. ■ Horizontal rhythm (20'-30'): Shall be the repetition of certain vertical elements on a building facade to establish a pedestrian scale along the street front. This rhythm may be expressed by changing materials or color, by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building facade. ■ Design standards for parking garages should be established.
Building Materials	■ Convey the impression of permanence and stability. ■ Generally masonry or comparable for Colleyville Boulevard facades, east-west street facades, and key internal pedestrian-oriented street facades.

Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)



Corridor Sector	Central Sector (con't)
Streetscape & Landscape Elements	■ Screen surface parking from roadway with three-foot high vegetative or masonry street screen along Colleyville Boulevard. ■ Strong internal walkability between uses along key internal “streets” with consistent streetscape elements –sidewalks and street trees. ■ A higher standard of streetscape treatment with street trees, street lighting, signage, etc., should be created for Colleyville Boulevard. ■ Street trees and decorative lighting set this sub-district apart from other sub-districts.

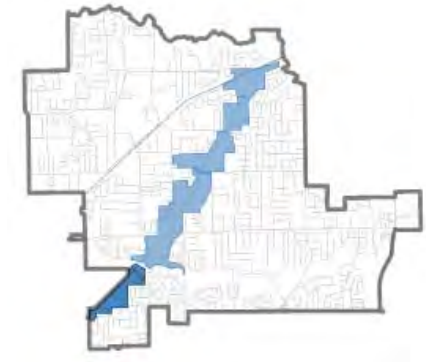
Representative image of desired development character in the Central Sector of the Colleyville Boulevard Corridor



Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Map 10.4, Southern Gateway Key Map

Corridor Sector	Southern Gateway
Purpose & Intent	- Intended to allow for a long-term transition from its current smaller scale auto-service and industrial character to an eclectic mix of services, retail, office, and innovative commercial uses (if redeveloped one lot at a time). - Allow flexibility for a coordinated master planned approach with greater intensity and mix of commercial uses to create a “Southern Gateway” into the city.
Location	From Brown Trail to the southern limits of the city at Cheek-Sparger Road
Land Uses	- Mix of services, retail, office, and commercial uses with direct frontage on Colleyville Boulevard. - Short-term, existing uses should be allowed to transition to office and medical/high-tech assembly uses and long-term to more retail uses. - No residential uses are envisioned in this area. - Preference for sales-tax generating uses at Brown Trail and Cheek-Sparger Road intersections.
Building Placement and Development Standards	
Building Heights	- Multiple-story buildings along the Boulevard and transitioning down to two (2) stories next to existing neighborhoods (if master planned in a coordinated manner). - Two (2) stories (max.) if each property is redeveloped independently.
Building/Parking Placement	- Off-street parking limited to a single parking aisle with two rows of head-in angled or perpendicular parking between the building and Colleyville Boulevard. - Joint access easements between one property and adjacent properties encouraged; together with consolidation of driveways and access management. - If all properties are master planned in combination, allow for greater intensity of non-residential development with a quasi-pedestrian block structure internal to the site with key private streets as pedestrian-oriented streets. - Require new buildings to be built at or close to major street intersections (Brown Trail and Cheek-Sparger Road) and along any new internal pedestrian-oriented streets.
Building Frontage	A minimum amount of the lot frontage (approx. 50%) along Colleyville Boulevard to be occupied by buildings.
Off-Street Parking Strategy	- Shared parking permitted; shared parking agreements may be needed. - Location of parking – limit parking between buildings and right-of-way of SH 26 to a single aisle; bulk of surface parking located behind the building or middle of blocks



Map 10.4, Southern Gateway Key Map

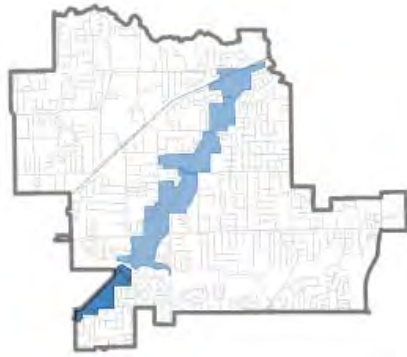


Table 10.2. Proposed Colleyville Boulevard Corridor Regulatory Framework (con't.)

Corridor Sector	Southern Gateway (con't)
Residential Transition Requirements	- Keep existing vegetation or enhance vegetative buffer between existing residential zoning and new development. - Min. eight-foot high masonry or similar fence with 15-foot landscape buffer. - Screen or limit frontage of loading/unloading or service areas that are next to existing neighborhoods.
Building Design Elements	
Building Orientation and Entrances	Buildings to be oriented towards Colleyville Boulevard with main entrances off Colleyville Boulevard.
Roof Forms	Simple flat roofs with parapet with sloping roof accents (corners, towers, awnings, etc.) or sloping roofs (for smaller building footprints < 6,000 sq.ft.).
Minimum Facade Transparency	Limit large expanses of blank walls.
Facade Design	- Horizontal rhythm (20'-30'): Shall be the repetition of certain vertical elements on a building facade to establish a pedestrian scale along the street front. This rhythm may be expressed by changing materials or color, by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building facade. - Allow flexibility to encourage adaptive reuse of existing metal buildings with upgraded facades that meet the intent of this section.
Building Materials	Allow more flexibility for conversions of existing metal buildings with updated facades using architectural metal, masonry, or similar combination of cladding materials.
Streetscape & Landscape Elements	- Screen surface parking from roadway with three-foot high vegetative or masonry street screen along Colleyville Boulevard. - Streetscape and street lighting elements may be more functional/utilitarian than decorative or stylistic compared to the Northern Gateway and Central Colleyville sub-districts.

Representative images of desired development character in the Southern Gateway



2. Identify and Fund Catalytic Projects

Certain key catalyst projects or redevelopment targets (such as the Northern Gateway area) are noted in this plan. Whether noted here or determined in the future, these catalyst projects, located in key high visibility or high impact areas, are chosen since they should have a ripple effect and help transform the areas around them. An example might be a specific targeted residence or business at a key intersection near one of the identified districts, which could spur reinvestment and redevelopment throughout the area. Another example might be the long-term development of a connector trail from Sparger Park, under Colleyville Boulevard, to the Colleyville Nature Center, to be evaluated for implementation only when that section of the Corridor is reconstructed. This would provide key connectivity between neighborhoods on the east and west sides of town. Catalyst projects should be chosen because of their ability to have the greatest influence on a larger area around them and the willingness/availability of a private development partner.

3. Targeted Use of Public Investments

The Importance of Public Investment. Investment is risky, particularly in the economic climate we live in today. Before private investment occurs, it needs to be reassured of the future conditions and status of an area. Public investment not only creates a more appealing environment to generate private investment, but it also demonstrates to private investors the level of attention that City leaders and staff are paying to key community issues.

All the projects cannot be funded through any one public funding source and neither is it appropriate to do so. Instead, different “buckets” of dollars should be identified that are appropriate for different types of improvements based on the scale and impact of the improvements. Different local government funding sources may be available for the funding of needed infrastructure to implement *Destination Colleyville*. In some cases, when an associated private development project is of a considerable size, some of the identified public improvements could be combined with private investment. However, along Colleyville Boulevard, there is an immediate opportunity to coordinate with TxDOT and major property owners to implement the streetscape and public realm improvements identified in this plan. For other projects, there needs to be a commensurate fit between the scale of the improvements and the funding source used to finance it. Based on such a categorization, the improvements needed to implement the vision can be categorized under two major classes:

- a. **Common infrastructure.** Any major regional-scale public infrastructure project such as regional drainage or major reconstruction of city streets that provides city-wide benefits. Funding for such projects could be from bond funding or currently authorized capital improvement program funds given the larger scale and city-wide impact of such projects.
- b. **Project specific improvements (includes enhancements, beautification, and landscaping).** Offering project-specific or more traditional incentives to a specific development project including funding of public infrastructure benefitting specific properties or blocks, specifically along Colleyville Boulevard.

This could include reimbursements to developers or property owners through the TIRZ, City's Facade Improvement Grant Program, or "Chapter 380" Economic Development Agreements for public improvements.

Public funding dollars are limited, and therefore need to be targeted to where they can provide the greatest benefits. The following types of investments are appropriate uses of public funding.

- **Economic benefit to the citizens of Colleyville.**
First and foremost, public dollars should help catalyze revenue enhancement for a sustainable Colleyville.
- **Maintenance/improvements to city infrastructure.**
City infrastructure should be maintained at a superior level, and where large expenditures are required, these funds should target those upgrades.
- **Elements that improve quality of life.** Actions that make Colleyville an attractive place to live, and that attract others to the city, should be prioritized.
- **Elements that facilitate investment in Colleyville.**
Colleyville should be viewed as an attractive place to invest in, and actions that reinforce that notion should be prioritized. In particular, code changes that facilitate creative reinvestment in the heart of Colleyville should be heavily prioritized.
- **Actions that leverage other funding resources.**
Expenditures that help bring other external funding resources to the table, such as grants or private investment, should be actively pursued.

- **Actions that use and leverage existing City resources or City-owned lands.** These actions take under-utilized City resources and re-use them for better economic return on investment.

4. Establish Prioritization

There are many recommendations and actions to address a variety of needs in the city included in *Destination Colleyville*. While all are important, some actions may be more immediate in nature and require faster implementation, while others can be accomplished over a longer period of time, or wait until funding sources have been developed or a private development partner has been identified.

A Strategy for Prioritization

Prioritization of actions recommended by *Destination Colleyville* should be based on three key criteria noted throughout the comprehensive plan:

1. **Helps address or improve one or more of the six key plan principles of *Destination Colleyville*.** The six plan principles represent long-standing desires of Colleyville residents, going back to the 1998 Comprehensive Plan. They focus on preserving neighborhoods, enhancing the economic strength of the city, improving connectivity throughout the city, enhancing the City's brand, improving the economic spine of the city, and improving amenities and services that are provided by the City. Actions that address more than one of the six plan principles should rank higher given the multiple benefits from the initiative, emphasizing that these principles illustrate the overriding direction of the city for the next decade.

2. Targeted- and action-specific community input.

While *Destination Colleyville* had an extensive amount of community input, specific actions may impact or benefit a more targeted area of the city or a more specific population, and therefore should involve more detailed input. This additional input should not overwhelm prior community direction that resulted in the six plan principles above, but rather complement and enhance that prior input.

3. Funding, need, and scheduling issues.

All actions and goals should be evaluated for their 1) ability to be funded, 2) their level of need (i.e., as a result of an unusual event such as a natural disaster or a one-time partnering opportunity), and 3) timing issues. These three criteria can greatly contribute to the success of an action implemented by the City, and therefore are included as prioritization considerations.

- **Funding.** Some actions can be implemented at no or very little cost (for example revisions to zoning regulations can be implemented at low costs relative to return on investment). Others may require significant funding, and as such, a funding source or partnership needs to be identified.
- **Level of Need.** Unforeseen actions, opportunities, or needs will arise and the prioritization methodology should be able to account for and process those actions.
- **Timing.** Some actions may be needed so as to be able to implement or address others. The level of need may also impact timing.

It is important to recognize that a comprehensive plan is not a Capital Improvement Plan. Further detailed design or engineering is required to develop a specific project list and cost projections that go with each of those detailed actions. Rather, the comprehensive plan assigns a level of priority to actions in order to help guide the City Council and Colleyville's management and staff in the implementation of the actions of the plan.

Confirm Implementation Priorities, Responsibilities, and Time Frames.

Implementation priorities, responsibilities, and time frames are to be initiated by various departments within the City. On the following pages, actions from Chapters 4 through 9 are listed and prioritized as an immediate, short-term, medium-term, or long-term action (see Table 10.3, *Implementation Priorities, Responsibilities, and Time Frames*, starting on the next page).

PUBLIC AND PRIVATE SECTOR INVESTMENTS

While much of the built environment is developed by the private sector, the City has a dual influence on the quality of the resulting built environment. Through zoning and development regulations, the City sets minimum standards of development (e.g., setbacks, building materials, landscaping, signage, etc.) which the private sector must adhere to when designing and constructing projects. Within the public rights-of-way, the City (or other public agency such as TxDOT or other state agency) can directly determine whether new projects contribute to the overall quality of development in Colleyville, or detract from it.



Table 10.3. Implementation Priorities, Responsibilities, and Time Frames

Action No.	Recommended Action	Potential Time frame
Economic Sustainability		
Action 4.1	Continue to utilize creative funding mechanisms (e.g., grants, public improvement or municipal development districts, etc.) to encourage desirable economic growth in targeted areas of commercial redevelopment.	Short-term, Ongoing
Action 4.2	Facilitate infrastructure improvements and amenities that support placemaking	Short-term to Mid-term
Action 4.3	Continue to pursue new commercial development in the Colleyville Boulevard Corridor and other appropriate locations.	Ongoing, Short-term
Action 4.4	Continue to identify the types of prospective businesses (retailers, restaurants, and office uses) that will complement Colleyville's market context.	Ongoing
Action 4.5	Continue to pursue and strategically develop high quality lodging-related uses within the city.	Short-term to Mid-term
Action 4.6	Establish partnerships to create a business incubator or accelerator to support start-ups and local businesses within the city.	Mid-term
Action 4.7	Continue to support the business counseling program offered in association with SCORE.	Ongoing

Time Frames

Immediate (within 1 to 2 years)

Short-Term (within 5 years)

Mid-Term (within 5 to 10 years)

Long-term (may be initiated sooner but will not be completed in under 10 years)

Ongoing - No specific time frame

Table 10.3. Implementation Priorities, Responsibilities, and Time Frames (cont'd)

Action No.	Recommended Action	Potential Time frame
Transportation		
Action 5.1	Consider access management strategies along city streets.	Short-term to Mid-term
Action 5.2	Continue to design and implement improvements at key intersections designated on the Master Thoroughfare Plan.	Short-term to Mid-term
Action 5.3	Improve roadway connectivity within and between residential subdivisions where appropriate.	Mid-term to Long-term, where feasible
Action 5.4	Improve vehicular and pedestrian connectivity within and between commercial developments for all new development and redevelopment.	Short-term to Long-term, where feasible
Action 5.5	Coordinate with neighborhood representatives to improve walking and bicycling opportunities within neighborhoods and between neighborhoods.	Short-term to Mid-term, where feasible
Action 5.6	Promote and encourage walking and bicycling as a reasonable choice to access schools, parks, key commercial areas, and other areas of interest.	Short-term to Long-term, where feasible
Action 5.7	Update the City's trail plan.	Short-term to Mid-term
Action 5.8	Integrate trail and sidewalk improvements as part of street improvement or redevelopment projects where appropriate.	Mid-term to Long-term
Action 5.9	Integrate trail and sidewalk improvements as part of the City's Capital Improvements Program (CIP) with a direct tie to the City's trail plan.	Short-term
Action 5.10	Develop site-specific or context-sensitive solutions that preserve the character of streets as they are improved.	Short-term to Mid-term
Action 5.11	Encourage preservation of signature street elements as part of improvement projects.	Short-term to Mid-term
Action 5.12	Consider context-sensitive solutions to constructing trails within the city.	Short-term to Mid-term

Table 10.3. Implementation Priorities, Responsibilities, and Time Frames (cont'd)

Action No.	Recommended Action	Potential Time frame
Housing & Neighborhoods		
Action 6.1	Consider overlays for established neighborhoods.	Short-term
Action 6.2	Provide mechanisms for context-sensitive residential redevelopment.	Short-term to Mid-term
Action 6.3	Continue to focus on neighborhood park and recreation improvements to positively contribute to neighborhood vitality.	Short-term to Mid-term
Action 6.4	Improve neighborhood connectivity to the Colleyville Boulevard Corridor and key destinations.	Short-term to Mid-term, where feasible
Action 6.5	Encourage new neighborhood design that creates defined centers, edges, common spaces, and entries.	Short-term
Action 6.6	Require new neighborhoods to be connected where appropriate.	Short-term to Long-term
Action 6.7	Encourage the construction of local gateways and signs that promote unique neighborhood identity that is tied to Colleyville's heritage and/or a "country feel."	Short-term to Mid-term
City Services & Facilities		
Action 7.1	Update the long-range plan for the Colleyville Public Library.	Short-term to Mid-term
Action 7.2	Update the Parks, Recreation, and Open Space Master Plan as needed.	Short-term to Mid-term
Action 7.3	Evaluate options to upgrade the Colleyville Senior Center to continue to serve senior residents of the City.	Short-term to Mid-term
Action 7.4	Evaluate options to improve the Colleyville Center so that it can continue to meet citizen needs as well as attract additional usage and visitation.	Short-term to Mid-term
Action 7.5	Continue to ensure Police, EMS, and Fire Department equipment and facilities continue to meet the current and future public safety needs of the Colleyville community.	Ongoing
Action 7.6	Continue to ensure that firefighter, EMS personnel, and police officer training is adequate to respond to emergency situations.	Ongoing
Action 7.7	Continue to ensure that Fire, Police, and EMS Departments staffing needs are maintained adequately to address changes in growth and current levels of service.	Ongoing
Action 7.8	Maintain a proactive approach to the use of technology to improve public safety in Colleyville.	Ongoing

Table 10.3. Implementation Priorities, Responsibilities, and Time Frames (cont'd)

Action No.	Recommended Action	Potential Time frame
City Services & Facilities (cont'd)		
Action 7.9	Annually budget the necessary funds to design and construct the identified projects set out in the established Capital Improvements Plan.	On-going
Action 7.10	Evaluate options to improve the Public Works facility.	Short-term
Action 7.11	Periodically update the Water/Wastewater Master Plan.	Mid-term
Action 7.12	Update the Master Drainage Plan to continue to ensure the city is adequately protected.	Short-term
Action 7.13	Explore low impact development (LID) solutions for both commercial, residential, and infrastructure projects.	Short-term to Mid-term
Action 7.14	Promote green building and energy efficiency as part of public and private development.	Short-term to Mid-term
Action 7.15	Consider establishing an Urban Forestry Program to preserve and enhance the urban tree canopy in the city.	Short-term to Mid-term
Character & Placemaking		
Action 9.1	Establish rural character standards along streets, in the public realm, where appropriate, such as John McCain Road, Bransford Road, Jackson Road, and Cheek-Sparger Road.	Short-term
Action 9.2	Ensure that new development preserves the rural character in design efforts where appropriate.	Short-term
Action 9.3	Ensure that street and trail/sidewalk improvements are undertaken with consideration of the rural character context (see Chapter 5 for additional detail).	Short-term to Mid-term
Action 9.4	Continue to examine site design criteria, as it relates to buffers between residential and non-residential uses, and amend the Land Development Code as appropriate.	Short-term
Action 9.5	Evaluate non-residential product types and scales in areas to create appropriate transitions while preserving established neighborhoods.	Short-term
Action 9.6	Implement a program for sidewalk/trail infill projects between the Colleyville Boulevard Corridor and adjoining neighborhoods through the City's Capital Improvements Program (CIP).	Immediate

Table 10.3. Implementation Priorities, Responsibilities, and Time Frames (cont'd)

Action No.	Recommended Action	Potential Time frame
Character & Placemaking		
Action 9.7	Establish overarching design principles and guidelines for the entire Corridor.	Immediate to Short-term
Action 9.8	Establish specific design principles and guidelines for the Northern Gateway, based on the market opportunities and physical context.	Immediate to Short-term
Action 9.9	Establish specific design principles and guidelines for the Upper Colleyville Boulevard Corridor based on existing context and long-term redevelopment opportunities.	Immediate to Short-term
Action 9.10	Establish specific design principles and guidelines for the Central Colleyville Boulevard Corridor to transform it into a true walkable, mixed commercial center for the city.	Immediate to Short-term
Action 9.11	Establish specific design principles and guidelines for the Southern Gateway based on market and long-term redevelopment opportunities.	Immediate to Short-term
Action 9.12	Evaluate an increase in funding and grants for the Façade Improvement Program for properties within the Colleyville Boulevard Corridor, but also consider making the program for landscaping and other improvements that could help achieve the vision for the Colleyville Boulevard Corridor.	Short-term
Action 9.13	Complete the northern and southern gateway features, either in conjunction with Colleyville Boulevard street improvements or with private development.	Immediate to Short-term
Action 9.14	Focus on attracting sales-tax generating uses at intersections and professional or medical office uses at mid-block locations.	Ongoing
Action 9.15	Encourage the coordination of commercial signage, landscaping, and building design to create a cohesive design aesthetic for the Precinct Line Corridor.	Short-term

5. Continue to Seek Partnerships

Interdepartmental and interagency collaboration are critical components to strengthening implementation efforts. Federal-aid funding opportunities often require cooperation among local and regional agencies. By partnering with other agencies and organizations, funding resources can be utilized more efficiently and efforts will carry farther.

Moreover, the City needs to create strong partnerships with private entities such as the development community, employers, non-profit organizations,

and others that can help achieve the goals and recommendations of this plan. This will help create buy-in among the various affected entities and strengthen implementation efforts.

Many recommendations in this plan require partnerships and collaboration with other City departments, public agencies, and organizations in and around Colleyville and the DFW Metroplex (see Table 10.4, *Potential Partners*, below).

Table 10.4. Potential Partners

Public Departments & Agencies	Potential Role or Function
City of Colleyville	One of the primary groups that will take an active role in the implementation of the <i>Destination Colleyville</i> is the City's staff itself, including, but not limited to Community Development, Economic Development, Fire and Police, Library and Recreation, Parks, and Public Works departments. Each will promote implementation through capital improvement requests and annual budget requests, and the initiation and preparation of new policies, programs, regulations, and other operational changes.
Grapevine - Colleyville Independent School District (GCISD)	The GCISD can be an important partner, particularly as it relates to access to recreational resources and improved connectivity from neighborhoods to schools.
Texas Department of Transportation (TxDOT)	TxDOT is a potential partner on a number of implementation actions primarily for improvements to Colleyville Boulevard.
Tarrant County	Potential partner regarding health initiatives and regional transportation initiatives.
Colleyville Chamber of Commerce	Assistance in business retention and recruitment.
North Central Texas Council of Governments (NCTCOG)	Partner to facilitate/coordinate transportation funding initiatives that benefit Colleyville. NCTCOG may also help fund other non-motorized initiatives such as trails.
Surrounding Cities	Partnerships to promote employment, higher education initiatives, connectivity of trails, and collaborative transportation coordination.

6. Monitoring Progress

Destination Colleyville is a living document and should be updated periodically to assess progress, identify new opportunities, and reevaluate goals and priorities. Plans are evaluated to obtain information that can guide future decisions. *Destination Colleyville* identifies benchmarks for each plan element to measure implementation. Data should be collected, reported, and analyzed frequently to evaluate ongoing progress and the appropriateness and effectiveness of certain actions.

The City should use the benchmarks identified in Chapter 3, *Plan Framework*, to evaluate progress towards implementation. Additionally, a 10-year update allows the City to evaluate the goals and vision for the future of Colleyville, which may result in adjusting goals, policies, and actions.

7. Next Steps

Colleyville is truly a special place to live. As noted many times in this plan, the city has a unique feeling to it. That feeling is created by the quality of the city's neighborhoods and the sense that one lives in a beautiful country setting even though the advantages and destinations of a major metropolitan area are very close by. That special feeling is further enhanced by the availability of retail and entertainment options, as well as first-class parks, libraries, and amenities such as the Colleyville Center.

This plan's goal is to preserve and enhance those qualities that make Colleyville great, and to guide the City in strengthening those features as it evolves over the next two decades. It is also important to remember that the vision in this plan is for the entire Colleyville community, not any one particular geographic area, age group, or area of interest. It is a collective vision, one that benefits everyone.

It is an ambitious plan, but one that is achievable. It can help guide the growth of Colleyville as it matures, so that the city continues to be known as the community of choice in the area.

Making the Vision Reality

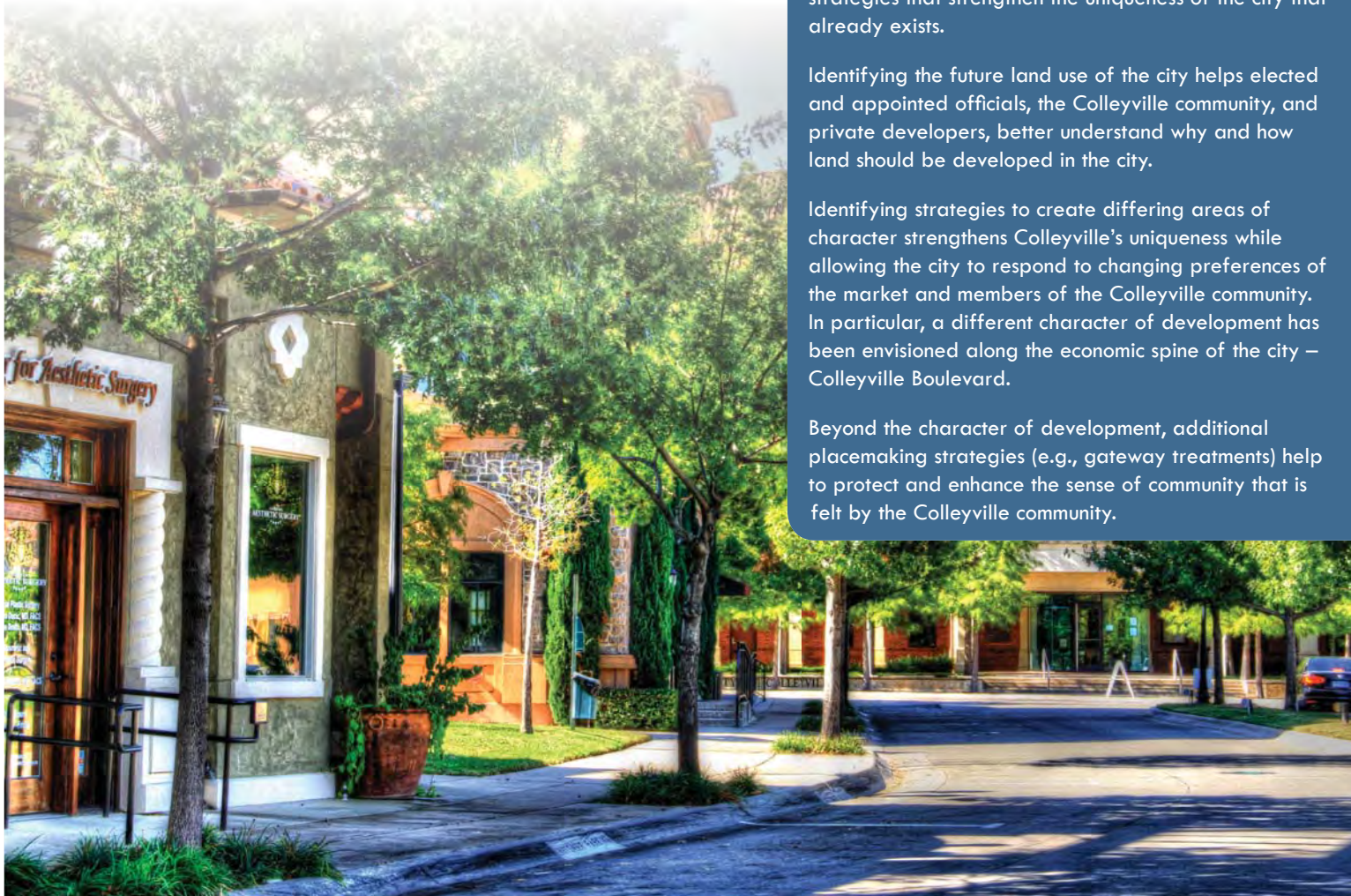
Any plan, such as *Destination Colleyville*, is only a start. In reality, this plan is an action plan that lays out the key steps to help guide the City. Those actions require the following commitments to help make them become reality.

- **Working together.** The steps to bring the plan's vision to fruition involve the entire Colleyville community. Achieving the plan's vision will involve partnerships and coming together. It may require coming up with solutions that involve some give and take, but that ultimately result in a win for everyone in the city.
- **Commitment to the plan.** Realizing the vision will require sticking to the priorities established in the plan.
- **A continued commitment to quality.** Everything that has been done by the City has always had an eye on quality, with City Hall and the Library being prime examples. Moving forward, that commitment to emphasizing quality over quantity should always be maintained.
- **Resources.** Many steps or actions of this plan may also require resources, and decisions will need to be made on what to commit, and when. Whenever they are allocated, adequate resources should be committed so that a high level of quality is provided. In some cases, greater resources committed, sooner rather than later, may yield much better benefits and results in the long run.
- **A commitment to the principles and goals of the plan.** The plan principles and goals of the plan established in Chapter 3, *Plan Framework* should represent the basis for decision-making in the city. Whatever else changes, those goals represent the wishes of the Colleyville community and direction for the future.

- **Be willing to be bold.** There are occasions when boldness is required. Colleyville's leaders must be willing to acknowledge those times and push forward, recognizing that boldness today may yield great benefits and future savings for the city. However, that boldness should always be balanced with careful consideration of the impact of the actions that are undertaken on behalf of the Colleyville community.

Destination Colleyville is more than just a plan. It is the City's dream for a bright future for everyone that lives in Colleyville today, and for those who will choose to live in Colleyville someday.

APPENDIX A – COLLEYVILLE BOULEVARD CORRIDOR EXISTING CONTEXT ANALYSIS



INTRODUCTION



The purpose of this chapter is to establish the necessary policy guidance to effectively plan for the future growth and redevelopment of the city, to develop differing areas of character, and to identify placemaking strategies that strengthen the uniqueness of the city that already exists.

Identifying the future land use of the city helps elected and appointed officials, the Colleyville community, and private developers, better understand why and how land should be developed in the city.

Identifying strategies to create differing areas of character strengthens Colleyville's uniqueness while allowing the city to respond to changing preferences of the market and members of the Colleyville community. In particular, a different character of development has been envisioned along the economic spine of the city – Colleyville Boulevard.

Beyond the character of development, additional placemaking strategies (e.g., gateway treatments) help to protect and enhance the sense of community that is felt by the Colleyville community.

Existing Development Context & Character

Along the length of Colleyville Boulevard within the city, the existing context (land uses and development character) is not uniform along its entire length. In fact, it can be characterized as four distinct zones or nodes starting from the north and proceeding south. They are:

- **Northern Gateway** (Bear Creek to Tennon Parkway)
- **Upper Sector** (Tennon Parkway to Hall-Johnson Road)
- **Central Sector** (Hall-Johnson Road to Brown Trail)
- **Southern Gateway** (Brown Trail to Cheek-Sparger Road/Mid-Cities Boulevard)

The development context through Colleyville is a mix of older auto service, industrial development mixed in with newer office, professional services, and retail buildings towards the northern section of the corridor. The central section has the highest concentration of newer retail developments, many of which have been built or significantly redeveloped over the past 15 years. The lower or southernmost portion of the corridor also has smaller and aging auto-service and strip retail buildings. Generally, there are very few vacant or undeveloped properties, but a large agglomeration of vacant properties is located in the northern section of the corridor (see Map 11.1, *Regional Context for the Colleyville Boulevard District* and Map 11.2, *Colleyville Boulevard District and Sectors*).

The Boulevard is currently exceedingly auto-oriented, with buildings set back from the roadway and parking always located in front of the building between the roadway and the building. Most of the corridor also lacks sidewalks and safe places to walk. Shoulders, if any, are very narrow with swales immediately adjacent

to them. Most of the Boulevard also has overhead utility lines and poles that add to the visual clutter.

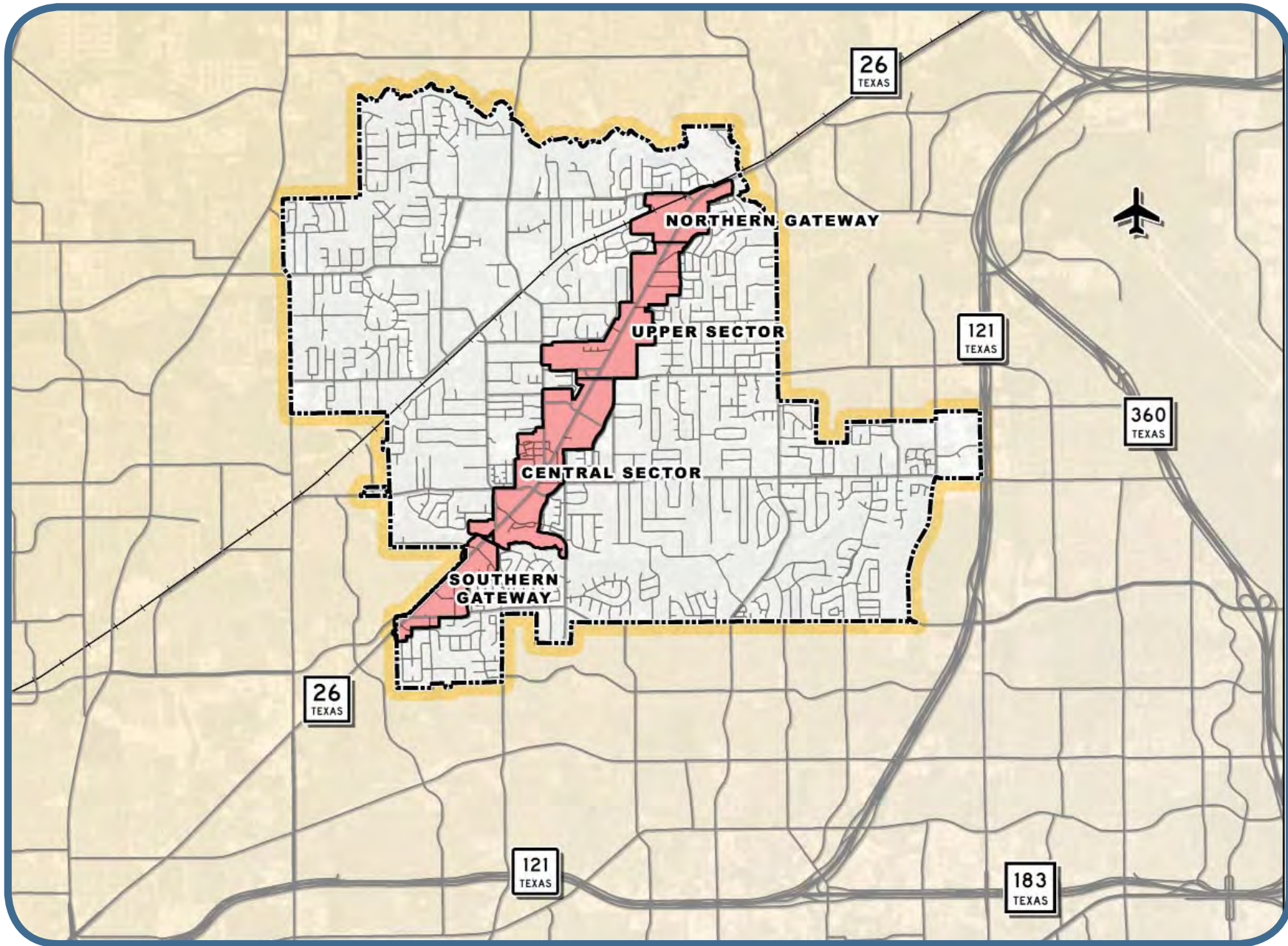
Although it is clear when traveling down Colleyville Boulevard that it is a center for activity and commerce, there are no clear signs that the Boulevard is Colleyville's main destination. There is a patchwork of architectural styles and materials, some properties lacking landscaping while others provide abundant and tasteful landscaping. There are no distinguishing features that indicate when one has entered or left the city other than two Colleyville monument signs. The following section provides more detailed discussion about the existing land use context and development character in the different sections of the corridor.

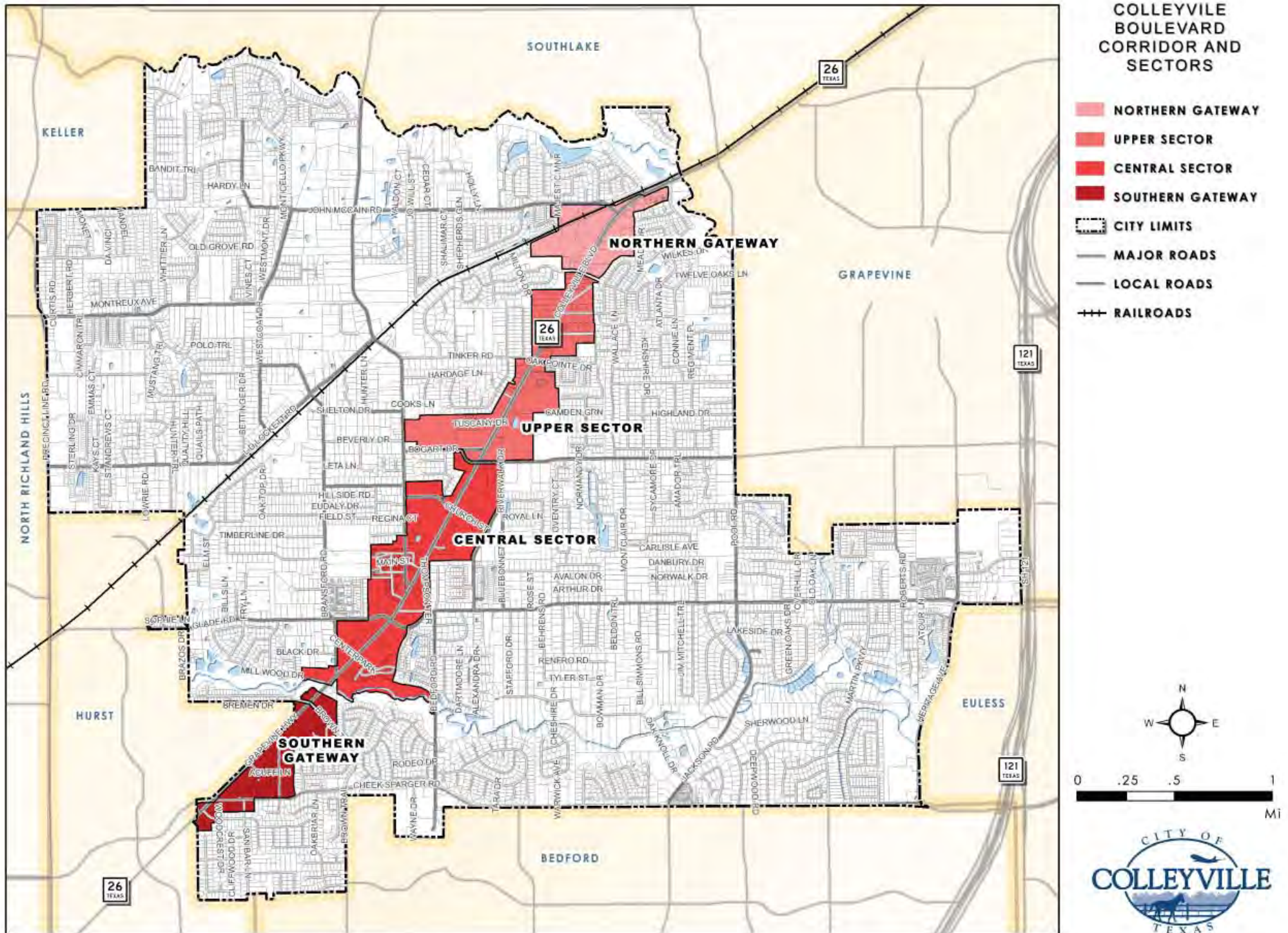
NORTHERN GATEWAY

Big Bear Creek forms the boundary between Colleyville and the cities of Southlake and Grapevine to the north (see Map 11.3, *Northern Gateway*, and Figure 11.1, *Northern Gateway Existing Character*). The entrance into the city is announced by the bridge crossing over the creek into the city with significant floodplain adjacent to the roadway. A relatively new strip retail building and garden office buildings are located on the south side of the creek and on the eastern side of the Boulevard. This area is also the location of the largest contiguous undeveloped property in the city. The intersection of John McCain Road and Colleyville Boulevard is signalized and John McCain Road provides the main access to the neighborhoods in the northern sector of the city. Some of the challenges of development in this area are:

- Floodplain issues.
- Cottonbelt Rail crossing close to the John McCain Road/Colleyville Boulevard intersection.

Map 11.1, Regional Context for the Colleyville Boulevard District

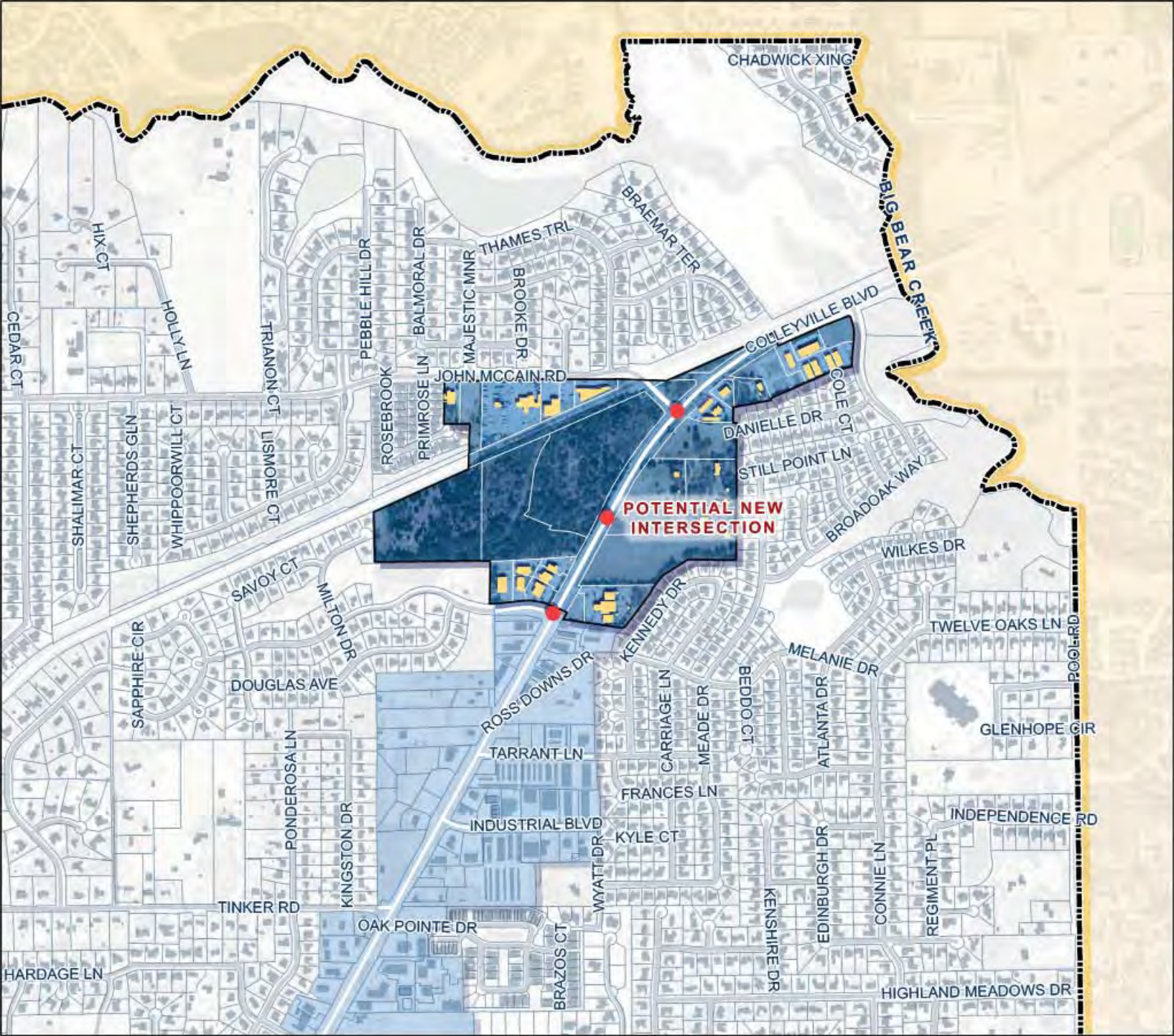




- Existing industrial uses (RV sales, auto parts warehouse, etc.) along the northern edge of the rail line along John McCain Road detract from the visual quality of this area.
- Vacant property west of Colleyville Boulevard and south of the rail line is approximately 36 acres in size, heavily wooded with a creek that runs north-south, and has an odd geometry because it is over 1,700 feet deep. Without coordination between the front and back parcels of this area, this lot depth and the creek crossing may pose challenges to attract retail development on the back half of the site due to visibility, access, and costs.
- Vacant/undeveloped properties on the east side of Colleyville Boulevard just south of the Bear Creek Spirits and Wine building have three different property owners and, if consolidated, total approximately 23 acres. With over 900 feet of lot depth, this location has a high potential for a mix of retail, restaurant, and supporting commercial uses.
- Adjacency to the existing neighborhoods should be considered carefully during planning and development of these properties.
- A total of approximately 59 acres is available to create a new development node with a mix of commercial uses and establish an important gateway into the city.

Figure 11.1. Northern Gateway Existing Character





LEGEND

COLLEYVILLE BLVD. DISTRICT

- NORTHERN GATEWAY SUB-AREA
- BORDERING DISTRICT
- CITY FACILITIES
- CITY LIMITS
- KEY INTERSECTIONS
- EXISTING BUILDINGS

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UPPER SECTOR

See Map 11.4, *Upper Sector*, and Figure 11.2, *Upper Sector Existing Character*.

■ Western Edge.

- » This zone is characterized by very shallow commercial lot depths that were developed more recently into smaller garden office developments. These are interspersed with older auto-service uses and some vacant/under-utilized properties that are oddly triangular in shape.
- » Newer strip retail and garden offices developed closer to Hall-Johnson Road intersection.
- » Grapevine-Colleyville Independent School District (GCISD) campus and a small-scale retail anchor at the intersection with Hall-Johnson Road.

■ Eastern Edge.

- » Older, metal buildings, industrial, storage, and warehouse uses with abutting neighborhoods. Some of the buildings/uses may transition as rents rise along the corridor, but some of the warehouse and storage uses will likely remain.
- » Newer retail and garden office development (Colleyville Square) with mixed residential development behind it at Kingston Drive.
- » Golf driving range and Bluebonnet Hills cemetery between Colleyville Square and the Hall-Johnson Road intersection. As the market matures with higher rents, the golf driving range and the older auto-service use immediately adjacent to it could have potential opportunities for higher and better uses.
- » Most new development is comprised of one-story brick masonry buildings with the exception of the small retail development at the northwest corner of Hall-Johnson Road and the Boulevard (which is two-story).

Figure 11.2. Upper Sector Existing Character





LEGEND

COLLEYVILLE BLVD. DISTRICT

- UPPER SUB-AREA
- BORDERING DISTRICTS
- CITY FACILITIES
- CITY LIMITS
- KEY INTERSECTIONS
- EXISTING BUILDINGS

0 250 500 1,000 Feet

CITY OF COLLEYVILLE TEXAS

CENTRAL SECTOR

This area is geographically the middle portion of the corridor in Colleyville and is also the location of the highest intensity of commercial retail within the city (see Map 11.5, *Central Sector*). As such, the focus on this area is to create a “downtown” for a suburban city that has no established or historic city center. Although several existing developments are auto-oriented, there is an opportunity to create a more walkable context that better connects the neighborhoods to the corridor in the long-term, especially considering some of the existing multi-story, walkable developments in the area.

The Village at Colleyville was planned as a mixed use development and town center. Given the scale and intensity of commercial uses, and a lack of direct visibility on the Boulevard of some of the key commercial developments, this section of the Boulevard could benefit from a coordinated wayfinding signage system directing drivers to various developments.

This section of the Boulevard can be further delineated into four sub-areas. They are:

Hall-Johnson Road to Church Street

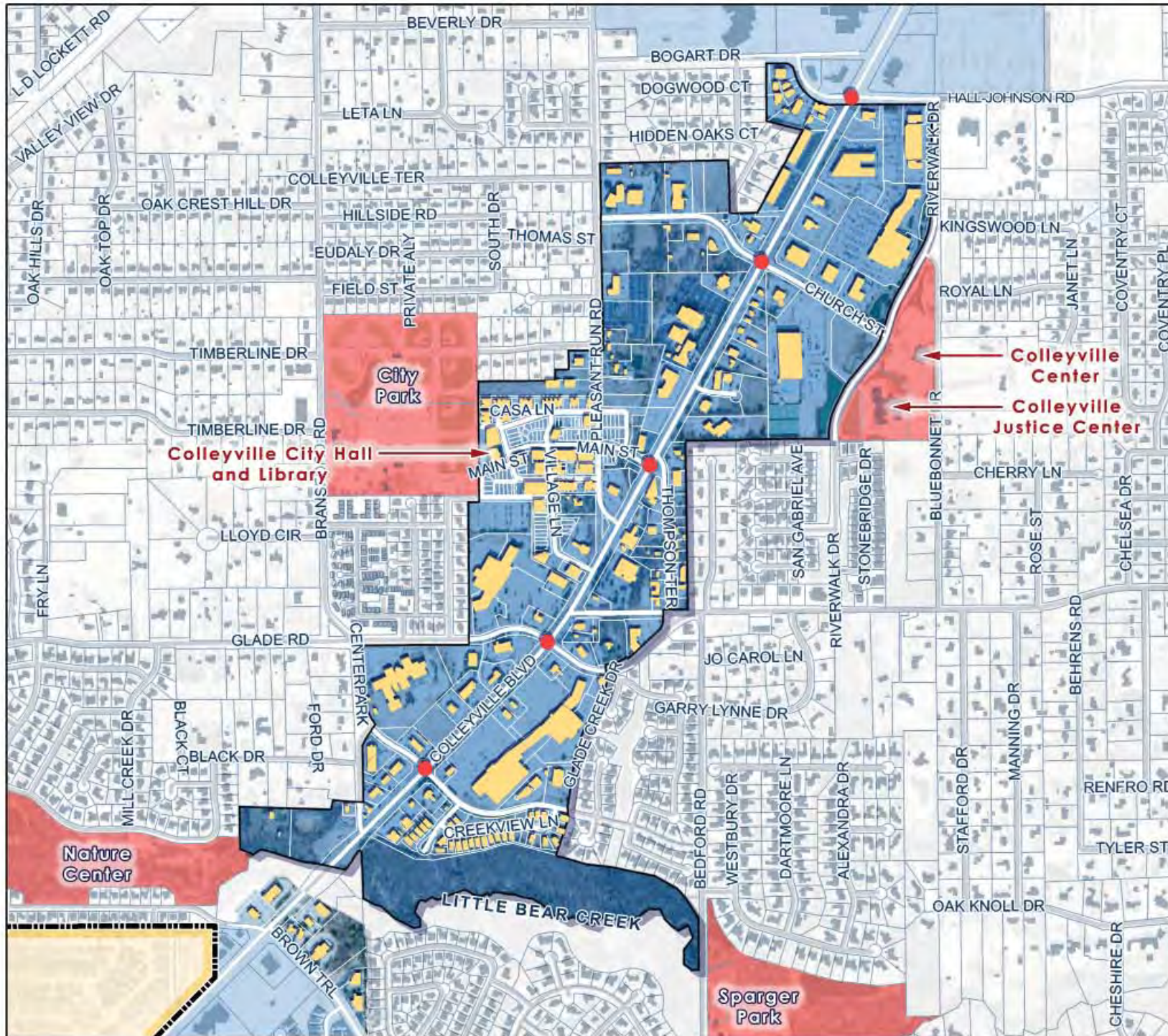
- **Eastern Edge.** A major specialty grocery (Market Street) anchored retail center with one of the city’s major entertainment use – Studio Movie Grill – is located at the southeast corner of Hall-Johnson Road. The Colleyville Boulevard frontage has several pad sites with restaurants and banks. This development is comprised of commercial retail space and transitions to the east to Colleyville Center – a city event facility next to the Municipal Court complex. Some of the major destinations such as Market Street, Studio Movie Grill, and the Colleyville Center all suffer from limited visibility

from Colleyville Boulevard and could benefit from a targeted wayfinding signage system.

- **Western Edge.** The southwest corner of Hall-Johnson Road and Colleyville Boulevard has some professional/garden office buildings with medical and dental offices. There may be some opportunities for more active retail uses at the hard corner to take advantage of the visibility and access from both Hall-Johnson Road and Colleyville Boulevard based on market potential. Just south of that there are two retail strip buildings built in the mid-1980s on lots with very shallow depths (approximately 180 feet) with an abutting residential neighborhood. Tenants are a mix of small retail, chain fast-food, and neighborhood services.

Church Street to Main Street

- **Eastern Edge.** At the southeast corner of the intersection of Church Street and Colleyville Boulevard is a newer bank building with several older, smaller commercial buildings (auto service, offices, a restaurant) and the City’s Fire department building (built more recently in 2008) with direct frontage on Colleyville Boulevard. Behind this block is a major fitness facility (Lifetime Fitness) that has access from Church Street. There is potential for some of the older buildings with direct frontage on the Boulevard to be redeveloped over time; however, shallow lot depths will be a challenge unless properties are planned in coordination.
- **Western Edge.** Starting at the southwest corner of Church Street and Colleyville Boulevard is the recently built Baylor Medical Office building and, immediately south of it, the church campus of First Baptist Church of Colleyville. The two new “Front



LEGEND

COLLEYVILLE BLVD. DISTRICT

- CENTRAL SUB-AREA
- BORDERING DISTRICTS
- CITY FACILITIES / DESTINATIONS
- CITY LIMITS
- KEY INTERSECTIONS
- EXISTING BUILDINGS



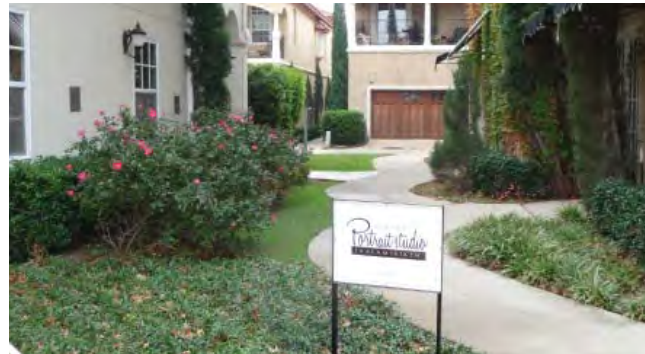
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Door” buildings (a mixed use and a retail building), which have provided a much needed address for the Village at Colleyville, are located just south of the church. This “Front Door” development creates much needed visibility into the Village from Colleyville Boulevard and changes the character along the corridor with its Mediterranean style architecture and scale of three stories. However, there is one older strip commercial building just north of Main Street, but its facade has been renovated to fit better with the Village context. Main Street is the major access point from the Boulevard into the Village development and terminates in the City Hall/Library building.

- **Village at Colleyville.** The Village is a walkable mixed use development designed and built in the early 2000s to resemble a true Mediterranean village center. Development character reflects the principles of walkable mixed use with short blocks, on-street parking, building at or close to the street with parking behind, ground floor storefront design, and pedestrian scale of buildings. The Village has some small urban passages, but there is no major public gathering space for public events that is typical of many downtowns. Future development should consider the provision of such a public open space as a priority for community events as well as to add value and additional character to the Village itself (see Figure 11.3, *Village at Colleyville*).

Figure 11.3. Village at Colleyville



Main Street to Glade Road

- **Eastern Edge.** This is a triangular block created by Colleyville Boulevard, Glade Road to the south, and Thompson Terrace to the east. Some buildings on this block are being redeveloped with destination boutique restaurants (Citrus Bistro and Next Wood Fired Bistro). The remainder of the block has some older retail-service and office use buildings that could potentially be redeveloped to create a draw by concentrating an additional boutique restaurant that takes advantage of the current momentum. This block backs up to older residential buildings on Thompson Terrace that could be redeveloped to create a better transition (with professional offices) between the commercial on Colleyville Boulevard and the abutting neighborhoods (on Oak Timbers Court).

The block between Old Glade Road and Glade Road has a mix of older buildings (insurance office, restaurant, and auto-service uses) and a restaurant pad site slated for redevelopment. The middle of the block has some mature trees that could potentially provide for attractive outdoor café-style seating for restaurants.

- **Western Edge.** The direct frontage on the Boulevard is a mix of an older renovated building (the Londoner Pub), a vacant lot with some existing residential buildings off of Pleasant Run Road, a newer retail-services building associated with the Village and a Walmart Neighborhood Market (including two pad sites with a bank and a pool supply store) at the northwest corner of Colleyville Boulevard and Glade Road.

Glade Road to Brown Trail

- **Eastern Edge.** The block between Glade Road and Centerpark Drive is the location of Colleyville Downs, the city's newest retail node created by the redevelopment of the former Albertsons Grocery store site (see Figure 11.4, *Colleyville Downs at Whole Foods Market*). It is the home of Whole Foods Market which is the major anchor of this center. Starting with the announcement and opening of Whole Foods, the stage was set for the redevelopment of several of the pad sites within Colleyville Downs into higher-end restaurants and retailers. There is increased market momentum to elevate some of the under-performing sites along this section of the Boulevard. This momentum should be leveraged to the greatest benefit of the city to transform the central section of the Boulevard into a choice retail corridor destination for the city and the region.

Figure 11.4. Colleyville Downs at Whole Foods Market



The block between Centerpark Drive and Brown Trail is divided by Little Bear Creek. North of it is a mix of newer garden office buildings and a restaurant pad that was renovated to house a Bahama Bucks restaurant. South of Little Bear Creek are two auto-oriented sales and service uses and a dry cleaner. A gas station with fuel pumps and canopy is located at the northeast corner of Brown Trail and the Boulevard.

- **Western Edge.** The triangular block formed by Glade Road, Bransford Road, and Colleyville Boulevard is fairly deep with commercial lots fronting directly on the Boulevard and an elementary school immediately behind the commercial lots. A bank, retail strip building, various retail-service buildings, a vacant lot, and a drive-up chain fast-food restaurant are located with direct frontage on the Boulevard.

The block immediately south of Centerpark Drive, also bounded by Colleyville Boulevard, Bransford Road, and Centerpark Drive, is a smaller block with older, small neighborhood retail, auto-service uses and a gas station.

The block between Bransford Road and Mill Valley Drive (Brown Trail) is divided by Little Bear Creek and, immediately north of the creek, a vacant lot with cleared frontage on Colleyville Boulevard. South of the creek is a garden office building and a fast-food chain restaurant.

Little Bear Creek and the bridge improvements over it can be enhanced as an important placemaking element of Central Colleyville Boulevard, especially as a gateway into it (see Figure 11.5, *Central Sector Existing Character*).

Figure 11.5. Central Sector Existing Character

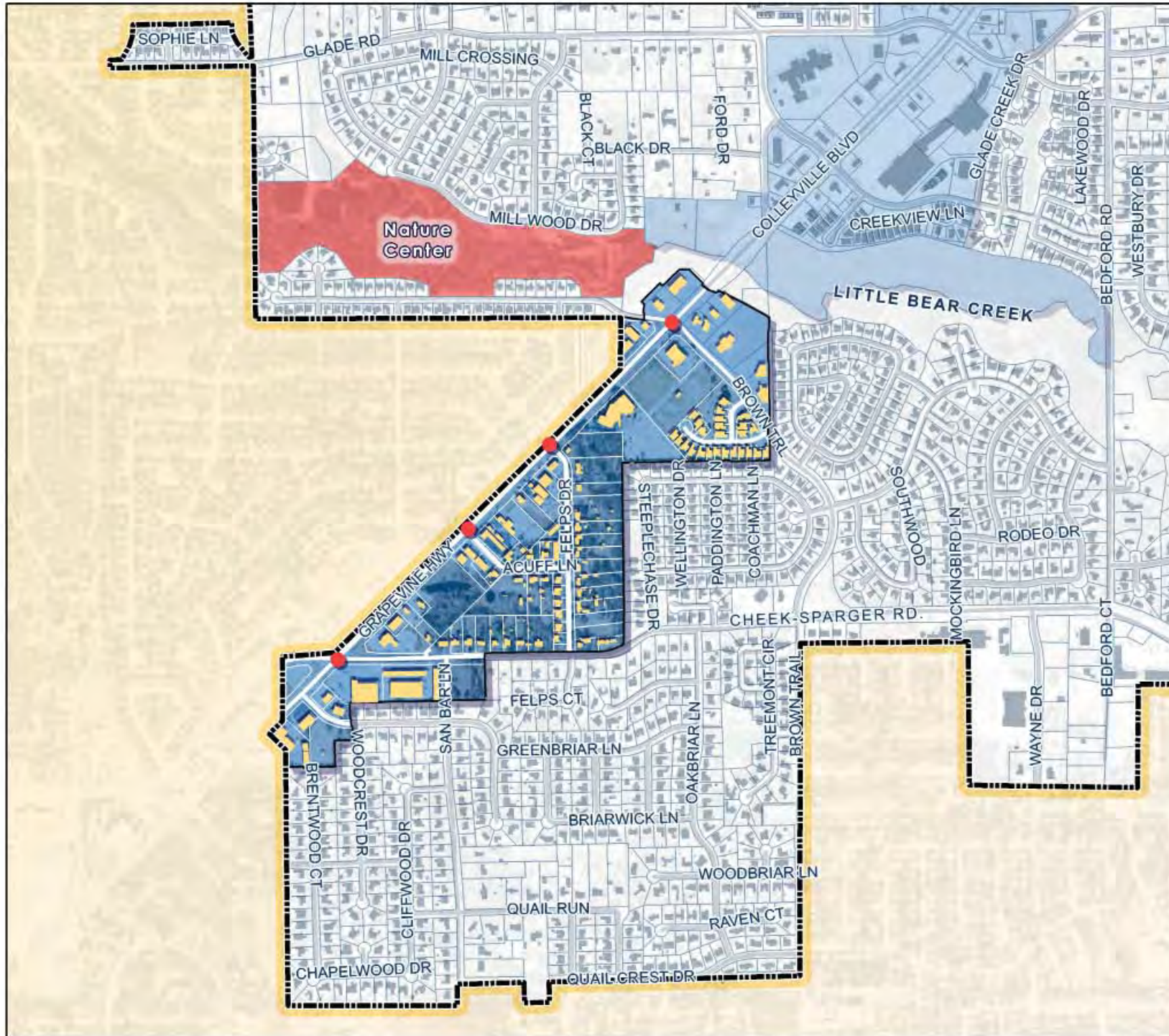


SOUTHERN GATEWAY

The southernmost section of the Boulevard is from Brown Trail to the city limit line just south of Cheek-Sparger Road (see Figure 11.6, *Southern Gateway Existing Character*, and Map 11.6, *Southern Gateway*). Only the eastern edge of this portion of the corridor is in the City of Colleyville and the western edge is in the City of Hurst. Almost all the existing development is in older buildings with several auto-service and sales uses. These blocks are also characterized by shallow lot depths, floodplain challenges, multiple-ownership, and adjacency to residential uses behind the commercial lots. Existing character does not distinguish it from the corridor in Hurst. The southeast corner of Colleyville Boulevard and Cheek-Sparger Road has a bargain retail anchor at the hard corner and a partially vacant strip retail building with frontage along Cheek-Sparger.

Figure 11.6. Southern Gateway Existing Character





LEGEND

COLLEYVILLE BLVD. DISTRICT

- SOUTHERN GATEWAY SUB-AREA
- BORDERING DISTRICT
- CITY FACILITIES / DESTINATIONS
- CITY LIMITS
- KEY INTERSECTIONS
- EXISTING BUILDINGS



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APPENDIX B – ASSESSMENT OF EXISTING ZONING

Overview of Current Zoning Regulations

Table 12.1, *Current Zoning Regulations* on pages 195-196 summarizes the predominant residential zoning districts and is followed by a summary of the major non-residential zoning districts in the city. In addition, this section also summarizes the design standards for large commercial buildings and Commercial Design Standards in the city.

Map 12.1, *Existing Zoning Map* on the following page illustrates the distribution of residential and non-residential zoning categories throughout the city.

Non-Residential Zoning Districts

CC-1 Village District. Several of the smaller mixed commercial developments along Colleyville Boulevard are zoned CC-1 Village District. The purpose of this zoning category is to allow for smaller-scale, clustered retail sales, service, and office uses without a major anchor store. This category is intended for mid-block locations without major street intersections. It allows for a range of professional and medical office, retail sales and service (alcohol sales by SUP), and restaurants (drive-thru service by SUP) by right.

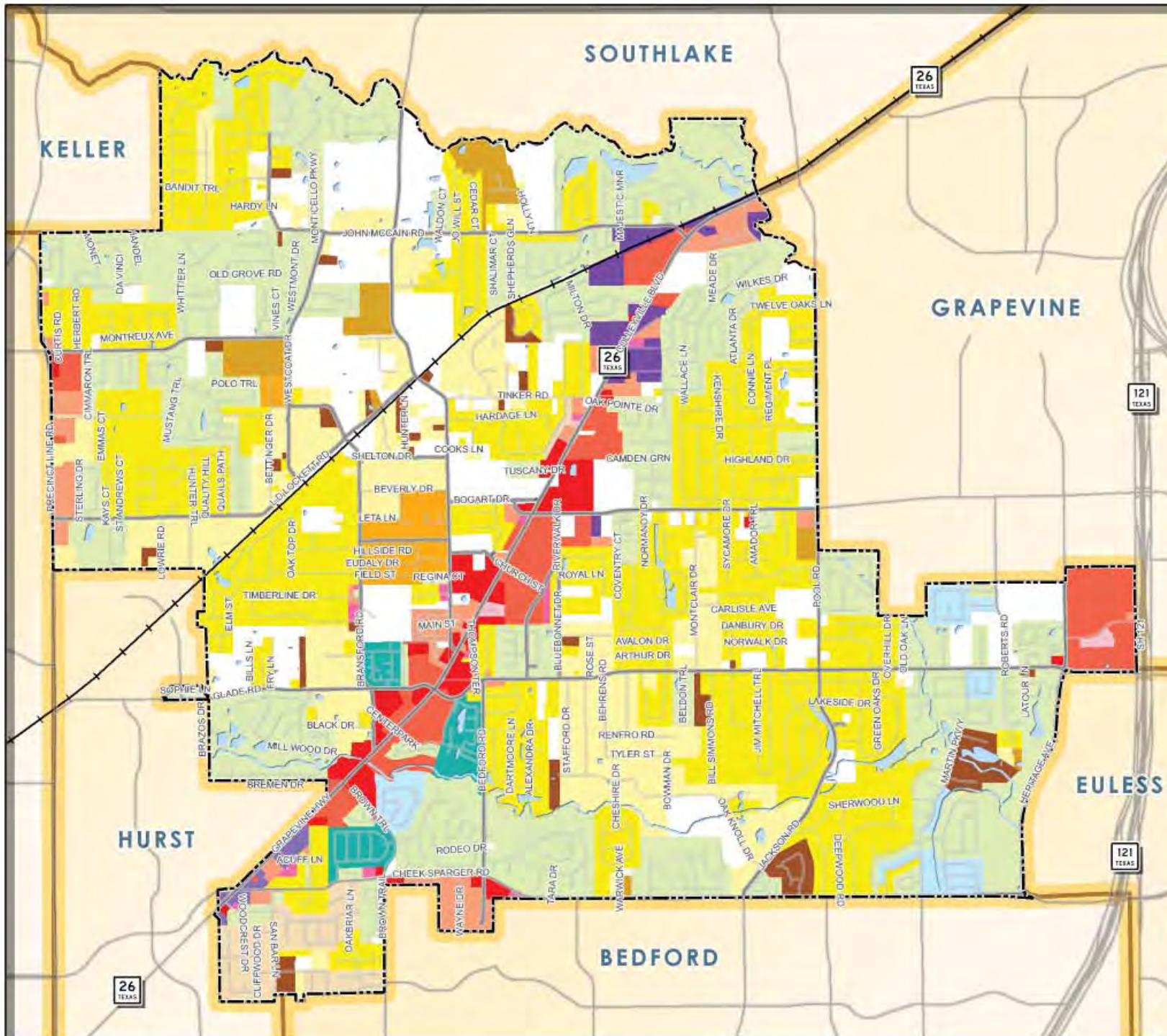
CC-2 Shopping Center District. Several larger retail and shopping center developments along Colleyville Boulevard are zoned CC-2 Shopping Center District. This zoning district is intended for larger properties and commercial developments with an anchor store and smaller in-line and pad sites also located at major intersections along the Boulevard. It allows for a range of professional and medical offices, retail sales and service (alcohol sales by SUP), and restaurants (drive-thru service by SUP) by right.

PUD-C Planned Unit Development – Commercial: This zoning district is intended to provide more flexibility with respect to development projects that may not meet the exact standards in any of the other zoning districts on the books due to unique site contexts or development vision and goals. This category allows for a mix of commercial uses including retail sales and service, office (professional and medical), institutional, industrial, and residential uses. Development standards are often tailored for specific projects and are approved through the ordinance approving the PUD-C zoning district. There are some major development projects along Colleyville Boulevard that are zoned PUD-C. One such project is the Village at Colleyville located within the Central Colleyville Boulevard zone. This PUD-C establishes two neighborhood types within the Village – Neighborhood Center (intended to be the core of the walkable commercial uses with some residential) and Neighborhood General (intended to be less commercial focused with higher percentage of residential uses). The development standards are tailored to achieve the vision for the Village including some public realm and street standards that are included in the PUD-C.

CPO Professional Office Commercial District. This zoning district is intended to provide for compatible transitions next to residential neighborhoods and provide for a range of small-scale, professional and medical offices. In actual practice, use of this zoning category is generally limited to some mid-block locations along Colleyville Boulevard. This district also allows other compatible uses such as art, dance, and photography studios.

ML Light Manufacturing District. Several properties in the Northern Gateway, Upper Colleyville Boulevard,

Map 12.1, Existing Zoning Map



LEGEND EXISTING ZONING

- AG AGRICULTURAL
- CC-1 VILLAGE RETAIL
- CC-2 SHOPPING CENTER
- CC-3 HIGHWAY COMMERCIAL
- CH NEIGHBORHOOD COMMERCIAL
- CP0 PROFESSIONAL OFFICE
- ML LIGHT MANUFACTURING
- PUD-C PLANNED UNIT DEV., COMMERCIAL
- PUD-R PLANNED UNIT DEV., RESIDENTIAL
- R-10 SINGLE FAMILY RES (10,000 SQ FT MIN)
- R-15 SINGLE FAMILY RES (15,000 SQ FT MIN)
- R-20 SINGLE FAMILY RES (20,000 SQ FT MIN)
- R-30 SINGLE FAMILY RES (30,000 SQ FT MIN)
- R-40 SINGLE FAMILY RES (40,000 SQ FT MIN)
- R-MF MULTI-FAMILY RESIDENTIAL
- RD TWO FAMILY RESIDENTIAL
- RE SINGLE FAMILY 'ESTATE' RESIDENTIAL

- CITY LIMITS
- MUNICIPAL BOUNDARIES
- MAJOR ROADS

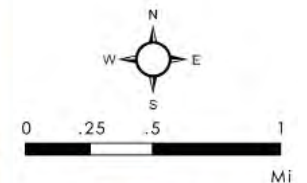


Table 12.1. Current Zoning Regulations

Zone AG - Agricultural District		R40 – Single-Family Residential District	R30 – Single Family Residential District
Element Regulated			
Land Uses			
Residential			
Single-Family Detached	Permitted	Permitted	Permitted
Duplex, townhome, multi-family, etc.	Not Permitted	Not Permitted	Not Permitted
Accessory	Permitted (Carports w/ SUP); district specific standards apply	Permitted (Carports and servants quarters w/ SUP)	Permitted (Carports and servants quarters w/ SUP)
Agricultural	Permitted (roadside produce stands w/SUP)	Private horse stables permitted (roadside produce stands w/SUP)	Private horse stables permitted w/ SUP
Utility	Permitted w/ SUP	Permitted w/ SUP	Permitted w/ SUP
Public and Institutional	Parks, public schools, religious institutions, and government facilities permitted by right; all others by SUP	Parks, public schools, religious institutions, and government facilities permitted by right; all others by SUP	Parks, public schools, religious institutions, and government facilities permitted by right; all others by SUP
Office	Not Permitted	Not Permitted	Not Permitted
Retail & Service	Not Permitted	Not Permitted	Not Permitted
Recreational & Entertainment	Not Permitted (Commercial outdoor recreation w/ SUP)	Not Permitted	Not Permitted
Automotive & Transportation	Not Permitted (Airports and heliports w/ SUP)	Not Permitted (Airports and heliports w/ SUP)	Not Permitted (Airports and heliports w/ SUP)
Heavy Commercial, Industrial, Manufacturing	Not Permitted (Temporary concrete batch plants and oil & gas extraction w/ SUP)	Not Permitted (Temporary concrete batch plants and oil & gas extraction w/ SUP)	Not Permitted (Temporary concrete batch plants and oil & gas extraction w/ SUP)
Residential Density (max. DU/Ac)	0.3	1.25	1.5
Lot Size (min. sq.ft.)	130,680 (3 ac)	40,000	30,000
Height (max.)	2.5 stories (35' max.)	2.5 stories (35' max.)	2.5 stories (35' max.)
Lot Coverage (max.)	20%	20%	25%
Parking (min.)	2 per unit (excluding in-garage spaces)	2 per unit (excluding in-garage spaces)	2 per unit (excluding in-garage spaces)
Setbacks (min.)			
Front	40'	40'	35'
Side	25'	15'	10'
Rear	40'	25'	25'
Design Standards	None	None	None
Park Dedication	1 ac for every 25 dwelling units or fee-in-lieu	1 ac for every 25 dwelling units or fee-in-lieu	1 ac for every 25 dwelling units or fee-in-lieu

Table 12.1. Current Zoning Regulations (con't)

Zone R20 – Single Family Residential District		Residential Planned Unit Development (PUD-R)
Element Regulated		
Land Uses		
Residential		
Single-Family Detached	Permitted	Permitted if specified in the PUD ordinance
Duplex, townhome, multi-family, etc.	Not Permitted	Permitted if specified in the PUD ordinance
Accessory	Permitted (Carports and servants quarters w/ SUP)	Permitted if specified in the PUD ordinance
Agricultural	Private horse stables permitted w/ SUP	Permitted if specified in the PUD ordinance
Utility	Permitted w/ SUP	Permitted if specified in the PUD ordinance
Public and Institutional	Parks, public schools, religious institutions, and government facilities permitted by right; others by SUP	Permitted if specified in the PUD ordinance
Office	Not Permitted	Permitted if specified in the PUD ordinance
Retail & Service	Not Permitted	Permitted if specified in the PUD ordinance
Recreational & Entertainment	Not Permitted	Permitted if specified in the PUD ordinance
Automotive & Transportation	Not Permitted (Airports and heliports w/ SUP)	Permitted if specified in the PUD ordinance
Heavy Commercial, Industrial & Manufacturing	Not Permitted (Temporary concrete batch plants and oil & gas extraction w/ SUP)	Permitted if specified in the PUD ordinance
Residential Density (max. DU/Ac)	2.1	1.8 (greater densities may be allowed per the LDC, Chapter 3 Land Use, Section 3.23 PUD – Planned Unit Development, Item H. See footnote on next page*)
Lot Size (min. sq.ft.)	20,000	13,000 (16,000 avg. lot size)
Height (max.)	2.5 stories (35' max.)	3 stories (30' max.)
Lot Coverage (max.)	30%	50%
Parking (min.)	2 per unit (excluding in-garage spaces)	Per use category
Setbacks (min.)		(May be revised per PUD Ordinance)
Front	30'	30'
Side	10'	10'
Rear	25'	25'
Design Standards	None	Open space design standards
Open Space		Min. 20% of the gross project area
Park Dedication	1 ac for every 25 dwelling units or fee-in-lieu	1 ac for every 25 dwelling units or fee-in-lieu

and Southern Gateway areas are zoned ML Light Manufacturing. This zoning generally reflects older existing auto-service, storage, warehouse, and manufacturing uses along this corridor and close to the Cottonbelt Rail line. In addition to storage, warehousing, and manufacturing uses, auto-service uses and uses with outdoor storage needs are permitted in this zone. General retail sales, service, and office uses are not permitted in this zone.

Overview of Current Design Standards

There are two different sections of the City's Land Development Code that establish design standards for non-residential (commercial and institutional) development within the city. The first section is Chapter 3.25.1 Large Commercial Buildings and the second is Chapter 6 Commercial Design Standards.

Large Commercial Buildings. Section 3.25.1 mostly applies to new or expanded commercial buildings over 40,000 square feet in size within the ML Light Manufacturing District and new/revised PUD-C districts (all PUD-C except O-99-1141 for Village at Colleyville). All other buildings design standards default to Chapter 6 Commercial Design Standards.

* Density Bonus (per current Colleyville Land Development Code) – "A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult."

The large commercial building section establishes standards for several aspects of site and building design including:

- Facade articulation standards (both horizontal and vertical facade articulation)
- Requires a minimum of 30 points per application of Commercial Building Design standards in Chapter 6 of the City's Development Code
- Minimum treatment of non-street fronting side and rear facades
- Landscaping standards
- Screening and buffering adjacent to public streets and residential uses
- Signage standards
- Maximum parking standards (1 space per 200 sq.ft.)
- Loading, service, delivery, and outdoor storage
- Exterior surface material and color standards

Buildings less than 40,000 sq.ft in size. The Commercial Design Standards section of the City's Land Development code establishes a palette of facade design standards for buildings less than 40,000 sq.ft. that can be used to meet a design score standard established by zoning district (min. of 30 points for all commercial zoning districts). The main goal of this set of standards is to improve the aesthetic appeal of buildings from a driver's point of view. It is also intended to limit the creation of big, plain "box" buildings with minimal or no facade elements. A total of 50 points is possible under five different categories of design improvements (with a max. of 10 points possible under each category):

1. **Facade Articulation Variables.** Requires horizontal variation in building facades where portions of buildings protrude or are punched in to discourage facades with plane surfaces.
2. **Vertical Departure Variables.** Requires vertical variation of building facades where portions of the building facade wall are raised or lowered to create the impression of changing height.
3. **Shade Coverage Variables.** Requires certain unenclosed structural areas attached to the building facade to provide shade along the building front.
4. **Horizontal and Diagonal Roof Planes Variables.** Requires changes in roof and parapet lines and shapes.
5. **Fenestration Variables.** Requires transparent windows and doors on the building facades.

Issues with Existing Regulatory Structure

Several aspects of the existing regulatory structure need to be refined in order to implement the vision for not just Colleyville Boulevard, but also for new neighborhoods within the city. Some of these critical issues are listed below:

COLLEYVILLE BOULEVARD DISTRICT

- Existing zoning districts and associated standards along the Boulevard do not directly relate to the vision and specific development opportunities for the four distinct areas along the Boulevard – the Northern Gateway, Upper Colleyville Boulevard, Central Colleyville Boulevard, and the Southern Gateway.

- The existing zoning regulations do not provide for “adjacency predictability” which is important to implementing vision for the Boulevard. Specifically, development standards within each district may not result in a predictable built environment. The use of PUD’s along the corridor also creates an environment where “adjacency predictability” becomes difficult. The use of PUD zoning does not easily allow a building to transition to other uses based on market opportunities since it is often created for a specific building and use.
- Development standards in many of the zoning districts are primarily use-based with limited design and public realm standards and do not result in supporting walkability, specifically within the Central Colleyville Boulevard zone. Moreover, changing standards in these districts would impact other areas of the city that are also zoned the same.
- To implement the community vision for Colleyville Boulevard, it will not be enough to just regulate building articulation, roof design, and fenestration. While these design elements are important, there needs to be additional standards to relate development on one lot to the next by creating continuity of frontages and relating private development standards to public realm standards. At a minimum, good, functional urban design standards as it relates to pedestrian-oriented development will be required in the areas within the Central Colleyville Boulevard zone to ensure that redevelopment is consistent with the community’s vision.

AREAS OTHER THAN COLLEYVILLE BOULEVARD

- Current PUD-R standards do not specify standards for preserving the rural character along certain streets and corridors and acceptable treatment of such frontages.
- Building design standards for the city's other major arterials such as Precinct Line Road, SH 121, and Cheek-Sparger Road do not distinguish development in Colleyville from developments along the same corridors in adjoining cities of Hurst, Bedford, North Richland Hills, Euless, or Grapevine.
- Current PUD standards do not specify standards for creating a mixed PUD with both residential and commercial uses. This is specifically an issue for some of the properties that are not suitable for retail-based uses on mid-block locations, depth/size of the property, adjacencies to residential neighborhoods, and an over retail trade area.

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Chapter 3

Land Use

Rev. 04/15/2014

Section 3.1 – Purpose of This Chapter

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities. The zoning districts have been created with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 3.2 – Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.3 – Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.4 – Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 - Definitions* of this Land Development Code.

Section 3.5 – Establishment of Districts

- A. Official Zoning Map – The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this Chapter.
1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

2. The Official Zoning Map is not intended to control the procedural prerequisites applicable and the ordinances should be looked to as the authoritative source for all zoning. The Official Zoning Map shall be located and displayed in the Colleyville City Hall.
- B. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.
- C. Rules for Interpretation of District Boundaries – Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following City Limits shall be construed as following City Limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 6. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by paragraphs 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.
 8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the original zoning ordinance, the Zoning Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot to either side of said district line.

Section 3.6 – Application of District Regulations; Classification of New and Unlisted Uses; and Platting of Property Not Properly Zoned

- A. Application – The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:
1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
 2. No building or other structure shall hereafter be erected or altered:

- a. to exceed the height;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
 3. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specified in the "Off-Street Parking Requirements." of this Chapter.
 4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the original zoning ordinance shall meet at least the minimum requirements established by this Chapter.
 5. In every dwelling unit the density of occupancy shall not exceed 1.5 persons per room.
 6. All territory which hereafter is annexed to the City shall automatically be considered to be in the AG - Agricultural District, unless otherwise classified by the City Council after public hearing and upon recommendation from the Planning and Zoning Commission.
- B. Classification of New and Unlisted Uses – It is recognized that new types of land may develop and forms of land use not anticipated herein may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land and use shall be made as follows:
1. The Administrative Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and the amount and nature thereof, (i.e., enclosed or open storage), anticipated employment, transportation requirements, the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any, and the general requirements for public utilities such as water and sanitary sewer.
 2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted.
 3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve the recommendation of the Planning and Zoning Commission, or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this Chapter to reflect said findings and decisions.
- C. Platting of Property not Properly Zoned – No plat of any residential or non-residential subdivision within the City, or that which is being annexed to the City, shall be approved unless and until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission. A public hearing by the Planning and Zoning Commission on a proposed annexation, zoning classification, and plat approval, or any combination thereof, may be held simultaneously.

Section 3.7 – Non-conforming Uses, Lots and Buildings

- A. Intent – Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots and uses of land, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before the original zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these non-conformities to continue until they are

removed, but not to encourage their survival. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of buildings and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. Non-conforming Lots of Record – In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.
- C. Non-conforming Uses of Land (or Land with Minor Building Only) – Where at the time of passage of this Chapter lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000), the use may be continued so long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the original zoning ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the original zoning ordinance;
 3. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located;
 4. No additional building not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.
- D. Non-conforming Buildings – Where a lawful building exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with City building codes.

2. Should such non-conforming building or non-conforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction; it shall not be reconstructed except in conformity with the provisions of this Chapter, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
 3. Should such building be moved for any reason any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- E. Non-conforming Uses of Buildings or of Buildings and Premises in Combination – If lawful use involving individual buildings with a replacement cost of one thousand dollars (\$1,000.00) or more, or of buildings and premises in combination, exist at the effective date of adoption or amendment of this Chapter that would not be allowed in a particular district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing building devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City building codes.
 2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
 3. If no structural alterations are made, except as required by the City's building codes, any non-conforming use of a building, or building and premises, may, as a special exception, be changed to another non-conforming use provided that the Zoning Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
 4. Any building, or building and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
 5. When a non-conforming use of a building, or building and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the building, or building and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 6. Where non-conforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the non-conforming status and any new construction shall be in accordance with the zoning regulations applicable to the district. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction. (O-00-1261 / 12/19/00)
- F. Repairs and Maintenance – On any non-conforming building or portion of a building containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming building or non-conforming portion of the building as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming building or portion of a building containing a non-conforming use becomes physically

unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized City official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Changing Non-conforming Uses

1. Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.
2. The Zoning Board of Adjustment may grant a change of use from one non-conforming use to another non-conforming use provided such change is to a use permitted in a zoning district where the original non-conforming use would be permitted or such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a non-conforming use. Upon review of the facts in accordance with the procedures for the Zoning Board of Adjustment, contained in *Chapter 1 – General Provisions* of this Land Development Code, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.
3. The Zoning Board of Adjustment may approve the remodeling or enlargement of a non-conforming use when such an enlargement would not tend to prolong the life of the non-conforming use. Upon review of the facts, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use in accordance with the procedures of the Zoning Board of Adjustment contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.8 AG – Agricultural District

- A. Agricultural District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the AG - Agricultural District.
- B. Purpose and Intent – The purpose of the AG - Agricultural District is to provide for compatible land, building and structure uses primarily oriented to agricultural farming and ranching, and extremely low density residential purposes. The district's locational characteristics are usually confined to the outer fringe of developed urbanized areas and/or along, unprotected flood-prone areas. The district also serves as: 1) a transitional land use element pending future, more intensive urbanization; 2) open space for the protection and enhancement of scenic areas, vistas, and recreational uses, and 3) where unusual or problematic soils, topographic conditions, or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization

The primary intent of this district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Chapter.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district as are designated in *Section 3.24.C - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:
 1. Buildings, structures and uses accessory to permitted farming and ranching operations;
 2. Private residential garages, carports and related storage buildings and greenhouses accessory to

permitted residential uses.

3. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
 4. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six-hundred (600') square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
 5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 7. Required off-street parking and loading spaces.
 8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
 9. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
 10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code and other applicable City codes and ordinances.
 11. Supplemental single-family dwelling for a farm employee and family when located on the same premises as the principal agricultural use, provided:
 - a. Such dwelling shall be used exclusively for the housing of a single-family employed full time on the premises in the conduct of operation or management of the principal agricultural use;
 - b. Such dwelling is under the same ownership as that of the agricultural use and is on the same land as the owner's principal place of residency;
 - c. The land area devoted to such dwelling conforms with the minimum requirements established in *Section 3.24 - Schedule of District Regulations* for single-family dwellings in an "RE" District, as if it were on a separate recorded lot; and
 - d. The total land area under common ownership comprising the agriculture use and related owner's and employee's residence is not less than twenty (20) acres.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such

special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for "Classification of New and Unlisted Uses."
- H. Density; Area; Yard; Height; and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.
- I. Off Street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the "Off-Street Parking Requirements" and "Off-Street Loading Requirements" contained elsewhere in this Land Development Code.
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the official zoning map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.9 RE – Single Family "Estate" Residential District

- A. RE-Single Family Estate Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the RE - Single-Family Residential Estate District.
- B. Purpose and Intent – The purpose and intent of the RE - Single-Family Estate Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential estate purposes, select agricultural uses, open space uses, and selected community facility uses. The locational characteristic of this district is generally confined to the outer fringe of the more intensely urbanized and developed areas and/or along unprotected flood prone areas. The district further serves as a transitional element between limited residential development and intense agricultural activities and of higher density urbanized areas of the city. Low density detached single-family residential dwellings and estate development, along with the aforescribed uses, comprise the principal elements of the district.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:
 - 1. Buildings, structures, and uses accessory to permitted farming and ranching operations;
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be

enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.

3. Private residential garages, carports, and related storage buildings and greenhouses accessory to permitted residential uses.
 4. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
 5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 7. Required off-street parking and loading spaces.
 8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code
 9. Parking and storage of private boat(s), camper trailer(s) or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
 10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 11. Private domestic greenhouses.
 12. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - Schedule of Permitted Principal Uses*. The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the “Off-Street Parking Requirements,” and the “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.10 R40 - Single Family Residential District

- A. R40-Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the R40 - Single Family Residential District.
- B. Purpose and Intent – The purpose and intent of the R40 - Single Family Residential District is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are not confined to any specific or general area; however, they are most appropriate on the outer fringe of the more intensively urbanized parts of the community, and/or along protected flood prone areas. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Low density detached single family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.
- C. Use Regulation – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “Permitted Principal Uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than six (6’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side’ or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.
 6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code
 9. Private domestic greenhouses.
 10. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of the regulation for the "Classification of New and Unlisted Uses."
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.11 R30 - Single Family Residential District

- A. R30-Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R30 - Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the R30 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the City. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Moderately low density detached single-family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.
- C. Use Regulation – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “Permitted Principal Uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than (24”) inches and “above grade” swimming pools having a water depth (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4’) feet nor more than (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5’) feet to any side or rear property line.
 3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.
 6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the “Parking, Storage or Use of Major Recreational Equipment

and Vehicles.”

8. Signs, in conformance with these regulations and other applicable City codes and ordinances.
 9. Private domestic greenhouses.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such as allowed in *Section 2.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “special exception uses” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density; Area; Yard; Height; and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*
- J. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the “Off-Street Parking Requirements” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the “Official Zoning Map” affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 - General Provisions* of this Land Development Code regarding “Petition for Zoning District Change: Land Plan and Supporting Documents Required.”

Section 3.12 R20 - Single Family Residential District

- A. R20–Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R20 - Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the R20 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the city, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Moderately low density detached single-family residential dwellings as exist in the inner area of the city comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*

- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side or rear property line.
 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses.
 5. Required off-street parking and loading spaces.
 6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 9. Private domestic greenhouses.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in *Section 3.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*

- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.13 R15 - Single Family Residential District

- A. R15-Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R15 - Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the R15 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed core of the city and/or adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Medium low density detached single-family residential buildings as exist in the inner core area of the city on typically small lots, along with the aforescribed uses, comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city, but not to create new-zoned areas for such conventional small lots.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 2.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a - water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side or rear property line.
 - 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 - 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is

created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.
 6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 9. Private domestic greenhouses.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in *Section 3.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the regulations for the “Classification of New and Unlisted Uses.”
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.14 RD – Two-Family Residential District

- A. RD-Two Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RD - Two-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the RD - Two-Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium-low density two-family residential purposes, open space usage, and selected community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, plus as a transitional element between low density, single family districts and higher density multiple family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Dwellings containing two-family dwelling units, plus the aforescribed uses, comprise the principal elements of the district. The intent of

this district is not to allow single-family detached dwellings.

- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side or rear property line.
 - 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 - 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 - 5. Required off-street parking and loading spaces.
 - 6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
 - 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 - 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 - 9. Private domestic greenhouses.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, can not be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in *Section 2.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and

Unlisted Uses.”

- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.15 RMF - Multifamily Residential District

- A. RMF-Multi-family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RMF - Multifamily Residential District.
- B. Purpose and Intent – The purpose and intent of the RMF - Multi-family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium density multi-family residential purposes, open space uses, select community facility uses, and under special conditions, single-family uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, near employment centers, at the intersections of major and secondary thoroughfare streets, and as a transitional element between lower density and more intense nonresidential land uses. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Garden apartment buildings and condominiums, and low-density townhouses, plus the aforescribed uses, comprise the principal elements of the district.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses.*
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.
 6. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
 7. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 8. Private domestic greenhouses.
 9. Outdoor storage areas or storage buildings for boats, trailers, and other recreational equipment, automobiles, or household effects - for the exclusive use of the site occupants, provided these accessory uses are screened in general conformity with the requirements for "Fences, Free Standing Walls, and Screening Materials."
 10. An office area not containing more than (2) percent of the gross floor area of the main building in a multifamily development used exclusively for administration purposes for said development only.
 11. Coin-operated vending machines in a principal or accessory building for newspapers, candy, tobacco, soft drinks, ice and similar services for use by the site occupants and guests of permitted uses in this district.
 12. Social and recreation buildings for use by the site occupants and guests of permitted uses in this district.
 13. Group dining quarters within a principal building.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the - "Classification of New and Unlisted Uses."
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

- J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a “Special Use Permit” to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.
- K. Open Space Required – Unless waived by the Planning and Zoning Commission, the RMF - Multifamily Residential District shall conform to the Open Space Requirements as set forth in the provision for “Open Space Requirements,” “Maximum Residential Density Permitted; and Density Increase Bonuses,” and “Guarantee of Common Open Space.”
- L. Planned Single Family Use in RMF Zoning Districts by Special Use Permit
1. Purpose and Intent - the purpose and intent of the grant of a special use permit for single family use in a R-MF Zoning District is to provide for the use in said zoning district of land, buildings and structures, for an appropriate combination of residential uses, accessory uses and special uses and to accommodate uses of land in multifamily zoning districts for single family purposes when said use is pursuant to a plan designed to encourage the most appropriate and aesthetic uses of land having due regard for the special arrangement of buildings, land uses, open spaces, circulation transportation patterns and consideration of special site and topographical features, which are controlled and the actual development becomes incorporated into the grant of the special use permit.
 2. Allowable Uses - land, buildings or structures within an area zoned R-MF on which a special use has been granted may be used for any appropriate combination of principal uses, accessory uses, and special uses as permitted in residential zoning districts. However, the Planning and Zoning Commission and the City Council reserve the right to prohibit and exclude certain uses within any planned district, when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to an adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property within the adjacent districts thereto.
 3. Permitted Uses - the land, buildings and structures within an RMF Zoning District upon which a special use permit has been granted may be used in any single purpose or mixed type of residential dwellings, including but not limited to the attached single family dwelling on conventional subdivision type lots, attached dwellings such as duplexes and townhouses, “cluster housing”, patio homes, atrium homes, zero-lot line homes, (with a maximum of one side wall of the dwelling in common with a side property line). Additionally, accessory uses customary and incidental and secondary to any allowed foregoing use are allowed in the district.
 4. Prohibited Uses - uses not expressly permitted in residential zoning districts of this Chapter are expressly prohibited in any R-MF District with special use permit unless otherwise authorized and approved by the City Planning and Zoning Commission and the City Council.
 5. Minimum Lot Size Requirements; Minimum Yard Requirements; Maximum Building Heights; and Maximum Lot Coverage - the maximum height, lot width, lot depth, floor area ratio and lot area, and the minimum off-street parking and loading requirements for a special use permit in RMF Zoning District shall comply with or be more restrictive than the standard established in RMF Zoning Districts. The Planning and Zoning Commission and City Council may alter such requirements when in their opinion the proposed development densities and land use arrangements shown on the site plan would result in the more innovative siting of buildings and facilities which would improve the usefulness of yard areas and the relationship to traffic circulation, admittance of light and air to buildings, fire protection and useable open space.
 6. Off-Street Parking and Loading Requirements - off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
 7. Site Plan and Supporting Documents Required - any application for a change in zoning district boundaries on the “official zoning map” to establish a special use permit in an RMF Zoning District

shall be accompanied by a site plan and supporting documents therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

8. Nature of Amending Ordinance Approving a Special Use Permit in RMF Zoning Districts - in approving any request for a special use permit in RMF Zoning Districts, the City Council shall, on the recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed on the project by the commission including those of Council, and said information, conditions and restrictions shall constitute controls and limitations upon the development and use of the property. The approval and adoption of the amending ordinance by the Council shall result in the appropriate change to the "Official Zoning Map." However, the zoning change does not constitute recording of a "final plat", nor authorize the issuance of building permits and "certificates of occupancy," until such time as a "final plat," and supporting legal and construction documents have been prepared and submitted for City Council approval on all or part of the proposed development, in conformance with the requirements and procedures of the City Subdivision Regulation Ordinance and the requested zoning change.
9. Requirements for "Final Plat," Submission Following Grant of Special Use Permit - within a maximum of six (6) consecutive months, following the approval of the special use permit in the RMF Zoning District by the City Council, the applicant shall file with the City Planning and Zoning Commission a "final plat" and necessary supporting documents of all or a part of the site in conformance with the City's Subdivision Regulations Ordinance. In its discretion and for good cause, the Planning Commission may extend for six (6) months the period of filing for the "final plat," upon written request by the applicant. Should the applicant fail to submit a "final plat" within the six-month period following the City Council approval of the Special Use Permit, or by the termination date of the filing of the extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings to amend the official zoning map by removing all or part of the Special Use Permit in the RMF Zoning District from the official zoning map. The City Council may uphold the Commission's recommendation and proceed to advertise and hold public hearings thereon, or may elect to continue the special use permit in the R-MF Zoning District.
10. Compliance with Development Schedule - an application for a planned unit development district shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become a part of the development plan and shall be adhered to by the owner, developer and his successors in interest. The development schedule shall be reviewed annually by the City Manager or his designee and he shall report to the Planning and Zoning Commission the actual development accomplished as compared with the development schedule. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the official Zoning Map by removing all or part of the special use permit in the RMF Zoning District from the official zoning map. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

Section 3.16 MH – Mobile Home Residential District

- A. MH-Mobile Home Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH - Mobile Home Residential District.
- B. Purpose and Intent – The purpose and intent of the MH - Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks

and sub-surface drainage fields.

- C. Use Regulation – Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5’) feet to any side or rear property line.
 - 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 - 4. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 - 5. Required off-street parking and loading spaces.
 - 6. Home occupation uses, as defined by *Chapter 2 – Definitions* of this Land Development Code.
 - 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 - 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 - 9. Private domestic greenhouses.
 - 10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.
- F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in *Section 3.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a “Special Use Permit” to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.17 CPO - Professional Office Commercial District

- A. Purpose – This district is designed to be compatible adjacent to or near residential area and to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.
- B. Permitted Uses
- See Table 3.24.B - Schedule of Permitted Principle Uses
- C. Special Uses
- See Table 3.24.B - Schedule of Permitted Principle Uses
- D. Site Requirements

Minimum lot size:	7, 200 s.f.	Minimum setbacks:	Max. Building height in stories:	2 st.
Maximum lot size:	1 acre	front:	Max. building height in feet:	35 ft.
Minimum lot width at front setback line:	100 ft.	side abutting residential:	Max. building height adj. to residential	
		side abutting non-residential:		
Minimum lot depth:	120 ft.	rear abutting residential:		
Maximum lot coverage:	40%	rear abutting non-residential:		

- E. Supplementary Requirements

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 3.26	Commercial Bldg. Design Stds.	Site Plans:
- may be operated in daytime only	- each site must have a minimum of 25 points as per Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.18 CN - Neighborhood Commercial District

- A. Purpose – This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

<u>General Requirements:</u>	<u>PRIMARY USE & STRUCTURE:</u>	<u>Accessory Use & Structure:</u>
Minimum lot size: 10,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: 1 acre	front: 40 ft.	
Minimum lot width at front setback line: 100 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage: 40%	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential district: see Sec. 24	

E. Supplementary Requirements

<u>General:</u>	<u>Landscaping Plans:</u>	<u>Off-Street Parking:</u>
- outdoor storage is not permitted	- required per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 24	<u>Commercial Bldg. Design Stds.</u>	<u>Site Plans:</u>
- may be operated in daytime only	- each site must have a minimum of 25 points per Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.19 CC1 - Village Retail District

- A. **Purpose** – This district is oriented to general commercial retail goods and services as well as some office, entertainment and community facility uses. While the district is designed to encourage “clustering” stores, the site requirements allow for a smaller scale than a shopping center type development. It is likely that Village Retail centers will be built without a major anchor store and be located near but not at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

<u>General Requirements:</u>	<u>PRIMARY USE & STRUCTURE:</u>	<u>Accessory Use & Structure:</u>
Minimum lot size: 15,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: 5 acres	front: 40 ft.	
Minimum lot width at front setback line: 150 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
	rear abutting residential: 25 ft.	

Maximum lot coverage:	50%	rear abutting non-residential:	10 ft.
		Max. Building height in stories:	2 st.
		Max. building height in feet:	35 ft.
		Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 24 - may be operated 24 hours/day	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Std. - each site must have a minimum of 30 points as defined by Chapter 5	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.20 CC2 - Shopping Center District

A. Purpose – This district is oriented to general commercial goods and services as well as office, entertainment and community facility uses. By nature, shopping center tracts are large-scale usually accommodating a large anchor store and several smaller stores. These tracts are generally located at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements: Minimum lot size: 20,000 s.f. Maximum lot size: none Minimum lot width at front setback line: 150 ft. Minimum lot depth: 120 ft. Maximum lot coverage: 60%	PRIMARY USE & STRUCTURE Minimum setbacks: front: 40 ft.* *see Sec. 23 (D) for special "urban Village" front yard setback. side abutting residential: 25 ft. side abutting non-residential: 15 ft. rear abutting residential: 25 ft. rear abutting non-residential: 10 ft. Max. Building height in stories: 2 st. Max. building height in feet: 35 ft. Max. building height in PUD: 4 st. Max. building height adj. To residential district: see Sec. 3.24 (A&B)	Accessory Use & Structure Permitted per Sec. 3.24 & 3.28
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E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Std. - each site must have a minimum of 25 points as defined by Chapter 5	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.21 CC3 - Highway Commercial District

A. Purpose – This district would permit uses that do not fit within the retail or manufacturing categories. Service and retail uses associated with outdoor storage, noise, especially auto repair and service and others would be permitted. The minimum lot size is less than the Shopping Center District to allow for more flexibility of uses. It is anticipated that most of these districts would not be located near residential districts.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size:	10,000 s.f.	Minimum setbacks:	Permitted as per Sec. 3.24 & 3.28
Maximum lot size:	none	front:	40 ft.
Minimum lot width at front setback line:	150 ft.	side abutting residential:	25 ft.
Minimum lot depth	120 ft.	side abutting non-residential:	15 ft.
Maximum lot coverage	70%	rear abutting residential:	25 ft.
		rear abutting non-residential:	10 ft.
		Max. Building height in stories:	2 st.
		Max. building height in feet:	35 ft.
		Max. building height adj. to residential district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General: - outdoor storage is permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: - each site must have a minimum of 20 points as defined by Chapter 5	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.22 ML - Light Manufacturing District

A. Purpose – This district would permit uses that involve the fabrication of products or have outdoor storage, noise, odors or other objectionable aspects that would not be compatible in retail or service areas. This district is limited to those uses that are not retail in nature or in some cases those that need outdoor space.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size: 10,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: none	front: 40 ft.	
Minimum lot width at front	side abutting residential: 25 ft.	
Setback line: 100 ft.	side abutting non-residential: 15 ft.	
Minimum lot depth 120 ft.	rear abutting residential: 25 ft.	
Maximum lot coverage 60%	rear abutting non-residential 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential	
	district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses	Commercial Bldg. Design Stds:	Site Plans:
Must be screened as per Sec. 3.24	- each site must have a minimum of	- plans must be submitted in
- may be operated 24 hours/day.	30 points as defined by Chapter 5	accordance with Sec. 3.31

Section 3.23 PUD - Planned Unit Developments

(Ord. O-05-1529 / 06/21/05)

- A. Purpose - The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community.
- B. Ordinance Required and Effect on Official Zoning Map – Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the “Official Zoning Map.”
- C. General Development Standards – The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to another zoning district.
- D. Classification of Planned Unit Developments – The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.

Planned Unit Development Classifications		
PUD Classification	Planned Unit Development- Residential	Planned Unit Development - Commercial
Map Symbol	PUD-R	PUD-C
Classifications Defined	Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a	Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or

	conventional single family project of the same acreage, shall be classified as Planned Unit Development – Residential. A PUD-R may also contain a portion of non-residential uses.	combinations thereof, shall be classified as Planned Unit Development – Commercial. A PUD-C may also contain a portion of residential uses.
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- E. Permitted Uses – The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.
- F. Prohibited Uses – Uses not expressly permitted in the ordinance approving the Planned Unit Development shall be prohibited.
- G. Maximum Residential Density – The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per gross acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project and one-half of any abutting street situated adjacent to the project. This calculation shall exclude all proposed non-residential acreage from the gross acreage.
- H. Density Bonus – A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult.
- I. Minimum Residential Lot Size – Notwithstanding Paragraph G above regarding maximum density, the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.
- J. Open Space Requirements – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:
1. *Residential Areas* – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.
 2. *Non-Residential Areas* – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.
 3. *Definition of Common Open Space*. For the purpose of this section, common open space is defined as follows:
 - a. Common Open Space may include:
 - i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
 - ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
 - iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas,

community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or

- iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.

b. Common Open Space shall not include:

- i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
- ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
- iii. religious institutions or private school sites, or
- iv. street medians or islands.

2. *Open Space Design Requirements.*

- a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.
- b. The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.
- c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.

3. *Guarantee of Common Open Space.* In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:

- a. *Public Open Space* – Common open space may be conveyed to the City or other public agency, provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.
- b. *Private Open Space* – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:
 - i. the establishment of the association is made before any lot in the development is sold or any building occupied,
 - ii. membership in the association is mandatory for each building or property owner and any successive owner and give the association the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common open space areas,
 - iii. ownership and maintenance of the common open space is guaranteed by a restrictive covenant, which is permanent, running with the land for the benefit of the occupants of the development and state that the association is totally responsible for the maintenance of the common open space and any improvements,
 - iv. submittal of a draft copy of the proposed covenants at the time of preliminary platting, which will ensure the guarantees stated in this section and provides for restricting the use of common spaces for the designated purposes, and
 - v. the plat contains a note stating that the common open space shall be maintained by the home owners association

K. Special Submittal and Exhibit Requirements – To facilitate the review and public hearing process, all applications for a Planned Unit Development shall include the following documents and exhibits:

- 1. *Application* – These forms are furnished by the Administrative Official.
- 2. *Application Fee* – No application shall be processed or scheduled for public hearing until the application fee has been paid.

3. *Statement of Planning Objectives* – The developer shall provide a written statement of planning objectives which describes the nature and character of the proposed development, any proposed development standards, and the rationale behind the assumptions and choices made by the applicant, including use and ownership of any open spaces, etc.
4. *Legal Description* – A written metes and bounds description of the total site area proposed for the Planned Unit Development.
5. *Development Schedule* – A development schedule indicating the target dates for the start and completion of the project, including any key dates of phasing of the project. The development schedule, if adopted and approved by the City Council, shall be incorporated into the approving ordinance, which shall be adhered to by the owner, developer and his successors in interest.

If upon review by the Administrative Official, the owner or owners of property fail to meet the approved schedule, the Planning and Zoning Commission or City Council may initiate proceedings under Chapter 1 – General Provisions of this Land Development Code regarding “Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits,” to amend the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

6. *Site Plan* – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
 - a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
 - b. Proposed land uses and building locations
 - c. General elevation drawings of all non-residential structures indicating building height
 - d. Landscaping, lighting, fencing and screening of common areas
 - e. General locations of existing tree clusters
 - f. Location and construction type of perimeter fencing
 - h. Design of ingress and egress with description of any special pavement treatments
 - i. Calculations and location of off-street parking and loading facilities
 - j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
 - k. Location and description of subdivision signs and landscaping at entrance areas
 - l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.
7. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.

- L. Optional Preliminary Plat Submittal – To expedite a development proposal, a developer may submit a separate application for a Preliminary Plat, which meets all of the requirements specified in Chapter 8 of this Land Development Code for a Preliminary Plat submittal, and which may be processed and reviewed concurrently with a PUD application, provided that no Preliminary Plat application shall be approved prior to the approval of the PUD application. The developer shall request a waiver of the 30 day time limit for Preliminary Plat approval where such applications run concurrently with a PUD application.

M. Approval Process

- a. *Application* – An application for a Planned Unit Development shall be submitted and processed using the same requirements used for submittal of a rezoning request, which shall be reviewed and considered in accordance with the procedures specified in Chapter One of this Land Development Code.
- b. *Conditions Related to Approval* – In establishing a Planned Unit Development, each application shall

be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community. The Planned Unit Development may be approved or denied as the findings indicate appropriate. The Planning and Zoning Commission may recommend and the City Council may approve safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties, which may include any or all of the following site conditions:

- | | |
|-------------------------------------|---|
| i. Accessory buildings | xi. Lot sizes and dimensions |
| ii. Building and structure heights | xii. Outside storage and display |
| iii. Drainage | xiii. Pedestrian circulation |
| iv. Exterior construction materials | xiv. Public street access |
| v. Exterior lighting | xv. Refuse and waste storage |
| vi. Fire protection measures | xvi. Screening or buffer areas |
| vii. Hours of operation | xvii. Signs |
| viii. Land uses | xviii. Vehicle traffic, circulation, and parking lots |
| ix. Landscaping and open space | xix. Other conditions deemed appropriate |
| x. Lot coverage, density & setbacks | xx. Project phasing and development schedule |

c. *Modification of a PUD requirement* – The Planning and Zoning Commission may recommend and the City Council may approve a proposal for a Planned Unit Development that includes a provision which modifies any requirement contained in these Planned Unit Development regulations.

d. *Amending a Planned Unit Development* – Changes to a Planned Unit Development or to its approved Site Plan shall be processed in the same manner as the original request. However, the administrator of this Code may approve minor modifications in an approved Concept Plan, provided the modifications:

- i. Do not alter the basic physical relationship of the property to adjacent property;
- ii. Do not change the permitted land uses;
- iii. Do not increase the maximum density, floor area, height; or,
- iv. Do not reduce the minimum yards or setbacks.

N. Effect of this Section on Existing Planned Unit Developments – Previously approved PUD amending ordinances to the City's preceding zoning ordinance and Land Development Code, including accompanying plans and supporting documents, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter. Where a prior ordinance fails to provide specific information regarding minimum lot sizes, lot width, lot depth, set backs, building heights and maximum lot coverage, the requirements contained in Section 3.24.G shall prevail.

Section 3.24 Schedule of Permitted Uses

- A. General Requirement and Symbols Used – Land and buildings may be used in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses* and the additional requirements of this section. The following symbols are used in Table 3.24.C, *Schedule of Permitted Principal Uses*:
1. *Permitted Uses* – A “P” in a cell indicates that the use is allowed by right as the principal use in the applicable zoning district in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses*.
 2. *Specific Uses* – An “S” in a cell indicates that the use may be allowed with the approval by the City Council of a Special Use Permit following the applicable review and approval procedures.
 3. *Prohibited Uses* – An empty cell indicates that the land use is prohibited in the applicable zoning district, unless otherwise allowed with the approval by the City Council of an ordinance establishing a Planned Unit Development District, or authorized by a Special Use Permit, or in conformance with the provisions contained in Section 3.6.B-*Classification of New and Unlisted Uses*.

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P		S								8	3	
Duplex – Attached Dwelling							P									8	2	
Townhome – Attached Dwellings								P								8	4	
Multi-family – Attached Dwellings								P								8	4	
HUD Code Manufactured Housing									P							8	2	
Assisted Living Facilities	PUD only															2	17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S								1,8	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P							9	5	
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P							8	n.a.	
Servants or Caretakers Quarters	P	P	S	S	S										S	16	1	
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S														17	25	
Crop Farming	P	P															n.a.	
Livestock raising and breeding	P	P														12	n.a.	
Private horse stables for domestic use	P	P	P	S	S												n.a.	
Roadside produce stands (year round)	S	S	S	S	S	S	S	S	S								n.a.	
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Solid Waste Disposal Sites															S		24	
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3	21	
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		n.a.	
E. PUBLIC AND INSTITUTIONAL USES																		
Colleges or Universities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		12	
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5	
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8	
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16	
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22	
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25	
Libraries										P	P	P	P	P	P		9	
Museums										P	P	P	P	P	P		8	
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10	
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25	
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25	
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13	
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14	
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13	
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14	
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18	
F. OFFICE USES																		
Accountant’s Offices										P	P	P	P	P			8	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Advertising Agencies											P	P	P	P	P			8
Attorney Offices											P	P	P	P	P			8
Chiropractic Clinics											P		P	P	P			8
Emergency Clinic (24 hrs.)													S	P	P		10	6
Engineering, Architect's, and Surveyor's Offices											P	P	P	P	P			8
General Business Offices not elsewhere listed											P	P	P	P	P			8
Insurance Agencies											P	P	P	P	P			8
Management and Public Relations Services Offices											P	P	P	P	P			8
Optometrist Office											P		P	P	P			8
Psychologist Offices											P	P	P	P	P			8
Physician's or Dentist's Offices											P		P	P			5	7
Real Estate Agency Offices											P	P	P	P	P			8
Security Broker Offices											P	P	P	P	P			8
Telemarketing Offices													P	P	P			5
Title Abstract Offices											P	P	P	P	P			8
Trade or Business Schools													S	S	S	P		15
Travel Agency / Airline Ticket Offices											P	P	P	P	P			8
G. RETAIL AND SERVICE USES																		
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption													S	S	S		13	n.a.
Alcoholic Beverage Sales – On-premises Consumption													S	S	S		13	n.a.
Package Store Sales – Off-premises Consumption													S	S	S		13	n.a.
Alcohol or Drug Treatment Center											S	S	S	S	S	S		24
Antique Stores													P	P				7

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Apparel and Accessory Stores												P	P				7	
Arts and Crafts Stores and Hobby Shops												P	P				7	
Bakery Stores												P	P				7	
Banks, Credit Unions and Financial Institutions											P	P	P				8	
Barber Shops, Beauty Shops and Day Spas											P	P	P			10	7	
Bicycle Shops												P	P				7	
Book, Stationary or Greeting Card Shops												P	P	P			7	
Camera or Music Stores												P	P				7	
Carnivals and Circuses												S	S				24	
Cemeteries or Mausoleums										S	S	S	S	S	S		24	
Charitable Donation Station												S	S	S			24	
Civic, Social or Fraternal Organizations										S	S	P	P				7	
Convenience Stores with gasoline sales												S	S	S	S		7	
Copy Centers/Print Shops										S	S	P	P	P	P		7	
Dance Studios and Martial Arts Studios										S	S	P	P				7	
Day Care Centers										S	S	S	S	S		17	11	
Department Stores												P	P				7	
Dry Cleaner Pick-up Stations											S	P	P				7	
Dry Cleaners (up to 5,000 s. f. w/on-site laundry)												P	P				7	
Equipment Rental and Leasing Stores														S	P		7	
Florist Shops											P	P	P				7	
Food Catering													P	P			8	
Funeral Homes												S	S	S			24	
Furniture and Appliance Stores												P	P	P			9	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Grocery Stores												P	P			18	7	
Hardware, electrical & plumbing w/o outside display											P	P	P	P				
Hardware , electrical & plumbing with outside display													S	P	P			
Hospitals												S	S	S			24	
Hotels and Motels													P	P			19	
Interior Decoration Stores										P	P	P	P				7	
Jewelry Stores											P	P	P				7	
Locksmiths											S	S	P	P			8	
Mailing and Shipping Stores											P	P	P	P			7	
Meat or Fish Market												P	P	P			7	
Nurseries and Greenhouses with outside display													S	P	P		16	
Pawn Shops															P		7	
Pet Stores												P	P				7	
Pharmacy											S	P	P	P			7	
Photography Studios										P	P	P	P	P	P		8	
Purchasing and/or resale of precious metals including jewelry, gem stones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas												S	S	S			7	
Restaurants, Cafes and Cafeterias												P	P	P			5	
Restaurants with drive-in or drive-thru service													P	P			5	
Second hand goods shop												S	S	S			7	
Self-service Laundries											S	S	S	S			7	
Second hand goods shop												S	S	S			7	
Self-service Laundries											S	S	S	S			7	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Shoe Repair Shops											P	P	P	P			8	
Tailor and Alteration Shops											P	P	P	P			8	
Veterinarian Clinic with indoor kennels													P	P	P	4	8	
Veterinarian Clinic with outdoor kennels													S	P	P		8	
Video Rental and Sales Stores												P	P	P			7	
Wedding Chapels												S	S	S			24	
H. RECREATIONAL AND ENTERTAINMENT USES																		
Adult Entertainment Establishments	See section 22-5 Code of Ordinances																5	
Amusement Centers (indoors)												S	S				24	
Archery and Firearms Ranges														S	S	6	24	
Billiard Parlors												S	S			17	23	
Commercial Recreation (outdoor)	S										S	S	S	S	S		24	
Fitness Centers												P	P	P			7	
Golf Courses – Privately Owned										P	P	P	P	P	P		22	
Golf Driving Ranges												P	P				22	
Miniature Golf Courses												P	P				20	
Roller or Ice Skating Rinks													S	S			24	
Theaters												P	P			7	18	
I. AUTOMOTIVE AND TRANSPORTATION USES																		
Airports and Heliports	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	
Auto Alarm / Stereo / Window Tinting Stores													P	P	P	13	7	
Auto Lube Shops													S	P	P	13	9	
Automotive and Motor Vehicle Sales													S	S	S	13	8	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Auto Parts and Accessory Stores													P	P	P		13	7
Auto, Truck or Trailer Rental															S	S	13	8
Auto Upholstery Shops															P	P	13	9
Auto Parking Lots and Garages (free standing)											S	S	S	S	S	S		n.a.
Auto Repair Shop														S	S	S	13	9
Boat and Water-craft Sales and Service														S	S	S	13	8
Bus or Passenger Train Stations													S	S	S	S		24
Car Wash (self service and automatic)															S	P		9
Commuter Transit Stations													S	S	S	S		24
Gasoline Service Stations															S	S	13	7
LPG / CNG Dispensing Stations															S	S		24
Motorcycle Sales and Service															S	S	13	8
Paint and Body Shops															S	S	13	9
Park and Ride Facilities													S	S	S	S		24
Railroad or Motor Freight Terminals														S	S	S		24
Recreational Vehicle Sales and Service															S	S	13	8
Tire and Battery Stores														S	S	S	13	7
Truck and Heavy Equipment Sales and Service															S	S	13	8
Vehicle Storage Yards or Facilities													S	S	S	S		24
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																		
Appliance Repair Shops															S	S		8
Building Material Sales with outside storage															S	P		7

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Commercial Laundry														S	S		24	
Contractor Office with storage yard														S	S		24	
Contactor Office without storage yard														P	P		8	
Electronic Assembly or Manufacturing															P		25	
Exterminator Shop														S	S		24	
Food Packaging and Manufacturing															S		24	
Furniture and Cabinet Manufacturing															P		25	
Office Showroom															P		25	
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1	24	
Plumbing, HVAC and Electrical Trades Shops														P	P		8	
Printing and Publishing - Commercial															P		8	
Plumbing, HVAC and Electrical Trades Shops														P	P		8	
Printing and Publishing - Commercial															P		8	
Research and Development Labs															P		8	
Scientific Instrument Assembly and Manufacturing															P		8	
Self Storage Facilities (mini-warehouse)															S		24	
Upholstery and Furniture Repair Shops														P	P		8	
Warehouse and Distribution Facilities															S		24	
Wood, Paper or Leather Products															P		25	
Manufacturing not elsewhere listed															S		24	
Welding or Machine Shop															P		25	

C. Special Land Use Standards – The following Special Land Use: Standards, which are referenced in the Special Land Use Standards column of Table 3.24.B, Schedule of Permitted Principal Uses, refer to additional standards and requirements that are applicable to the listed land use.

1. Bed and Breakfast – a Certificate of Occupancy (C.O.) is required prior to occupancy of the premises as a bed & breakfast. The C.O. shall be obtained after an inspection has determined that the structure is in compliance with all applicable current codes and ordinances of the City of Colleyville and the following additional conditions:
 - a. The structure is structurally sound.
 - b. There are no clear and present dangers as to fire and fire safety.
 - c. The plumbing is in compliance with the currently adopted code requirements for the zoning district in which it is located.
 - d. The electrical system is in compliance with the currently adopted Electrical Code for the zoning district in which it is located.
 - e. Smoke detectors shall be placed in each individual bedroom which is offered for public use and smoke detectors shall also be placed in any hallway adjacent thereto.
 - f. Signs, not exceeding one and one-half (1-1/2) square feet, shall indicate only the address and the establishment name.
 - g. Off-street parking shall be located behind the front building line of the structure and shall be screened from public view, and shall be provided in the following manner: one space per bedroom offered for temporary rental in addition to that required for the zoning district in which it is located.
 - h. The total rental bedroom area of the structure shall not exceed twenty-five (25) percent of the total floor area of the dwelling.

Also, in order to continue operation:

- i. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this Section.
 - ii. Food service shall comply with all provisions of the City Code.
 - iii. The structure shall comply with all current City Codes, including, but not limited to Building Codes, Plumbing Codes, Electrical Codes, Fire and Safety Codes, and others as may from time to time be adopted.
 - ix. The length of stay for any guest is limited to fifteen (15) consecutive days.
2. Assisted Living Facilities – A facility operated under a certificate of compliance document issued by the Texas Department of Aging and Disability Services, in which food, shelter, and person assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require hospitalization or skilled or intermediate nursing care.
3. Telecommunication Towers – Construction shall be of monopole design only; and
 - a. the distance between the base of the tower and any Agricultural (Ag) or residential district shall be not less than two (2) times the height of the tower; and
 - b. the site plan shall meet all other commercial development requirements of the City such as site plan review, landscaping, setbacks; and
 - c. a minimum of one paved parking space shall be provided at the site of the structure.
4. Veterinarian Clinic with indoor kennels – A facility containing indoor kennels shall be subject to the following conditions.
 - a. The entire business must be conducted within a soundproofed building. Noise and odors created by activities within the building shall not be discernible beyond the property line.
 - b. No animals shall be kept outside the building.
5. Medical and veterinary clinics – Outpatient services only.
6. Archery & firearm ranges – An SUP required in every zoning district, except CN & CC, for sales activity over 9 mo. per year.

7. Movie Theater Uses: A movie theater shall not contain more than six primary projection screens and two secondary executive viewing rooms and shall not exceed 28,500 square feet in total building size. For purpose of this regulation, a secondary executive viewing room shall not exceed a maximum of fifty (50) seats. (O-04-1454 / 4-16-04) (O-05-1538 / 09/06/05)
8. Home Occupation Uses:
 - a. No person other than members of the family residing on the premises shall be engaged in such occupation;
 - b. The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street on a driveway or other hard surface all weather area;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of any adjacent or nearby site occupant. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - f. Home occupation uses and activities shall be limited to the following: seamstress; accounting; bookkeeping and tax services; notary public; insurance and real estate; cosmetics and household sundries; private educational, music and dance tutoring; arts, crafts and home hobby shops; garage, yard and patio sales of short temporary duration; mail order brokerage; and other similar activities --- but excluding medical and law offices, beauty shops, pet grooming services, kennels and other such activities.
9. Private (HOA) Recreational Facilities – Buildings or structures in which members of a neighborhood association may gather for social, educational or cultural activities that are intended to serve the site occupants and guests thereof.
10. Emergency Clinics – Outpatient services only.
11. Livestock Raising and Breeding – A Special Use Permit is required for swine farming.
12. Alcoholic Beverage and Package Store Sales – A Special Use Permit is required for the sale of alcoholic beverages. A package store shall require the approval of a separate Special Use Permit. Any existing Special Use Permit for the sale of alcoholic beverages for off-premise consumption shall only be for beer and/or wine as specified in the approving ordinance and shall not be considered as approval for a package store as defined in Chapter Two. Also refer to Chapter 6 of the Code of Ordinances for additional regulations regarding alcoholic beverage sales.
13. Vehicle Repair – Vehicle repair, including the repair of other motorized vehicles, are permitted in accordance with the Schedule of Permitted Uses, subject to the following conditions.
 - a. All repairs and servicing shall be conducted within an enclosed building.
 - b. A business that conducts vehicle repair and is located on property adjacent to a residential use shall provide a six-foot tall solid screen along the property line adjacent to the residential use.
 - c. Except for wrecked vehicles, no more than two vehicles per bay or repair/inspection station that have been accepted for repair or servicing shall be parked/stored outside after regular business hours.

- d. Wrecked or dismantled vehicles waiting for repair shall not be visible from the street and shall be stored in an enclosed building or within a completely enclosed area behind a six-foot tall solid screening fence.
14. Servants or Caretaker Quarters – Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six-hundred (600') square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
15. Day Care Centers – A facility operated with a state license for the purpose of providing care, protection and guidance to more than twelve children under the age of fourteen years of age for less than a 24-hour period. This term does not include kindergartens and public and private educational facilities or any facility offering care to individuals for a full 24-hour period.
16. Grocery Stores – A special use permit is required for the use of gasoline pumps in conjunction with a grocery store.
17. Billiard Parlor – Compliance with Chapter 10 of the Code of Ordinances is required for a Billiard Parlor.
18. Wind Driven Generators – No wind driven generator shall be constructed without approval of a special use permit per Section 3.24 of the Land Development Code.
- a. All wind driven generator towers shall be of a monopole design. All wiring shall be buried underground by means of a conduit system.
 - b. A wind driven generator may be considered on lots measuring a minimum of 1.5 acres.
 - c. The maximum height of a wind driven generator shall be no greater than 50 feet, measured from the existing ground level to the highest point of the blades.
 - d. All wind energy structures, including tower and rotor, shall stand independent of any building or structure and shall have a minimum setback from any property line, right-of-way, power line, or other improvement of 1.5 times the height of the wind energy structure. It shall also be located entirely in the rear yard and shall not be located in any required setback.
 - e. The maximum noise level shall not exceed 50 dB(a), measured from the property line, adjacent to any residentially zoned property, and 60 dB(a) adjacent to all other zoning districts.
 - f. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
 - g. The wind tower must either (a) have a locked anti-climb device installed on the tower; or (b) be completely enclosed by a locked, protective fence at least 6 feet in height.
 - h. No signage or advertisements shall be allowed on the wind tower.
 - i. A maximum of one wind energy system, including the tower, shall be permitted per lot.
 - j. A wind driven generator, found to be non-productive or unused, for a period exceeding 180 days, shall be immediately removed from the premise and the site returned to its prior condition, at the expense of the property owner.
19. Portable Storage Structures – A portable storage structure is any container, storage unit, shed-like container or other portable structure, other than an accessory building as defined in Chapter Two of the Land Development Code, complying with all building codes and Land Development Code requirements, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

The use of portable storage structures are allowed under the following conditions:

- a. **Seven Day Provision:** Portable storage structures placed on private property for a period of not more than seven (7) days are hereby exempt from these regulations provided the view of any vehicular traffic is not impeded in any way. A permit shall be required per the provisions of subsection "b". However, there shall be no fee required for structures that are placed for seven (7) or fewer days.

- b. A temporary use permit for a portable storage structure shall be obtained from the Community Development Department prior to placement for any portable storage structure.
- c. There shall be no more than one (1) portable storage structure per property.
- d. The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
- e. Notwithstanding the requirements of sub-sections “k” and “l” below, a portable storage structure shall not remain at a property in any zoning district in excess of thirty (30) consecutive days, and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.
- f. The portable storage structure shall be set back a minimum of five (5) feet from all property lines.
- g. The portable storage structure shall be set back a minimum of five (5) feet from the nearest wall of a building.
- h. Where a side facing garage or a garage that is located behind the principal structure exists, the portable storage structure shall be located behind the front line of the principal structure.
- i. The portable storage structure shall be placed on an asphalt or concrete surface. A gravel surface is permitted if the portable storage structure is located behind the principal structure.
- j. The portable storage structure shall not be placed upon any street or within any rights-of-way. Exception: Portable storage structures located in mixed-use, townhome, multifamily, or similar residential developments may locate within existing, striped on-street parking spaces provided there are no public safety or vehicular traffic issues caused by the location of the structure.
- k. Portable storage structures associated with construction of a new principal building at a site where a new building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with new construction are exempt from the aforementioned conditions.
- l. Portable storage structures associated with any construction that is not part of the construction of a new principal building, and only in conjunction with the issuance of a building permit, may be placed for a maximum period of 180 days or upon completion of construction, whichever occurs first. The fee assessment for a portable storage structure associated with this sub-section shall be as follows:

0 to 30 days:	standard fee
30 to 60 days:	double the standard fee
60 to 90 days:	three times the standard fee
90 to 120 days:	four times the standard fee
120 to 180 days:	six times the standard fee
- m. Any waivers to the conditions of this section shall be considered by the Zoning Board of Adjustment in accordance with Chapter One of the Land Development Code.

D. Temporary Buildings and Uses (O-04-1497 / 12/21/04)

- 1. Temporary Use Permit – The Building Official may approve a permit for a temporary use specified in this Section for limited periods of time, provided evidence is furnished by the applicant that adequate measures are taken to satisfy public safety concerns and related site criteria concerns. All temporary uses shall be subject to the regulations contained in this Section. The building official may recommend a temporary use permit application be considered by the City Council where it has been determined by the building official that the proposed temporary use may have significant public interests. A temporary use permit, as herein prescribed, shall not be required for neighborhood block parties held in conjunction with the annual National Night Out neighborhood celebration or for events

approved by a municipal department where said event is conducted on municipally owned property.

- a. *Revocation*: The Building Official may revoke a temporary use permit if determined that:
 - i. The applicant has misrepresented any material fact on the application, or supporting materials.
 - ii. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
 - iii. The operation of the temporary use violates any statute, law, ordinance or regulation.
 - iv. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety or general welfare of the public.
2. Permit Conditions – The Building Official is hereby authorized to prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas adjacent to or in the vicinity of the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, limitation on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, or other standards designed to minimize adverse impacts on surrounding properties. In the event that a sponsor is dissatisfied with the Building Official's decision, the sponsor may appeal the decision to the City Council.
3. Construction Offices and Sales Offices – The Building Official may approve a permit for a temporary building for use as a construction office or a sales office for new home or lot sales in any zoning district during the construction phase of a permanent building or new subdivision, provided such temporary buildings comply with the following requirements:
 - a. No temporary used as a construction office or a sales office shall encroach within five (5) feet of a property line or encroach within the visibility triangle required in Section 3.26 of this Land Development Code.
 - b. A temporary building used as a construction office during the construction of a permanent building shall be removed within ten (10) days after the issuance of the certificate of occupancy of the permanent building, weather permitting, weather permitting.
 - c. A temporary building used as a real estate sales office shall be removed within ten (10) days after ninety (90%) percent of the lots within the subdivision have been sold.
 - d. A temporary construction office or real estate sales office shall sit on a blocked foundation acceptable to the Building Official. No temporary construction office or real estate sales office shall be used that rests only on the wheels.
 - e. A model home may be used as a temporary real estate sales office and shall be exempt from paragraphs a, b, c, and d above.
4. Community Special Events – Outdoor events of public interest which are anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as carnivals, circuses, and similar temporary events or special fund-raising events sponsored by a public entity, civic or non-profit organization located within the City.
5. Tents – A temporary use or special event which includes the use of a tent shall require a separate permit in accordance with the standards contained in the Colleyville Fire Code.
6. Temporary Asphalt or Concrete Batch Plant – The Building Official shall approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building, new residential subdivision or other project as authorized by the city manager, provided such temporary use comply with the following requirements:

- a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.
- b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.
- c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.
- d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
- e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
- f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
- g. The application must state the amount of time that the temporary batch plant will be in operation. The permit duration shall not exceed 30 days from the date of issuance. Only one permit may be issued for a given parcel of property within a 12 month period.
- i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
- j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and any raw materials may be sold from said plant.
- k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

E Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation	Commercial Building Design Standards
CPO	Professional Office Commercial	No	8'	Daytime only	30 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	30 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	30 pts.
CC3	Highway Commercial	Yes	8'	24 hours	30 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	30 pts.

F. District Regulation Notes

- A. Where abutting a lot zoned or used for residential purposes (RE through MH) maximum building height shall not exceed requirements shown in Figure 1 "Height Zones for Commercial Districts Adjoining Residential Districts". The roofline within that 50 feet shall have a maximum height of 16' at the eave and the roof design shall be of a residential style.
- B. No structure shall be erected in any zoning district in excess of the specified maximum building height either in the number of stories or feet, whichever is less, unless an exception to said maximum building height is contained in this Chapter, except as noted in note "C" below.
- C. Heights of four (4) stories may be permitted in CC2 (Shopping Center) district if combined with a Planned Unit Development (PUD).
- D. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.
- E. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25') foot side yard.
- F. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
- G. There shall be a ten foot (10') side yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different side yard set-back; however, where abutting a lot zoned for commercial or industrial use, no side yard shall be required, provided there are no window or other openings for light or entry in the encroaching walls facing the side yard.
- H. There shall be a ten (10') foot side yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different side yard set-back.
- I. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25') foot rear yard.
- J. There shall be a minimum twenty-five (25) foot rear yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different rear yard set-back; however, the rear yard set-back may be reduced to ten feet (10'), provided there are no window or other openings for light or entry in the encroaching walls facing the rear yard.
- K. Where abutting a lot zoned or used for residential purposes there shall be a minimum twenty-five (25') foot rear yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different rear yard set-back, however, the rear yard set-back may be reduced to ten feet (10') where abutting a lot zoned or used for non-residential purposes.
- L. All regulations may vary when above districts are used as a base district for a PUD.

SECTION 3.24.G - SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS;
 MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING
 AND HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts		Max. ^A Res. Density	Minimum Lot Size Requirements					Minimum Yard Requirements				Max. Building Height		Max. Lot Coverage	
			DU/AC	Area (sq. ft.)		Min. Width in feet	Min. Depth in feet	Max. Lot Size	Front (feet)	Each Side (feet)	Rear (feet)	Stories	Feet		Percent
				Per Family	Total										
AG	Agricultural	0.3	130,680	130,680	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%		
RE	S. F. "Estate" Residential	0.5	80,000	80,000	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%		
R-40	Single Family Residential	1.25	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%		
R-30	Single Family Residential	1.5	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%		
R-20	Single Family Residential	2.1	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%		
R-15	Single Family Residential	3	15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%		
R-D	Two Family Residential	8	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%		
R-MF	Multi-Family Residential (zoned after June 16, 1981)	8	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%		
R-MF	Multi-Family Residential (zoned before June 16, 1981)	18	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%		
MH	Mobile Home (Minimum size of mobile home park - 40 spaces)	2.1	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	30'	30%		
C-PO	Professional Office Commercial	n.a.	n.a.	7,200	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%		
CN	Neighborhood Commercial	n.a.	n.a.	10,000	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%		
CC1	Village Retail	n.a.	n.a.	15,000	150'	120'	5 acres	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	50%		
CC2	Shopping Center	n.a.	n.a.	20,000	150'	120'	none	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	60%		
CC3	Highway Commercial	n.a.	n.a.	10,000	150'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	70%		
ML	Light Manufacturing	n.a.	n.a.	10,000	100'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	60%		
PUD-R	Planned Unit Dev. - Residential	n.a.	n.a.	13,000 **	100'	120'	n.a.	30'	10' (H)	25' (J)	3.0	30'	50%		
PUD-C	Planned Unit Dev. - Commercial	n.a.	n.a.	7,200	70'	115'	n.a.	40'	10' (G)	(K)	3.0 (C)	35'	50%		
PUD-I	Planned Unit Dev. - Industrial	n.a.	n.a.	10,000	70'	115'	n.a.	40'	10' (G)	(K)	3.0	30'	50%		

* Maximum residential density is the number of dwelling units per acre, not including streets, alleys, or public space. R-MF zoned after June 16, 1981 - four units per building maximum.

** 16,000 s.f. average

Section 3.25 Special Use Permit

(O-02-1331 / 02-19-2002)

The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood. Upon proper application and payment of the applicable fee, the City Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize a Special Use Permit for a use not allowed by right in *Section 3.24 "Schedule of Permitted Principal Uses"* in accordance with the following criteria.

1. Procedures – Every Special Use Permit application shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application as specified in *Chapter 1 – General Provisions* of this Land Development Code.
2. Site Plan – The applicant must submit a site plan in the form and manner specified by the Administrative Official, showing the details of the proposed use and its relationship to surrounding properties.
3. Additional Information – The City Council and the Planning and Zoning Commission, in considering and determining its recommendation to the City Council on any request for a Special Use Permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building, structure or use proposed.
4. Conditions of Approval – The City Council may impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use, or neighborhood character and to insure the appropriate conduct of the special permitted use, including, without limitation, imposing development standards, requiring public facility improvements and means of ingress and egress of public streets, establishing conditions of operation, establishing time limits, establishing location, arrangement and construction of any uses or structures, adopting regulations to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of other undesirable or hazardous conditions. All conditions imposed by the City Council shall be complied with prior to the issuance of a Certificate of Occupancy.
5. Revocation Upon Failure to Develop – A special use permit approved by the Council shall become null and void one year from the date of approval by the City Council unless a building permit or certificate of occupancy, whichever is applicable, has been obtained on the property within said one year period. The City Council may in its adopting ordinance, shorten or lengthen the time in which a building permit or certificate of occupancy must be issued in order to preserve the special use permit. Any Special Use Permit in existence upon the passage of this ordinance shall become null and void one year after the passage of this ordinance, unless a building permit or certificate of occupancy, whichever is applicable, has been issued within said year.

Exception: The ordinance authorizing a Special Use Permit may provide for an alternate expiration period.

6. Termination and Abandonment of Use – In the event the building, premises or land uses authorized by a Special Use Permit are terminated or abandoned for a period of six (6) months or longer, the use of the same shall thereafter conform to the regulations applicable to the zoning district, unless a new and separate Special Use Permit is approved for continuation of the use.
7. Modification – No building or premises authorized by a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the Special Use Permit is approved by the City Council using the procedures specified in *Chapter 1 – General Provisions* of this Land Development Code.
8. Violation – It shall be unlawful for property owner or tenant to violate any terms or conditions of the ordinance approving the Special Use Permit.

Section 3.25.1 Large Commercial Buildings

(O-00-1249 / 11/08/00)

- A. Applicability – The criteria in this Section shall be applicable to the construction of any new large commercial building proposed for construction on or after November 8, 2000. These criteria shall not be applicable to the following:
1. the use, re-use, modification or consolidation of existing commercial buildings developed prior to November 8, 2000, or to the expansion of commercial buildings existing as of November 8, 2000, provided expansion does not exceed ten percent (10%) of the existing building footprint, including the cumulative amount of all prior expansions, or
 2. buildings constructed within the limits of the PUD-C established by ordinance O-99-1141.
- B. General Provision – No new large commercial building shall be permitted for construction within the city of Colleyville, except where allowed as follows:
1. Large Commercial Building shall be allowed by right in the ML – Light Manufacturing District.
 2. Large Commercial Building shall be allowed with approval of a Planned Unit Development – Commercial.
 3. No large commercial building shall be permitted within a previously approved Planned Unit Development – Commercial, unless the approving ordinance contains a specific provision for a large commercial building as provided in this Section. The requirements and procedures for a Planned Unit Development – Commercial contained elsewhere in the Colleyville Land Development Code and the additional requirements set forth in this Section shall be used in the review of an application for a large commercial building. The City Council may establish such terms and conditions as are necessary to protect life, health, property, public peace and the general welfare of the public and the adjacent properties. For purpose of this regulation, a commercial building which contains a building footprint of forty thousand (40,000) square feet, or more, shall be declared a large commercial building and be subject to these criteria.
- C. Application and Development Requirements – Every large commercial building must comply with the requirements of this Section. All site plan reviews required by the Colleyville Land Development Code or applications for a rezoning request for a Planned Unit Development – Commercial for a large commercial building shall include all the information outlined as follows.
1. *Site Plan* – A site plan, drawn to scale, showing the property boundary, all proposed buildings, water features, creek channels, the 100-year flood plain, outdoor display areas, proposed driveways, parking lots, landscaped areas, loading and delivery docks, refuse and recycling facilities and other physical features which may influence the development of the site.
 2. *Elevation Drawings* – Building elevation drawings, drawn to scale, indicating the type and percentage of each exterior building wall material.
- D. Development Requirements
1. *Building Height, Set Back Requirements and Maximum Lot Coverage* – The minimum front, side and rear building set back lines, maximum building height, and maximum lot coverage for a 40,000 square foot building footprint shall be in accordance with the following schedule:

Minimum Building Line Set Backs, Maximum Height and Maximum Lot Coverage for a 40,000 s.f. Large Commercial Building			
Minimum Building Set Back	Front:	40 ft.	(1) (2)
	Side:	40 ft.	(1) (2)
	Rear:	40 ft.	(1) (2)
Maximum Building Height		35 ft.	
Maximum Lot Coverage		40%	

Notes:

- (1) The minimum building set back line adjacent to a public street shall be increased one foot for each additional increment of 2,000 s.f. of building footprint over 40,000 square feet of building footprint.
 - (2) The minimum building set back line adjacent to a residential zoned property shall be a minimum of 50 feet and shall be increased one foot for each additional increment of 1,000 s.f. of building footprint over 50,000 square feet of building footprint with a maximum building setback of 250 feet. If a public road stands between the residential zoned property and the commercial establishment, the road width may be included in the setback calculation if the setback exceeds 100 feet.
 - (3) The setback requirements between two commercial zoned properties shall conform with the CC2 zoning requirements as outlined in the Land Development Code.
2. *Façade Articulation* – All large commercial buildings shall have facades which comply with the following requirements:
- a. *Horizontal Articulation* – No building façade which faces a public street shall extend horizontally greater than three (3) times the height of the wall without having an off-set of not less than fifteen (15%) percent of the wall's height as shown on the attached Exhibit "A", and such off-set shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.
 - b. *Vertical Articulation* – No building façade which faces a public street shall extend horizontally for a distance greater than three (3) times the height of the wall unless the wall contains at least one of the following features and every front building façade shall have no less than two of the following features:
 - (1) Parapets which change the roof line. The parapet height shall be a minimum of fifteen (15%) percent of the wall's height, and such height change shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.
 - (2) Overhanging eaves, extending no less than three (3) feet past the supporting walls.
 - (3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
 - (4) Three or more roof slope planes.
 - (5) A covered walkway along a minimum of fifty (50%) percent of the front façade length.
3. *Side and Rear Facade Features* – Side and rear building facades, which do not face a public street, shall include a minimum of three architectural changes, such as (1) a changing plane not less than five (5) feet in width and eighteen (18) inches in depth, (2) a surface material change of not more than thirty (30) feet in length, as measured horizontally, or (3) a combination of these elements.
4. *Building Design* – In addition to the building façade requirements contained herein, the site plan and building elevation plans shall comply with the requirements of *Chapter 6 – Building Design* of the Colleyville Land Development Code, except where modified by the requirements in this Section. The minimum building design score shall be 30 points.
5. *Exposed Columns* – Exposed structural support columns shall be constructed of, or clad in, the same masonry material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.
6. *Exterior Surface Materials* – A minimum of ninety (90%) percent of each exterior wall surfaces, excluding door and window openings, shall be constructed of clay-fired brick, native stone, cast stone, or a combination of these materials. Tilt - up concrete construction is permitted, provided the

exterior surface is covered with clay-fired brick, native stone, cast stone, or a combination of these materials. Stucco and EIFS (Exterior Installation Finished System) are permitted for not more than ten (10%) percent of the exterior surface. Concrete block, split-faced block or cinder-block shall not be acceptable, except where a wall surface faces an adjacent non-residential building. Proposals for surface materials with similar durability and appearance of clay-fired brick, native stone, or cast stone may be considered.

7. *Exterior Surface Colors* – The exterior surfaces shall be of a natural finish, provided the colors are, subtle, or neutral colors. Trim and accent areas may be painted and feature brighter colors, including primary colors, but not more than ten (10%) percent of the wall surface area. High intensity or fluorescent colors are prohibited.
8. *General Landscaping Requirement* – The landscaping of the development shall comply with the requirements of Chapter 4 – Landscaping and Buffering of the Land Development Code, except where modified by the requirements of this Section. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching. In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:
 - a. *Minimum Landscaping Coverage*: Not less than twenty percent (20%) of the total land area of the development shall be, landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s). The overall minimum percentage of required landscaping may not be reduced by the application of landscaping enhancement credits.
 - b. *Trees*: Landscaping shall include the retention or planting of one (1) three-inch (3”) caliper overstory shade tree per each forty (40) feet of street frontage. These trees to be planted within the landscaped buffer adjacent to each street frontage.
9. *Landscape Buffer and Screening Wall Adjacent to Residential Property* – Along the entire length of the common property line adjacent to residential property there shall be a landscape buffer, a minimum of forty (40) feet in width, and a solid screening wall constructed of clay-fired brick, native stone, cast stone, or a combination of these materials, not less than eight (8) feet in height nor more than ten (10) feet in height. The landscape buffer and the solid screening wall shall be provided along the entire length of any property line adjacent to any residential property. The landscaped buffer shall contain lawn grass or ground cover and be maintained as a permanent landscaped area. There shall be no buildings, parking areas, driveways, sidewalks or structures contained within the required buffer. The landscaping buffer shall include the retention or planting of one (1) three-inch (3”) caliper overstory shade tree per each forty (40) feet of common property line with an adjacent residential property. Said screening wall shall be constructed generally along the common property line with the residential property, but its terminus shall not encroach nearer than twenty-five (25') to a street right-of-way.
10. *Landscape Buffer and Screening Adjacent to Public Streets* – There shall be a minimum forty (40) foot wide landscape buffer adjacent to all street rights-of-way. There shall be no buildings, parking areas, driveways, sidewalks or structures, except permanent signs, contained within the required landscape buffer. A driveway or sidewalk may cross the buffer to provide access to the site. Within the landscaped buffer, there shall be either one or a combination of the following landscaping features:
 - a. *Earthen Berms*: A minimum of thirty (30) inches in height with a maximum side slope of three feet to one foot of rise as shown on the attached Exhibit “B”. The berm shall not extend parallel to the street right-of-way, but shall meander in a serpentine fashion and shall be entirely vegetated with lawn grass or groundcover.
 - b. *Shrubs*: A row of shrubs consisting of individual shrubs planted not more than thirty-six (36) inches on center which will form a solid continuous visual screen of not less than thirty (30) inches in height within a two year period after planting as shown on the attached Exhibit “C”. Shrubs shall be maintained so as to not exceed six (6) feet in height. The shrub row shall be located along the portion of the landscaped buffer that is the furthest from the street right-of-way.

- c. *Low Solid Wall*: A solid wall constructed of clay-fired brick, native stone, cast stone, or a combination of these materials, not less than thirty (30) inches in height as shown on the attached Exhibit "D". Said wall shall be constructed generally parallel to and twenty (20) feet from the street right-of-way. The solid wall shall not constitute more than thirty (30) percent of the length of the abutting street frontage.
11. *Parking Lot Landscaping* – Parking areas shall contain a minimum of one (1) landscaped island per sixteen (16) parking spaces. No landscaped island shall be less than three-hundred (300) square feet. Every landscaped island shall include one (1) three-inch (3") caliper shade tree with the remaining area covered with grass, shrubs or ground cover. Landscaped planting areas shall be located so that no parking space shall be more than seventy-five (75) feet from the trunk of a shade tree. Where a landscaped island is adjacent to a landscaped buffer, the parking spaces adjacent to the landscaped island shall be paved with a pervious material pave-stone. The parking lot landscaping requirements contained in the paragraph shall not be applicable to the interior parking spaces of a parking garage.
12. *Parking Lot Walkways* – There shall be a pedestrian walkway a minimum of eight (8) feet in width for every four rows of parking within the parking area. Said walkway shall be constructed parallel to the parking rows as shown on the attached Exhibit "B". The walkway shall be paved with a hard surface.
13. *Curbing of Landscaped Areas* – All landscaped islands and landscaped areas shall be protected from vehicular encroachment by concrete curbs a minimum of six (6) inches in height.
14. *Permanent Ground Signs* – The development shall comply with the provisions of Chapter 7 – Sign Regulations of the Colleyville Land Development Code, except that only one monument sign per street frontage shall be allowed. The maximum height of the monument sign structure shall be eight (8) feet. The maximum area of the monument sign structure shall be one-hundred (100) square feet. Only external illumination shall be allowed. Each side of the monument sign structure shall contain an architectural feature of clay-fired brick, native stone, cast stone or a combination of these materials. The architectural feature shall be equivalent to fifteen (15%) percent of the total area of the sign structure.
15. *Attached Building Signs* – The development shall comply with the provisions of Chapter 7 – Sign Regulations of the Colleyville Land Development Code, except that the total square footage of all wall signs shall not exceed ten (10%) percent of the wall face.
16. *Tree Preservation* – The development shall comply with the provisions of Chapter 5 – Tree Preservation of the Colleyville Land Development Code.
17. *Off-Street Parking and Loading Requirements* – The development shall comply with the requirements of Section 3.29 – Off-Street Parking Requirements of the Colleyville Land Development Code. The maximum number of parking spaces shall be one (1) space per two-hundred (200) square feet of gross floor area.
18. *Delivery / Loading Spaces* – No delivery or loading space shall be located within one-hundred (100) feet of a residential property. All delivery and loading spaces shall be screened from public view from a street right-of-way or an adjacent residential property by an eight (8) foot to ten (10) foot tall solid screening wall constructed of like material to the building. Additional planting materials shall be provided so that no more than two-thirds of the surface area of the solid screening wall is visible from the street or residential property. The live plant screening shall consist of shrubs, a minimum of three (3) feet in height when planted, and which can be expected to reach six (6) feet or greater in height within three (3) years of planting. Shrubs shall be spaced so that there shall be no gap greater than four (4) feet between mature plant materials. No delivery or loading area shall be operated between the hours of 11:00 p.m. and 6:00 a.m. Parking of delivery vehicles shall not exceed 48 hours duration.
19. *Outdoor Display Areas* - Outside display of merchandise shall be allowed, provided that it shall be limited to an area within eight (8) feet of the front wall of the primary building and further provided that emergency pedestrian access to the building is not blocked. No merchandise shall be displayed between the hours of 11:00 p. m. and 6:00 a. m.

For purpose of this regulation, the front wall shall be the front containment wall of the structure and not the front of an overhanging walkway cover.

20. **Outside Storage and Sales Areas** – There shall be no outside storage or outside sales areas of landscaping materials, plants or general merchandise, except for an outside display area, as provided in the above paragraph. For purpose of this regulation, nothing shall prohibit the sale or display of landscaping materials, plants or general merchandise located behind an enclosed solid screening wall constructed of like materials to the building, provided merchandise is not visible above the top of the screening wall.
21. **Refuse Collection** – No refuse collection shall occur within 100 feet of residential property. All refuse containers, including recycling containers, and trash compactors shall be screened from view from a public street and from adjacent residential properties by an enclosure constructed on three sides with an eight (8) foot high solid masonry screening wall constructed of like material to the building. Said screening enclosure shall include solid metal doors. When a refuse container, trash compactor or recycling container is situated adjacent to a residential property, the screening wall enclosure shall comply with the building setback lines established for the zoning district.
22. **Screening of Mechanical Equipment** - Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions from adjacent property. If roof mounted, the screening material shall be designed to conform architecturally with the design of the building. Ground-mounted mechanical equipment shall be screened by a solid masonry screening wall constructed of like material to the building and be of sufficient height to block the view and noise of the equipment from adjacent property.
23. **Cart Storage** – All shopping cart storage areas shall be contained within the primary building. Temporary shopping cart parking within parking areas shall be allowed, provided carts are removed to within the primary building on a frequent basis.
24. **Outdoor Lighting** – Light poles situated within 300 feet of residential property shall not exceed twenty (20) feet in height. Exterior lighting must be High Intensity Discharge (HID) lights shielded and directed away from adjacent properties and shall produce light no greater than one foot candle at the property line, except at driveway entrances which shall be lighted adequately to provide for safe access to the property. The parking lot lighting system shall be designed to dim between the hours of 11:00 p.m. and 6:00 a.m. Wooden light poles shall be prohibited as an illumination standard. Security lighting at the rear and sides of the building shall be designed to reduce light pollution and to prevent objectionable glare onto any residential property.

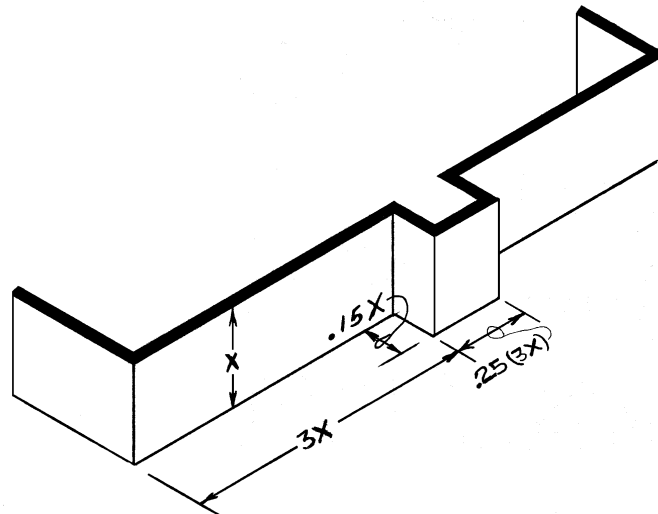
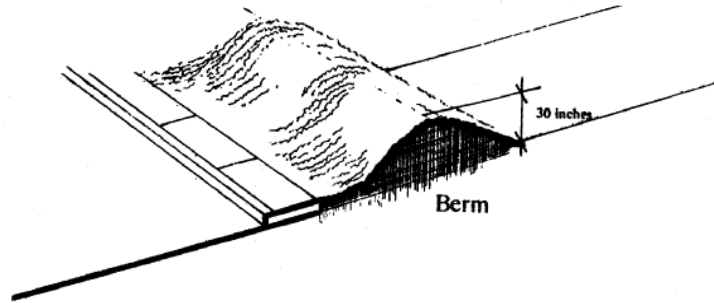


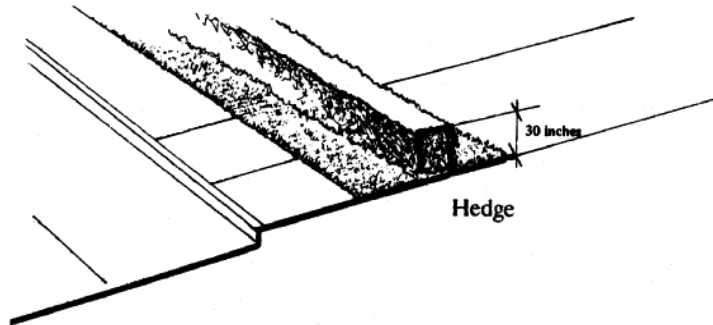
Exhibit "A"
Façade Articulation

Berm



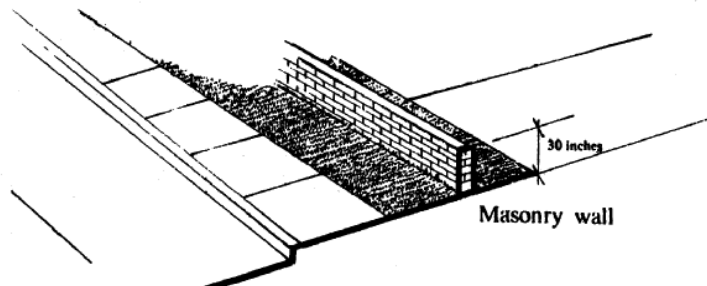
Landscape Berm
Exhibit "B"

Hedge

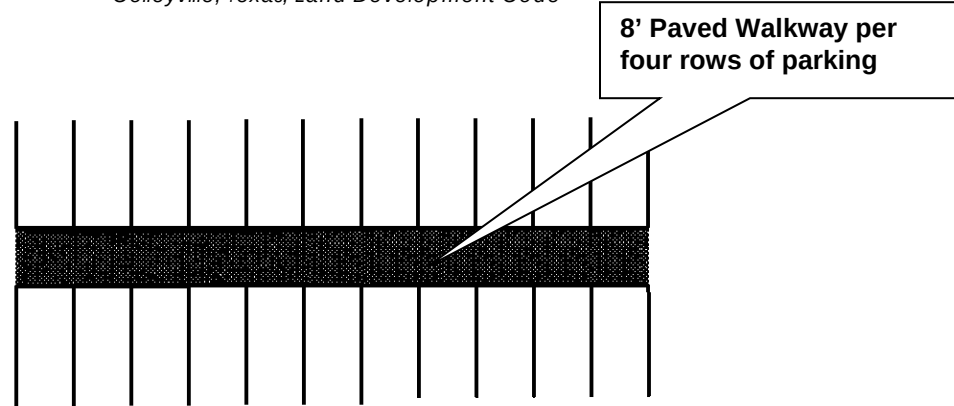


Landscape Shrubs
Exhibit "C"

Masonry wall



Solid Wall
Exhibit "D"



**Parking Lot Walkway
Exhibit "E"**

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in *Chapter 2 – Definitions* of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof , or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.

4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.
8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material

- d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
 - e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
 - f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.
3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:
- a. All containers shall be fully enclosed by a decorative masonry wall.
 - b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or complements the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks and shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. *Obstruction Prohibited:* No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

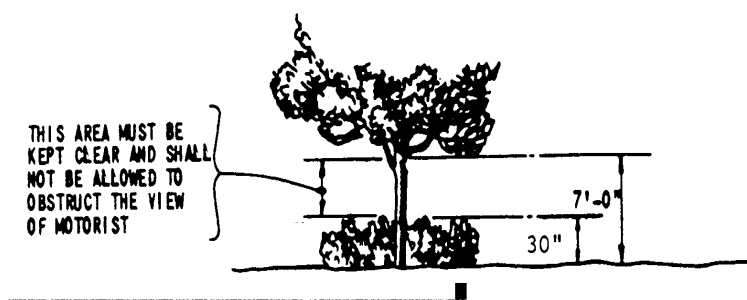


Exhibit "3-1"
Obstructions Prohibited

5. *Twenty-Five (25) Foot Visibility Triangle Required:* No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

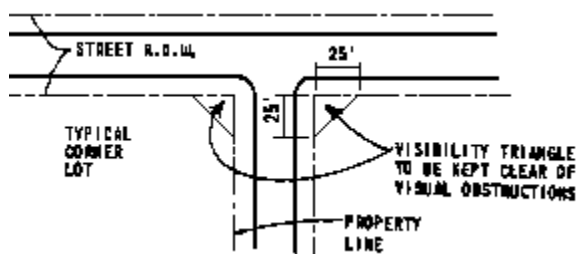


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

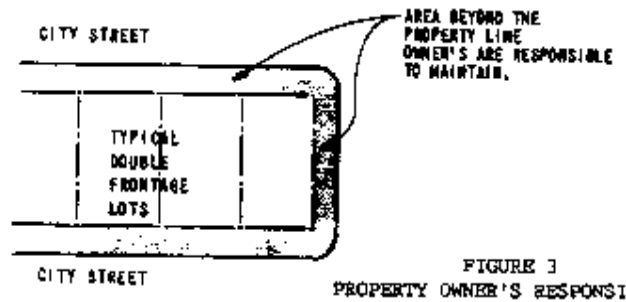


Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.
13. *Pre-Formed Concrete:* Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.
14. *General Construction Requirements for Wood Fences*
 - a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
 - b. Concrete footings shall be a minimum of eight (8) inches in diameter.
 - c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
 - d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
 - e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.

- f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
 - g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded.
 - h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.
15. Sealed Plans Required for Masonry Walls, Columns and Fences: For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

- 1. *Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces.
 - a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Gate setback: Any gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**
- 2. *Corner Side Yards:* Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

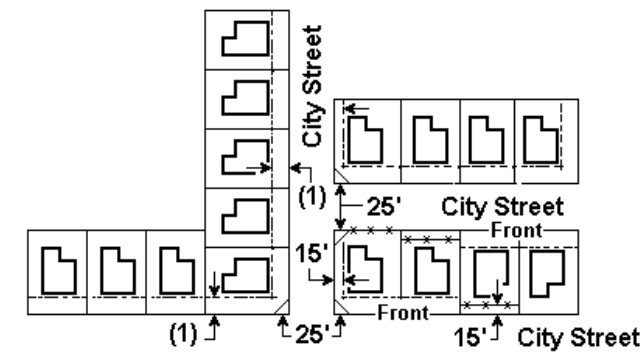
A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or

- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".



(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Fence Setbacks

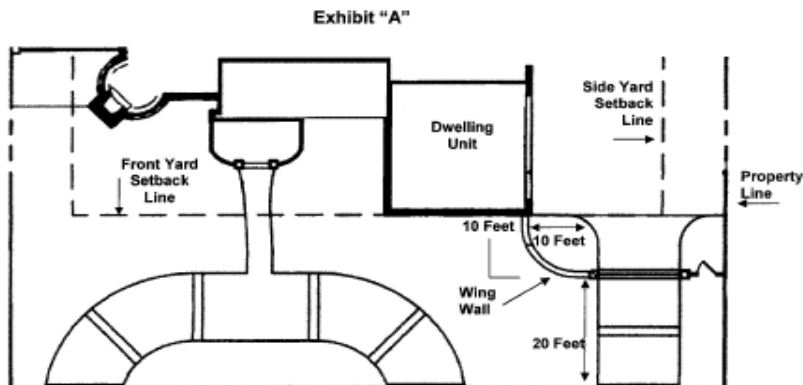
4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10-feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A".:

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from

- the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
 6. The gate and columns may not extend beyond one foot in height above the fence;
 7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.



G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Community Development Department.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
 - b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages and pool houses, but shall exclude a carport (see Section 3.27.C).

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5– .99 ac.	1 – 2.99 ac.	3+ ac.
Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.

- b. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.
- c. An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP).
- d. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, an existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.
- e. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
- b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces.
- c. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a

point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the height of the primary building.

5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic servants employed for the premises, where permitted by the district regulations.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. No accessory building shall be erected in any required yard area except as set forth by this section.
2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.
3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.
 - b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.
 - c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.
 - d. Located within required setbacks and in conformance with this section.
 - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.
 - f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.
 - g. Limited to one (1) kiosk per platted plot.

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. *Setbacks:*

- i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one
 - e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.
 - f. *Design Criteria:*
 - i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
 - ii. Posts - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.
 - g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

- A. Reserved (O-00-1241 / 10/03/00)
- B. Erection of More Than One Principal Building on a Lot – In any district, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.
- C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.
- D. Exceptions to Height Regulations
 - 1. Schools, public buildings, and institutions may be erected to a height not exceeding (85) feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
 - 2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires,

belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.

3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.
5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City Council finds that the location and/or configuration of the building is such that it will conform to the surrounding area and provide adequate light and air under the circumstances. For each foot of proposed height over the standard, there shall be a foot increase in the front and rear yards or as approved by the council. The request for a variance shall be accompanied by a site plan of the property and an architectural drawing of the proposed building.

E. Projections of Buildings, Structures and Appurtenances into Required Yards

1. Open or lattice enclosed fire escapes may project into a required yard not to exceed fifteen (15) feet. The ordinary projections of chimneys and pilasters shall be permitted by the City's Building Official when placed so as not to obstruct light and ventilation.
2. Terraces, balconies, decks, uncovered porches and ornamental features above the floor level of the ground (first) story may project into a required side yard, provided these projections be at least five (5) feet from any adjacent side lot line.
3. An uncovered porch in the front yard may not be more than eighty (80) square feet or project into the front yard setback for distance of more than eight (8) feet.
4. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line.
5. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve (12) inches, or as otherwise excepted in paragraph a. through d. above. Roof eaves may project into required side yards provided the projections be at least five (5) feet from any adjacent side lot line.
6. Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than twenty-five (25) feet distant from any street, highway or alley right-of-way line, and not less than fifty (50) feet distant from any residential property line.

F. Minimum Width of Enclosed or Partially Enclosed Open Space – Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story and one and a half-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or more story buildings.

G. Buildings and Structures to Have Access – Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

H. Parking; Storage or Use of Major Recreational Equipment and Vehicles – No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a

residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

I. Parking and Storage of Vehicles in General

1. One commercial vehicle of not more than one ton capacity, except pick-up trucks, when used in the employ by the site occupant of a dwelling may be permitted on a residentially zoned lot, provided said parking space shall be in an enclosed garage, carport, or on an all-weather hard surface driveway, or in a side or rear yard on an all-weather surfaced driveway. Nothing in this Chapter shall prohibit the occasional overnight storage or parking of a commercial vehicle on residential property.
2. Off-street vehicle parking spaces shall not be located within ten (10) feet of existing proposed major thoroughfare street right-of-way lines in any commercial or industrial district. Such off-street parking spaces shall consist of a paved surface, i.e., concrete, HMAC, brick or paving stone approved by the city building official. All ten (10) foot buffer areas shall be landscaped and maintained to enhance esthetic qualities.
3. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential use, unless a current state vehicle inspection sticker is displayed thereon.

J. Front Yard Adjustments – Front yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.
3. Interior lots abutting on two streets shall provide the required front yard on both streets.
4. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in this Chapter.
5. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

K. Side Yard Adjustments – Side yard requirements as established in *Section 3.24 Schedule of District Regulations* may be adjusted in the following cases:

1. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards

not less than five (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard-

2. Whenever a lot of record at the time of the effective date of this Chapter has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width not less than ten (10) percent of the width of the lot, but in no instance shall such width be less than four (4) feet.
3. On corner lots of record the yard adjacent to the side street shall not be less than fifteen (15) feet.
4. For commercial or industrial lots abutting a lot zoned CC1, CC2, CC3, CN, CPO or ML, subject to the approval of the city building official, a zero lot line is permitted on one side, provided a four hour fire wall is constructed at said zero lot line.

L. Rear Yard Adjustments – Rear yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following case:

1. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.

M. Lot Area Per Family Adjustments – Lot area per family (dwelling unit) requirements as established in *Section 3.24. - Schedule of District Regulations* shall be adjusted in the following cases:

1. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City Council have officially approved and agreed to accept at the time of the effective date of this Chapter has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or nonresidential use, whichever is applicable, in the district in which it is located.

Section 3.29 – Parking Requirements

- A. Purpose – The purpose of this section is to require off-street parking and loading facilities proportional to the need created by each use. Where the minimum number of required parking spaces can not be calculated in accordance with the parking group schedule, the Building Official shall be authorized to determine the minimum number of required parking spaces using acceptable industry comparables.
- B. General Provision – In all zoning districts, there shall be provided in connection with the appropriate permitted use, off-street parking spaces in accordance with the provision of this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Existing facilities being used for off-street parking shall not be reduced in capacity to less than the minimum number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
- C. Location of Parking – All required parking spaces shall be provided on the same lot or tract occupied by the use being served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use, the additional required parking spaces may be located off-premises in accordance with the shared parking requirements contained in this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Required parking spaces for a residential use shall be provided on the lot or tract occupied by the use being served.
- D. Parking Space Locations Prohibited – No off-street parking space shall be located, either in whole or in part, within any fire lane, driveway, driving lane, or maneuvering area. Furthermore, no required off-street parking space shall be located, either in whole or in part, in a public street, sidewalk, parkway, alley or other public right of way.
- E. Parking Space Dimensions – No required off-street parking space shall be less than nine (9) feet in width by eighteen (18) feet in length.

- F. Mixed Use Parking – The parking requirements for a lot or building containing a mixture of uses shall be the sum of the requirements for each type of use. No parking space provided for one type of use or building shall be included in the calculation of the parking requirements for any other use or building. For multi-tenant developments containing greater than 30,000 square feet of floor area, the sum of the total number of required parking spaces may be reduced by ten percent (10%).
- G. Shared Parking – Where an increase in the number of off-street parking spaces is required by a change or enlargement of use, the additional required spaces may be located on another property that is located on the site of a use not normally open and used or operated during the same hours, provided, that the following conditions are satisfied:
1. The parking spaces are located within three-hundred feet from an entrance to the building or use being served, measured along the shortest available pedestrian route with public access.
 2. A copy of the written agreement, executed by the parties concerned, is furnished to the Building Official, assuring their retention for such purposes.
- H. Building Renovations – When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than ten percent (10%), but less than fifty percent (50%), of the existing square footage, additional off-street parking shall be provided for the incremental increase in accordance with the off-street parking regulations set forth herein. When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by fifty percent (50%) or more of the existing square footage, the off-street parking requirements for the entire building shall be comply with the parking regulations set forth herein.
- I. Supplemental Parking Space Requirements
1. Parking regulations are based on the gross floor area (GFA) of the building.
 2. In determining the required number of parking spaces, fractional spaces shall be rounded to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required minimum number of parking spaces.
 3. Wooden poles shall not be used for parking lot or site lighting for a non-residential use.
 4. Except for single-family dwelling units, parking spaces shall be arranged so that vehicles shall not be required to back out of the parking spaces directly into a street.
- J. Parking Group Schedule – The minimum number of off-street parking spaces to be provided in connection with the permitted use listed in Table 3-310, *Schedule of Permitted Principal Uses*, shall be in accordance with the following Table 3.29 – *Parking Group Schedule*.

Table 3.29 Parking Group Schedule	
Parking Group	Minimum Number of Off-Street Parking Spaces
1	1 per unit
2	2 per unit
3	2 per unit, exclusive of "in-garage" parking
4	1 per unit plus 1 guest space per every 5 units
5	1 per 100 sq. ft. of gross floor area
6	1 per 150 sq. ft. of gross floor area
7	1 per 200 sq. ft. of gross floor area
8	1 per 300 sq. ft. of gross floor area
9	1 per 400 sq. ft. of gross floor area
10	1 per 500 sq. ft. of gross floor area
11	1 per 5 pupils plus drop-off and pick-up areas
12	1 per classroom plus 1 per each 2 students
13	1 per classroom plus 1 per 400 sq. ft. of office space
14	1 per 1.5 students and staff, based on capacity
15	1 per 3 students
16	1 per 200 sq. ft. of gross floor area plus 1 per 5,000 sq. ft. of exterior nursery area
17	1 per living unit
18	1 per 3 seats in primary seating area
19	1 per guest room plus 1 per 300 sq. ft. of office area – parking for restaurant additional
20	2 per hole
21	1 space
22	5 per hole (one per tee area for driving ranges)
23	5 per alley or table
24	As set by the SUP or PUD approved ordinance
25	Determined by the Building Official using acceptable industry comparables

Section 3.29.1 –Parking Space Construction Standards

- A. Dimensions – No parking space shall be less than nine (9) feet in width by eighteen (18) feet in length. The design and dimensions of off-street parking areas shall be in accordance with the following Table 3.29.1 – *Table of Parking Space Dimensions*.

Table 3.29.1 Table of Parking Space Dimensions					
Angles (Degrees)	0	30	45	60	90
Stall, Parallel to Aisle	23.0	18.0	12.7	11.4	9.0
Stall, Perpendicular to Aisle	9.0	16.5	19.0	20.0	18.0
Aisle Width, One-Way (1)	12.0	12.0	12.0	16.0	22.0
Aisle Width, Two-Way	24.0	24.0	24.0	24.0	24.0

(1) Aisle width shall comply with the requirements of the fire code when the aisle serves as a fire lane

- B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.
- C. Striping – For all non-residential uses and multi-tenant residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, as determined by the Building Official.

- D. Curbs, Wheel Stops and Islands – Parking spaces abutting on adjoining property lines or street right-of-way lines shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line.

Section 3.30 Off-Street Loading Requirements

- A. Purpose and Intent – The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.
- B. Location of Loading Spaces – Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces shall be marked with painted outline and may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way. (O-00-1261 / 12/19/00)
- C. Computation of Off-street Loading Space Sizes – At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of ten (10) feet by fifty (50) feet each and the remaining required spaces or berths shall have a minimum dimension of ten (10) feet by twenty-five (25) feet each - exclusive of turnaround and maneuvering space.
- D. Type of Parking Surface Required for Loading Space – All surface areas upon which vehicles and trucks are parked during unloading operations shall consist of a paved surface, i.e., concrete, HMAC, brick, paving stone, approved by the city building official.
- E. Rules for the Computation of Off-street Loading Spaces
1. No building, structure or part thereof used for nonresidential purposes on any “CN” or “CC” district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.
 2. No building, structure or part thereof used for nonresidential purposes in any “ML” district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.
- F. Number of Off-street Spaces Required – The minimum number of off-street loading spaces required shall be in conformance with the following schedules:
1. Retail, Service (except personal service), Commercial and Industrial Uses

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

2. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

Section 3.31 Duties of Administrative Official

- A. Administration and Enforcement – An Administrative Official designated by the City Manager shall administer and enforce this Chapter. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the Administrative Official finds that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

- B. Building Permits Required – No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore where applicable, and issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Chapter. No building permit shall be issued unless the property has been platted of record, except that a building permit may be issued for unplatted property meeting all of the following five criteria:

1. The parcel is a "lot of record" as defined herein; and
2. Right-of-way and easements sufficient for Master Plan roads or drainage/utility facilities exist; and
3. The parcel adjoins an approved public street; and
4. The parcel contains a principal residential use in a residential structure; and
5. The requested construction permit(s) and all construction permits issued for the parcel within the past three years allow improvements whose combined value does not exceed 50% of the appraised value of the parcel as shown in the current parcel record of the Tarrant County Appraisal District.

- C. Application for Building Permit – All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this and other city ordinances.

One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Administrative Official.

D. Site Plan Approval Required – Where the property is zoned CPO, CN, CC, ML, SU, PUD-C, or PUD-I, a site plan shall be submitted for review and approval to the Administrative Official prior to the issuance of a building permit. The site plan referred to herein shall contain the following:

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations. If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet then the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of surrounding properties, and shall include information indicating the drainage and line of sight effect the proposed grading plan will have on the surrounding properties.
3. The 100 year flood plain, water courses, wetlands, drainage areas, and other significant features including, but not limited to, rock outcroppings and tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street or curb line and/or alley shall be submitted.
5. Total number of off -street parking and loading spaces in accordance with Section 29 “Off-Street Parking Requirements”, and Section 30 “Off-Street Loading Requirements” of this Chapter.
6. All points of vehicular ingress and egress and circulation within the property. Any special traffic regulation facilities, proposed or required, to assure the safe function of the circulation plan shall also be shown.
7. Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.
8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers and lighting.
9. A landscape plan prepared in accordance with the requirements of *Chapter 4 – Landscaping & Buffering* of this Land Development Code.
10. The location and height of fences or, screen plantings and the type of building materials or plantings to be used for fencing or screening in accordance with the requirements of Section 26 “Fences, Free Standing Walls, and Screening Materials” of this Chapter.
11. Note a soil erosion control plan for the period during which construction will be taking place.
12. Where multiple types of land uses are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
13. Vicinity map, north point, scale, name of the development, name of the owner, name of the planner, total acreage of the project, street address or common description of the property.
14. Current land uses and zoning district of the property and current land uses and zoning districts of the contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
15. The location and size of existing and proposed surface and subsurface drainage facilities.
16. A description of the type of land use that is proposed for the site including its Standard Industrial Classification (SIC) Code if there are any chemicals or toxic materials involved.

The Administrative Official may allow all of the foregoing to be contained within a single drawing if in the opinion of the Administrative official the drawing can be properly evaluated.

- E. Expiration of Building Permit – If the work described in any building permit has not begun within (6) calendar months from the date of issuance thereof, said permit shall expire. It shall be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Further, the Administrative Official shall make an inspection of the work each (6) months, and if the work has not progressed, said permit shall expire.
- F. Certificate of Occupancy Required: For New, Altered Changes in Use, or Non-conforming Uses – It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Administrative Official stating that the proposed use of the principal building or land conforms to the requirements of this Chapter.
- a. No nonconforming building or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Administrative Official. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of the ordinance.
 - b. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.
 - c. A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding (6) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
 - d. The Administrative Official shall maintain a public record of all certificates of occupancy.
 - e. Failure to obtain a certificate of occupancy shall be a violation of this Chapter and punishable under *Chapter 1 – General Provisions* of this Land Development Code.
- f. Construction and Use to be Provided in Applications, Plans, Permits and Certificate of Occupancy – Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Chapter, and punishable as provided by *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.32 Comprehensive Zoning Ordinance – Zoning Map

This Chapter when read together with the official Zoning Map of the City of Colleyville, Texas, shall constitute the comprehensive zoning ordinance for the City of Colleyville, Texas.

The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's office shall remain the official Zoning Map of the City of Colleyville, until a new map is established in accordance with the provisions contained in this Chapter.

Section 3.33 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Colleyville, Texas, Land Development Code

Ord. Number	Date	Subject
O-00-1223	07/18/00	Residential Accessory Buildings
O-00-1241	10/03/00	Temp. Construction Offices & Temp. Real Estate Offices
O-00-1249	11/08/00	Large Commercial Buildings
O-00-1261	12/19/00	Location of Loading Spaces / Non-conforming Uses, Lots and Buildings
O-02-1331	02/19/02	Established one year time limit on SUP performance
O-02-1330	02/26/02	Tents and other special events
O-04-1454	04/16/04	Maximum size and number of screens for movie theaters
O-04-1497	12/21/04	Temporary Buildings and Uses
O-05-1529	06/21/05	Amend PUD regulations
O-05-1532	07/19/05	Amend PUD side and rear yard set-back regulations
O-05-1538	09/06/05	Amend movie theater regulations regarding viewing screens
O-07-1607	01/16/07	Update Land Use Table and Parking Schedule
O-07-1608	02/20/07	Security gating setback standards across driveways
O-07-1633	9/4/07	Amend Sections 3.17 to 3.22 and Section 3.24, Table of Permitted Uses
O-08-1656	02/05/08	Amend Section 3.24, Table of Permitted Uses
O-09-1708	02/17/09	Amend Sections 3.26 and 3.27
O-09-1709	02/17/09	Amend Section 3.24.C, Wind Driven Generators
O-10-1750	05/04/10	Addition of Package Store Use, Regulations and Provisions
O-12-1838	6/19/12	Amend Section 3.24, Table of Permitted Uses to include purchasing and/or resale of precious metals
O-13-1863	2/5/13	Amend Section 3.24, Table of Permitted Uses to include addition of medical office uses to CPO zoning district
O-13-1871	4/16/13	Addition of Portable Storage Structure standards to Section 3.24(C). Amendments to Section 3.26 regarding commercial screening and dumpster screening
O-14-1905	1/21/14	Addition of fence maintenance and construction standards
O-14-1914	4/15/14	Addition of Concrete/Asphalt batch plant standards



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number PC-3

Agenda Date 09/01/2015

Type Pre Council

Department Community Development

Title

Discussion of density and open space calculations in the Master Plan and Land Development Code

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

The Small Lot Development Comparison Chart is a tool utilized in considering small lot Planned Unit Development requests to compare project data. Although there has not been a small lot PUD-R approved since 2013, there are two under review and consideration for the September 1, 2015 City Council meeting. Upon researching some of the calculations based on applicant inquiries, several inconsistencies were discovered in both the methodologies used and the data inputs to derive the calculations.

Chart Verification

Staff has utilized multiple sources of data to revise the chart to be as simple and accurate as possible. Several items on the Chart are proposed to be changed, with the main goal being to have as accurate of a reference point as possible to utilize with applicable rezoning requests. The associated PowerPoint to be presented during Pre-Council is attached for reference and contains more detail.

Attachments

1. Density and Open Space Calculations Presentation
2. Previous Small Lot Development Comparison Chart
3. Revised Small Lot Development Comparison Chart

Colleyville Density and Open Space

Master Plan and Land Development Code

Purpose



- Brief introduction to the Small Lot Development Comparison Chart
- Density definitions
- Open space calculation
- Chart updates

Introduction



- The Small Lot Development Comparison Chart
 - Used as a reference tool in rezoning requests to PUD-R
 - Reflects lot characteristics, densities, open space percentages, site data, and approval information
 - Last case added was in 2013
 - Staff adds new projects once they have been approved and changes them if they get amended
 - Staff discovered inconsistencies upon researching certain calculations

Density Calculations



- The Master Plan and Land Development Code currently refer to density (not necessarily define it) in **four** different ways, resulting in four different calculations (Master Plan, Chapter 1, Chapter 2, and Chapter 3).
- To date, the City appears to have been using **two** ways to calculate density, neither of which is consistent with the Master Plan or the Land Development Code.

Four Density References – Part 1



- Master Plan does not provide a definition of density that could be located. The following paragraph in Chapter 9 (Land Use Plan) is the closest reference:
 - “In Colleyville, the 1998 master plan established a density goal of 1.8 dwelling units per acre (dua) and this density factor has been used as the guideline for evaluating rezoning proposals since 1998. The 1.8 dwelling units per acre standard approximates the density achieved by the R20 zoning district in Colleyville, which requires a minimum lot size of 20,000 square feet, **not including the land required for street right-of-way to gain access to the lot.**”
- This reference closely resembles Net Density (leaving out ROW), but it appears to have been calculated with the ROW (i.e. Gross Density) historically on the Chart and elsewhere.

Four Density References – Part 2



- Chapter 2 of the Land Development Code (Definitions) clearly defines density as:
 - “The ratio of the total number of dwelling units to the land area of the total site area, less any right-of-way dedication. Commonly expressed as ‘dwelling units per acre.’”
- This clear definition is how Net Density (leaving out ROW) is calculated, but it appears to have never been calculated on the Chart or elsewhere.

Four Density References – Part 3



- Chapter 3 of the Land Development Code (Land Use) refers to density under the PUD regulations as follows:
 - “Maximum Residential Density – The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per **gross acre**. For the purpose of this regulation, the density calculation shall **include all residential areas of the project and one-half of any abutting street situated adjacent to the project**. This calculation shall **exclude all proposed non-residential acreage from the gross acreage**.”
- This reference to density poses multiple challenges, especially for calculation purposes, but it appears to have never been calculated on the Chart or elsewhere.

Four Density References – Part 4



- Chapter 1 (General Provisions) refers to density when it is listing requirements for site plan data associated with a rezoning request:
 - “The **gross** residential density of each type of residential land use proposed, expressed in dwelling units per acre; **and based on net residential land use plus one half of any abutting street, only;**”
- This density reference has not been used and appears to combine all three other density references with no possible way to actually calculate it.

Proposed Methodology



- The Chart appears to contain calculations for Gross Density (Master Plan) and a partial density calculation per Chapter 3 in the PUD regulations (without the abutting ROW component). Unfortunately, no method used on the Chart appears to be completely consistent with the Master Plan or Land Development Code.
- Gross Density (with ROW) and Net Density (without ROW) are typical calculations associated with residential projects.

Proposed Methodology



- Although the Master Plan does not specifically define density consistent with Gross Density (with ROW), staff recommends that we keep utilizing the Gross Density calculation in the Chart but label it "**Gross Density**" instead of "Master Plan Density."
- Based on the references to density contained in the Land Development Code, the clearest definition is in Chapter 2 (Definitions). The definition describes Net Density which is a typical measurement tied to residential projects. Staff recommends we utilize the Net Density calculation in the Chart and label it as "**Net Density**."

Changes Seen in the New Proposed Chart



- Column Labels: "Master Plan Density" to "Gross Density," and "Land Development Code Density" to "Net Density."
- Asterisks at the Bottom: (1) Calculation for "Master Plan" Density is the same but is now called "Gross Density," (2) Calculation for "Land Development Code Density" is revised to not include open space area and is now called "Net Density."
- Some Gross Densities have changed due to verification of data inputs (more detail forthcoming on next slide).
- All densities under the Net Density column are new because the calculation method is revised.
- Where requirements in the governing PUD-R's could not be located, staff changed the item to reflect reverting to the LDC's requirements (*blue* numbers on chart).
- Some Open Space calculations due to verification of data inputs.

PUD Open Space

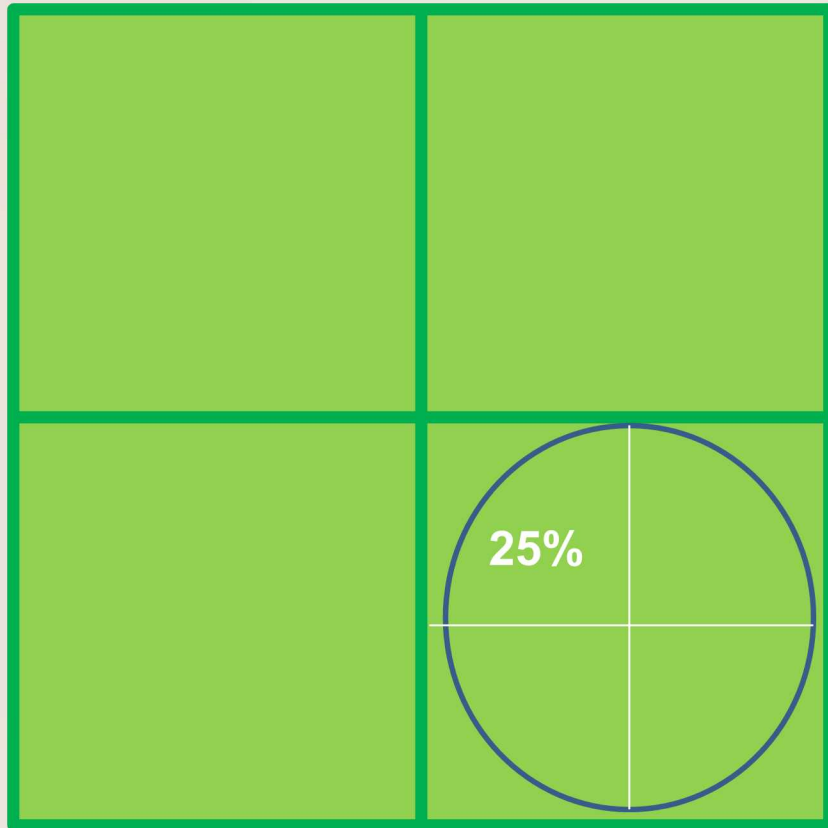


- LDC 3.23.J.2.b. (PUD Open Space Design Requirements): "The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area."
- Historically interpreted that only 25 percent of required detention/retention area can be utilized toward the required minimum 20 percent common open space area calculation.
- Revised interpretation that detention/retention can only be utilized for up to 25 percent of common open space area.

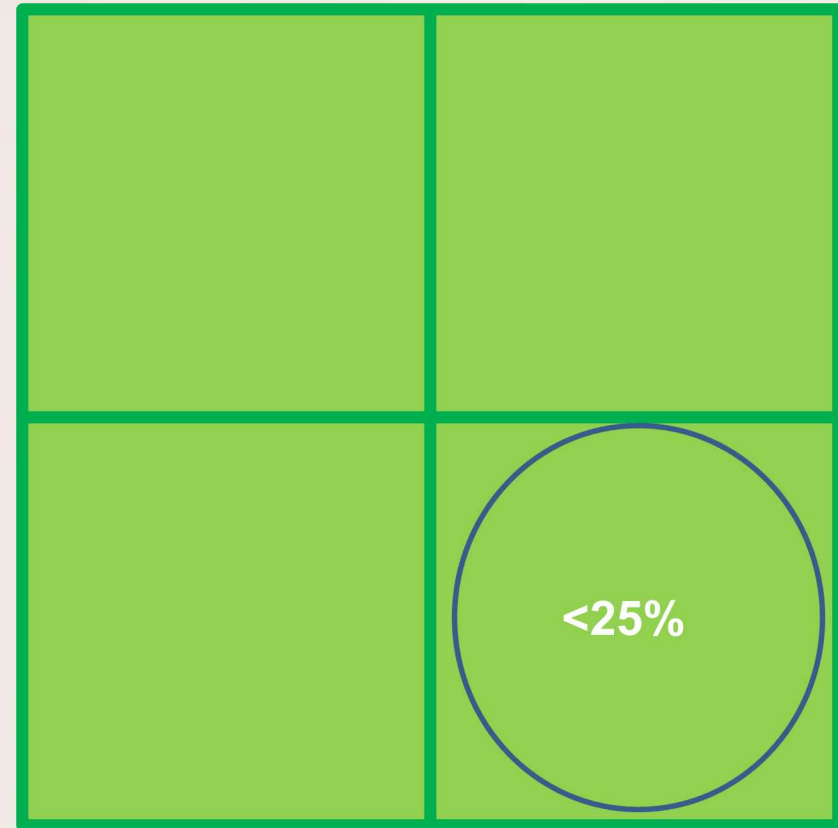
PUD Open Space



Previous Interpretation



Revised Interpretation



The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area.

Chart Verification



- Several sources were utilized to verify and compute the numbers on the revised chart.
- The sources included the following:
 - Approved PUD-R Ordinances
 - Filed Plats
 - Zoning Exhibits in the Project Files
 - City Council Agenda Briefings
 - GIS

Direction



- Revisions to the Small Lot Development Comparison Chart
- Calculation of PUD Open Space
- Plan moving forward (maintenance and submittals)

PREVIOUS

Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Creskide at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Heron Pond	49	47	120	7,000	7,800	65%	3.2	5.6	15.4	22.0%	11.19.13	O-13-1894

Average	59	56	106	6,260	6,915	58%	3.7	6.9	17.4	20.8%		
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Zoning Case ZC14-019	60	40	90	4,400	5,000	60%	5.4	8.6	11.2	1.8%		
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* Master Plan Density is calculated by dividing the total units in the development by the total acreage of the development

** Land Development Code Density is calculated by dividing the total units in the development by the total development acreage minus open space and right-of-way acreage



Small Lot Development Comparison Chart - 1996 to 2015

REVISED

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Gross Density - Dwelling Units Per Acre *	Net Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	43	100	120	2,412	NA	50%	6.4	8.2	6.7	19.4%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	100	120	NA	NA	50%	3.7	4.5	11.5	28.0%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	2.7	3.5	12.0	25.5%	12.21.99	O-99-1192
Riverwalk at Colleyville	68	115	60	6,331	7,666	50%	3.3	4.2	23.7	20.7%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,490	6,753	60%	3.6	4.5	14.8	24.0%	8.8.01	O-01-1286
Emerald Park	71	60	120	7,200	NA	50%	3.6	4.6	20.0	20.0%	10.1.02	O-02-1366
Tuscany	32	60	110	6,600	8,304	50%	3.6	4.8	8.8	6.6%	2.17.04	O-04-1442
Tiffany Park	25	60	100	7200	NA	50%	3.5	4.0	7.2	19.5%	11.16.04	O-04-1487
Cambridge Place	36	50	58	4,500	5,300	60%	3.9	4.9	9.2	22.5%	7.6.04	O-04-1467
Villas at Oak Pointe	74	30/56	90/115	2,700/6,440	NA	90% and 58%	3.7	5.4	19.8	22.9%	8.2.06	O-06-1584
Copperglen	22	55	105	5,924	NA	65%	3.9	4.9	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	7,936	60%	3.3	3.9	20.5	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	10,000	NA	50%	2.8	3.3	5.6	19.3%	09.18.07	O-07-1634
Creskide at Colleyville	228	50	105	5,000	7,257	65%	2.4	3.0	96.4	29.0%	11.27.07	O-07-1645
Somerset Manor	77	50	110	5000	6,500	50%	4.2	5.0	18.3	21.5%	05.05.08	O-08-1672
Heritage Oaks	100	30/50	90	2,700/4,500	NA	75% and 90%	4.4	6.6	22.8	30.4%	03.21.06	O-10-1749
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	4.0	2.9	20.1%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	NA	50%	3.0	3.5	12.0	23.0%	05.14.13	O-13-1867
Heron Pond	49	60/74	120	7,000/9000	NA	65%	3.2	3.7	15.4	22.1%	11.19.13	O-13-1894

Average	56.95	66	107	6,247	7,155	55%	3.6	4.6	17.5	21.9%		
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Zoning Case ZC15-011 - Roberts	12	50	97	4,882	5,145	66%	4.6	6.4	2.6	17.3%		
Zoning Case ZC15-012 - Lavaca	16	50	75	7,050	7,488	60%	3.1	5.5	5.1	19.1%		

* Gross Density is calculated by dividing the total number of lots by the total acres of the development.

** Net Density is calculated by dividing the Total Lots by the Total Acres of the development, less any Right of Way dedication.

*** Items in BLUE are not referenced in ordinance or supporting materials therefore items defaulted to Section 3.24.G Schedule of District Regulations of the LDC.



PUD Summary Sheet

When was the Density Bonus added to PUDs? (Summary)

O-05-1529 adopted 6/21/2005

PUD zoning districts include "Density Bonus"

Provided Density Bonus, "A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult."

O-00-1214 adopted 4/18/2000

(established Land Development Code)

PUD zoning districts include "Density Increase Bonuses"

Provided Density Increase Bonuses, "In an effort to increase the quality of a residential planned unit development through the adequate provision of open space, community facilities, recreation areas and other similar amenities and improvements, the Planning and Zoning Commission and City Council may approve residential density increases for the amenities listed below and in the amounts prescribed therefor."

Prescribed a methodology for calculating how a density increase bonus can be achieved through various dedications (common open space, land within a designated 100-year flood plain area, dedication of public school or park sites).

O-77-248 adopted 5/16/1978

PUD zoning districts include "Density Increase Bonuses"

Provided Density Increase Bonuses, "In an effort to increase the quality of a residential planned unit development through the adequate provisions of open space, community facilities, recreation areas and other similar amenities and improvements, the City Planning Commission and City Council may approve residential density increases for the amenities listed below and in the amounts prescribed therefor."

Prescribed a methodology for calculating how a density increase bonus can be achieved through various dedications (common open space, land within a designated 100-year flood plain area, dedication of public school or park sites).

O-70-15 adopted 10/13/1970

Ordinance does not contain regulations as attachment

O-500 adopted 3/8/1966

No PUD zoning districts

The "Density Increase Bonuses" language in O-77-248 and O-00-1214 are almost identical.

Posteel
3-31-78
4:30p.m.
lvj.

CITY OF COLLEYVILLE
TARRANT COUNTY

ORDINANCE NO. 0-77-248

AN ORDINANCE SETTING FORTH THE PROCEDURES FOR CHANGING AND AMENDING THE ZONING ORDINANCE AND MAP; PROVIDING FOR AN OFFICIAL ZONING MAP; PROVIDING FOR RULES OF INTREPRETATION; PROVIDING FOR THE APPLICATION OF DISTRICT REGULATIONS; OUTLINING THE QUALIFICATIONS FOR NON-CONFORMING USE; OUTLINING THE VARIOUS DISTRICTS AND USES PERMITTED THEREUNDER; SPECIFYING THE VARIOUS USES AND RESTRICTIONS IN VARIOUS DISTRICTS; PROVIDING FOR SUPPLEMENTARY DISTRICT REGULATIONS; OUTLINING OFF-STREET PARKING AND LOADING REQUIREMENTS; OUTLINING THE PROCEDURES FOR ENFORCEMENT AND OBTAINING BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR A BOARD OF ADJUSTMENT AND PROPER APPEAL CHANNELS; PROVIDING FOR AN ADMINISTRATIVE OFFICIAL AND OUTLINING HIS DUTIES; OUTLINING METHOD OF DETERMINING FEE; PROVIDING FOR AMENDMENTS; DECLARING REQUIREMENTS TO BE MINIMUM; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR A SEPARABILITY CLAUSE; REPEALING PREVIOUS ORDINANCES IN CONFLICT; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE:

- WHEREAS, the City Council deems it necessary, for the purpose of promoting health, safety, morals, and the general welfare of the City of Colleyville to enact zoning regulations; and
- WHEREAS, the City Council, pursuant to the provision of Chapter 4, Title 28, of VERNON'S ANNOTATED CIVIL STATUTES OF TEXAS as amended, appointed a Planning and Zoning Commission to recommend appropriate regulations to be enforced; and
- WHEREAS, the Planning and Zoning Commission has prepared regulations pertaining to each zoning district in accordance with the Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- WHEREAS, the Planning and Zoning Commission has given reasonable consideration, among other things, to the character of each district and the peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and
- WHEREAS, the Planning and Zoning Commission has submitted this document as a final report to the Council; and
- WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, restrictions, and has held such public hearings; and
- WHEREAS, all requirements of Chapter 4, Title 28, of VERNON'S ANNOTATED CIVIL STATUTES OF TEXAS as amended with regard to the preparation of the report of the Planning and Zoning Commission have been met;
- NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

ZONING ORDINANCE

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NOTE: THE PLANNING AND ZONING COMMISSION ESTABLISHED BY THE CITY CHARTER
 ARTICLE XI SECTION 11.01 - The Planning and Zoning Commission
 SECTION 11.02 - Power and Duties
 page 35.

BY-LAWS FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF
 COLLEYVILLE, TEXAS - Passed and approved by the Planning and
 Zoning Commission on September 26, 1977. Endorsed and approved
 by the City Council in Resolution R-77-145 on November 1, 1977.

ZONING ORDINANCENO. 0-77-248SECTION 1 - PURPOSE AND TITLE

- 1.1 PURPOSE - The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable considerations, among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- 1.2 TITLE - This ordinance shall be known as and may be cited and referred to as the "Zoning Ordinance" to the same effect, which includes narrative regulations and map.

SECTION 2 - ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

- 2.1 OFFICIAL ZONING MAP - The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance Number 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this ordinance.

The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

The Official Zoning Map is not intended to control the procedural pre-requisites applicable and the ordinances should be looked to as the authoritative source for all zoning.

The Official Zoning Map shall be located and displayed in the Colleyville City Hall.

- 2.2 REPLACEMENT OF OFFICIAL ZONING MAP - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

SECTION 3 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- 3.1 RULES - Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as approximately following city limits shall be construed as following city limits;
 - d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
 - f. Boundaries indicated as parallel to (or extensions of) features indicated in subsections a. through e. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - g. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections a. through f. above, the Zoning Board of Adjustment shall interpret the district boundaries;
 - h. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Zoning Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed (50) feet beyond the district line into the remaining portion of the lot to either side of said district line.

SECTION 4 - APPLICATION OF DISTRICT REGULATIONS; CLASSIFICATION OF
NEW AND UNLISTED USES; AND PLATTING OF PROPERTY NOT PROPERLY ZONED

4.1 APPLICATION - The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:

- a. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- b. No building or other structure shall hereafter be erected or altered:
 - 1) To exceed the height;
 - 2) To accommodate or house a greater number of families;
 - 3) To occupy a greater percentage of lot area;
 - 4) To have narrower or smaller rear yards, front yards, side yards, or other open spacesthan herein required; or in any other manner contrary to the provisions of this ordinance.
- c. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specified in Section 25 -"Off-Street Parking Requirements".
- d. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- e. In every dwelling unit the density of occupancy shall not exceed 1.5 persons per room.
- f. All territory which hereafter is annexed to the City shall automatically be considered to be in the "AG", "Agriculture District", unless otherwise classified by the City Council after public hearing and upon recommendation from the Planning and Zoning Commission.

4.2 CLASSIFICATION OF NEW AND UNLISTED USES - It is recognized that new types of land may develop and forms of land use not anticipated herein may seek to locate in the City. In order to provide for such changes and contingencies a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- a. The Zoning Administrative Official as designated in Section 27.1 "Administration and Enforcement" hereof shall refer the question concerning any new or unlisted use to the City Planning and Zoning Commission requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and the amount and nature thereof, (i.e., enclosed or open storage), anticipated employment, transportation requirements, the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any, and the general requirements for public utilities such as water and sanitary sewer.
- b. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted.
- c. The City Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve the recommendation of the Planning and Zoning Commission, or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this ordinance to reflect said findings and decisions.

4.3 PLATTING OF PROPERTY NOT PROPERLY ZONED - The City Planning and Zoning Commission shall not approve any plat of any residential or non-residential subdivision within the City, or that which is being annexed to the City, unless and until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council, upon recommendation from the City Planning and Zoning Commission. A public hearing by the City Planning and Zoning Commission on a proposed annexation, zoning classification, and plat approval, or any combination thereof, may be held simultaneously.

5.1 INTENT - Within the districts established by this ordinance, or amendments that may later be adopted, there exist:

- a. lots and uses of land,
- b. buildings and structures,
- c. uses of land and buildings in combination, and
- d. characteristics of use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of buildings and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

5.2 NON-CONFORMING LOTS OF RECORD - In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

5.3 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR BUILDINGS ONLY) - Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding (\$1,000), the use may be continued so long as it remains otherwise lawful, provided:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- b. No such non-conforming use shall be moved in whole or in part to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- c. If any such non-conforming use of land ceases for any reason for a period of more than (90) consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
- d. No additional building not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

5.4 NON-CONFORMING BUILDINGS - Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming building may be enlarged or altered in a way which increases its non-conformity, but any building or portion thereof may be altered to decrease its non-conformity or to comply with City building codes.
- b. Should such non-conforming building or non-conforming portion of a building be destroyed by any means to an extent of more than (50) percent of its replacement cost at time of destruction; it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard

for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the non-conforming building and the conservation and protection of property.

- c. Should such building be moved for any reason any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.5 NON-CONFORMING USES OF BUILDINGS OR OF BUILDINGS AND PREMISES IN COMBINATION - If lawful use involving individual buildings with a replacement cost of (\$1,000) or more, or of buildings and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City Building Codes.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
- c. If no structural alterations are made, except as required by the City's Building Codes, any non-conforming use of a building, or building and premises, may, as a special exception, be changed to another non-conforming use provided that the Zoning Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- d. Any building, or building and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- e. When a non-conforming use of a building, or building and premises in combination, is discontinued or abandoned for six consecutive months or for (18) months during any three-year period (except when government action impedes access to the premises), the building, or building and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

- f. Where non-conforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than (50) percent of the replacement cost at time of destruction;
- g. Where non-conforming use status applies to a conforming building, such use shall be immediately terminated upon transfer to another ownership or lease.

5.6 REPAIRS AND MAINTENANCE - On any non-conforming building or portion of a building containing a non-conforming use, work may be done in any period of (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding (10) percent of the current replacement cost of the non-conforming building or non-conforming portion of the building as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

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

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5.7 CHANGING NON-CONFORMING USES

- a. Any non-conforming use may be changed to conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- b. The Board of Adjustment may grant a change of use from one non-conforming use to another non-conforming use provided such change is to a use permitted in a zoning district where the original non-conforming use would be permitted or such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a non-conforming use. Upon review of the facts in accordance with Section 29 - "Zoning Board of Adjustment: Powers and Duties", the Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.
- c. The Board of Adjustment may approve the remodeling or enlargement of a non-conforming use when such an enlargement would not tend to prolong the life of the non-conforming use. Upon review of the facts, the Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use in accordance with Section 29.1e - "Jurisdiction of Board of Adjustment".

- 6.1 AG AGRICULTURAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "AG Agricultural District".
- 6.2 PURPOSE AND INTENT - The purpose of the "AG Agricultural District" is to provide for compatible land, building and structure uses primarily oriented to: agricultural farming and ranching; and extremely low density residential purposes. The district's locational characteristics are usually confined to the outer fringe of developed urbanized areas and/or along, unprotected flood-prone areas. The district also serves as: 1) a transitional land use element pending future, more intensive urbanization; 2) open space for the protection and enhancement of scenic areas, vistas, and recreational uses, and 3) where unusual or problematic soils, topographic conditions, or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization.

The primary intent of this district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.

PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".

- 6.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Buildings, structures and uses accessory to permitted farming and ranching operations;
 - b. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - c. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable

tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.

- d. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed (600) square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City Codes and Ordinances.
- e. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
- f. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- g. Required off-street parking and loading spaces.
- h. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
- i. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- j. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- k. Supplemental single family dwelling for a farm employee and family when located on the same premises as the principal agricultural use, provided:
 - 1) Such dwelling shall be used exclusively for the housing of a single family employed full time on the premises in the conduct of operation or management of the principal agricultural use;
 - 2) Such dwelling is under the same ownership as that of the agricultural use and is on the same land as the owner's principal place of residency;
 - 3) The land area devoted to such dwelling conforms with the minimum requirements established in Section 23 - "Schedule of District Regulations" for single family dwellings in an "RE" district, as if it were on a separate recorded lot; and

- 4) The total land area under common ownership comprising the agriculture use and related owner's and employee's residence is not less than (20) acres.

- 6.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 6.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 6.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 6.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements" and Section 26 - "Off-Street Loading Requirements".
- 6.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 7 - RE SINGLE FAMILY "ESTATE" RESIDENTIAL DISTRICT

- 7.1 RE SINGLE FAMILY "ESTATE" RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "RE Single Family Estate Residential District".
- 7.2 PURPOSE AND INTENT - The purpose and intent of the "RE Single Family Estate Residential District: is to provide for compatible land, building and structural uses primarily oriented to low density residential estate purposes, select agricultural uses, open space uses, and select community facility uses. The locational characteristic of this district is generally confined to the outer fringe of the more intensely urbanized and developed areas, and/or along unprotected flood prone areas. The district further serves as a transitional element between limited residential development and intense agricultural activities and of higher density urbanized areas of the City. Low density detached single family residential dwellings and estate development, along with the aforescribed uses, comprise the principal elements of the district.
- 7.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 7.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 7.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Buildings, structures and uses accessory to permitted farming and ranching operations;
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.
 - c. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.

- d. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed (600) square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City Codes and Ordinances.
- e. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
- f. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- g. Required off-street parking and loading spaces.
- h. Home occupation uses, as defined by this ordinance Section 38.41- "Home Occupation (Use)".
- i. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- j. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- k. Private domestic greenhouses.
- l. Private stables for the keeping of grazing animals, provided:
 - 1.) Significant ground accumulations of manure shall be collected and properly disposed so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - 2.) Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - 3.) The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over 500 pounds and not less than 5,000 square feet for any other grazing animal.

- 7.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment: may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 7.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 7.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 7.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 8 - R-40 SINGLE FAMILY RESIDENTIAL DISTRICT

- 8.1 R-40 SINGLE FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-40 Single Family Residential District".
- 8.2 PURPOSE AND INTENT - The purpose and intent of the "R-40 Single Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are not confined to any specific or general area; however, they are most appropriate on the outer fringe of the more intensively urbanized parts of the community, and/or along protected flood prone areas. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Low density detached single family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.
- 8.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 8.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".

PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
- b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: If lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.
- c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

- 8.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 8.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 8.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 8.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 8.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- e. Required off-street parking and loading spaces.
- f. Home occupation uses, as defined by this ordinance Section 38.41 - "Home Occupation (Use)".
- g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- i. Private domestic greenhouses.
- j. Private stables for the keeping of grazing animals, provided:
 - 1.) Significant ground accumulations of manure shall be collected and properly disposed so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - 2.) Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - 3.) The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over 500 pounds and not less than 5,000 square feet for any other grazing animal.

SECTION 9 - R-30 SINGLE FAMILY RESIDENTIAL DISTRICT

- 9.1 R-30 SINGLE FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-30 Single Family Residential District."
- 9.2 PURPOSE AND INTENT - The purpose and intent of the R-30 Single Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the City. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Moderately low density detached single family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.
- 9.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 9.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 9.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Private residential garages, carports and related storage buildings and greenhouses, accessory to permitted residential uses.
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.
 - c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 - e. Required off-street parking and loading spaces.
 - f. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
 - g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
 - h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
 - i. Private domestic greenhouse.
6. SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 9.7. PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 9.8. DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 9.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements" and Section 26 - "Off-Street Loading Requirements".
- 9.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 10 - R-20 SINGLE FAMILY RESIDENTIAL

- 10.1 R-20 SINGLE FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-20 Single Family Residential District".
- 10.2 PURPOSE AND INTENT - The purpose and intent of the "R-20 Single Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to medium-low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed area of the City, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields.

Moderate-low density detached single family residential buildings as exist in the inner area of the City comprise the principal elements of this district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single family development, which presently exists in the City.

- 10.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 10.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 10.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.
 - c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- e. Required off-street parking and loading spaces.
- f. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
- g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- i. Private domestic greenhouse.

10.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

10.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".

10.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 10.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 10.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 11 - R-15 SINGLE FAMILY RESIDENTIAL

11.1 R-15 SINGLE FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-15 Single Family Residential District."

11.2 PURPOSE AND INTENT - The purpose and intent of the "R-15 Single Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to medium-low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed core of the City and/or adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields.

Medium-low density detached single family residential buildings as exist on small lots in the inner core area of the city on typically small lots, along with the aforescribed uses, comprise the principal elements of this district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single family development, which presently exists in the City, but not to create new zoned areas for such conventional small lots.

11.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.

11.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".

11.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
- b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.

- c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- e. Required off-street parking and loading spaces.
- f. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
- g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- i. Private domestic greenhouse.

11.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses ". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

11.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".

11.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 11.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 11.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 12 - R-D TWO FAMILY RESIDENTIAL DISTRICT

- 12.1 R-D TWO FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-D Two Family Residential District".
- 12.2 PURPOSE AND INTENT - The purpose and intent of the "R-D Two Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to medium-low density one and two family residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the City, around shopping centers and neighborhood serving facilities, plus as a transitional element between low density single family districts and higher density multi-family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tank and subsurface drainage fields. Single family detached dwellings and dwellings containing two family dwelling units, plus the aforescribed uses, comprise the principal elements of the district.
- The intent of this district is not to mix single and two units; therefore, to promote a more homogeneous land use pattern the Developer is encouraged to group permitted uses in clusters.
- 12.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 12.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 12.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.

- c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 - d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 - e. Required off-street parking and loading spaces.
 - f. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
 - g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
 - h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
 - i. Private domestic greenhouse.
- 12.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses ". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 12.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 12.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 12.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 12.10 LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of Section 33.2 "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 13 - VACANT - RESERVED FOR FUTURE EXPANSION

SECTION 14 - R-MF MULTI-FAMILY RESIDENTIAL DISTRICT

- 14.1 R-MF MULTI-FAMILY RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "R-MF Muti-Family Residential District "
- 14.2 PURPOSE AND INTENT - The purpose and intent of the "R-MF Multi-Family Residential District" is to provide for compatible land, building and structure uses primarily oriented to medium density multi-family residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the City, around shopping centers and neighborhood serving facilities, near employment centers, at the intersections of major and secondary thoroughfare streets, and as a transitional element between lower density and more intense non-residential land uses. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Garden apartment buildings and condominiums, and low density townhouses, plus the aforescribed uses, comprise the principal elements of this district.
- 14.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 14.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 14.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.

- c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
- e. Required off-street parking and loading spaces.
- f. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
- g. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
- h. Private domestic greenhouse.
- i. Outdoor storage areas or storage buildings for boats, trailers, and other recreational equipment, automobiles, or household effects - for the exclusive use of the site occupants, provided these accessory uses are screened in general conformity to Section 24.1 - "Screening Elements".
- j. An office area not containing more than (2) percent of the gross floor area of the main building in a multi-family development, used exclusively for administration purposes for said development only.
- k. Coin operated vending machines in a principal or accessory building for newspapers, candy, tobacco, soft drinks, ice and similar services, for use by the site occupants and guests of permitted uses in this district.
- l. Social and recreation buildings for use by the site occupants and guests of permitted uses in this district.
- m. Group dining quarters within a principal building.

- 14.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 14.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 14.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 14.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 14.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supportings Documents Required".
- 14.11 OPEN SPACE REQUIRED - Unless waived by the Planning and Zoning Commission, the R-MF Multi-Family Residential District shall conform to the Open Space Requirements as set forth in Sections 21.6 "Open Space Requirements", 21.7 "Maximum Residential Density Permitted; and Density Increase Bonuses" and 21.8 "Guarantee of Common Open Space".

SECTION 15 - MH MOBILE HOME RESIDENTIAL DISTRICT

- 15.1 "MH" MOBILE HOME RESIDENTIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "MH Mobile Home Residential District".
- 15.2 PURPOSE AND INTENT. The purpose of the "MH Mobile Home Residential District" is to provide for the orderly, safe and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields.
- 15.3 USE REGULATIONS - Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended or created shall comply with all the regulations set forth under this section.
- 15.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are designated in Section 22 - "Schedule of Permitted Principal Uses".
- 15.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, including, but not limited to, the following:
- a. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - b. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24) inches and "above grade" swimming pools having a water depth (24) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4) feet nor more than (6) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5) feet to any side or rear property line.
 - c. Lanais, gazebos, garden and patio shelters, and children's playhouses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.

- d. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 - e. Required off-street parking and loading spaces.
 - f. Home occupation uses, as defined by this ordinance - Section 38.41 - "Home Occupation (Use)".
 - g. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with Section 24.10 - "Parking, Storage or Use of Major Recreational Equipment and Vehicles".
 - h. Signs, in conformance with these regulations and other applicable City Codes and Ordinances.
 - i. Private domestic greenhouse.
 - j. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.
- 15.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 15.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 15.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 15.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 15.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 16 - C-PO PROFESSIONAL OFFICE COMMERCIAL DISTRICT

- 16.1 C-PO PROFESSIONAL OFFICE COMMERCIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "C-PO Professional Office Commercial District".
- 16.2 PURPOSE AND INTENT - The purpose and intent of the "C-PO Professional Commercial District" is to provide for land, building and structure uses primarily oriented to office and service business activities and commercial uses which do not depend on the sale of convenience type goods. The locational characteristics of this district are generally confined to intersections of collector streets and major thoroughfares and as a transition district between residential and retail sales uses.
- 16.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 16.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 16.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed except that all open storage areas shall be suitably screened.
- 16.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 16.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".
- 16.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provision of Section 22 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".

- 16.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 16.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 17 - CN NEIGHBORHOOD COMMERCIAL DISTRICT

- 17.1 CN NEIGHBORHOOD COMMERCIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "CN Neighborhood Commercial District".
- 17.2 PURPOSE AND INTENT - The purpose and intent of the "CN Neighborhood Commercial District" is to provide for compatible land, building and structure uses primarily oriented to retail convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers; select low intensity office uses; and select community facility uses. The locational characteristics of this district are generally confined to limited intersection locations of collector streets and thoroughfare streets; within residential "planned unit development" projects; and as a transition district between residential districts and higher intensity commercial and industrial districts.
- 17.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 17.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 17.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, except that outside merchandise display areas and non-screened open storage areas are expressly prohibited.
- 17.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 17.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".

- 17.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height, (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 17.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 17.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 18 - C-C COMMUNITY COMMERCIAL DISTRICT

- 18.1 C-C COMMUNITY COMMERCIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "C-C Community Commercial District".
- 18.2 PURPOSE AND INTENT - The purpose and intent of the "C-C Community Commercial District" is to provide for land, building and structure uses primarily oriented to a variety of indoor and outdoor general business activities of a mixed and diversified nature which supply the needs of the community, and to some degree that of the immediate regional area, including regional and community shopping centers. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities and general office uses. The locational characteristics of this district are generally confined to the urban business/commercial center of the City, major thoroughfare and highway intersections, and as a transitional district between industrial districts and more restrictive commercial and medium density residential districts.
- 18.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 18.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 18.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed, except that all open storage areas shall be suitably screened.
- 18.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 18.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".

- 18.8 DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provision of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 18.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 18.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required".

SECTION 19 - M-L LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT

- 19.1 M-L LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "M-L Light Manufacturing and Industrial District".
- 19.2 PURPOSE AND INTENT - The purpose and intent of the "M-L Light Manufacturing and Industrial District" is to provide for land, building and structure uses encompassing a variety of mixed wholesale and warehousing activities, light manufacturing processing and assembly plants, general offices, research and development laboratories and select commercial uses. The locational characteristics of this district rely on access to major thoroughfares and highways, and in some cases adjacent to railroad access. The intensity of uses permitted in this district are further restricted to facilities which are not obnoxious by reason of the emission of odor, dust, smoke, gas or noise.
- 19.3 USE REGULATIONS - Land, buildings and structures may be used only for the purposes allowed in this section.
- 19.4 PERMITTED PRINCIPAL USES - The permitted principal uses allowed in this district are as designated in Section 22 - "Schedule of Permitted Principal Uses".
- 19.5 PERMITTED ACCESSORY USES - Subject to the provisions of Section 24 - "Supplementary District Regulations", accessory buildings, structures and uses customarily incidental to the "permitted principal uses" are allowed except that all open storage areas shall be suitably screened.
- 19.6 SPECIAL EXCEPTION USES - In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 22 - "Schedule of Permitted Principal Uses". The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.
- 19.7 PROHIBITED USES - Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of Section 4.2 - "Classification of New and Unlisted Uses".

- 19.8 AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS - The requirements regulating the minimum lot size, minimum yard size (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 - "Schedule of District Regulations" and other applicable provisions of Section 24 - "Supplementary District Regulations".
- 19.9 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 19.10 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Section 33.2 - "Petition for Zoning District Change: Land Plan and Supporting Documents Required:".

SECTION 20 - FLOOD PLAIN "FP" PREFIX TO DISTRICT DESIGNATION

20.1 STATUTORY AUTHORIZATION - The legislature of the State of Texas has in Section 16-315 Texas Water Code delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Colleyville, Texas does ordain as follows:

- a. The flood hazard areas of Colleyville, Texas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

20.2 PURPOSE AND INTENT - It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
- g. Provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard; and,
- h. Designate with a flood plain prefix "FP: portions of certain zoning districts.

20.3 METHODS OF REDUCING FLOOD LOSSES - In order to accomplish its purposes, this ordinance uses the following methods:

- a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging and other development which may increase flood damage;
- e. Prevent or regulate the construction of flood barriers which will increase flood hazards to other lands.

20.4 DEFINITIONS - The following words, terms and phrases are specifically applicable to Section 20 of this ordinance.

- a. Appeal - means a request for a review of the Administrative Official's interpretation of any provision of this ordinance or a request for a variance;
- b. Area of Shallow Flooding - means a designated A0 Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident;
- c. Area of Special Flood Hazard - is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year;
- d. Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year;
- e. Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
- f. Expansion to an Existing Mobile Home Park or Mobile Home Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets);
- g. Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal water;
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.

- h. Flood Hazard Boundry Map (FHBM) - means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A;
- i. Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;
- j. Flood Insurance Study - in the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map;
- k. Floodway - means the channel for a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot;
- l. Habitable Floor - means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, of a combination thereof. A floor used for storage purposes only is not a "habitable floor";
- m. Mean Sea Level - means the average height of the sea for all stages of the tide;
- n. Start of Construction - means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assemble of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile homes parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed;
- o. Substantial Improvement - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure. The market value can be defined for this particular purpose as either (1) the value of the premises before remodeling construction is started, or (2) the value of the premises before any damage was sustained, (if the construction is for the purposes of restoration due to damage). For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part

of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safety code specifications or which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Place or a State Inventory of Historic Places;

20.5 LANDS TO WHICH THIS ORDINANCE APPLIES - This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Colleyville.

20.6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD (FLOOD PLAIN) - The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), Community No. 4850590A, dated March 4, 1977, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

20.7 ESTABLISHMENT OF DEVELOPMENT PERMIT - A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

20.8 COMPLIANCE - No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

20.9 WARNING AND DISCLAIMER OF LIABILITY - The degree of flood protection required by this ordinance is considered reasonable for considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Colleyville or any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

20.10 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICIAL - The duties and responsibilities of the Administrative Official with regard to the administration of the "FP" district shall include, but not be limited to, the following.

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance;
- b. Review, approve or deny all applications for development permits required by Subsection 20.7 - "Establishment of Development Permit" - of this ordinance;
- c. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;

- d. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City of Colleyville shall make the necessary interpretation;
- e. Notify adjacent communities and the Texas Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- f. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
- g. When base flood elevation data has not been provided in accordance with Subsection 20.6 - "Basis For Establishing the Areas of Special Flood Hazard (Flood Plain)", the Administrative Official shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer the provision of Subsection 20.13 - "Provisions For Flood Hazard Reduction".

20.11 PERMIT PROCEDURES

- a. Application for a Development Permit shall be presented to the Administration Official on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;
 - 2) Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;
 - 3) A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Subsection 20.13.b.2 - "Provisions For Flood Hazard Reduction";
 - 4) Description of the extent to which any watercourse of natural drainage will be altered or relocated as a result of proposed development.
- b. Approval or denial of a Development Permit by the Administrative Official shall be based on all of the provisions of this ordinance and the following relevant factors:
 - 1) The danger to life and property due to flooding or erosion damage;
 - 2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for that area.

20.12 VARIANCE PROCEDURES

- a. The Zoning Board of Adjustment as established by the City of Colleyville shall hear and render judgement on requests for variances from the requirements of this ordinance.
- b. The Zoning Board of Adjustment shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this ordinance.
- c. Any person or persons aggrieved by the decision of the Zoning Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
- d. The Administrative Official shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- f. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in

Subsection 20.11.b - "Permit Procedures" have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- g. Upon consideration of the factors noted above and the intent of this ordinance, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance - Subsection 20.2 "Purpose and Intent".
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Prerequisites for granting variances:
 - 1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 3) Any applicant to whom a variance is granted shall be given written notice that a structure will be permitted to be built with a lowest floor elevation no more than one foot below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

20.13 PROVISIONS FOR FLOOD HAZARD REDUCTION

- a. General Standards - In all areas of special flood hazards the following provisions are required:
 - 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - 2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - 3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - 4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and,

- 5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and,
 - 6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- b. Specific Standards - In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Subsection 20.5 - "Lands To Which This Ordinance Applies", and (ii) Subsection 20.10 - "Duties and Responsibilities of the Administrative Official", and (iii) Subsection 20.13.c. - "Provisions For Flood Hazard Reduction", the following provisions are required:
- 1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Administrative Official that the standard of this subsection as proposed in Subsection 20.11.a.1 - "Permit Procedures" is satisfied;
 - 2) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the Administrative Official that the standards of this subsection as proposed in Subsection 20.11.a.1 - "Permit Procedures" are satisfied.
 - 3) Mobile Homes -
 - a) No mobile home shall be placed in a floodway, or if applicable, a coastal high hazard area, except in an existing mobile home park or existing mobile home subdivision;
 - b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Specific requirements shall be:
 1. over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 2. frame ties at each corner of the home with five additional ties per side at intermediate points and mobile homes

less than 50 feet long requiring four additional ties per side;

3. all components of the anchoring system be capable of carrying a force of 4,800 pounds;
4. any additions to the mobile home be similarly anchored.

c) Standards for Subdivision Proposals -

1. All subdivision proposals shall be consistent with Subsection 20.1.a - "Statutory Authorization", 20.1.b, 20.2 - "Purpose and Intent", and 20.3 - "Methods of Reducing Flood Losses" of this ordinance;
2. All proposals for the development of subdivisions shall meet Development Permit Requirements of Subsections 20.7 - "Establishment of Development Permit" and 20.11 - "Permit Procedures" and the provisions of Subsection 20.23 - "Provisions For Flood Hazard Reduction" of this ordinance;
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres, if not otherwise provided pursuant to Subsection 20.6 - "Basis For Establishing the Areas of Special Flood Hazard (Flood Plain)" or Subsection 20.10.g - "Duties and Responsibilities of the Administrative Official";
4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
5. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

SECTION 21 - PUD-R;-C;-I PLANNED UNIT DEVELOPMENT DISTRICTS

21.1 PUD-R; PUD-C; AND PUD-I PLANNED UNIT DEVELOPMENT DISTRICTS (R - RESIDENTIAL; C - COMMERCIAL; AND I - INDUSTRIAL) - The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "PUD-R; -C; or -I - Planned Unit Development Districts."

21.2 PURPOSE AND INTENT - The purpose and intent of this district is to accommodate planned associations of land uses developed as integral land use units such as: industrial parks; office parks; commercial or service centers; shopping centers; residential development of multiple or mixed housing types (i.e., conventional single family detached dwellings, duplexes, multi-family apartments, attached townhouses, condominium multi-family dwellings; cluster homes, "0" - lot line homes, and patio and atrium homes); and other appropriate and compatible combinations of land uses which may be planned, developed and operated as integral land use units, either by a single owner or combination of owners.

This district is designed to encourage the most appropriate uses of land, permit flexibility to encourage a more creative, efficient, environmentally pleasing and aesthetic design regarding the spatial arrangement of buildings and land uses, open spaces, circulation and transportation patterns, and considerations of special site and topographic features.

Development controls aimed at assuring the character, compatibility of mixed land uses, and harmonious and timely development of the project are maintained through the establishment of standards specified for various land uses, yards, site coverage by buildings, etc., which are determined by actual design and incorporated into the amending ordinance of the zoning regulations. Likewise, site plans, development schedules, draft restrictive deed covenants and draft property owner association covenants when applicable, are required to be submitted.

The Official Zoning Map of the City only identifies those Planned Unit Developments (PUD) that have been previously approved by the City Council. The map does not forecast the location or type of planned unit developments but assumes that every parcel of land within the community has the potential of being appropriately planned under the regulations set forth herein; therefore, relies on the owner to initiate a petition for zoning change.

21.3 USE REGULATIONS - Land, buildings or structures within any "Planned Unit Development District" may be used for any appropriate combination of principal uses, accessory uses, community facility uses, and special uses permitted in any agricultural, residential, commercial or industrial district within the City; however, the City Planning and Zoning Commission and City Council reserve the right to prohibit and exclude certain uses within any planned district when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property both within or adjacent

thereto. For the purposes of these regulations planned unit development districts shall be confined to one of the following designated classifications, and shall be designated on the Official Zoning Map in the following manner using the letter abbreviations of such districts:

"PUD-R" - (Planned Unit Development - Residential);

"PUD-C" - (Planned Unit Development - Commercial);

"PUD-I" - (Planned Unit Development - Industrial).

21.4 PERMITTED USES

- a. "PUD-R" Planned Unit Development: Residential (where the majority of land use is designated for residential purposes) -
 1. Any single purpose or mixed type of residential dwellings, including but not limited to: detached single family dwellings on conventional subdivision type lots; attached dwellings such as duplexes and townhouses; "cluster housing", patio homes, atrium homes, "0"-lot line homes (with a maximum of one side wall of the dwelling in common with a side property line), multi-family apartments, flats and condominiums of similar housing types.
 2. Community Facility Uses, as approved by the City (and when intended to serve the residential development).
 3. Agricultural Uses, as approved by the City.
 4. Commercial Uses, when a part of a residential development, and as allowed in conformance with the permitted uses and regulations of the "C-N Neighborhood Commercial District"; and limited in total area to not more than (10) acres. Where the number of dwelling units proposed in the "PUD-R" district indicates a need for a greater amount of commercial land acreage than herein allowed, and the applicant desires greater flexibility or more permissive commercial uses than those contained in the "C-N" district regulations, the applicant shall substantiate and document the need for such additional acreage and/or uses via a market analysis or other similar method before such additional land acreage or uses are allowed and approved by the City.
 5. Special Exception Uses, as designated for the various residential and commercial zoning districts in Section 19*, may be allowed by the Commission and Council by right, within a "PUD-R" district, without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.
 6. Accessory Uses, customarily incidental and secondary to any allowed principal uses allowed in the respective residential districts or commercial district, with respect to the type of residential or non-residential uses proposed in the "PUD-R" district.

*Section 19 - "M-L Light Manufacturing and Industrial District".

- b. "PUD-C" Planned Unit Development - Commercial (where the majority of land use is designated for commercial purposes) -
1. Shopping centers, commercial or service centers, office parks, major recreational and entertainment facilities, and other similar business and commercial centers or facilities when such uses are in conformance with the various commercial zoning district regulations of this ordinance. Residential uses similar to those set forth in Section 13 - "Medium Density" and Section 14 - "Multi-Family".
 2. Community Facility Uses, as approved and allowed by the City.
 3. Special Exception Uses, as designated for the various commercial zoning districts in Section 19,* may be allowed by right by the Commission and Council within a "PUD-C" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.
 4. Accessory Uses, customarily incidental and secondary to any allowed principal uses with respect to the type of uses proposed in the "PUD-C" district.
- c. "PUD-I" Planned Unit Development - Industrial (where the majority of land use is designated for industrial purposes) -
1. Single or multi-purpose industrial parks of innovative land utilization allowing for an appreciable amount of land reserved for open space, generous building setbacks with landscaped front lawns, and joint usage (where feasible) of parking and storage areas. The principal uses which may be permitted therein shall be as allowed and in conformance with the regulations established for the various commercial and industrial zoning districts elsewhere described in this ordinance.
 2. Residential Uses, similar to those set forth in Section 13 - "Medium Density" and Section 14 - "Multi-Family".
 3. Community Facility Uses, as allowed and when a part of an industrial or industrial-commercial development, as approved by the City; except that public and semi-public schools, churches, temples, synagogues and other places of worship are discouraged in this district unless their locations are approved by the City Planning Commission and City Council due to an overriding need for such use in an industrial area.
 4. Special Exception Uses, as designated for the various industrial zoning districts in Section 19,* may be allowed by right by the Commission and Council within a "PUD-I" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.

*Section 19 - "M-L Light Manufacturing and Industrial District".

5. Accessory Uses, customarily incidental and secondary to any allowed principal use, with respect to the type of uses proposed in the "PUD-1" district.

21.5 PROHIBITED USES - Uses not expressly permitted in the various zoning district regulations of this ordinance are expressly prohibited in any "PUD" district unless otherwise authorized and approved by the City Planning and Zoning Commission and City Council in conformance with the provisions of Section 4 - "Application of District Regulations".

21.6 OPEN SPACE REQUIREMENTS - In Residential Planned Unit Development districts containing residential uses, common open space (whether dedicated to public use or owned and maintained in common by all or part of the occupants of the PUD development through a property owner association) land shall be reserved primarily for the leisure and recreational use of the project's occupants, and readily accessible thereto. The quantity of common open space required shall comprise not less than (20) percent of the project area. Said open space may be varied downward by the City Planning and Zoning Commission and City Council when a lesser amount of such open space would be more appropriate to the density of development or size of families or households proposed in the project, plus the availability and nature of adjacent public open space. For the purpose of this ordinance, common open space is defined as follows:

a. Common Open Space includes:

1. Land area of the development accessible to and permanently reserved for the common use and enjoyment of the occupants of the project for leisure and recreational purposes, for which said area is not covered by buildings, structures or parking except that recreational facilities and structures and their accessory uses and related parking may be located within said common open space as long as their total impervious surfaces (paving, roofs, etc.) do not constitute more than (5) percent of the total common open space.

b. Common Open Space does not include:

1. Land areas reserved for the exclusive use and benefit of an individual owner or tenant.
2. Public or private streets, alleys, driveways, parking or loading areas, except as otherwise allowed in paragraph a.,1. above.
3. Church or school sites.
4. Other buildings, structures or facilities than those allowed in paragraph a.,1 above.
5. Utility easements, and drainage easements less than (100) feet in width.

21.7 MAXIMUM RESIDENTIAL DENSITY PERMITTED; AND DENSITY INCREASE BONUSES -

- a. The maximum residential density permitted in any "PUD-R, C and I" district, where residential uses are proposed, shall not exceed the maximum residential density limits as permitted by the existing zoning classification in which the PUD district is proposed; except as follows:
1. Upon the receipt of a zoning petition requesting a higher density within a Planned Unit Development the Planning and Zoning Commission shall study and make a recommendation to the City Council setting forth a density for the project identified as "gross residential density." The City Council shall take this recommendation under advisement at its hearing to consider the petition.

For the purpose of this regulation, "gross residential density" shall mean the sum total of all residential land use area(s) of the project, including one-half of any abutting streets located within the boundary of the project.

- b. Density Increase Bonuses. In an effort to increase the quality of a residential planned unit development through the adequate provisions of open space, community facilities, recreation areas and other similar amenities and improvements, the City Planning Commission and City Council may approve residential density increases for the amenities listed below and in the amounts prescribed therefor.
1. Open space reservation shall be considered for residential density increases according to the following provisions:
 - a) Each additional 1% (1 acre minimum) of common open space (greater than the requirement set forth in Section 21.6 - "Open Space Requirements") up to a maximum of 5% of the total project acres, if improved, permits a maximum increase of gross residential density of 6% of the total number of units allowed on the remaining balance of the land (after the extra open space is deducted to be used for residential purposes. If said additional common open space is unimproved, as defined above, the increase in gross residential density is reduced to $\frac{1}{2}$ of 6% or 3%.
 - b) Land within a designated 100-year flood plain area, conveyed by easement or dedicated to the City as permanent open space may receive additional density bonuses in the following amounts:
 - 1) Add (4) percent to the percentages listed in paragraph (a) above for improved open space; and (3) percent for unimproved open space where such land is dedicated to the City.
 - 2) Add (2) percent to the percentages listed in paragraph (a) above for improved open space; and (1) percent for unimproved open space where such land is conveyed by easement to the City.

2. Dedication of public school or park sites may be considered cause for density increase when such sites are of sufficient size and properly located so as to provide a direct benefit to the community. Up to (20) percent increase in density or floor area ratio, within the proposed development may be granted by the Planning and Zoning Commission and City Council where such site dedications conform in general location and size to the City's latest approved Comprehensive City Plan and School District's general requirements. All dedications, whether for School or Park purposes, shall be made in favor of the City.
3. In no case shall bonus increases exceed 50% of the total of all additional bonus percentages added together for any purposes. All increases shall be taken on the same initial "gross residential density".

The following will be added as further explanation of the bonus point and density increases.

Every PUD-R must have 20% of the total project acres dedicated to common open space or developed for the occupants within the subdivision area. The initial density increases are determined by dividing the density of units per acre if the area were undeveloped by the same area with the open space (20%) dedicated.

CLASSIFICATION	DENSITY UNITS/ACRE	DENSITY PUD-R
AG	0.3	0.38
RE	0.5	0.63
R-40	1.25	1.56
R-30	1.50	1.88
R-20	2.1	2.63
R-15	3.0	3.75
R-D	8.0	10.0
R-MF	18.0	22.5

The following examples may be helpful in computing available densities:

EXAMPLE 1

Subdivision Size: 50 acres. Zoning Map Classification: R-40
 Extra Open Space: None
 Minimum Common Open Space - $50 \times 0.2 = 10$ Acres
 Maximum Density - 1.56 Units/Acre
 Bonus Density Increase - None
 Maximum Units - $(50-10) (1.56) = 62.4 = 62$ Units

EXAMPLE 2

Subdivision Size: 82 acres. Zoning Map Classification: R-30
 Extra Open Space Dedication: 4 acres unimproved Flood Plain.
 Minimum Common Open Space - $82 \times 0.2 = 16.4$
 Maximum Density - 1.88 Units/Acre
 Maximum Allowable Extra Open Space - $82 \times 0.05 = 4.1$ Acres
 Bonus Density Increase - $4/82 = .04878 = 4.9\%$
 Gross Residential Density - $1.88 \times (1 + 0.098) = 2.06$ Units/Acre
 GRD
 Maximum Number of Units - $2.86 \times (82 - (16.4 + 4.0)) =$
 $2.86 \times 61.6 = 176.2 = 176$ Units
 Maximum

EXAMPLE 3

Subdivision Size: 125 acres. Zoning Map Classification: R-20.
 Extra Open Space Dedication: None (All open space dedicated
 and improved for public park).
 Minimum Common Open Space (Park dedicated and improved) -
 $125 \times 0.2 = 25$ Acres
 Maximum Density - 2.1 Units/Acre
 Bonus Density Increase - (Note: Planning and Zoning and the
 City Council may give 20% density increase for improved
 park.) - $2.1 \times (1.0 + .2) = 2.52$ Units/Acre GRD.
 Maximum Number of Units - $2.52 \times (125 - 25) = 252.0 = 252$ Units
 Maximum

EXAMPLE 4

Subdivision Size: 175 acres. Zoning Map Classification: R-30.
 Extra Open Space: 10 Acres Flood Plain (Unimproved), 5 Acres
 Common Open Space (Unimproved), and 5 Acres
 School Site or Park Site (Unimproved).
 Minimum Common Open Space - $175 \times 0.2 = 35$ Acres Improved
 Maximum Density - 1.88 Units/Acre
 Bonus Density Increase - (Note: Bonus density increases should
 be considered in decreasing order of importance.)
 Maximum Extra Open Space Allowable - $175 \times 0.05 = 8.75$ Acres
 Park or School Site Dedication - $5/175 = 0.02857$ or 2.87%
 (Since site is unimproved, less than the maximum allowable
 20% will probably be allowed, assume this is 10%)
 $2.857 \times .03 = .0857 + .10 = .1857$
 Bonus Increase Points for Park or School Dedication
 Balance of Additional Open Space Available For Bonus -
 $(8.75 - 5) = 3.75$ Acres
 $3.75 / 175 = .02143$ or 2.143%
 $2.143 \times .03 = .06429$ Bonus Increase Points for
 Additional Open Space
 Total Density Increases - $.1857 + .0643 = .25$ or 25%
 Gross Residential Density - $1.88 \times (1 + .25) = 2.35$ Units/Acre
 GRD
 Maximum Number of Units - $2.35 \times (175 - (35 + 10 + 5 + 5)) =$
 $2.35 \times 120 = 282$

NOTE:

1. If developer does not wish to dedicate so much open space and the property is usable, he may wish to re-compute his allotment for the maximum number of housing units by reducing the number of acres dedicated to open space.
2. None of the above examples have been computed with the abutting street area since each subdivision will have street area unique to that subdivision. Abutting streets will reduce the number of housing units allowable.

- 21.8 GUARANTEE OF COMMON OPEN SPACE - Common open space provided in any "PUD" district shall be guaranteed by a restrictive covenant describing the open space and its uses, maintenance and improvement running with the land for the benefit of the occupants, or public, of the PUD development. The applicant for a PUD may file with said PUD zoning application a draft copy of the proposed covenants which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common spaces for the designated purposes, for general review and approval by the City Planning and Zoning Commission. At the time a "final plat" of the development is filed with the City for approval, the final legal documents regarding the approved covenants relative to the open space, shall be submitted to the City for approval.
- a. In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required by the City for Council approval:
 - 1. It may be conveyed to the City or other public agency which will agree to maintain the common open space and any permitted buildings, structures or other improvements placed thereon.
 - b. If the common open space is not conveyed to the City or other public agency, the covenants governing the use, improvements, and maintenance of the common open space may authorize the City or other public agency to enforce their provisions.
 - c. Deeded to a property owners association or trustees thereof, the declaration of covenants and restrictions which is to govern the association shall include, but not be limited to, the following:
 - 1. Membership must be mandatory for each building or property buyer and any successive buyer, affected by the common open space.
 - 2. The common open space restrictions must be permanent, and not just for a period of years.
 - 3. The association shall be totally responsible for liability, insurance, local taxes (if assessed), and the maintenance of the common open space and any improvements thereon.
 - 4. Affected property owners shall pay their pro rata share of all costs associated therewith; any assessment levied by the association can become a lien on the property.

5. The association must be able to adjust the assessment rate to meet changing needs.

21.9 SCREENING AND LANDSCAPE REQUIREMENTS - Requirements and standards for screening of certain residential and non-residential uses in any "PUD" district shall be required and in conformance with the provisions of Section 24.1* of this ordinance. Areas within any "PUD" district not used for buildings, roadways, drives, parking areas and other similar features shall be landscaped with grass, shrubs, trees and other appropriate vegetative cover, and such shall be maintained in an aesthetic healthy growing condition.

21.10 ACCESS AND CIRCULATION

- a. **Vehicular Access.** Principal vehicular access points shall be designed to permit smooth traffic flow with minimum hazards to vehicular or pedestrian traffic.
- b. **Emergency Access.** Lots or tracts in any "PUD" district which do not abut a public street or alley shall be provided with an "emergency access easement" dedicated to the City, of not less than (20) feet in width. Such easement shall be paved with an all weather driving surface, and with such turning radii and turnarounds at the terminal ends so as to permit the free unobstructed movement of emergency or city equipment to gain access and egress to the lot or tract. No obstructions or parking shall be permitted within or allowed to interfere with the full use of such emergency access easement, and said easement shall be permanently marked or signed to identify its intended use. The words "Fire Lane" may be used to designate such easement.

21.11 MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; AND MAXIMUM LOT COVERAGE - The maximum height, lot width, lot depth, floor-area ratio and lot area, and the minimum off-street parking and loading requirements for uses proposed shall be established for each Planned Development District, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

**GENERAL USE
CATEGORY**

**MAXIMUM HEIGHT, LOT WIDTH, LOT DEPTH,
FLOOR-AREA RATIO OR LOT AREA AND MINIMUM
OFF-STREET PARKING AND LOADING STANDARDS
SHALL BE ESTABLISHED BY THE FOLLOWING
DISTRICTS**

Residential	R-MF
Office	C-PO
Commercial Services	C-C
Industrial or Manufacturing	M-L

The City Planning Commission and City Council may alter such requirements when in their opinion the proposed development densities and land use arrangements shown on the site plan would result in a more innovative siting of buildings and facilities which would improve the usefulness of yard areas and their relationship to traffic circulation, admittance of light and air to buildings, fire protection and usable open space.

*Section 24.1 - "Screening and Landscape Requirements".

- 21.12 OFF-STREET PARKING AND LOADING REQUIREMENTS - Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of Section 25 - "Off-Street Parking Requirements", and Section 26 - "Off-Street Loading Requirements".
- 21.13 SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Any application for a change in zoning district boundaries on the "Official Zoning Map" to establish any PUD-R, C, or I district shall be accompanied by a site plan and supporting documents therefor, in conformance with the provisions of Section 33.3 - "Petition for Zoning District Change or Special Use Permit: Site Plan and Supporting Documents Required".
- 21.14 NATURE OF AMENDING ORDINANCE APPROVING ANY "PUD" DISTRICT ZONING CHANGE - In approving any request for a zoning change for a "PUD" district the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed on the project by the Commission, including those of the Council.

The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map." However, the zoning change does not constitute recording of a "Final Plat" nor authorize the issuance of building permits and "certificates of occupancy", until such time as a "Final Plat" and supporting legal and construction documents have been prepared and submitted for Council approval on all or part of the proposed development, in conformance with the requirements and procedures of the City's Subdivision Regulations Ordinance.

- 15 REQUIREMENTS FOR "FINAL PLAT" SUBMISSION FOLLOWING ZONING CHANGE - Within a maximum of (6) consecutive months, following approval of the "PUD" district zoning change by the City Council, the applicant shall file with the City Planning and Zoning Commission a "Final Plat" and necessary supporting documents of all or a part of the PUD district site, in conformance with the City's Subdivision Regulations Ordinance. At its discretion and for good cause, the Planning and Zoning Commission may extend for (6) months the period of filing for the "Final Plat", upon written request by the applicant. Should the applicant fail to submit a "Final Plat" within the (6) month period following City Council approval of the zoning change, or by the termination date of the filing extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings under Section 33* to amend the Official Zoning Map by removing all or part of the Planned Unit Development (PUD) from the Official Zoning Map and placing the area involved in another appropriate zoning district. The City Council may uphold the Commission's recommendation and proceed to advertise and hold a public hearing thereon, or may elect to continue the PUD district zoning classification in effect.
- 21.16 COMPLIANCE WITH DEVELOPMENT SCHEDULE - An application for a Planned Unit Development District shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer and his successors in interest.

*Section 33 - "Amendments: Frequency of Petition; and Site Plan Requirements: Zoning and Special Use Permits".

The development schedule shall be reviewed annually by the Building Inspector, and he shall report to the City Planning and Zoning Commission the actual development accomplished in the various Planned Development Districts as compared with the development schedule.

The City Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings under Section 33* to amend the Official Zoning Map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the City Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

- 21.17 EFFECT OF THIS SECTION AND RELATED SUBSECTIONS ON PREVIOUS APPROVED "PUD" ZONING CHANGES - Previously approved "PUD" amending ordinances to the City's preceding zoning ordinance, including accompanying site plans and supporting documents thereof, shall remain in full force and effect with respect to this ordinance and shall not be made to comply with the provisions of this ordinance.

*Section 33 - "Amendments: Frequency of Petition; and Site Plan Requirements: Zoning and Special Use Permits".

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES

The following chart indicates, by symbol, the principal uses permitted within each zoning district and the qualification, if any, for each use.

Schedule Legend

Districts:

AG	Agricultural
RE	Single Family "Estate" Residential
R-40	Single Family Residential
R-30	Single Family Residential
R-20	Single Family Residential
R-15	Single Family Residential
R-D	Two Family Residential
R-MD	Medium Density Single Family
R-MF	Multi-Family Residential
MH	Mobile Home
C-PO	Professional Office Commercial
CN	Neighborhood Commercial
CC	Community Commercial
ML	Light Manufacturing and Industrial

x unconditional permitted use

a permitted use subject to specific qualifications noted*

s special use; public hearing required
(See Section 33.3 and Definition No. 77)

Section 33.3 - "Petition for Zoning District Change or Special Use Permit: Site Plan and Supporting Documents Required".

Section 38.2 - "Definitions No. 77 - Special Use Permit"

*Section 22.11 - "Qualification Notes Regarding Subsections 22.1 thru 22.10" - located at end of charts.

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES

PAGE	PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)	Z O N I N G D I S T R I C T S												
		AG	RE	R ₄₀	R ₃₀	R ₂₀	R ₁₅	R-D	R _{MF}	MH	C _{PO}	C _N	CC	ML
22.1	RESIDENTIAL													
VOLUME														
1.	One Family Dwelling, Detached	X	X	X	X	X	X	X	X					
2.	Two Family Dwelling							X						
3.	Townhouse/Row House/Cluster								X					
4.	Multi-Family Dwelling								X					
5.	Apartment (s) Within a Business Building													
6.	Mobile Home Dwelling:													
	a) In an approved Mobile Home Park/Subdivision only									X				
	b) Caretaker's or watchman's quarters only										X			X
7.	Hotels and Motels										X	X	X	
8.	Group Quarters:													
	a) Rooming Houses and Boarding Houses:								X					
	b) Dormitories, Fraternity and Sorority Houses;								X					
	c) Nursing, Rest and Convalescent Homes;								X		X			
	d) Religious Convents, Rectories and Monasteries							X			X			
	e) Retirement Homes and Orphanages								X			X		
9.	Servants Quarters - as provided in Section 6.5.d.; together with the restrictions therein.	X	X	s	s	s								
22.2	AGRICULTURAL													
1.	Dairy Farming	X	X	X										
2.	Livestock Farming	X	X	X	a									
3.	Swine Farming	X	X	X										
4.	Poultry Farming & Hatcheries	X	X	X										
5.	Horse Raising and Breeding	X	X	X	a									
6.	Field and Truck Crop Farming	X	X	X										
7.	Horticulture Farming	X	X	X										
8.	Hydroponic Farming	X	X	X										
9.	Fish Farming and Hatcheries	X	X	X										
10.	Roadside Fruit, Vegetable and Produce Stands	s										X	X	
11.	Commercial Feed Lots													X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)		Z O N I N G D I S T R I C T S													
		AG	RE	R ₄₀	R ₃₀	R ₂₀	R ₁₅	R-D		R _{MF}	MH	C _{PO}	CN	CC	ML
22.2 Agricultural Continued															
12. Private Horse Stables for Domestic Use		X	X	X		S	S								
13. Apiary Farming		X	X												
22.3 RELIGIOUS AND PHILANTHROPIC															
1. Churches, Temples and Synagogues		X	X	X	X	X	X	X	X	X	X	X	X	X	X
2. Eleemosynary Institutions										X		X	X	X	
22.4 EDUCATIONAL															
1. Primary and Secondary Schools		S	S	S	S	S	S	S	S	S	S	S	S	S	S
2. Jr. Colleges, Colleges and Universities		S	S	S	S	S	S	S	S	S	S	S	S	S	S
3. Vocational, Technical and Trade Schools		S	S	S	S	S	S	S	S	S	S	S	S	S	S
4. Children's Day Care Centers and Kindergartens		S	S	S	S	S	S	S	S	S	S	S	S	S	S
5. Private Business and Professional Schools												X	X	X	X
22.5 COMMUNITY FACILITIES															
1. Governmental Admin. & Public Service Bldgs./Facilities		X	X	X	X	X	X	X	X	X	X	X	X	X	X
2. Police & Fire Stations and Facilities		X	X	X	X	X	X	X	X	X	X	X	X	X	X
3. Parks, Playgrounds, Play Lots & Playfields		X	X	X	X	X	X	X	X	X	X	X	X	X	X
4. Open Space: Greenbelt and Parkways		X	X	X	X	X	X	X	X	X	X	X	X	X	X
5. Golf Courses, Club House and Related Facilities		X	X	X	X	X	X	X	X	X	X	X	X	X	X
6. Swimming Pools		X	X	X	X	X	X	X	X	X	X	X	X	X	X
7. Public Animal Pounds and Shelters															
8. Public Maintenance Buildings and Storage Yards															X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE

PERMITTED PRINCIPAL USES		Z O N I N G D I S T R I C T S												
(SEE QUALIFICATION NOTES - Page 77)		Ag	RE	R ₄₀	R ₃₀	R ₂₀	R ₁₅	R-D	R _{MF}	MH	C _{PO}	CN	CC	ML
22.5	Community Facilities Continued													
9.	Public & Semi-Public Utility Facilities:													
	a) Offices										X	X	X	X
	b) Garages, Storage Buildings and Yards													X
10.	Solid Waste Disposal Sites and Facilities													S
11.	Cultural Bldgs. & Facilities	S	S	S	S	S	S	S	S		S			
12.	Cemeteries and Mausoleums	S	S	S	S	S	S	S	S	S	S	S	S	S

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)		Z O N I N G D I S T R I C T S												
		AG	RE	R 40	R 30	R 20	R 15	R-D	R MF	MH	C PO	CN	CC	ML
b. GENERAL MERCHANDISE														
1.	Drug, Stores, Apothecaries, Pharmacies											X	X	
2.	Book, Stationary, Souvenir and Gift Shops											X	X	
3.	Hardware and Appliance Stores											X	X	
4.	Jewelry, Watch, Camera and Music Stores											X	X	
5.	Florist Shops and Landscape Services										X	X	X	
6.	Commercial Greenhouses, Plant & Garden Nurseries (retail)											X	X	
7.	Arts, Crafts and Hobby Shops											X	X	
8.	Household Furnishings and Fixtures Stores											X	X	
9.	Wallpaper and Paint Stores											X	X	
10.	Pet Shops											X	X	
11.	Antique Shops											X	X	
12.	Bicycle Shops and Repair Services											X	X	
13.	Second Hand, Rummage and Used Furniture Stores											X	X	
14.	Pawn Shops and Gun Shops											X	X	
15.	Feed and Seed Stores											X	X	
16.	Stone Monuments (excluding cutting of slabs)											X	X	
17.	Building Materials/Lumber Yards											X	X	
18.	Automotive Parts Store											X	X	
19.	Junior Department & Variety Stores, Boutique Shops, Shoe and Apparel Shops											X	X	
20.	Full Service Department and Discount Stores and Regional Shopping Centers											X	X	
21.	Photo Service Pick-up											X	X	
c. AUTOMOTIVE, MARINE AND FARM IMPLEMENTS														
1.	Motorcycle and Motor Scooter Sales and Services											X	X	
2.	Boats and Marine Craft Sales and Services											X	X	

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE		Z O N I N G D I S T R I C T S												
PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)		AG	RF	R 40'	R 30'	R 20'	R 15'	R-D	R MF	R MH	C PO	CN	CC	ML
VOLUME 1	c. Automotive, Marine and Farm Implements Continued													
	3. Farm Machinery and Farm Implements Sales and Services												X	X
	4. New and Used Cars and Trucks Sales and Services												X	X
	5. Motor Home, Campers, Recreational Vehicles Sales and Services												X	X
	6. Mobile Home Sales and Services												X	X
	7. Automotive Glass, Trim and Upholstery Shops												X	X
	8. Gasoline Service Stations													
	a) excluding overhauls, body work, spray painting and steam cleaning												X	
	b) Full service gasoline service stations												X	X
	9. Automotive Repair Shops and Garages													
10. Automatic Coin or Attendant Operated Car Wash Establishments												X	X	X
22.8 SERVICES														
a. PERSONAL SERVICES														
1. Barber and Beauty Shops and Salons												S	X	X
2. Laundry and Dry Cleaning Establishments:													X	X
a) Pick-up and Receiving Stations													X	X
b) Self-service Laundromats and Pressing													X	X
c) Laundry, Dry Cleaning Plants													X	X
3. Music, Dance, Art, Drama and Photographic Studios												X	X	X
4. Health, Weight Reducing and Athletic Studios/Salons												b	b	
5. Funeral Homes and Mortuaries												X	X	X
6. Private Ambulance Services												S	X	X
7. Taxicab Dispatch Offices													X	X
8. Travel Bureau Offices												X	X	X
9. Taxidermist Shops/Studios													X	X
10. Domestic Household , grooming Salons (excluding boarding)												S	X	

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE	PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)	Z O N I N G D I S T R I C T S												
		AG	RE	R-40	R-30	R-20	R-15	R-D	R-MF	R-MH	C-PO	CN	CC	ML
	a. Personal Services Continued													
	1b. Dog Kennels (breeding, training or boarding)	s	s										X	X
	12. Sign Shops (painted or silk screen)												X	X
	13. Food Catering Services												X	X
	VOLUME													
	b. MEDICAL AND VETERINARY SERVICES													
	1. Medical, Dental, Chiropractic, Optometry, Podiatry and Veterinarian Offices and Clinics										c	c	X	
	2. Medical Clinics and Sanitariums (providing acute or extended patient care)										S	X	X	
	3. Animal Hospitals and Clinics for the Care and Temporary Boarding of Domestic Household Pets										d	d	X	X
	4. Medical Laboratories and Services										X	X	X	
	5. Hospitals												X	X
	c. BUSINESS AND PROFESSIONAL SERVICES													
	1. Real Estate, Insurance, Tax and Accounting Offices										X	X	X	
	2. Law, Architecture, Engineering, Planning, Land Survey and Interior Design Offices										X	X	X	
	3. Banks, Savings and Loan and Finance Offices										X	X	X	
	4. Employment and Stenographic Offices										X	X	X	
	5. Utility Offices and Bill Paying Stations										X	X	X	
	6. Advertising Agencies										X	X	X	
	7. Duplicating and Mailing Services and Office Supplies										X	X	X	
	8. Securities and Commodities Brokers, Dealers										X	X	X	
	9. Radio, Television, Recording and Telegraph Offices and Studios											X	X	
	10. Building Contractors and Related Trades (offices only)										X	X	X	
	11. Building and Related Contractors Construction Yard and Storage Building													X
	12. Pest and Rodent Exterminating Services												X	X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE		Z O N I N G D I S T R I C T S														
		AG	RE	R 40	R 30	R 20	R 15	R-D	R MF	MH	C PO	CN	CC	ML		
(SEE QUALIFICATION NOTES - Page 77)																
c. Business and Professional Services Continued																
13. General Offices not otherwise Classified											X	X	X			
d. GENERAL SERVICES																
1. Apparel Alteration and Repair Shops												X	X			
2. Camera, Jewelry, Instrument and Watch Repair Shops												X	X			
3. General "Fix-It" Repair Shops												X	X			
4. Plumbing, Heating, Air-Conditioning, Building and Electrical Shops												X	X			
5. Piano and Musical Instrument Repair Shops													X			
6. Furniture Repair and Upholstery Shops												X	X			
7. Auto and Livestock Auction Barns and Facilities													X			
8. Self-Service Storage Facilities (mini-warehouses)													X			
9. Welding Shops (custom work) Excluding Structural Welding													X			
10. Horseshoeing and Blacksmith Shops			X										X	X		
22.9 ENTERTAINMENT AND AMUSEMENTS																
1. Indoor Motion Picture Theaters												X	X	X		
2. Outdoor Drive-In Theaters														X		
3. Ice and Roller Skating Rinks and Arenas												X	X	X		
4. Bowling Alleys												X	X	X		
5. Private Clubs, Lodges and Fraternal Organizations												X	X			
6. Indoor Amusement Centers													X			
7. Outdoor Archery, Rifle and Pistol Shooting Ranges														S		
8. Miniature Golf Courses and Golf Driving Ranges									X	X	X	X	X	X		
9. Dude Ranches			X	X												
10. Private Camp Grounds and Related Facilities			X											S		

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE		PERMITTED PRINCIPAL USES												
(SEE QUALIFICATION NOTES - Page 77)		Z O N I N G D I S T R I C T S												
		AG	RE	R 40	R 30	R 20	R 15	R-D	R MF	MH	C PO	CN	CC	ML
22.9 Entertainment and Amusements continued														
11.	Rodeo Grounds												X	X
12.	Equestrian Riding Stables and Show Rings	X	X											
13.	Circus, Carnival and Fairgrounds												X	X
14.	Go-cart Tracks and Motorcycle Tracks												S	S
15.	Private Social Recreation Club Facilities	e	e	e	e	e	e	e	e	e	e			
16.	Horse Racing Track													X
17.	Public Campgrounds & Related Activities												S	X
22.10 INDUSTRIAL														
a. FOOD AND KINDRED PRODUCTS														
1.	Bakeries (wholesale)													X
2.	Beverage Processing, Bottling and Packaging													X
3.	Candy and Confectionery Manufacturing and Packaging													X
4.	Fruit and Vegetable Processing													X
5.	Dairy Products Manufacturing Distribution													X
6.	Meat Products and Poultry Processing and Packing:													
	a) Excluding Slaughtering													X
	b) Including Slaughtering													X
7.	Flour, Feed, Cereal and Grain Milling and Storage													X
8.	Ice Manufacturing and Distribution (including dry ice)													X
9.	Water Distillation and Distribution													X
b. RESEARCH AND DEVELOPMENT														
1.	Scientific Research, Development and Testing Laboratories and Offices											X	X	X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE	PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)	Z O N I N G D I S T R I C T S												
		AG	RE	R	R	R	R	R	R	R	C	CN	CC	ML
				40	30	20	15	R-D	MF	MH	PO	CN	CC	ML
c.	<u>WHOLESALE, WAREHOUSING, STORAGE AND DISTRIBUTION</u>													
1.	Dry Goods and Apparel													X
2.	Food and Beverages													X
3.	Moving, Transfer and Storage Companies													X
4.	Automotive Vehicles and Equipment													X
5.	Raw Farm Product Materials													X
6.	Druggist's Sundries and Drug Proprietaries													X
7.	Plumbing, Heating, Ventilating and Electrical Equipment													X
8.	Paints and Varnishes (excluding holding tanks and vats)													X
9.	Cold Storage Locker Plants													X
10.	Gas, Petroleum and Liquid Fertilizer Bulk Storage													X
11.	Other General Storage Warehouses and Distribution													X
12.	Salvage, Junk, Wrecking, Yards													X
d.	<u>CHEMICALS AND ALLIED PRODUCTS</u>													
1.	Cosmetics and Toiletries (compounding only)													X
2.	Pharmaceutical Products Manufacturing													X
3.	Adhesives Manufacturing and Packaging													X
4.	Industrial Spray Painting and Paint Mixing													X
5.	Cleaning and Polishing Preparations Manufacturing													X
6.	Perfumes and Perfumed Soap (Compounding only)													X
e.	<u>PROFESSIONAL, SCIENTIFIC AND CONTROLLING INSTRUMENTS</u>													
1.	Medical and Surgical Instruments Manufacturing													X
2.	Dental Equipment and Supplies Manufacturing													X
3.	Optical Instruments and Lenses													X
4.	Photographic Equipment and Supplies													X
5.	Scientific and Professional Instruments Manufacturing													X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

[illegible]

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

PAGE	PERMITTED PRINCIPAL USES (SEE QUALIFICATION NOTES - Page 77)	Z O N I N G D I S T R I C T S												
		AG	RE	R	R	R	R	R	R-D	R	MF	MH	C	CC
				40	30	20	15						PO	CN
22,10	Industrial continued													
i.	STONE, GLASS AND CLAY PRODUCTS													
VOLUME														
1.	Concrete and Asphalt Batch/Mixing Plants													X
2.	Graphite and Graphite Products Manufacturing													X
3.	Concrete Products Manufacturing													X
4.	Monument and Architectural Stone Cutting													X
5.	Flat Glass and Glass Container Manufacturing													X
6.	VitreousChina Fixtures Manufacturing													X
7.	Pottery Manufacturing													X
8.	Sand, Lime, Gravel or Earth, Extraction, and Storage													X
j. PRINTING, PUBLISHING AND ALLIED PRODUCTS														
1.	Printing and Publishing													X
2.	Electrotyping, Photoengraving and Lithographing													X
3.	Book Binding													X
4.	Typesetting													X
5.	Commercial Off-set Printing													X
k. METALS AND METAL PRODUCTS														
1.	Small Appliance Manufacturing													X
2.	Electrolytic Plating													X
3.	Silver and Plated Ware Manufacturing													X
4.	Tool, Die, Gauge and Machine Shops													X
5.	Vitreous Enameled Products Manufacturing													X
6.	Advertising Signs Manufacturing (metal or plastic)													X

SECTION 22 - SCHEDULE OF PERMITTED PRINCIPAL USES (CONTINUED)

[illegible]

SECTION 22 - SCHEDULE OF PERMITTED USES (CONTINUED)

22.11 QUALIFICATION NOTES REGARDING SUBSECTIONS 21.1 THRU 21.10

- a - Permitted when on lots of one or more acres.
- b - Excluding non-therapeutic massage parlors.
- c - Out-patient services only.
- d - Excluding outside runs and pens.
- e - Allowed only when part of an approved planned unit development or multi-family project, and when intended to serve the site occupants and guests thereof.

SECTION 23
SCHEDULE OF DISTRICT REGULATIONS
MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE

TYPE	ZONING DISTRICTS CLASSIFICATION		MAXIMUM * RESIDENTIAL DENSITY DU/AC.	MINIMUM LOT SIZE REQUIREMENTS				MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT		MAX. LOT COVERAGE PERCENT
				AREA (SQ. FT.)	TOTAL	WIDTH FEET	DEPTH FEET	FRONT FEET	EA. SIDE FEET		STORIES	FEET	
									REAR FEET				
AG.	AG.	AGRICULTURAL	0.3	130,680 (300)	130,680	200	300	40	25	40	2.5	30	20
	RE	SINGLE FAMILY 'ESTATE' RESIDENTIAL	0.5	80,000 (200)	80,000	200	300	40	25	40	2.5	30	20
	R-40	SINGLE FAMILY RESIDENTIAL	1.25	40,000 (100)	40,000	150	150	40	15	25	2.5	30	20
	R-30	SINGLE FAMILY RESIDENTIAL	1.50	30,000	30,000	125	125	35	10	25	2.5	30	25
	R-20	SINGLE FAMILY RESIDENTIAL	2.1	20,000	20,000	100	125	30	10	25	2.5	30	30
	R-15	SINGLE FAMILY RESIDENTIAL	3.0	15,000	15,000	100	125	30	10	25	2.5	30	30
RESIDENTIAL													
	R-D	TWO FAMILY RESIDENTIAL	8.0	4,000	8,000	70	115	25	10	25	2.5	30	50
	R-MF	MULTI-FAMILY RESIDENTIAL	18.0	1,500	10,000	70	115	25	A/B	C/D	3.0	45	75
COMMERCIAL	MH	(MINIMUM SIZE OF MOBILE HOME PARK: 50 SPACES OR 6 AC. WHICHEVER IS LESS)	8.0	4,500	4,500	50	80	25E / 20F	10	25	2.0	25	40
	PO	PROFESSIONAL OFFICE COMMERCIAL			7,200	100	120	30	15G	10H	2.0	30	40
	CN	NEIGHBORHOOD COMMERCIAL			10,000	100	120	30	15G	10H	2.0	30	50
	CC	COMMUNITY COMMERCIAL			20,000	100	120	30	15G	10H	2.0	30	60
INDUST.	ML	LIGHT MANUFACTURING & INDUSTRIAL			10,000	100	120	30	15G	10H	2.0	30	60
SPECIAL	PUD	PLANNED UNIT DEVELOPMENT (PUD-R-C-1)			7,200	100	120	30	A/B	C/C	2.5	30	50

* MAXIMUM RESIDENTIAL DENSITY IS THE NUMBER OF DWELLING UNITS PER ACRE NOT INCLUDING STREETS, ALLEYS OR PUBLIC OPEN SPACE

NOTES:

- NO SIDE YARD REQUIRED WHERE NO WINDOWS OR OTHER OPENINGS FOR LIGHT OR ENTRY FACE THE SIDE YARD.
- WHERE ABUTTING A LOT ZONED OR USED FOR SINGLE FAMILY PURPOSES (RE THRU R-15), COMMERCIAL OR INDUSTRIAL PURPOSES THERE SHALL BE A 10' SIDE YARD.
- NO REAR YARD REQUIRED WHERE NO WINDOWS OR OTHER OPENINGS FOR LIGHT OR ENTRY FACE THE REAR YARD.
- WHERE ABUTTING A LOT ZONED OR USED FOR SINGLE FAMILY PURPOSES (RE THRU R-15), COMMERCIAL OR INDUSTRIAL PURPOSE THERE SHALL BE A 25' REAR YARD.
- APPLIED TO PUBLIC STREET.
- APPLIED TO PRIVATE.
- WHERE ABUTTING A LOT (RE THRU MH) THERE SHALL BE A 25' SIDE YARD.
- WHERE ABUTTING A LOT (RE THRU MH) THERE SHALL BE A 25' REAR YARD.

SECTION 24 - SUPPLEMENTARY DISTRICT REGULATIONS

24.1 SCREENING ELEMENTS AND FENCES - In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways and alleys to private property; to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas; to secure hazardous areas from unauthorized entry; to contain livestock and other agricultural activities; and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type and height of regulated required and non-required screening elements and fences. The terms "screening element" and "fence" as used herein, are defined in Section 38 of this ordinance.

- a. Traffic Visibility at Intersections - On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of (2 1/2) and (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines (50) feet from the point of the intersection.
- b. Traffic Visibility at Interior Lots - On an interior lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley or private street or driveway from or to adjacent private property.
- c. Residential Districts - General
 - 1) Screening elements and fences shall be restricted to a maximum height of (6) feet, measured from the adjacent grade line.
 - 2) Non-residential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such non-residential use with screening elements and fences of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with screening elements and fences of not less than eight (8) feet in height.
 - 3) Where a multi-family or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multi-family use or district, the side and rear property lines of said multi-family or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot.

- 4) Garbage, refuse and trash collection/storage areas in any multi-family development, mobile home development, or other non-residential use permitted in a residential district shall be fully enclosed by a dense screening element to adequately screen such area from view of the surrounding area.
- 5) No screening element or fence shall be erected, placed or planted beyond the front building line of any permitted building in a residential district, excluding the "AG" Agricultural and "RE" Estate Districts, either on a corner lot or interior lot, unless otherwise allowed by the Zoning Board of Adjustment.
- 6) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainageway, within the easements reserved therefor.
- 7) Nothing in this ordinance shall restrict the fencing of tennis courts with traditional fencing material to a maximum height of twelve (12) feet.

d. Non-Residential Districts - General

- 1) Where a non-residential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened by the non-residential use so as to obscure the view from the residential lot, use or district to the non-residential use to a height not less than (6) feet.
- 2) Where a district boundary separating a residential district from a non-residential district is along a street, and an automobile parking lot or parking area is located in the front yard of the non-residential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than (3 1/2) feet.
- 3) Garbage, refuse and trash collection/storage areas shall be fully enclosed by a suitable screening element of not less than (6) feet in height.
- 4) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than (6) feet in height.
- 5) Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use.
- 6) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainageway, within the easements reserved therefor.

- 4) Garbage, refuse and trash collection/storage areas in any multi-family development, mobile home development, or other non-residential use permitted in a residential district shall be fully enclosed by a dense screening element to adequately screen such area from view of the surrounding area.
- 5) No screening element or fence shall be erected, placed or planted beyond the front building line of any permitted building in a residential district, excluding the "AG" Agricultural and "RE" Estate Districts, either on a corner lot or interior lot, unless otherwise allowed by the Zoning Board of Adjustment.
- 6) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainageway, within the easements reserved therefor.
- 7) Nothing in this ordinance shall restrict the fencing of tennis courts with traditional fencing material to a maximum height of twelve (12) feet.

d. Non-Residential Districts - General

- 1) Where a non-residential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened by the non-residential use so as to obscure the view from the residential lot, use or district to the non-residential use to a height not less than (6) feet.
- 2) Where a district boundary separating a residential district from a non-residential district is along a street, and an automobile parking lot or parking area is located in the front yard of the non-residential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than (3 1/2) feet.
- 3) Garbage, refuse and trash collection/storage areas shall be fully enclosed by a suitable screening element of not less than (6) feet in height.
- 4) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than (6) feet in height.
- 5) Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use.
- 6) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainageway, within the easements reserved therefor.

e. Barbed Wire Fences -

- 1) Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
- 2) Barbed wire strands may be placed on top of permitted fences and screening elements in any district for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than (8) feet nor the bottom strand lower than (6) feet from the adjacent grade line.

- f. Electric Fences - Electric fences and fence charging devices (Underwriters Laboratory UL approved) shall be plainly marked at appropriate intervals as to the nature thereof.

24.2 ACCESSORY BUILDINGS - The following regulations shall govern the location, size and use of any accessory buildings:

- a. No accessory building shall be erected in any required yard area except as set forth by this ordinance.
- b. No accessory building shall be erected within (10) feet of any other building, except: detached residential garages may be located within (5) feet of the main dwelling; and the provisions of paragraph e., below, are met.
- c. No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building set-back line) governing the district in which such garage or carport is located.
- d. No detached residential garage or carport shall be erected or placed within (5) feet of any side lot line.
- e. Residential storage buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building but shall not encroach in any required front, side, or rear yard as stipulated in Section 23 - "Schedule of District Regulations".
- f. No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, as stipulated in Section 6.5, d. - "Permitted Accessory Uses".
- g. Residential greenhouses for domestic use shall conform with the requirements of paragraph e. of this subsection.

- h. Detached residential garages in residential districts shall be restricted in gross building floor area (per lot or use) in compliance with the following table.

<u>District</u>	<u>Maximum Permissible Sq. Ft.</u>
AG	1000
RE	1000
R-40	900
R-30	800
R-20	600
R-15	600
R-D	600 per dwelling unit
R-MF	600 per dwelling unit
MH	600 per mobile home unit

24.3 TEMPORARY BUILDINGS - Temporary buildings accessory to new construction provided such are razed within thirty (30) days after substantial completion of such new construction to which they are accessory or, failing completion of new construction, within sixty (60) days after start of such temporary construction.

24.4 ERECTION OF MORE THAN ONE PRINCIPAL BUILDING ON A LOT - In any district, no more than one building housing a permitted or permissible principal use may be erected on a single lot.

24.5 BUILDINGS CONSTRUCTED ACROSS LOT LINES - No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the City.

24.6 EXCEPTIONS TO HEIGHT REGULATIONS

- a. Schools, public buildings and institutions may be erected to a height not exceeding (85) feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
- b. The height regulations prescribed elsewhere in this ordinance shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete mix batch plant equipment, flag poles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- c. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
- d. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.

24.7 PROJECTIONS OF BUILDINGS, STRUCTURES AND APPURTENANCES INTO REQUIRED YARDS -

- a. Open or lattice enclosed fire escapes may project into a required yard not to exceed (5) feet. The ordinary projections of chimneys and pilasters shall be permitted by the City's Building Official when placed so as not to obstruct light and ventilation.
- b. Terraces, balconies, decks, uncovered porches and ornamental features above the floor level of the ground (first) story may project into a required side yard, provided these projections be at least (5) feet from any adjacent side lot line.
- c. An uncovered porch in the front yard may not be more than (80) square feet or project into the front yard setback for a distance of more than (8) feet.
- d. A porte-cochere, carport or canopy may project into a required side yard, provided every part of such porte-cochere, carport or canopy is unenclosed except for necessary structural supports, and not less than (5) feet from any side lot line.
- e. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding (12) inches, or as otherwise excepted in paragraph a. through d. above. Roof eaves may project into required side yards provided the projections be at least (5) feet from any adjacent side lot line.
- f. Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than (25) feet distant from any street, highway or alley right-of-way line, and not less than (50) feet distant from any residential property line.

24.8 MINIMUM WIDTH OF ENCLOSED OR PARTIALLY ENCLOSED OPEN SPACE - Where an open space is more than (50) percent surrounded by a building, the minimum width of the open space shall be at least (20) feet for one-story and one and a half-story buildings, (30) feet for two-story buildings, and (40) feet for three or more story buildings.

24.9 BUILDINGS AND STRUCTURES TO HAVE ACCESS - Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

24.10 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND VEHICLES - No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard; provided however that such equipment may be parked anywhere on residential premises not to exceed (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

24.11 PARKING AND STORAGE OF VEHICLES: GENERAL -

- a. One commercial vehicle of not more than one ton capacity, except pick-up trucks, when used in the employ by the site occupant of a dwelling may be permitted on a residentially zoned lot, provided said parking space shall be in an enclosed garage, carport, or on an all weather hard surface driveway, or in a side or rear yard on an all weather surfaced driveway. Nothing in this ordinance shall prohibit the occasional overnight storage or parking of a commercial vehicle on residential property.
- b. Off-street vehicle parking spaces may not be located within the required front yard of any commercial or industrial district, however such off-street parking spaces shall be on an all weather hard surface drive or parking area.
- c. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential use, unless a current state vehicle inspection sticker is displayed thereon.

24.12 FRONT YARD ADJUSTMENTS - Front yard requirements as established in Section 23. "Schedule of District Regulations" may be adjusted in the following cases:

- a. Where (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

- b. Where (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - 1. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 - 2. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.
- c. Interior lots abutting on two streets shall provide the required front yard on both streets.
- d. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in Section 5 - "Non-conforming".
- e. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

24.13 SIDE YARD ADJUSTMENTS - Side yard requirements as established in Section 23, "Schedule of District Regulations" may be adjusted in the following cases:

- a. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards not less than (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard.
- b. Whenever a lot of record at the time of the effective date of this ordinance has a width of less than (50) feet, the side yard on each side of a building may be reduced to a width of not less than (10) percent of the width of the lot, but in no instance shall such width be less than (4) feet.
- c. On corner lots of record the yard adjacent to the side street shall not be less than (15) feet.

24.14 REAR YARD ADJUSTMENTS - Rear yard requirements as established in Section 23 "Schedule of District Regulations" may be adjusted in the following case:

- a. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.

24.15 LOT AREA FOR FAMILY ADJUSTMENTS - Lot area per family (dwelling unit) required as established in Section 23, "Schedule of District Regulations" shall be adjusted in the following cases:

4. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City Council have officially approved and agreed to accept at the time of the effective date of this ordinance has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or non-residential use, whichever applicable, in the district in which it is located.

SECTION 25 - OFF-STREET PARKING REQUIREMENTS

25.1 PURPOSE AND INTENT - The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street parking in conformance with the requirements established herein.

25.2 LOCATION OF PARKING SPACES - All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from an institutional or other non-residential building served.

- a. Up to 50 percent of the parking spaces required for theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium, may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified below.
- b. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and shall be filed with the application for a building permit.
- c. No required off-street parking space shall be located within any public highway, street or alley right-of-way.
- d. No head-in parking from a street will be permitted.

25.3 COMPUTATION OF PARKING SPACE SIZES AND PARKING AREAS - In computing the minimum size and area of parking spaces and parking areas the following rules shall govern:

- a. Parking Space Size: No parking space shall be less than 9 feet in width by 18 feet in length. Parking space sizes of 10 feet by 20 feet are, however, encouraged where parking turnover rates would be higher than for normal long term low turnover parking lots and areas.
- b. Parking Area Size: The minimum amount of parking area (excluding "in garage" space but including parking space, drives and turnarounds) required per car space for uses permitted in this ordinance shall be computed as follows:

- 1) Residential Uses: 300 square feet per space:
- 2) Non-Residential Uses: 400 square feet per space :

25.4 TYPE OF PARKING SURFACE REQUIRED - All surface areas upon which vehicles are parked or stored shall be of a dust free hard surface material.

25.5 RULES FOR THE COMPUTATION OF THE NUMBER OF PARKING SPACES - In computing the number of parking spaces required, the following rules shall govern:

- a. "Floor Area" shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the City Planning and Zoning Commission.
- d. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the new total. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- e. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

25.6 NUMBER OF OFF-STREET PARKING SPACES REQUIRED - The absolute minimum number of off-street parking spaces required for residential and non-residential uses shall be in conformance with the following:

a. Residential Uses:

1. Single Family Detached Dwellings: 2 spaces per dwelling unit. Exclusive of "In- Garage" Parking.
2. Single Family Patio Home, Cluster Home, etc.: 2 spaces per d.u.
3. Duplex Dwelling (over-under or semi-detached): 2 spaces per d.u. (total of 4 spaces required).
4. Mobile Home: 2 spaces per dwelling unit.
5. Multi-Family Dwelling (Apartments, Condominiums, Apartment Hotels, etc.); 2 spaces per d.u. plus one space for each five units.

6. Fraternity or Sorority House: 1 space per each bed.
7. Boarding House or Rooming House: 1 space per each bed or individual sleeping room.
8. Nursing, Rest or Convalescent Home, Home for the Aged, Senior Citizens Apartment Dwelling, or other similar dwelling or institution: 1 space per each 3 beds or 1 space per individual sleeping unit, whichever is greater.

b. Non-Residential Uses:

1. Schools.

- a) Elementary: 1 space for each classroom or teaching station, plus 1 additional space for each 4 seats in any auditorium, gymnasium, or other place of assembly, whichever is greater.
- b) Junior High/Middle School: Same requirements as for elementary schools.
- c) High School: 1 space for each classroom or teaching station, plus 1 additional space for each 3 students accommodated in the school.
- d) College or University: Same requirements as for high schools.
- e) Day Care Centers or Kindergarten: 1 space per each 5 pupils accommodated, plus sufficient space to accommodate off-street circulation for pick-up and delivery of children by auto.

2. Churches and Places of Worship. 1 space for each 3 seats in the main sanctuary or auditorium.

3. Other Institutions and Special Uses.

- a) Hospital, General Acute Care: 1 space per each bed.
- b) Hospital, Chronic Care: 1 space per each 3 beds.
- c) Institution for Alcoholic, Narcotic or Psychiatric Patients: 1 space for each 2 employees or attendants.
- d) Health or Welfare Center: 1 space per each 200 square feet of floor area.
- e) Foster Home: 1 space per each 10 pupils or residents.
- f) Institutions of a Philanthropic Nature: 10 spaces plus 1 space for each employee.

4. Community Facilities.

- a) Art Gallery or Museum: 1 space per each 1,000 square feet of floor area.
- b) Library: 2 space per each 300 square feet of floor area.
- c) Community Center (public or private): 1 space per each 100 square feet of floor area.
- d) Meeting Rooms and Places of Public Assembly: 1 space per each 3 seats.
- e) Lodge or Fraternal Organization: 1 space per each 200 square feet of floor area.

5. Personal Service and Retail Uses.

- a) Personal Service Shop or Establishment: 1 space per each 200 square feet of floor area.
- b) Mortuary/Funeral Home: 1 space per each 50 square feet of floor area in "slumber rooms", parlors, and individual service rooms, or 1 space per each 2 seats accommodated in a chapel area, whichever is greater.
- c) Furniture Stores and Appliance Stores: 1 space per each 400 square feet of floor area.
- d) Gasoline Service Stations: Minimum of 6 spaces.
- e) Retail Stores or Shops: 1 space per each 200 square feet of floor area.
- f) Open (outdoor) Retail Sales: 1 space per each 600 square feet of open site area utilized, exclusive of buildings.

6. Office, Professional or Financial Uses.

- a) Banks, Savings and Loan or other similar financial establishments: 1 space per each 300 square feet of floor area.
- b) Doctor's Offices and Medical Clinics: 1 space per each 150 square feet of floor area.
- c) Veterinarian Offices or Clinics: 1 space per each 300 square feet of floor area.
- d) Offices, General: 1 space per each 300 square feet of floor area.
- e) Dance, Music, Display or Drama Studios: 1 space per each 200 square feet of floor area.

- f) Business, Trade or Craft School: 1 space per each 3 students in attendance at peak time of day.

7. Transient Lodging Uses.

- a) Hotel, Motel, Tourist Court or Dude Ranch: 1 space per each room, unit or guest accommodation plus specific requirements for restaurants, cocktail lounges, and related facilities prescribed elsewhere in this section.
- b) Seasonal Camp or Cabin: 1 space per each sleeping unit or cabin.

8. Eating and Drinking Establishments.

- a) Restaurant, Cafeteria or Cafe: 1 space per each 3 seats under maximum seating arrangement, or 1 space per each 100 square feet of floor area, whichever is greater.
- b) Drive-In Eating and Drinking Establishments: 12 spaces plus 1 space per each 50 square feet of floor area.
- c) Cocktail Lounges, Taverns and Similar Establishments: 1 space per each 100 square feet of floor area.

9. Social, Recreation and Entertainment Uses.

- a) Commercial Amusement Establishments: 1 space per each 100 square feet of floor area.
- b) Bowling Alley: 6 spaces per each bowling lane.
- c) Private Club or Night Club: 1 space per each 100 square feet of floor area.
- d) Theatre: 1 space per each 3 seats.
- e) Country Club: 1 space per each 100 square feet of floor area, exclusive of locker rooms and bathhouses.
- f) Recreation Club or Area, Private: 1 space per each 100 square feet of floor area.
- g) Golf Course: 5 spaces per each green.
- h) Dance Hall or Ballroom: 1 space per each 100 square feet of floor area.
- i) Sports Arena, Stadium or Gymnasium: 1 space per each 3 seats or bench seating spaces.

10. Wholesale, Warehousing, Enclosed Storage, Manufacturing, Processing and Repairing Uses.

- a) Wholesale, Warehousing and Enclosed Storage: 1 space per each 2 employees, or 1 space per each 1,000 square feet of floor area, whichever is greater.

- b) Manufacturing, Processing or Repairing: 1 space per each 2 employees, or 1 space per each 1,000 square feet of floor area, whichever is greater.
- c) Building Materials/Lumber Yard: 1 space per each 1,000 square feet of site area.
- d) Storage Yards for Sand, Gravel or Petroleum Products: 1 space per each 2,000 square feet of site area.

SECTION 26 - OFF-STREET LOADING REQUIREMENTS

- 26.1 PURPOSE AND INTENT - The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.
- 26.2 LOCATION OF LOADING SPACES - Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way.
- 26.3 COMPUTATION OF OFF-STREET LOADING SPACE SIZES - At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of 10 feet by 50 feet each and the remaining required spaces or berths shall have a minimum dimension of 10 feet by 25 feet each - exclusive of turnaround and maneuvering space.
- 26.4 TYPE OF PARKING SURFACE REQUIRED FOR LOADING SPACES - All surface areas upon which vehicles and trucks are parked during unloading and loading operations shall be of a dust free hard surface material.
- 26.5 RULES FOR THE COMPUTATION OF OFF-STREET LOADING SPACES
- a. No building, structure or part thereof used for non-residential purposes in any "C-N" or "C-C" district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.
 - b. No building, structure or part thereof used for non-residential purposes in any "M-L" district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.

26.6 NUMBER OF OFF-STREET LOADING SPACES REQUIRED - The minimum number of off-street loading spaces required shall be in conformance with the following schedules:

a. Retail, Service (except personal service), Commercial and Industrial Uses.

<u>Sq. Ft. of Floor Area in Building or Structure</u>	<u>Minimum Number of Off-Street Loading Spaces or Berths Required</u>
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

b. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

<u>Sq. Ft. of Floor Area in Building or Structure</u>	<u>Minimum Number of Off-Street Loading Spaces or Berths Required</u>
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

SECTION 27 - DUTIES OF ADMINISTRATIVE OFFICIAL

- 27.1 ADMINISTRATION AND ENFORCEMENT - An administrative official designated by the City Manager shall administer and enforce this ordinance. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the administrative official finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

- 27.2 BUILDING PERMITS REQUIRED - No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor where applicable, and issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Zoning Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance. No building permit shall be issued unless the property has been platted of record. No permit in contravention of this ordinance without an appropriate Zoning Board of Adjustment order shall be deemed permission to violate this ordinance.

- 27.3 APPLICATION FOR BUILDING PERMIT - All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this and other city ordinances.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

- 27.4 EXPIRATION OF BUILDING PERMIT - If the work described in any building permit has not begun within (6) calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Further, the Administrative Official shall make an inspection of the work each (6) months, and if the work has not progressed, said permit shall expire.
- 27.5 CERTIFICATE OF OCCUPANCY REQUIRED: FOR NEW, ALTERED, CHANGES IN USE, OR NON-CONFORMING USES - It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this ordinance.
- a. No non-conforming building or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the administrative official. The certificate of occupancy shall state specifically wherein the non-conforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses or buildings shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.
 - b. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.
 - c. A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
 - d. The administrative official shall maintain a public record of all certificates of occupancy.
 - e. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 36 of this ordinance.
(Section 36 - "Penalties for Violation").

- 27.6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF OCCUPANCY - Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 36 hereof.
(Section 36 - " Penalties for Violation").

SECTION 28 - ZONING BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURES

28.1 ESTABLISHMENT - A Zoning Board of Adjustment is hereby established, which shall consist of (5) members and (2) alternates, each to be appointed for a two (2) year alternate term by the City Council. All vacancies occurring on the Zoning Board of Adjustment shall be filled by appointment by the City Council. Each year after a new term begins members shall elect a Chairman and Vice-Chairman; a new term beginning at the first meeting in October. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. The City Council shall appoint the (2) alternate Board members to serve in the absence of regular members.

28.2 PROCEEDINGS - The Zoning Board of Adjustments shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the City and maintained by the person acting as City Secretary.

28.3 HEARINGS; APPEALS; NOTICE - Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, agency, department or commission of the governing body of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed (15) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official on behalf of the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as written notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

28.4 STAY OF PROCEEDINGS - An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

SECTION 29 - ZONING BOARD OF ADJUSTMENT: POWERS AND DUTIES29.1 JURISDICTION OF BOARD OF ADJUSTMENT

When in its judgment the public convenience and welfare will be substantially served, the Board of Adjustment may issue appropriate orders to the Administrative Official to guard against future error; and to promulgate appropriate procedure in addition to that under which the Administrative Official already operates. When the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may in specific cases, after public notice and public hearing, (subject to appropriate conditions and safeguards and in accordance with Article 1011g, REVISED VERNON'S CIVIL STATUTES OF TEXAS,) authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance or discontinuance of a non-conforming use. Thus, the Board has jurisdiction to:

- a. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Administrative Official in the enforcement of this ordinance.
- b. Interpret the intent of the Zoning District Map where uncertainty exists because the physical features, on the ground vary from those on the Zoning District Map and none of the rules set forth in Section 3 - "Rules for Interpretation of District Boundaries" apply.
- c. Approve the use of a lot or lots in a residential district contiguous to (even if separated by a street or alley) an apartment, office, retail, commercial or industrial district for off-street parking of passenger vehicles subject to such standards and safeguards as are appropriate for the protection of adjacent residential uses.
- d. Initiate on its motion or cause presented by interested property owners an action to bring about the discontinuance of a non-conforming use in accordance with Section 29.1e - "Zoning Board of Adjustment: Powers and Duties".
- e. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.
- f. Permit the change of occupancy of a nonconforming use to another non-conforming use in accordance with the provisions of Section 5 - "NonConforming".
- g. Permit the enlargement of a nonconforming use in accordance with the provisions of Section 5 - "Non-Conforming".
- h. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of

such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the provisions of Section 5 - "Non-Conforming".

- i. Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard.
- j. Vary the provisions and conditions required for the development of off-street parking facilities when such variations are found to be in the interest of the area and necessary to secure reasonable parking use of a specific parcel of land.
- k. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.
- l. Permit such variances of fence heights when in the opinion of the Board such fence will not adversely affect neighboring property.

10.2 SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATIONS: PROCEDURES -
A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is required;
- b. Notice shall be given at least (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by registered mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least (15) days prior to the public hearing. All property owners within 200 feet of the property shall be notified by mail not less than (15) days prior to the date of the public hearing.
- c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

- d. The Zoning Board of Adjustment shall make a finding that is is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
 - e. In granting a Special Exception, the Zoning Board of Adjustment may also prescribe a time limit for which the special exception may continue. Failure to comply with this requirement stipulated by the Board shall void the special exception permit issued.
 - f. Violation of any reasonable provisions, conditions and safeguards that are made a part of the terms under which the special exception permit is granted shall be deemed in violation of this ordinance and punishable under Section 36 - "Penalties For Violation" of this ordinance.
- 29.3 VARIANCES: CONDITIONS GOVERNING APPLICATIONS; PROCEDURES - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:
- a. A written application for a variance is submitted demonstrating:
 - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - 3) That the special conditions and circumstances do not result from the actions of the applicant;
 - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - 5) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - b. Notice shall be given at least (15) days in advance of public hearing. The owner of the property for which requested variance is sought or his agent shall be notified by registered mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least (15) days prior to the public hearing. All property owners within 200 feet of the property shall be notified by mail not less than (15) days prior to the date of the public hearing.

- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- d. The Zoning Board of Adjustment shall make findings that the requirements of subsection 29.3.a. have been met by the applicant for a variance; Subsection 29.3 - "Variances: Conditions Governing Application; Procedures".
- e. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- f. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 36 - "Penalties For Violation".

Under no circumstances shall the Board grant a variance to allow a use not otherwise permissible under this section in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- 29.4 DECISION OF ZONING BOARD OF ADJUSTMENT - In exercising the above mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

SECTION 30 - VACANT - RESERVED FOR FUTURE EXPANSION

SECTION 31 - APPEAL PROCEDURES

- 31.1 Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, and under the time limit specified with Article 1011g(j), V.A.C.S. If no appeal has been taken from the Zoning Board of Adjustment ruling within the time limit specified under the above mentioned Article, the Board's ruling shall be final.
- 31.2 It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.
- 31.3 It is further the intent of this ordinance that the duties of the City Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance, as provided by law.

SECTION 33 - AMENDMENTS: FREQUENCY OF PETITION:
AND SITE PLAN REQUIREMENTS: ZONING AND SPECIAL USE PERMITS

33.1 PROCEDURES AND REQUIREMENTS - The regulations and restrictions imposed and the districts and boundaries created by this ordinance may be amended from time to time by the City Council, but no such amendments shall be made without public hearing before the Council and after a public hearing and report has been made upon the amendment by the City Planning and Zoning Commission. At least (15) days' notice of the time and place and nature of such hearing shall be published in a publication having general circulation in the City of Colleyville.

Written notices of all such Public Hearings shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change and classification is proposed, such notices to be given, not less than ten (10) days before the day set for hearing, as listed on the last approved City tax roll. Such notice may be served by depositing letters properly addressed and postage paid in the City Post Office. The applicant will be sent notice by registered mail.

Futhermore, the Administrative Official is directed to cause a sign to be placed upon the property clearly visible to passersby which states that the property is the subject of a rezoning application, (or words of like intent). The sign shall be posted at least 15 days prior to the hearing and shall remain posted until the hearing. Failure to perform this particular notice provision shall, however, in no way prevent the Planning and Zoning Commission from hearing the application and disposing of the issues involved on the hearing date.

In case the City Planning and Zoning Commission does not approve the change, or in case of a protest against such change signed by the owners of (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed (200) feet from the street frontage of such opposite lots, filed with the City Secretary of the City, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the City Council.

33.2 PETITION FOR ZONING DISTRICT CHANGE: LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED - Every petition for a zoning district change shall be accompanied by a preliminary land plan and supporting documents of the area petitioned for a zone change. The purpose of the land plan is to illustrate the logical division of the land and to show relationships of uses to the adjacent property. In general the petitioners shall submit a drawing and supporting documents as follows:

- a. Scale - 1" = 100'
- b. Zoning and use of adjacent property
- c. Key plan - showing location of the land within the community

- d. Physical features - The location of existing streets, water courses, railroads, etc., on and adjacent to the subject property
- e. 100-year flood plain limits within the subject property
- f. Proposed subdivision of the subject property into lots and blocks with general dimensions of each newly proposed parcel
- g. Proposed deed restrictions, if any
- h. Legal description of the total site area proposed for rezoning, development or special use permit - (metes and bounds).

33.3 PETITION FOR ZONING DISTRICT CHANGE OR SPECIAL USE PERMIT: SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED - Every petition for a zoning district change to R-D, R-MF, MH, C-PO, CN, C-C&M-L and all Special Use Permit requests shall additionally be accompanied by a site plan and supporting documents of the area petitioned for a zone change. The purpose of the site plan is to illustrate the logical arrangement of the elements on the land and to show relationships of elements to each other.

The petitioner is encouraged to meet with the appropriate Commission, Council or Board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition.

The general type and extent of site plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

- a. Site Plan, meeting all of the requirements of a "Preliminary Plat" as described in the City's Subdivision Regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition. Additional site plan drawing information which the reviewing body may require include:
 - 1) Existing and proposed zoning district classifications and boundaries;
 - 2) General outline of extensive tree cover areas;
 - 3) Drainage ways, and 100-year flood plain limits;
 - 4) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

- 5) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
- 6) A graphic illustration showing the location of proposed buildings, driveways and all physical elements and a tabular summary schedule indicating:
 - a) The gross acreage and percent of each type of zoning category proposed;
 - b) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family, town-house, etc., including the total gross project acreage;
 - c) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street, only;
 - d) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.;
 - e) Proposed maximum lot coverage by building types (i.e., one-family, multi-family, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.
- b. Architectural Drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- c. Written Documents, in narrative form on 8 1/2" x 11" sheets, including:
 - 1) Statement(s) on planning objectives to be achieved in the land use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.

- 2) Legal description of the total site area proposed for rezoning, development or special use permit.
- 3) A development schedule, if any, indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of the applicant's knowledge and belief.
- 4) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.
- 5) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development.
- 6) Signature(s) and title(s) of the applicant(s) and preparer(s) of the written documents certifying the information presented in all of the plans and supporting documents reflect a reasonably accurate portrayal of the general nature, character and feasibility of the applicant's proposals. All signatures will be dated.

4 PETITION FOR AMENDMENT OR SPECIAL USE PERMIT, AND FREQUENCY THEREOF - A property owner, lessee, developer or option holder may petition the City Council for an amendment to the text or district map of this ordinance or for a Special Use Permit, provided that before any action shall be taken as provided in the section, the party or parties petitioning for amendment shall deposit with the City Secretary the fee amount stipulated by resolution of the City Council to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. A party shall not initiate action for a zoning amendment or Special Use Permit affecting the same land more often than once every (12) months.

SECTION 34 - PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

- 34.1 In their interpretation and application, the provisions of this ordinance shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any other resolution or rules, regulations or permits, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions of this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires a larger open space or larger lot area than that imposed or required by such other resolutions, easements, covenants, or agreements, the provisions of this ordinance shall control.

SECTION 35 - COMPLAINTS REGARDING VIOLATIONS

- 35.1 Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 36 - PENALTIES FOR VIOLATION

- 36.1 Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars. Each day such violation continues shall be considered a separate offense.
- 36.2 The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, planner, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- 36.3 Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 37 - SEPARABILITY CLAUSE

- 37.1 Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 38 - DEFINITIONS: GENERAL

38.1 INTERPRETATION OF CERTAIN WORDS AND PHRASES - For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

- a. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word shall is mandatory, the word may is permissive.
- d. The word used or occupied includes the words intended, designed, or arranged to be used or occupied.
- e. The word lot includes the words plot, parcel or tract of land.

38.2 DEFINITIONS - For the purposes of this ordinance, the following definitions shall apply:

- 1) ACCESSORY BUILDING OR USE - A subordinate building having a use customarily incident to and located on the same lot occupied by the main building; or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.
- 2) ALLEY - A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.
- 3) APARTMENT - A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single house-keeping unit.
- 4) APARTMENT HOTEL - Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.
- 5) APARTMENT HOUSE - Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.
- 6) AUTOMOBILE SALES AREA - An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

- 7) BASEMENT - A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- 8) BLOCK - An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side. In cases where platting is incomplete or disconnected the zoning administrative official shall determine the outline of the block.
- 9) BOARD - The Zoning Board of Adjustment.
- 10) BOARDING HOUSE - A building other than a hotel, where lodging and meals for five or more persons are served for compensation.
- 11) BREEZEWAY - A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.
- 12) BUILDING - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.
- 13) BUILDING LINE - A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.
- 14) BUSINESS - Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.
- 15) CELLAR - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
- 16) CERTIFICATE OF OCCUPANCY (OR PERMIT) - An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the Building or Zoning Regulations and authorizes legal use and occupancy of the premises for which it is issued.
- 17) CITY COUNCIL (COUNCIL) - The governing body of the City of Colleyville, Texas.
- 18) CLINIC - Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.
- 19) COMMUNITY CENTER - A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.

- 20) CONVALESCENT HOME - Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.
- 21) COURT - An open, unoccupied space, bounded on (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
- 22) DAY NURSERY - A place where children are left for care a part of the twenty-four (24) hours of the day.
- 23) DISTRICT (ZONING) - A section of the City of Colleyville for which the regulations governing the area, height, or use of the land and buildings are uniform.
- 24) DWELLING, ONE-FAMILY (SINGLE FAMILY) - A detached building arranged, intended, or designed for occupancy by one family.
- 25) DWELLING, TWO-FAMILY (DUPLEX) - A detached or semi-detached building arranged, intended, or designed for occupancy by two families.
- 26) DWELLING, MOBILE HOME - A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- 27) DWELLING, MULTI-FAMILY - A building or portion thereof arranged, intended or designated for occupancy by three or more families, including, but not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.
- 28) DWELLING UNIT - A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.
- 29) EFFICIENCY APARTMENT - An apartment having a combination living and bedroom, (no separate bedroom).
- 30) FAMILY - One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than (5) persons (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.
- 31) FENCE - An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than (70) percent open. A solid fence is one in which the vertical surface thereof is not greater than (30) percent open, and may be considered as a screening element. (See also "Screening Element").

- 32) FLOOR AREA - The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.
- 33) FLOOR AREA RATIO (FAR) - An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.
- 34) GARAGE, PRIVATE (RESIDENTIAL) - An enclosed (2) car accessory building for storage only of motor vehicles, boats, travel trailers, and household goods owned and used by the owners or tenants of the premises.
- 35) GARAGE, PUBLIC - A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.
- 36) GARAGE, STORAGE (PARKING) - A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.
- 37) GRADE:
- a. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
 - b. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;
 - c. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.
- Any wall approximately parallel to and not more than (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Inspector shall establish such sidewalk level or its equivalent for the purpose of these regulations.
- 38) HEIGHT OF BUILDINGS - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to: 1) the highest point of the roof's surface if a flat surface, 2) to the deck line of mansard roofs, or; 3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

- 39) HEIGHT OF YARD OR COURT - The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.
- 40) HOME HOBBY SHOP - An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof and from which no revenue may be derived, and in which no goods may be publicly displayed, offered for sale or advertised for sale, nor may any sign be used in connection therewith.
- 41) HOME OCCUPATION (USE) - An occupation conducted wholly within a residential dwelling unit or accessory building thereto, provided that:
- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
 - b. The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street on a driveway or other hard surface all weather area;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of any adjacent or nearby site occupant. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - f. Home occupation uses and activities shall be limited to the following: seamstress; accounting; bookkeeping and tax services; notary public; insurance and real estate; cosmetics and household sundries; private educational, music and dance tutoring; arts, crafts and home hobby shops; garage, yard and patio sales of short temporary duration; mail order brokerage; and other similar activities-----but excluding medical and law offices, beauty shops, pet grooming services, kennels and other such activities.

- 42) JUNK - The term "junk" is defined to mean, and shall include, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.
- 43) KENNEL - Any lot or premises on which four (4) or more dogs, cats or other domestic animals at least four (4) months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.
- 44) KINDERGARTEN - A school for little children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.
- 45) LEGAL NONCONFORMING USE, BUILDING OR YARD - A use, building or yard existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.
- 46) LIVING UNIT - Same as Dwelling Unit.
- 47) LOADING SPACE, OFF-STREET - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- 48) LOT - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

- 49) LOT COVERAGE - The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.
- 50) LOT FRONTAGE - The front of a lot shall be construed to be that portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in Section 22 - "Schedule of Uses".
- 51) LOT LINES - The property lines bounding a lot as defined herein.
- 52) LOT LINE, FRONT - The boundary between a lot and the street on which it fronts.
- 53) LOT LINE, REAR - The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.
- 54) LOT LINE, SIDE - Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or side street line.
- 55) LOT MEASUREMENTS
- a. Area of the lot shall be the net area of the lot, expressed in square feet or acreage, and shall not include portions of any public street or alley.
 - b. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line).
 - c. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than (80) percent of the required lot width. In the case of lots on the turning circle of cul-de-sac the width may be less than (80) percent of the required lot width.
- 56) LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
- 57) LOT TYPES:
- a. Corner Lot - A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

- b. Interior Lot - A lot other than a corner lot with only one street frontage and whose side lot lines do not abut upon any street.
 - c. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage" lots. Such lot(s) shall provide a front yard on each street.
- 58) MAIN (PRINCIPAL) BUILDING - The building or buildings on a lot which are occupied by the primary use.
 - 59) MOBILE HOME - See "Dwelling, Mobile Home."
 - 60) MOBILE HOME PARK OR SUBDIVISION - A parcel of land not less than (6) acres in size upon which two or more mobile homes are placed or located for purposes of occupancy.
 - 61) NONCONFORMING - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.
 - 62) OCCUPANCY - The use or intended use of the land or buildings by proprietors or tenants.
 - 63) OPEN SPACE - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.
 - 64) PARKING SPACE, OFF-STREET - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be within any public street, or alley, right-of-way, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at (300) square feet for residential uses and (400) square feet for non-residential uses, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All required off-street parking spaces shall be provided and maintained wholly within private property lines and not within any public highway, street or alley right-of-way.

- 65) PLANNING AND ZONING COMMISSION (COMMISSION) - The agency appointed by the City Council as an advisory body to it, and which is authorized to recommend changes in the zoning after holding public hearing thereon.
- 66) PLAT - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Planning and Zoning Commission. Reference to a "final plat" in this ordinance means an official plat of record which has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant County.
- 67) PREMISES - Land together with any buildings or structures occupying all or any portion of the land.
- 68) PRIVATE DRIVE (STREET OR PLACE) - An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.
- 69) RESIDENCE - Same as a dwelling; also when used with the word District, an area of residential regulations.
- 70) ROOM - a building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
- 71) ROOMING HOUSE - A building other than a hotel where lodging for three but not more than (12) persons is provided for definite periods for compensation pursuant to previous arrangement.
- 72) SCREENING ELEMENT (DEVICE) - Screening element (device) or suitably screened as herein referred, shall mean any of the following:
- a. Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than (30) percent open; or
 - b. Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition.
 - c. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge or other dense planting material.
- 73) SERVANTS QUARTERS - An accessory building located on the same lot or grounds with the main building and used as living quarters for family members or servants employed on the premises and not rented or otherwise used as a separate domicile.

- 74) SETBACK, BUILDING - The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed or uncovered porch and the street line. (Same as "Building Line").
- 75) SIGN - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:
- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
 - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - e. Governmental and school candidate signs in residential and agricultural districts, advertising the political election thereof, provided such signs shall be removed no later than (15) days following the date such advertising is no longer necessary by virtue of election results.
- 76) SPECIAL EXCEPTION - A special exception is a use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment, after public hearing thereon.
- 77) SPECIAL USE PERMIT - A permit authorized by the City Council for the use of land or structure. A site plan as set forth in Section 33.3 - "Petition for Zoning District Change or Special Use Permit: Site Plan and Supporting Documents Required" and a public hearing as set forth in Section 33.1 - "Procedure and Requirements" is required. The uses requiring a Special Use Permit are identified in Section 22 - "Schedule of Permitted Principal Uses" and have been determined to require special consideration by the public body. The City Council may establish a time limit for any use requiring a Special Use Permit. All Special Use Permits shall be subject to the conditions and standards specified in each amending ordinance as enacted by the City Council and found in the files of the City Secretary.
- 78) STORY - That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the

highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade or average ground level.

- 79) STREET - A public way between two right-of-way lines (other than an alley or private drive) which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.
- 80) STREET LINE - The right-of-way line of a street.
- 81) STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes, (See "Building" and "Dwelling, Mobile Home")
- 82) STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City Building Code.
- 83) THOROUGHFARE: MAJOR; SECONDARY - As defined in the City's latest approved Subdivision Control Ordinance.
- 84) TOURIST HOME OR DUDE RANCH - A dwelling in which accommodations are provided or offered for transient or temporary guests for compensation.
- 85) TRAVEL TRAILER - A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile home.
- 86) VARIANCE - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, size of structure, size of yards, open spaces, and flood plain. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- 87) YARD, FRONT - A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

- 88) YARD, REAR - A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.
- 89) YARD, SIDE - A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
- 90) ZONING DISTRICT MAP - The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

SECTION 39 - REPEAL OF CONFLICTING ORDINANCES

All ordinances below-listed are in conflict with the provisions of this ordinance are hereby repealed:

- #508 An Ordinance Prohibiting House Trailer Parks and the Parking of House Trailers or the Parking of any Trailer for Residential Purposes within the City Limits of the Town of Colleyville;... passed November 9, 1965
- #0-70-2 An Ordinance Creating a Planning and Zoning Commission;... passed May 12, 1970
- #0-70-5 An Ordinance Amending Article XX, Changes and Amendments of Zoning Ordinance Number 500 of the Town of Colleyville;... passed July 14, 1970
- #0-70-15 An Ordinance Establishing Zoning Districts in Accordance with a Comprehensive Plan and Adopting A Zoning Map ... passed October 13, 1970
- #0-71-16 An Ordinance Amending Ordinance No. 508, Providing for a Variance, and Declaring an Emergency. passed May 11, 1971
- #0-71-21 An Ordinance Amending Ordinance Number 0-70-15 Defining Kennels and Specifying Zoning for Kennels and Declaring an Emergency. passed June 8, 1971
- #0-71-31 An Ordinance Providing Minimum Standards for Mobile Home Parks;... passed August 10, 1971
- #0-71-42 An Ordinance by the City Council City of Colleyville Amending Ordinance No. 0-70-15, Article XI District Regulations, Adding Section 11-7A, R-30 Residential, Single Family District Regulations, and Declaring An Emergency. passed November 9, 1971
- #0-72-75 An Ordinance by the City Council City of Colleyville Amending Ordinance No. 0-70-15, Article XI District Regulations, Adding Section 11-8, R-15 Residential, Single Family District Regulations, and Declaring an Emergency. passed July 11, 1972
- #0-72-99 An Ordinance Amending Ordinance 0-70-2 Creating a Planning and Zoning Commission for the Town of Colleyville ... passed November 14, 1972
- #0-72-100 An Ordinance Amending Ordinance 0-70-15 Establishing Zoning Districts in Accordance with a Comprehensive Plan and Adopting a Zoning Map ... passed November 14, 1972

- #0-73-141A An Ordinance Establishing Flood Hazard Areas and Providing for a Floodway Zoning District and a Flood Plain Zoning District; Establishing Special Provisions Applying to the Flood Hazard Area; and Further Providing for Special Exception Permits.
passed November 20, 1973

- #0-73-148 An Ordinance to Repeal Ordinance 0-73-125 Heretofore Passed and Approved by the City Council of the the City of Colleyville, Texas on the 20th Day of March 1973 Whereby Ordinance 0-70-15 was Amended and Providing that Ordinance 0-70-15 Continue in Full Force and Effect as Originally Passed and Adopted by the City Council of the City of Colleyville, Texas on 13 October, 1970.
passed December 18, 1973

- #0-73-150 An Ordinance by the City Council of the City of Colleyville, Texas Supplementing Ordinance No. 0-70-15 - Shall Contain "Site Plan (SP) District Regulations" to be a Part Thereof as Section 10-4.
passed December 18, 1978

- #0-74-172 An Ordinance Prohibiting the Zoning of R-10 and R-15 for the purpose of Construction of Single Family Dwellings.
passed July 2, 1974

- #0-74-189 An Ordinance Supplementing Ordinance 0-70-15 Deleting Section 11-9 From Ordinance 0-70-15.
passed December 3, 1974

- #0-75-193 An Ordinance Repealing Ordinance 0-73-145(Non-conforming use permit)
passed January 7, 1975

- #0-75-194 An Ordinance Providing for the Issuance of a Non-conforming Use Permit Allowing the Use of Property that does not Conform to the Regulations Prescribed by Ordinance 0-70-15; Establishing the Required Procedures and Fee Schedules; and Providing for a Penalty.
passed January 21, 1975

- #0-76-240 An Ordinance Deleting Ordinance 0-72-75 (prohibiting R-15 zoning)
passed October 19, 1976

- #R-74-92 Resolution that Requires Building Inspector to examine all plans before granting a building permit
passed December 3, 1974

- #R-74-94 Resolution to require the recognition and evaluation of flood hazard in all official actions relating to land use in the flood plain areas having special flood hazards;
passed December 3, 1974

Any other ordinance or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

SECTION 40 - COMPREHENSIVE PLAN - ZONING MAP

- 40.1 The Comprehensive Plan for the Town of Colleyville, Texas 1970-1995, as submitted in 1971, shall remain the Comprehensive Plan for the City of Colleyville.
- 40.2 The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's Office, shall remain the Official Zoning Map of the City of Colleyville.

SECTION 41 - EFFECTIVE DATE: PUBLICATION

This ordinance shall become effective and be in full force and effect from and after its passage and publication as required by law, and so accordingly BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE:

PASSED, APPROVED, ADOPTED by the City Council of the City of Colleyville, Texas, this the 16th day of May, 1978.

The vote of the City Council being:

JUDY L. WELCH	For
C.L. VANOVER	For
LEONARD LEAR	For
VIRGIL L. THOMPSON	For
DALE R. HODGSON	For

The 1st Reading and Public Hearing being conducted on April 18, 1978;

The 2nd Reading and Public Hearing being conducted on May 2, 1978;

The 3rd Reading and Public Hearing being conducted on May 16, 1978.

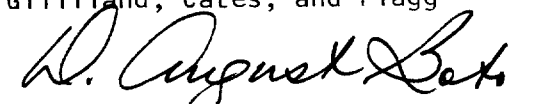
APPROVED:


JOHN A. ANDREWS, Mayor

ATTEST:


LaVADA JOHNSON, City Secretary

APPROVED AS TO FORM AND LEGALITY:
Gilliland, Cates, and Flagg


by: D. AUGUST BOTO, City Attorney
lvi

ORDINANCE O-00-1214

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEYVILLE, TEXAS, BY ADOPTING AND ENACTING A LAND DEVELOPMENT CODE FOR THE CITY OF COLLEYVILLE, TEXAS; PROVIDING FOR THE AMENDING OF CERTAIN ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION.

WHEREAS, the City Council has determined the need to consolidate the Zoning Ordinance, Subdivision Ordinance, Tree Preservation Ordinance, and Impact Fee Ordinance, by establishing a Land Development Code as Chapter 78 of the Code of Ordinances for the purpose of coordinating development policies of the City of Colleyville; and

WHEREAS, the Texas Local Government Code requires public hearing prior to the adoption of subdivision, zoning and impact fee regulations; and

WHEREAS, the Colleyville City Charter requires a public hearing prior to adoption of any ordinance; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and

WHEREAS, the Planning and Zoning Commission has held a public hearing for the purpose of adopting a Land Development Code and has forwarded its report and recommendations to the City Council for consideration; and

WHEREAS, the City Council has received the report and recommendations of the Planning and Zoning Commission and held the required public hearings to receive citizen comment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT Chapter 78 of the Code of Ordinances, City of Colleyville, Texas, is hereby amended to read as shown in the document entitled Land Development Code of the City of Colleyville, Texas, a copy of which is attached as Exhibit "A",

- Sec. 2. THAT Ordinance O-77-248, the Zoning Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 3. THAT Ordinance O-91-812, the Sign Code of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 4. THAT Ordinance O-93-900, the Tree Preservation Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 5. THAT Ordinance O-95-1004, the Water, Wastewater and Roadway Impact Fee Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 6. THAT the rules, regulations, and procedures contained in the document entitled Land Development Code of the City of Colleyville, Texas, a copy of which is attached as Exhibit "A" shall be applicable to all development within the City from and after the date of approval of this ordinance.
- Sec. 7. THAT it is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Land Development Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Land Development Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Land Development Code since the same would have been enacted by the City Council without the incorporation in this Land Development Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.
- Sec. 8. THAT any person, firm or corporation violating any fire safety, zoning or public health and sanitation provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00). For violations of all other provisions, the fine shall not exceed Five Hundred Dollars (\$500). Each day that any violation of this ordinance shall continue shall constitute a separate offense and shall be punishable as such.
- Sec. 9. THAT this ordinance shall become effective upon passage.
- Sec. 10. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

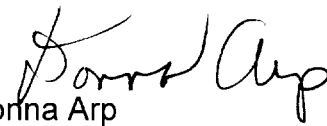
The first reading and public hearing being conducted on the 4th day of April, 2000.

The second reading and public hearing being conducted on the 18th day of April, 2000.

ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE:


Donna Arp
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

EXHIBIT "A"

City of Colleyville

Land Development Code



April 2000

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Chapter 1

General Provisions

Printed June 08, 00

Section 1.1 Title

This document shall be known and may be cited as the Land Development Code of the City of Colleyville, Texas.

Section 1.2 Applicability

The provisions of this Land Development Code shall apply to all lots, parcels of land, rights-of-way, buildings and structures located within the Corporate Limits of the City of Colleyville.

Section 1.3 Authorization for Adoption of This Land Development Code

The regulations contained in the various chapters of this Land Development Code have been adopted upon approval of an ordinance, after public hearing, by the City Council of the City of Colleyville in accordance with the authority described within each chapter and the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality; and
2. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 1.4 Purpose of the Land Development Code

The purpose of this Land Development Code is to promote the health, safety, and general welfare of the community and to:

1. combine zoning, subdivision and other regulations into a single document that can be used for development of property and public facilities in Colleyville, Texas;
2. establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions of subdivided land;
3. provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the entire community be borne by the community as a whole; and
4. avoid overlapping, conflicting or inconsistent regulations found in land use control systems consisting of separate zoning, subdivision, and other ordinances.

Section 1.5 Purpose of This Chapter

The purpose of this Chapter is to:

1. establish rules, regulations and procedures for the administration of this Land Development Code and to establish the process for amending this Code;

2. establish regulations which describe the process for considering waivers, variances and appeals regarding this Land Development Code; and
3. establish specific boards and commissions responsible for considering requests for a waiver or variance from a regulation or to hear an appeal of a decision of an Administrative Official authorized to enforce and administer this Land Development Code.

Section 1.6 Administration and Enforcement

The provisions of the Land Development Code shall be administered, interpreted and enforced by the City Manager, his designee, or by the administrator designated within this Code.

Section 1.7 Fees

The schedule of fees and charges associated with application filing, processing, plan review, or any other fee required by provisions of this Land Development Code, shall be established by the City Council. Furthermore, until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal authorized by this Land Development Code. Fees required by this Land Development Code shall not be refundable, except where a specific provision provides for refunding.

Section 1.8 Compliance Required

All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the regulations prescribed herein. In their interpretation and application, the provisions of these regulations shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. Land used in meeting the requirements of this Land Development Code with respect to a particular use or building shall not be used to meet the requirements for any other use or building. No approval, authorization to proceed, or issuance of any certificate or permit shall be construed as an approval of a violation of the provisions of this document or of other ordinances of the City of Colleyville. Certificates presuming to give authority to violate or cancel the provisions of this document or of other ordinances of the jurisdiction shall be void.

Section 1.9 Certificate of Occupancy Required

1.9.A CERTIFICATE REQUIRED PRIOR TO OCCUPANCY

No building, or portion thereof, or parcel of land shall be occupied or used until a certificate of occupancy has been issued by the City. Furthermore, no non-residential building, or portion thereof, or parcel of land shall change in use or occupancy until a certificate of occupancy has been issued by the City. A current certificate of occupancy is required on all land, buildings, or portions thereof except non-habitable accessory buildings. Failure to comply with this provision may result in the issuance of a citation and/or constitute basis for denial of or disconnection from City utilities or to require a franchised utility company to do likewise.

1.9.B CONNECTION TO UTILITIES

No connection to the City utility systems shall be allowed unless and until a certificate of occupancy has been issued by the City Inspector. However, temporary connection of utilities for a specified duration may be authorized by the City Inspector for the purpose of clean up, construction or other such purposes.

1.9.C RECORDS

The Building Inspection Office shall maintain a record of all buildings or parcels of land for which a Certificate of Occupancy has been issued.

1.9.D CERTIFICATE OF OCCUPANCY APPLICATION

Application for a certificate of occupancy shall be made to the Building Inspection Office. No application for a certificate of occupancy shall be approved which does not, at a minimum, contain the following information: business name, business address, business phone number, type of proposed use, business owner, business owner's address, business owner's phone number and emergency phone number, applicant's driver's license number, applicant's date of birth, and applicant's signature.

1.9.E DISPLAY AND STATUS OF CERTIFICATE OF OCCUPANCY

1. All non-residential occupancies shall display a certificate of occupancy on the site and in a conspicuous place.
2. The holder of a certificate of occupancy for a non-residential occupancy is required to notify the Building Inspection Office of any change of address, name changes, or other pertinent information listed on the certificate of occupancy application.

Section 1.10 Project Under Construction at Time of Code Adoption

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction within the city on the effective date of this document and which entire building shall be completed within one (1) year from the effective date of the document or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within 180 days of the date of issuance of the permit and which entire building shall be maintained under continuous construction even though not completed within one (1) year.

Section 1.11 Compliance Required for Building Permits & Utility Services

No building or structure may be erected, constructed or installed on any lot, tract or parcel of land and public utilities shall not be extended or connected to a building or structure unless the lot, tract or parcel of land is in compliance with the provisions and requirements of this Land Development Code and all applicable Building Permits and authorizations to proceed are first obtained.

Section 1.12 Waivers and Appeals - Generally

Any person seeking approval of a development as required by this Land Development Code may request a waiver of or a variance from a requirement contained in this Code, or appeal a decision of an Administrative Official by submitting a request using the procedures described in this Chapter. Due to the unique arrangement and statutory organization of this Land Development Code, provisions for waivers, variances and appeals of administrative decisions vary from chapter to chapter. The following table shows the approval authority for waiver, variance and appeal requests for the specific chapters of this Land Development Code.

Approval Authority for Waiver, Variance and Appeal Requests					
Chapter Title	City Council	P & Z Commission	ZBA	Sign Board	Staff
Chapter 2 – Definitions	N/A	N/A	See Section 1.16	N/A	N/A
Chapter 3 – Land Use	N/A	N/A	See Section 1.16	N/A	N/A
Chapter 4 – Landscaping & Buffering	N/A	N/A	N/A	N/A	See Section 4.6
Chapter 5 – Tree Preservation	N/A	See Section 1.14	N/A	N/A	N/A
Chapter 6 – Building Design	N/A	See Section 1.14	N/A	N/A	N/A
Chapter 7 – Sign Regulations	N/A	N/A	N/A	See Section 1.15	N/A
Chapter 8 – Platting Procedures (except perimeter streets)	See Section 1.13	See Section 1.14 & 7.2	N/A	N/A	N/A
Perimeter streets	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 9 – Subdivision Design & Required Facilities	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 10 – Private Streets & Entrance Gates	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 11 – Park Land Dedication	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 12 – Erosion Control	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 13 – Impact Fees	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 14 – Engineering Design	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 15 – Public Works Construction Details	See Section 1.13	N/A	N/A	N/A	N/A

Note to table above: N/A – Not Authorized

Section 1.13 Waivers and Appeals – City Council

Where specifically provided for in this Land Development Code, the City Council shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.14 Waivers and Appeals – Planning and Zoning Commission

Where specifically provided for in this Land Development Code, the Planning and Zoning Commission shall have the authority to consider a waiver or to hear and decide an appeal from an administrative decision on a regulation. The Planning and Zoning Commission may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.15 Waivers and Appeals – Sign Board of Appeals

1.15.A CREATION OF SIGN BOARD OF APPEALS

There is hereby created a Sign Board of Appeals consisting of seven members. Members of the Sign Board of Appeals shall be appointed by the City Council and shall be removable without cause by the Council. A member so appointed shall hold office for a term of two years except in the case of appointments to fill vacancies for un-expired terms. Four members of the Board shall be selected on even years and three members on odd years. In the event of a vacancy, the Council shall appoint a member to serve for the un-expired term. Members shall serve until May 31 of the year of their terms' expiration or until a successor is appointed and his successor shall serve until May 31, two years thereafter or until their successors are appointed. The Board shall be composed of members of varying backgrounds and should include representatives from the business community, electricians, sign company representatives, architects, engineers, real estate appraisers, highway department employees and the general citizenry.

1.15.B JURISDICTION OF SIGN BOARD OF APPEALS

The Sign Board of Appeals shall have the authority to consider requests for a waiver or a variance or to hear an appeal of an administrative decision on a regulation contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The Sign Board of Appeals shall consider and recommend to the Council the granting of variances from the provisions of the sign code where it appears that the provisions would work a manifest injustice. In making such determinations, the Board shall consider such factors as the type of sign, the location, the existence of signs in the general area, and such other factors as they deem pertinent, having due regard for the purpose and intent of the Sign Code to provide public safety, adequate lighting, open space and air, to conserve land, protect property values and encourage the highest and best use of property.

1.15C PROCEDURES OF BOARD

The Board shall elect a Chairman and a Vice-Chairman, who shall preside in the chairman's absence. The Community Development Department of the City shall provide staff support to the Board. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. Four members of the Sign Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board. The Sign Board of Appeals shall meet monthly provided there has been an appeal or request for variance filed with the building official fourteen days prior to the meeting date.

1.15.D VARIANCE

A person may request a variance from the sign regulations by filing said request with the building official. Any request for a variance shall be accompanied by a non-refundable filing fee. The filing fee will be established by the City Council. A request for variance shall be referred for consideration to the Sign Board of Appeals. In considering a request for a variance to the provisions of the Sign Code the Sign Board of Appeals shall consider, among other things, the degree of variance, the reason for the variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, the protection of neighborhood property, the degree of hardship or injustice involved, and the effects of the variance on the general plan of regulation of signs within the City.

1.15.E REPORT TO COUNCIL AND APPROVAL OF REPORT

The Sign Board of Appeals will submit a report with the granting of any variance to the Sign Code to the City Council at its next regularly convened meeting. The variance shall be deemed granted upon ratification of the decision of the Sign Board of Appeals by the City Council.

Section 1.16 Variances & Appeals – Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the authority to consider requests for a variance of a zoning regulation or to hear an appeal from an administrative decision on a regulation in *Chapter 3 – Land Use Regulations*; *Chapter 4 – Landscaping and Buffering*; and *Chapter 6 – Building Design (except for requests regarding tree mitigation requests which are considered by the Planning and Zoning Commission)*. The Zoning Board of Adjustment shall additionally have the authority to consider requests for an interpretation of any regulation or definition contained in this Land Development Code. The rules and procedures contained in this section shall be applicable to such request.

1.16.A ZONING BOARD OF ADJUSTMENT ESTABLISHED

A Zoning Board of Adjustment is hereby established, which shall consist of five (5) members and two (2) alternates, each to be appointed for a two (2) year alternate term by the City Council. All vacancies occurring on the Zoning Board of Adjustment shall be filled by appointment by the City Council. Each year after a new term begins members shall elect a Chairman and Vice-Chairman, a new term beginning at the first meeting in October. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. The City Council shall appoint two (2) alternate Board members to serve in the absence of regular members.

1.16.B PROCEEDINGS

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or Vice-Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be made a matter of public record and be immediately filed in the office of the City and maintained by the person acting as City Secretary.

1.16.C HEARINGS; APPEALS; NOTICE

Appeals to the Zoning Board of Adjustment concerning interpretation or administration of a regulation may be taken by any person aggrieved or by any officer, agency, department or commission of the governing body of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed fifteen (15) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official on behalf of the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as written notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

1.16.D STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

1.16.E JURISDICTION OF ZBA

When in its judgment the public convenience and welfare will be substantially served, the Board of Adjustment may issue appropriate orders to the Administrative Official to guard against future error; and to promulgate appropriate procedure in addition to that under which the Administrative Official already operates. When the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may in specific cases, after public notice and public hearing, (subject to appropriate conditions and safeguards and in accordance with Section 211.009, Local Government Code, V.T.C.A.), authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use. Thus, the Board has jurisdiction to:

1. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Administrative Official in the enforcement of this code.
2. Interpret the intent of the Zoning District Map where uncertainty exists because the physical features, on the ground vary from those on the Zoning District Map and none of the rules set forth in *Chapter 3 – Land Use, Section 3.5.C - "Rules For Interpretation of District Boundaries"* apply.
3. Approve the use of a lot or lots in a residential district contiguous to (even if separated by a street or alley) an apartment, office, retail, commercial or industrial district for off-street parking of passenger vehicles subject to such standards and safeguards as are appropriate for the protection of adjacent residential uses.
4. Initiate on its motion or cause presented by interested property owners an action to bring about the discontinuance of a nonconforming use in accordance with the following:
 - a. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.
5. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of *Chapter 3 – Land Use* of this Land Development Code.
6. Permit the enlargement of a nonconforming use in accordance with the provisions of *Chapter 3 Land Use* of this Land Development Code.
7. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code.
8. Require the vacation and demolition of a nonconforming structure, which is deemed to be obsolete, dilapidated or substandard.
9. Vary the provisions and conditions required for the development of off-street parking facilities when such variations are found to be in the interest of the area and necessary to secure reasonable parking use of a specific parcel of land.
10. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the

development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.

11. Permit such variances of fence heights when in the opinion of the Board such fence will not adversely affect neighboring property.

1.16.F SPECIAL EXCEPTIONS; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is required.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within two hundred (200) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or attorney.
4. The Zoning Board of Adjustment shall make a finding that it is empowered to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. In granting a special exception, the Zoning Board of Adjustment may also prescribe a time limit for which the special exception may continue. Failure to comply with this requirement stipulated by the Board shall void the special exception permit issued.
6. Violation of any reasonable provisions, conditions and safeguards that are made a part of the terms under which the special exception permit granted shall be deemed in violation of this ordinance and punishable under the penalty section of this Land Development Code.

1.16.G VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

- e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which requested variance is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within two hundred (200) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or by attorney.
4. The Zoning Board of Adjustment shall make findings that the applicant has met the requirements of paragraph 1 above.
5. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the penalty section of this Land Development Code.

Under no circumstances shall the Board grant a variance to allow a use not otherwise permissible under this section in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

1.16.H DECISION OF ZONING BOARD OF ADJUSTMENT

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Land Development Code, or to effect any variation in the application of this ordinance.

1.16.I APPEAL PROCEDURES - ZBA

1. Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, and under the time limit specified in Section 211.011, Local Government Code, V.T.C.A. If no appeal has been taken from the Zoning Board of Adjustment ruling within the time limit specified under the above mentioned Article, the Board's ruling shall be final.
2. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.
3. It is further the intent of this ordinance that the duties of the City Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance, as provided by law.

4. Conditions: The Board or City Council, as may apply, is empowered to impose upon any variance or special exception any condition reasonably necessary to protect the public interest and community welfare.

Section 1.17 Reserved

Section 1.18 Amending the Land Development Code

The regulations and restrictions imposed by this Land Development Code and the districts and boundaries created by the Official Zoning Map may be amended from time to time using the procedures provided in this section.

1.18.A AMENDING A SUBDIVISION PLAT REGULATION

A subdivision plat regulation as contained in Chapters 8, 9, 10, 11, 12, 14 & 15 of this Land Development Code, may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ten (10) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment to a plat regulation. Said amendment shall be additionally subject to the standard rules, regulations and procedural requirements established in *Chapter 212 – Local Government Code* and *Article VI – Charter of the City of Colleyville*.

1.18.B AMENDING A ZONING REGULATION OR THE OFFICIAL ZONING MAP

The City Council may from time to time amend, supplement, change, modify or repeal the regulations and restrictions imposed in *Chapter 1 – General Provisions*; *Chapter 2 – Definitions*; or *Chapter 3 – Land Use*, of this Land Development Code, and the districts and boundaries described on the Official Zoning Map, using the procedures described in this section. Such amendment shall additionally be subject to the rules and procedures in *Chapter 211 – Local Government Code*, and *Article VI of the Charter of the City of Colleyville*.

1. Zoning Regulation Amendments – Any person or corporation may petition the City Council for a change or amendment to the provisions of these regulations; or the Planning and Zoning Commission or City Council may, on its own motion, initiate study and proposal for changes or amendments to a zoning regulation in the public interest.
2. Zoning District Boundary Changes – Any person or corporation having a proprietary interest in a parcel of land may request a change in zoning on such property; or the Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on a parcel of land. All requests for a change in zoning shall be submitted, together with the required fee, to the Administrative Official, which officer shall cause notices to be sent and the request placed on the Planning and Zoning Commission agenda. Only one application for a zoning change will be considered at any one time on a parcel of land. No additional rezoning application on a parcel of land will be considered until final action of any pending application has been completed, subject to the time limits imposed elsewhere in these regulations.
3. Fees – Until all applicable fees, charges, expenses and delinquent city, county, and school taxes have been paid in full, no action shall be taken on any zoning application. No refund of any application fee shall be made after the request has been scheduled for consideration by the Commission.
4. Commission Public Hearing and Written Notification - Before making report of an application for a planned development, special use permit, or proposed amendment to a zoning regulation or zoning district boundary, the Planning and Zoning Commission shall hold a public hearing and receive comment in accordance with the following:

- a. No less than ten (10) days notice of the time, place and nature of the public hearing shall be published in publication having general circulation in the city of Colleyville.
 - b. When a proposed change affects a specific tract of land, written notice of the public hearing shall be sent to all owners of real property lying within two hundred (200) feet of the area being considered. Such notice to be given to each property owner as listed on the last approved tax roll not less than ten (10) days before the day set for hearing by depositing letters properly addressed and postage paid in the United States Post Office. The applicant will be sent notice by certified mail.
5. Sign Posting - The Administrative Official is directed to cause a sign to be placed upon the property clearly visible to passersby, which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posted at least ten (10) days prior to the hearing and shall remain posted until the hearing. Failure to perform this particular notice provision shall, however, in no way prevent the Planning and Zoning Commission from hearing the application and disposing of the issues involved on the hearing date.
6. Report of Commission – After a public hearing, the Planning and Zoning Commission shall vote on the proposal and report its recommendation to the City Council. The proposal, as recommended by the Commission, shall be placed on the next available City Council agenda, provided proper notice has been given.
 - a. *Amended Proposals:* The Planning and Zoning Commission may consider a request from the applicant to amend the proposal without additional notification of adjacent property owners, provided that the amended request is determined by the Commission as being more restrictive than the initial request and the boundary or content of the amended request is not expanded.
 - b. *Notice of Appeal:* Denial of the proposal by the Planning and Zoning Commission shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The Administrative Official shall re-notify all property owners lying within two hundred (200) feet of the area being considered and place the applicant's rezoning request on the next available agenda for consideration by the City Council.
 - c. *Failure to Act Provision:* Failure by the Commission to act on an amendment within sixty (60) days of the first date of public hearing shall be considered a recommendation for denial of the amendment.
7. City Council Public Hearing and Newspaper Notice - A zoning regulation or a zoning district boundary may be amended by the City Council upon adoption of an ordinance, but no amendment shall be made without public hearing before the City Council. No less than fifteen (15) days notice of the time, place and nature of such hearing shall be published in publication having general circulation in the City of Colleyville. No amendment to a regulation or to a district boundary shall be considered by the City Council until a report of the proposed amendment has been made by the Planning and Zoning Commission. Unless denied by the Planning and Zoning Commission, every rezoning request receiving final approval of the Commission shall be forwarded to the City Council for consideration, unless the applicant has requested the proposal be withdrawn. The City Council may refer any amended rezoning request back to the Planning and Zoning Commission for further study and recommendation.
8. Special City Council Voting Requirements - No change of which the Planning and Zoning Commission has recommended denial or in case of a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.

9. Withdrawal – Any proposal or application that is withdrawn by the applicant before a vote is considered by the City Council shall not be subject to the time limit for submittal of a new application.
10. Time Limit for Re-submittal - No one shall request a zoning change on the same parcel of property more often than once every twelve (12) months. However, a request for a change of zoning of a parcel of property to a different zoning classification than that previously requested may be filed as frequently as desired.
11. Submittal Requirements for Zoning District Change - Every petition for a zoning district change shall be accompanied by supporting documents of the area petitioned for a zone change. In general the petitioners shall submit a drawing and supporting documents as follows:
 - a. Scale - No smaller than 1" = 100'
 - b. Zoning and use of adjacent property
 - c. Vicinity Map - showing location of the land within the community
 - d. Physical features - The location of existing streets, water courses, railroads, etc., on and adjacent to the subject property
 - e. 100-year flood plain limits within the subject property
 - f. Legal description (metes and bounds) of the total site area proposed for rezoning, development, or special use permit to be included on the Zoning Exhibit and submitted on a separate letter or legal size single page.
12. Special Application Requirements - Site Plan and Supporting Documents Required - Every petition for a zoning district change to R-D, R-MF, MH, C-PO, CN, C-C and M-L and all Special Use Permit requests shall additionally be accompanied by a site plan and supporting documents of the area petitioned for a zone change. The purpose of the site plan is to illustrate the logical arrangement of the elements on the land and to show relationships of elements to each other.

The petitioner is encouraged to meet with the appropriate city staff member in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition.

The general type and extent of site plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

- a. Site Plan, meeting all of the requirements of a "Preliminary Plat" as described in the City's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition. Additional site plan drawing information which the reviewing body may require include:
 1. Existing and proposed zoning district classifications and boundaries;
 2. General outline of extensive tree cover areas;
 3. Drainage ways and 100-year flood plain limits;
 4. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

5. Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
6. A graphic illustration showing the location of proposed buildings, driveways and all physical elements and a tabular summary schedule indicating:
 - a) The gross acreage and percent of each type of zoning category proposed;
 - b) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;
 - c) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street, only;
 - d) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.;
 - e) Proposed maximum lot coverage by building types (i.e., one-family, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.
- b. Architectural Drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- c. Written Documents, in narrative form on 8-1/2" X 11" sheets, including:
 1. Statement(s) on planning objectives to be achieved in the land use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.
 2. Legal description of the total site area proposed for rezoning, development or special use permit.
 3. A development schedule, if any, indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of the applicant's knowledge and belief.
 4. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.
 5. Statement(s) as to how and when the applicant proposes to provide water and sewer to the development.
 6. Signature(s) and title(s) of the applicant(s) and preparer(s) of the written documents certifying the information presented in all of the plans and supporting documents reflect a reasonably accurate portrayal of the general nature, character and feasibility of the applicant's proposals. All signatures will be dated.
13. Traffic Impact Analysis - When a proposed development is projected to generate more than 1000 vehicle trips per day, a traffic impact analysis shall be required with the rezoning request. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Services. The purpose of the traffic impact analysis is to determine the need for traffic

mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities.

1.18.C RESERVED

1.18.D AMENDING ALL OTHER REGULATIONS

A regulation contained in any of the other Chapters of this Land Development Code that have not been previously mentioned may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ten (10) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment. Amendments shall be additionally subject to the standard rules, regulations and procedural requirements established in *Chapter 51 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 1.19 Violations and Penalties

Any person, firm or corporation violating any of the provisions of this Land Development Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00), unless a lesser fine is provided for in the section of the Code so violated. Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, planner, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1.20 Relationship to Other Laws and Restrictions

It is not intended by this Land Development Code to interfere with or abrogate or annul any other resolution or rule, regulation or permit, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions contained herein; nor is it intended by this Land Development Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Land Development Code imposes a greater restriction upon land, buildings, or structures than is imposed by other ordinances, covenants, restrictions or agreements, then the provisions of this Code shall govern. If other ordinances are more strict than this Code, then the more strict provisions shall prevail.

Section 1.21 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 1.22 Severability Clause

It is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1.23 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 2

Definitions

Rev. 11/08/00

Section 2.1 Purpose of This Chapter

The purpose of this Chapter is to define words, terms and phrases contained within this Land Development Code.

Section 2.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 2.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request an interpretation of the definitions contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 2.4 General Construction of Language

In the interpretation of this Land Development Code, the provisions and rules of this section shall be observed and applied, except as otherwise noted or when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word *person* includes individuals, firms, associations, organizations, partnerships, trusts, limited liability companies, corporations and any other similar entities.
5. The word *shall* is always mandatory. The word *should* is discretionary. The word *may* is permissive.
6. The word *used* or *occupied* includes the words *intended*, *designed*, or *arranged to be used or occupied*.
7. The word *lot* includes the words *plot*, *parcel* or *tract of land*.
8. The word *City* means the City of Colleyville, Texas.

9. The words *City Council* or *Council* mean the City Council of the City of Colleyville, Texas.
10. The words *Planning & Zoning Commission* or *Commission* mean the Planning & Zoning Commission of the City of Colleyville, Texas.
11. The word *Board* means the Zoning Board of Adjustment of the City of Colleyville, Texas.
12. In case of any differences of meaning or implication between the text of this Land Development Code and any caption, illustration or table, the text shall control.
13. For words not defined in this Chapter, the definitions contained in *The American Heritage Dictionary of the English Language*, latest edition, are hereby adopted.

Section 2.5 Definitions

Aa

Accessory Building or Use. A subordinate building enclosed on three or more sides, but not a carport, having a use customarily incident to and located on the same lot occupied by the principal building, or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the main building.

Administrative Official. A person assigned by the City Manager responsible for the administration of this LCD or a particular portion of the Code.

Aggrieved Person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the Administrative Official or Zoning Board of Adjustment under this Land Development Code, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley. A public right-of-way that affords a secondary means of access to abutting property, typically used for secondary vehicular service access to the back or side of properties that abut on a street or highway.

Amendments. Changes made in the text of the Land Development Code or to the zoning map.

Animation. Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsation or by other means, such as sequential light phasing.

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purposes of transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.

Antenna. A metallic apparatus used for the sending or receiving of radio, television, electromagnetic, or microwave signals. An antenna includes microwave reflectors/antennas and satellite dishes.

Apartment. A room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Approving Body. The Planning and Zoning Commission, City Council or staff member authorized by this Land Development Code to approve a subdivision plat.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Land Development Code.

Assisted Living Facility. A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses.

Automobile Dealership. A commercial business which conducts the retail sales of new or used automobiles.

Automobile Repair & Service. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, or any other similar use. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; and other similar uses.

Automobile. A motor vehicle as defined by the Texas Motor Vehicle Laws published by the Texas Department of Public Safety.

Awning. A roof-like structure, usually made of canvas, that serves as a shelter, as over a storefront, window, door or deck. Also, an architectural projection that provides weather protection, identity or decoration, and is supported by the building to which it is attached.

Bb

Banner. A temporary sign made of cloth, canvas or other light fabric.

Basement or Cellar. A story wholly or partly underground and having more than one-half of its height from floor to ceiling, below the level of the finished grade at the front of the building. A basement or cellar is not counted when measuring the height of a building.

Bed & Breakfast. A tourist lodging service within the rooms of a single family, owner occupied principal residence located on a property served by a single utility meter and single water and wastewater service.

Block. A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights of way, water courses or foreshores, unsubdivided land, or a city limit line, or by any combination of the above. In cases where platting is incomplete or disconnected, the administrative official shall determine the boundary of the block.

Breezeway. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building.

Build. To erect, convert, enlarge, reconstruct, or alter a building or structure.

Buildable Area. The portion of a residential lot which includes: all property between the front yard setback and the rear property line; and all the property which lies under a single driveway not greater than twenty (20) feet in width, extending from the front property line to the garage. Applicable only to tree preservation requirements in residential developments.

Building. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope. The maximum buildable area remaining on a lot after the front, side and rear yard setbacks are met.

Building Line. A line which coincides with the perimeter of the building envelope, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Front. A line located a minimum horizontal distance from a front lot line and parallel thereto, over which any part of a building is not allowed extend unless otherwise permitted in this Land Development Code.

Building Line, Rear. A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Side. A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Official. The Building Inspector or Administrative Official of the City of Colleyville charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Permit. Written permission issued by the City for the construction, repair, alteration or addition to a structure.

Cc

Caliper. See *Diameter*.

Canopy. A canopy is a roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

Capital Construction Cost of Service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.

Capital Improvements Advisory Committee (Advisory Committee). Advisory committee, appointed by the City Council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees of the City, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, including one member representing the extraterritorial jurisdiction; or consisting of the Planning and Zoning Commission, including one regular or ad hoc member who is not an employee of the City and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and its successors.

Capital Improvements Program (CIP). Plan that identifies water, wastewater and roadway capital improvements or facility expansions pursuant to which impact fees may be assessed.

Carport. A structure or part thereof, but not an accessory building, either detached or attached to a principal building, and which is open on two or more sides, consisting of a roof and either walls or columns for the purpose of temporary parking of vehicles, boats or trailers.

Cellular Communication Tower, Monopole. A low-power radio transmitting structure, consisting of a single pole, which sends and receives radio signals from mobile telephones, linked to one central call-processing point.

Cemetery. Land used or intended to be used for the interment of human and pet remains, and dedicated for cemetery purposes including crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City upon completion of construction, alteration or change in occupancy of a building. The certificate acknowledges conformance with the requirements of the Land Development Code and/or building codes.

City Engineer (Engineer). City Engineer of the City of Colleyville.

City Manager. The chief professional city administrative officer of the City of Colleyville, Texas.

City Official. Any person, elected or appointed, or any board or committee authorized or constituted by City ordinance or state law to act in behalf of the municipality.

Clinic. A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiroprodists, chiropractors, or drugless practitioners, together with their qualified assistants. Without limiting the generality of this definition, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care, rooms for the abiding of patients, or operating rooms for major surgery.

Collector Street. A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between one (1) or more subdivisions.

Commercial Building Footprint. The portion of the lot which lies beneath the building pad. Applicable only to tree preservation requirements in commercial developments.

Commercial Use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee for the purpose of engaging in the exchange, buying or selling or services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use of the residents and their guests of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or association.

Community Center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home for Disabled Persons. A community-based residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation, which otherwise meet the requirements of the Community Homes for Disabled Persons Location Act, Article 1011n, Tex. Rev. Civ. Stat. Ann.

Such facilities provide to the disabled residents food and shelter, personal guidance, care, habilitation services or supervision. Not more than six disabled persons, regardless of their legal relationship to one

another, and two supervisory personnel may reside in such facility at the same time. Such facilities shall meet all applicable licensing requirements of the State of Texas, shall not be located within one-half mile of a previously existing community home for disabled persons, and shall meet all applicable requirements of this and other pertinent ordinances of the City of Colleyville.

Comprehensive Plan. The official document and long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City, which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities and land use.

Court. An open, unoccupied space bounded on (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Credit. The amount of the reduction of a impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed. Applicable to impact fees.

Critical Root Zone. The area within the drip-line of the tree. As a practical matter, this is the acute portion of the root system of the tree. Approximately 99-percent of the tree's root mass occurs within the top three (3) feet of the soil and most of the fine feeder roots which collect moisture and nutrients are located in the top four (4) inches of the soil. Typically, a root system of a tree extends as much as two to three times the distance from the trunk to the drip line. Applicable to tree preservation.

Cul-de-sac. A local street having one (1) outlet and terminated on the opposite end by a vehicular turn-around.

Dd

Day Care Center. A child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day. This definition shall not include kindergartens, prekindergartens, and schools listed elsewhere in this Chapter.

Dedication. The act of conveying property to the public for use by the public for streets, parks, drainage, utility, or other public purposes.

Density. The ratio of the total number of dwelling units to the land area of the total site area, less any right-of-way dedication. Commonly expressed as "dwelling units per acre."

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Also, the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include: (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas; (b) removal of trees or vegetation damaged by natural forces; (c) agricultural activity that is not prohibited by this Land Development Code; or (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

Development Review Committee. The committee designated by the City Manager that serves as an advisory committee to the Planning & Zoning Commission and has responsibility for providing comments and recommendations on subdivision plats, zoning change applications, site plan proposals and other development related requests. The Development Review Committee (DRC) may also submit comments and recommendations on the vacation of public rights-of-way and easements.

Dilapidated or Deteriorated Condition. For the purposes of sign regulations, a situation where the structural support or frame members are visibly bent, broken, dented, deteriorated or torn to such an extent that a danger of injury to persons or property is created; or where the sign or the structure is not in compliance with a building or construction code adopted by the City.

Director of Public Services. The chief executive responsible for administration of this Land Development Code, or his designee.

Diameter. The thickness of a tree trunk measured perpendicular to its axis at four and one-half feet (4½) above the surrounding grade, measured, if the tree is on a slope, from the high side of the slope and measured above or below unusual swells in the trunk. For replacement trees, diameter is measured at a point one foot (1) above the soil line of the tree. Applicable to tree preservation and landscape requirements.

To determine the diameter of a multi-trunk tree, add the diameter of the largest trunk to one half (½) the diameter of each additional trunk. A multi-trunk tree is distinguished from individual trees growing from common rootstock if there is a visible connection between the trunks above ground.

Dripline. The ground area on which an imaginary vertical line which runs through the outermost portion of the crown of a tree extends to the ground.

Dwelling Unit. A room, suite or set of rooms occupied, or suitable for occupancy, as a family residence, and having sleeping, kitchen and bathroom facilities, together with appropriate appurtenances and designed for use and used as a permanent residence for one family.

Dwelling Unit Size. The living area of a dwelling unit, expressed in square feet, and typically being the heated and air conditioned areas exclusive of breezeways, basements, open and closed porches, common corridors, parking areas, parking garages and accessory buildings.

Dwelling, Attached. A dwelling unit which is joined to another dwelling unit sharing one or more common walls.

Dwelling, Duplex. A structure that contains two attached dwelling units that share a common wall and are designed exclusively for the use and occupancy of two families living independent of each other.

Dwelling, Multi-Family. A building or portion thereof arranged, intended or designated for occupancy by three or more families, including, but not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.

Dwelling, Single Family Detached. A structure containing one dwelling unit, other than a mobile home, which is entirely surrounded by open space on the same building lot and is designed for the use and occupancy by one family.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, but not including motels, hotels, lodging houses or house trailers.

Ee

Easement. A right given by the owner of land to another party for specific limited use of that land without actual ownership of the land.

Engineer. A person a person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in Texas. Engineer shall include *professional engineer, registered engineer, registered professional engineer, licensed professional engineer, or licensed engineer.*

Erect or Erection. To build, construct, attach, hang, place, suspend or affix a sign to or paint a sign on the exterior surface of a building or structure. The term includes the repair or alteration of a sign where the cost of repair is more than sixty- percent (60) of the cost of erecting a new sign of the same type at the same location. Applicable to sign regulations.

Existing Development. For water and wastewater impact fees, all development within the service area which has a water or wastewater tap on the City's water or sewer system or on another centralized water or sewer system, as of the date of the adoption of this Chapter; and for roadways, all development within the service area for which a building permit has been issued and which has not expired.

Extraterritorial Jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the municipality as defined in Chapter 42 of the Texas Local Government Code.

Ff

Facility Expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Facing or Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons who are related by blood, marriage, or adoption living together and occupying a single housekeeping unit with single kitchen facilities. Also, a group of not more than fifteen (15) persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Family Home. A home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time, and is duly registered by the State of Texas as required by Chapter 42 of the Human Resources Code. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. *Children who are related to the caretaker* includes the children, grandchildren, siblings, great-grandchildren, first cousins, nieces, or nephews of the caretaker, whether by affinity or consanguinity or as the result of a relationship created by court decree.

Fence. A barrier closing or bordering a field, yard, etc., usually made of posts, wire or wood, used to prevent entrance, to confine, or to mark a boundary. An open fence is one in which the vertical surface is not less than seventy (70) percent open. A solid fence is one in which the vertical surface is not greater than thirty- (30) percent open, and may be considered as a screening element.

Fire Lane. An all weather hard-paved surface which an emergency or fire-fighting vehicle may pass without obstruction or interference.

Flag. A piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, a standard, a signal or an emblem.

Flag Lot. A lot which does not meet the minimum frontage requirements and is accessed by a narrow portion of land.

Flood Plain. The land adjacent to a river, stream, or watercourse or other area that is susceptible to being inundated by flood waters from any source.

Gg

Garage, Private. A detached accessory building or portion of a dwelling that is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. The term does not include carport.

Garage, Public. A building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair.

Grade. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls facing more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street. For buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior wall of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as facing the street. Where no sidewalk has been constructed, the Building Official shall establish such sidewalk level or its equivalent for the purpose of establishing the grade.

Gross Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.

Gross Surface Area. The entire area within a single continuous perimeter forming a rectangle enclosing the extreme limits of each sign. In the event two or more signs share a single structure, each sign or panel may be considered separately for the square footage purposes, provided that each sign or panel has no relationship to the other, except that the combined footage of such signs may not exceed the total square footage allowed for the sign. Applicable to sign regulations.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Growth-Related Costs. Capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include (a) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan; (b) repair, operation, or maintenance of existing or new capital improvements or facility expansions; (c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards; (d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development, (e) administrative and operating costs of the City; and (f) principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Gymnastics School. A privately operated facility that provides special physical training in gymnastic arts, martial arts, dance, and other indoor sports to students enrolled for the purpose of learning such skills and which is not open to the general public for the purpose of providing entertainment or amusement for a fee, but which may be opened to the general public during competitive exhibitions in which students of the gymnastics school are registered.

Hh

Height of Buildings. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof surface for a flat roof; (b) to the deck line of mansard roofs; or (c) to the mean height level between eaves and ridge for hip and gable roofs. The height of a building shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and

parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Height of Signs. The vertical distance measured from the surrounding grade to the top of the sign.

Home Occupation. Any use customarily conducted entirely within a dwelling, provided that such use is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and shows no external evidence of such use.

Hotel. A building or group of buildings, of which the main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure shall also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

Illuminated Sign. A sign which has characters, letters, figures, designs or outlines illuminated by electrical lights, luminous tubes or other means.

Illumination, Direct. Lighting by means of an unshielded light source, including neon tubing, strobes, etc., which is effectively visible as part of the sign, where the light travels directly from the source to the viewers eye.

Illumination, Indirect. Lighting by means of a light source, not itself visible, which is directed at a reflecting surface in such a way as to illuminate the sign, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Illumination, Internal. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Impact Fee. Charge or assessment to be imposed by the City upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is required by other valid ordinances of the City and is necessitated by and attributable to the new development; or lot or acreage fees placed in trust for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines.

Institution. Buildings, land or structures used by an organized body, religious group or society for a non-profit, non-commercial purpose. The term may include hospital, library, college, university, convent, monastery or similar use.

Irrigation System. A method of providing the proper amount of water for the particular type of plant material used.

Junk. Material including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc and other metals and their alloys; bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junk or Salvage Yard. A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard and automobile parts yard.

Kk

Kenel. A place where dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, including pet stores or municipal animal shelters.

Kindergarten. A school for children of preschool age, the work of which is purely preliminary to the work of the public and private school, and which could include a planned program of games, songs, social exercises and object lessons.

Kiosk. A nonresidential commercial accessory building which provides a retail function by serving walk-up or drive-up traffic rather than inside sales service or drive-in service.

LI

Land Planner. A person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of the city plan.

Land Use Assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.

Landscaping. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Lawn Grasses. Thin blade surface growing plants typically planted from seed, sprigs, plugs or sod.

Legal Non-conforming Use, Building or Lot. A use, building or lot existing legally at the time of the passage of this Land Development Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this Land Development Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use, building or lot.

Light Sources. Neon lights, fluorescent lights, incandescent lights, and any reflecting surface, which, because of its construction and/or placement becomes in effect a source of light emission.

Living Unit Equivalent (LUE). For water and wastewater, basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4" diameter simple water meter, using American Water Works Association C700-C703 standards.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Logo. A design or insignia of an organization, individual, company, product which is commonly used in advertising to identify that organization, individual, company or product.

Lot Area. The gross area of the lot, expressed in square feet or acres, which is bounded by its perimeter property lines.

Lot Coverage. The percentage of the total lot area occupied by the footprint of the buildings located on the lot.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a building lot measured perpendicular to the front lot line at the center of the lot or on a radial when the front line is curved.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line that is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

Lot Line, Side. Any lot boundary line not a front or rear line thereof. A side line may be a common lot line, a line bordering on an alley or place or side street line.

Lot Line. The property boundary of a building lot.

Lot of Record. A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Tarrant County, Texas. Also, a lot or parcel described by metes and bounds, the description of which has been so recorded prior to May 16, 1978.

Lot Width. The minimum distance between the side lot lines of a building lot measured at the front building line or chord length when the front of the lot is curved.

Lot, Adjacent. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Lot, Corner. A lot abutting upon two or more streets. A corner lot shall front on that street on which it has its least dimension, unless otherwise specified by the Building Official.

Lot, Double Frontage. A lot, other than a corner lot, which adjoins two streets that are opposite each other and which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided.

Lot, Interior. A lot other than a corner lot with frontage on only one street.

Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area, and open space, which is identified by a lot number or symbol in an approved subdivision plat which has been properly filed of record in Tarrant County.

Mm

Major Street. A street designated on the adopted city plan as a thoroughfare, boulevard, freeway, highway, expressway, parkway or scenic route or any other traffic artery having regional continuity.

Master Plan. See *Comprehensive Plan*.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

Mini-Warehouse. A building wherein household goods, vehicles, furniture and similar items are temporarily stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system. Travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles are not included in this definition.

Mobile Home Park. A unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Land Development Code, and designed to accommodate mobile homes for a permanent duration. A trailer park is a mobile home park.

Mortuary. A facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

Motorcycle. A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Nn

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units. New development includes the sale of water taps resulting from the conversion of an individual well to the City's water utility and the sale of wastewater taps resulting from the conversion of an individual septic or other individual waste disposal system to the City's wastewater utility.

Nonconforming Lot. A lot or tract of land which does not conform to the width, depth, or area requirements of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Structure. A building, structure or portion thereof which does not conform to the height, area or yard regulations of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A building or structure or use of land lawfully occupied by a use at the time of the effective date of this Land Development Code or amendments thereto, which does not conform to the regulations of the district in which it is situated.

Non-Residential Zoning District. The zoning districts designated as AG, CPO, CN, CC1, CC2, CC3, ML, PUD-C, or PUD-I zoning district, the primary use of which is for non-residential purposes, as shown on the official zoning map of the City of Colleyville.

Non-Structural Trim. The retainer, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure. Applicable to sign regulations.

Oo

Office. A facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Land Development Code. Office activities include professional offices, financial institutions, employment agencies and medical offices.

Off-Premise Sign. A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

On-Premise Sign. A sign which promotes or advertises activities, commodities, services or endeavors which are offered on the premises on which such sign is located.

Open Space. A space not occupied by a structure, open to the sky except for the ordinary projections of cornices, eaves or porches, and on the same lot with the building or structures.

Outdoor Display of Merchandise. Any display of merchandise outside of the structure on the property in which such merchandise is sold, stored, or maintained, whether said display is for the purposes of sale or advertisement.

Outdoor Storage or Open Storage. The storage of any equipment, machines, commodities, raw or semi-finished materials, and building materials, which are not within a fully enclosed building.

Pp - Qq

Park. Land dedicated to or purchased by the City for the purpose of providing public recreational and/or open areas. A facility or area for recreational, cultural or aesthetic uses owned or operated by a public agency and available to the general public.

Parking Space, Off-Street. An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty square feet not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley, permitting free ingress and egress without encroachment on the street or alley.

Pennant. A wind device, usually triangular in shape and attached to a single cord.

Planned Development. Development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required for other zoning districts.

Planning and Zoning Commission. The advisory body appointed by the City Council which is authorized to develop a comprehensive plan, recommend changes in the Land Development Code, review and approve subdivision plats, and otherwise perform the duties authorized by the City Charter.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Colleyville. Reference to a plat in the ordinance means an official plat of record that has been approved by the City and filed in the plat records of Tarrant County.

Plat, Amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

Plat, Final. A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Plat, Minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat.

Plat, Preliminary. A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision.

Platted Property. Property that has been divided into lots and blocks, rights-of-way dedicated and shown on a map that has been filed in the plat records of Tarrant County.

Porch. An open, covered or enclosed gallery or room on the outside of a building.

Porte-cochère. A roof-like structure usually extending over a circular driveway at the entrance of a building, which provides an entrance and an exit for automotive vehicles. A porte-cochère is generally designed as an integral part of the principal structure, is not used for the storage of automotive vehicles, and differs from a carport.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Principal Building. The building or buildings on a lot which are occupied by the primary use.

Private or Parochial School. An institution of learning having a curriculum equivalent to public schools, and which meets the same license and certification as required of public schools. A private or parochial school does not include specialty schools such as dance, music, beauty, mechanical, trade, swim or commercial schools.

Public Utility. Any corporation or authority franchised by the City of Colleyville to provide water, sewer, solid waste collection, natural gas, electricity, telecommunication or similar services on a community-wide basis.

Rr

Registered Public Surveyor. An individual registered as a professional land surveyor by the Texas Board of Professional Land Surveying.

Religious Institution. A facility or area for people to gather together for public worship, religious training, or other religious activities, including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage, manse or rectory. This definition does not include home meetings or other religious activities conducted in a privately occupied residence.

Residential Districts. A zoning district designated as RE, R40, R30, R20, RI 5, RD, RMF or any PUD-R, or any residential zoning district, the primary purpose of which is residential in nature as shown on the official zoning district map of the City of Colleyville.

Residential Setback Envelope. The portion of a residential lot which lies between the front setback and rear setback of a residential lot. Applicable only to tree preservation plans and grading/drainage plans for residential subdivisions.

Restaurant. A business serving unpackaged food and beverages to customers seated primarily inside the building and including cafes, tea rooms, bistros and cafeterias. Restaurants do not include lounges, bars, taverns or night clubs.

Right-of-Way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway Facility. Arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances. Roadway facilities do not include any roadways or associated improvements designated on the federal or Texas highway system. Roadway facility also excludes dedication of rights-of-way or easements or construction or dedication of on-site streets, sidewalks or curbs required by valid ordinances of the City and necessitated by and attributable to the new development.

Roadway Facility Expansion. Expansion of the capacity of any existing roadway improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing roadway facility to serve existing development.

Roadway Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the roadway facilities or roadway facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this Chapter.

Ss

School. A public or private facility having an academic curriculum approved by the Texas Education Agency.

Screening Element. A solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base that supports a permanent type material, the vertical surface of which is not more than thirty (30) percent open. Also, any dense evergreen hedge or plant material suitable for providing a visual barrier. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in combination with a fence, wall, hedge or other dense planting material.

Search Light. An apparatus for projecting a beam or beams of light, in excess of 2,000,000 peak candlepower or 250,000 lumen.

Servant's Quarters. An accessory dwelling not rented or otherwise used as a separate domicile in a residential district for the sole use and occupancy of a member of the immediate family or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, chauffeur, cook or gardener.

Service Area. For water and wastewater facilities, the area within the corporate boundaries of the City and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), and for roadway facilities, the area within the corporate boundaries of the City, to be served by the water, wastewater or roadway capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions; for water and wastewater facilities, the service unit is a living unit equivalent, for roadway facilities, the service unit is the (vehicle) trip.

Setback, Building. See *Building Line*.

Shrubs. Woody plants which grow vertically in a multi-branched pattern.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A sign may include, but is not limited to, flag, banner, pennant, beacon, light, logo, insignia, name, number, identification, illuminated strip or accent, and outdoor display of merchandise.

Sign Ground. A sign that is erected on a vertical framework consisting of two or more uprights supported by the ground.

Sign, A-Frame. A freestanding sign constructed of two panels in the form of an A or inverted V, with a maximum angle between the panels of forty-five degrees.

Sign, Agricultural. A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry that are raised, quartered or sold thereon.

Sign, Amenity. A sign advertising options, features, or conveniences offered by a business and installed in a temporary manner.

Sign, Apartment. A sign identifying an apartment building or complex of apartment buildings.

Sign, Awning. An awning displaying a business name or logo.

Sign, Billboard. A sign that promotes or advertises commodities or services, and the erection or maintenance of the sign is the primary use of the land upon which the sign is located. A billboard sign shall include, but is not limited to, those signs whose message space is available for lease, rent or hire, separate and apart from any commodity or service which is not limited to being offered solely on the premises on which such sign is located.

Sign, Changing (Automatic). A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, Construction. A temporary, sign identifying the property owner, architect, contractor subcontractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Development. A temporary, on-site promotional sign pertaining to the development of land or construction of buildings on the site where the sign is erected. In residential districts, the intent of the sign shall be to promote a sub-division and not any particular builder.

Sign, Directory. A sign listing the occupants within a shopping center, industrial site, retail district, office districts, and commercial sites located on the same premises.

Sign, Fence. A sign which is affixed or attached to a fence, whether permanent or temporary.

Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or any externally mounted light source.

Sign, General Business. A sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

Sign, Ground (Temporary). A sign which has a display surface comprised of non-permanent letters which allows a change of copy by adding or removing letters and is temporarily fixed to a vertical framework consisting of two or more uprights and which is designed to be readily movable from site to site.

Sign, Identification. A sign that is used to identify shopping centers, industrial sites, retail districts, commercial subdivisions and commercial sites.

Sign, Illegal Non-conforming. A sign which was in violation of any of the ordinances of the City of Colleyville governing the erection or construction of such a sign at the time of its erection, and which has never been erected or displayed in conformance with all such ordinances, including this code, and which shall

include signs which are pasted, nailed, painted or otherwise unlawfully displayed upon structures, utility poles, trees, fences or other structures.

Sign, Inflatable. A hollow sign expanded or enlarged by the use of air or gas.

Sign, Institutional. A sign used to identify schools, churches, hospitals or similar public or quasi-public institutions.

Sign, Legal Non-conforming. A sign which was lawfully erected and maintained prior to the enactment of the Sign Code and any amendments thereto, and which does not conform to all of the applicable regulations and restrictions of the Sign Code.

Sign, Marquee. A permanent structure which is attached to and supported by a building and which projects outward from the building.

Sign, Model Home. A temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractors model open to the public for inspection.

Sign, Monument. A sign mounted on a solid base or pedestal with no visible space between the sign and the base or pedestal. The sign is not mounted on visible poles, struts, wires, or other visible structures. The sign base or pedestal may be constructed of any solid material. The sign shall be a minimum of 4-1/2 inches thick, and the base or pedestal shall be a minimum of 6 inches thick.

Sign, Multi-Purpose. An identification sign combined with a directory sign and/or a reader board sign.

Sign, Nameplates. A sign which identifies only the name of an individual, firm, or corporation, which is attached to a structure and may contain the suite number or other directory information concerning the location of the individual, firm or corporation within the building.

Sign, Obsolete. A sign that previously was a legal sign, or a legal, non-conforming sign but the commodity and/or service promoted or advertised by said sign is no longer offered in accordance with the content of the sign.

Sign, Pole. A sign supported by a single, free-standing pole, and having no guys or braces.

Sign, Political. A sign which promotes a political issue or a particular candidate for public office. Also, a sign of any political party, group, or idea; or a sign announcing the candidacy of any individual for any public office.

Sign, Portable. A sign that is not attached or affixed to the ground, a building or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids and similar mobile structures.

Sign, Private Sale. A temporary sign used to announce a sale on a private homeowner's property. The following include, but are not limited to estate sales, garage sales, porch sales, rummage sales, sample sales, and yard sales.

Sign, Projecting. A sign, except an awning, which projects from a building, and has one end attached to a building or other permanent structure.

Sign, Pylon. A sign supported by two or more free-standing poles, and having no guys or braces.

Sign, Reader Board. A sign comprised of non-permanent letters that allows a change of sign copy by adding or removing letters.

Sign, Real Estate. A temporary or permanent sign pertaining to the sale or rental of property, and advertising property only for use for which it is legally zoned.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure.

Signs, Seasonal/Special Sales. A sign which is temporary and is limited to a specific activity or in the celebration of holidays or other special events.

Sign, Subdivision Directional. A sign which is both temporary and directional in nature. Such signs may be placed during the weekends only, from 12:00 noon on Friday to 12:00 noon on Monday. Such signs may be located on or off premise. Text on such signs may only contain the name of the subdivision, which must be located within the City of Colleyville, Texas.

Sign, Subdivision Wall Plaque. A permanently affixed sign attached to the entryway or perimeter wall of a subdivision to identify the subdivision by a name or logo

Sign, Temporary. A sign which includes, but is not limited to, a sign, banner, pennant, flag, searchlight, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time.

Sign, Vehicle Mounted. A sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operable condition.

Sign, Wall. A sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Sign, Window. A sign, banner, poster, or display located on the internal and/or external surface of the window of any establishment which advertises services, products or sales available within said establishment or which announces the opening of said establishment.

Site Plan. A detailed drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Site-related Facility. Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Spa or Hot Tub. A pool type facility that incorporates water jets or an aeration system for hydro massage and includes such industry terminology as whirlpool or hot tub.

Special Exception. A use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment.

Special Use Permit. A permit authorized by the City Council for the use of land or structure. All Special Use Permits are subject to the conditions and standards specified in each amending ordinance as enacted by the City Council.

Spot Zoning. A small parcel of land singled out for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a halfstory when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level.

Street. A thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.

Street Line. A dividing line between a lot, tract or parcel and a contiguous street.

Street, Private. A street that has no publicly dedicated right-of-way.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including, openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of this definition, buildings, signs, fences, flagpoles, radio towers and light poles

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision, but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. Any constructed or prefabricated pool that is twenty-four or more inches in depth and used for swimming or bathing.

System-related Facility. A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site related facility. A system-related facility may include a capital improvement that is located offsite, within or on the perimeter of the development site.

Tt - Uu

Tap Purchase. The filing with the City of a written application for a water or wastewater tap and the acceptance of applicable fees by the City. The term "tap purchase" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

Telecommunication Tower. A structure of greater than thirty-five feet in height built solely for supporting airwave transmission and/or receiving equipment.

Temporary Construction Office. A structure for shelter used in connection with a development or building project for housing or the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Travel Trailer. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by passenger motor vehicle or other prime mover and not requiring special permit for moving on the highway, as contrasted to a mobile home.

Tree. A self-supporting woody perennial plant which has attained a trunk diameter of three (3) inches or more when measured at a point four and one-half (4½) feet above the surrounding grade and normally having an overall height of at least fifteen (15) feet at maturity, usually with a single elongated main stem with few or no branches on its lower part.

Trip. The single operation of a single vehicle which has as its origin or destination a point within the service area. The operation of a vehicle that travels from an origin outside the service area to a destination outside the service area without leaving the public right of way is not counted as a trip.

Use by Right. A land use allowed by the Table of Permitted Uses in one of the various zoning districts without any special conditions or requiring additional action by the City Council.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, as described in the Table of Permitted Uses.

Vv - Xx

Vacation. To cancel or rescind, an act, which has the effect of voiding a subdivision plat as recorded in the Tarrant County Plat Records.

Variance. An adjustment in the application of a specific zoning regulation to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Veterinarian Clinic. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury in animals, specifically domestic animals, where animals remain overnight inside the clinic for recovery only, and no overnight boarding of animals is conducted.

Waiver. An action by the City that provides relief from the Land Development Code to the degree determined by the City in the action, as provided for within the Code. A waiver is not considered a variance.

Warehouse. A structure primarily used for the storage of merchandise or commodities.

Wastewater Facility. Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of onsite wastewater collection facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Wastewater Facility Expansion. Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this Chapter.

Water Facility. Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains that are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Water Facility Expansion. Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this Chapter.

Yy - Zz

Yard, Front. The area extending across the entire width of the lot between the front lot line and the front building line. The depth of front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. The area extending across the entire width of the lot and situated between the rear lot line and the rear building line. The depth of a rear yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. The area lying between the side lot line and the side yard building line, and extending from the front yard to the rear yard. The width of a side yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Street. The lot area which lies between the street right of way and the actual front wall line of the building and as imaginatively extended from the outward corners of the building, parallel to the street to the side lot lines. Steps and unenclosed porches shall be excluded, but such wall line shall include any irregular building indentations. On corner lots, the street yard shall consist of all lot area between both streets and their corresponding actual front building wall lines, as such lines are imaginatively extended in the manner described above. When there are multiple buildings on a lot, the street yard shall consist of all the area between the street right of way and any imaginary line beginning at one side of the lot, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side lot line, then following and connecting the foremost walls of all buildings fronting the street, and then extending parallel to the street side lot line. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. Isolated buildings (e.g. fast food restaurants in a shopping center, photo processing drop-offs, bank drive through, etc.) shall not be considered in delineating street yards. On land used only for off-street parking purposes, the street yard shall consist of the entire lot.

Yard. An open space on the same building lot with a building, unoccupied and unobstructed from the ground upward, except for fences or walls.

Zoning District Map. The official certified map or maps upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Land Development Code.

Zoning District. Contiguous areas containing one or more parcels of land having the same zoning classification. Also, a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Zoning. Control on the use and development of land, whether improved or not, by the City for the supposed benefit of citizens in the community and the public welfare. Control is accomplished through zoning restrictions and development standards.

Section 2.6 Amendments to This Chapter

Ord. Number	Date	Subject

Chapter 3

Land Use

Printed June 08, 00

Section 3.1 Purpose of This Chapter

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities. The zoning districts have been created with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 3.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 - Definitions* of this Land Development Code.

Section 3.5 Establishment of Districts

3.5.A OFFICIAL ZONING MAP

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this Chapter.

1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any

unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

2. The Official Zoning Map is not intended to control the procedural prerequisites applicable and the ordinances should be looked to as the authoritative source for all zoning. The Official Zoning Map shall be located and displayed in the Colleyville City Hall.

3.5.B REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

3.5.C RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City Limits shall be construed as following City Limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by paragraphs 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the original zoning ordinance, the Zoning Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot to either side of said district line.

Section 3.6 Application of District Regulations; Classification of New and Unlisted Uses; and Platting of Property Not Properly Zoned

3.6.A APPLICATION

The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
3. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specified in the "Off-Street Parking Requirements." of this Chapter.
4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the original zoning ordinance shall meet at least the minimum requirements established by this Chapter.
5. In every dwelling unit the density of occupancy shall not exceed 1.5 persons per room.
6. All territory which hereafter is annexed to the City shall automatically be considered to be in the AG - Agricultural District, unless otherwise classified by the City Council after public hearing and upon recommendation from the Planning and Zoning Commission.

3.6.B CLASSIFICATION OF NEW AND UNLISTED USES

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

1. The Administrative Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and the amount and nature thereof, (i.e., enclosed or open storage), anticipated employment, transportation requirements, the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any, and the general requirements for public utilities such as water and sanitary sewer.
2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted.
3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve the recommendation of the Planning and Zoning Commission, or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this Chapter to reflect said findings and decisions.

3.6.C PLATTING OF PROPERTY NOT PROPERLY ZONED

No plat of any residential or non-residential subdivision within the City, or that which is being annexed to the City, shall be approved unless and until the area covered by the proposed plat is or shall be zoned to

the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission. A public hearing by the Planning and Zoning Commission on a proposed annexation, zoning classification, and plat approval, or any combination thereof, may be held simultaneously.

Section 3.7 Non-conforming Uses, Lots and Buildings

3.7.A INTENT

Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots and uses of land, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before the original zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of buildings and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

3.7.B NON-CONFORMING LOTS OF RECORD

In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

3.7.C. NON-CONFORMING USES OF LAND (OR LAND WITH MINOR BUILDINGS ONLY)

Where at the time of passage of this Chapter lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000), the use may be continued so long as it

remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the original zoning ordinance;
2. No such nonconforming use shall be moved in whole or in part to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the original zoning ordinance;
3. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located;
4. No additional building not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

3.7.D NON-CONFORMING BUILDINGS

Where a lawful building exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with City building codes.
2. Should such non-conforming building or non-conforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction; it shall not be reconstructed except in conformity with the provisions of this Chapter, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
3. Should such building be moved for any reason any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

3.7.E NON-CONFORMING USES OF BUILDINGS OR OF BUILDINGS AND PREMISES IN COMBINATION

If lawful use involving individual buildings with a replacement cost of one thousand dollars (\$1,000.00) or more, or of buildings and premises in combination, exist at the effective date of adoption or amendment of this Chapter that would not be allowed in a particular district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City building codes.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, except as required by the City's building codes, any non-conforming use of a building, or building and premises, may, as a special exception, be changed to another non-conforming use provided that the Zoning Board of Adjustment, either by general

rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

4. Any building, or building and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a building, or building and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the building, or building and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

3.7.F REPAIRS AND MAINTENANCE

On any non-conforming building or portion of a building containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming building or non-conforming portion of the building as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

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

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

3.7.G CHANGING NON-CONFORMING USES

1. Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.
2. The Zoning Board of Adjustment may grant a change of use from one non-conforming use to another non-conforming use provided such change is to a use permitted in a zoning district where the original non-conforming use would be permitted or such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a non-conforming use. Upon review of the facts in accordance with the procedures for the Zoning Board of Adjustment, contained in *Chapter 1 – General Provisions* of this Land Development Code, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.
3. The Zoning Board of Adjustment may approve the remodeling or enlargement of a non-conforming use when such an enlargement would not tend to prolong the life of the non-conforming use. Upon review of the facts, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use in accordance with the procedures of the Zoning Board of Adjustment contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.8 AG – Agricultural District**3.8.A AG – AGRICULTURAL DISTRICT**

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the AG - Agricultural District.

3.8.B PURPOSE AND INTENT

The purpose of the AG - Agricultural District is to provide for compatible land, building and structure uses primarily oriented to agricultural farming and ranching, and extremely low density residential purposes. The district's locational characteristics are usually confined to the outer fringe of developed urbanized areas and/or along, unprotected flood-prone areas. The district also serves as: 1) a transitional land use element pending future, more intensive urbanization; 2) open space for the protection and enhancement of scenic areas, vistas, and recreational uses, and 3) where unusual or problematic soils, topographic conditions, or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization.

The primary intent of this district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

3.8.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Chapter.

3.8.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district as are designated in *Section 3.24.C - Schedule of Permitted Principal Uses*.

3.8.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Buildings, structures and uses accessory to permitted farming and ranching operations;
2. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
3. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
4. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six-hundred (600') square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes.

and ordinances.

5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
7. Required off-street parking and loading spaces.
8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
9. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code and other applicable City codes and ordinances.
11. Supplemental single-family dwelling for a farm employee and family when located on the same premises as the principal agricultural use, provided:
 - a. Such dwelling shall be used exclusively for the housing of a single-family employed full time on the premises in the conduct of operation or management of the principal agricultural use;
 - b. Such dwelling is under the same ownership as that of the agricultural use and is on the same land as the owner's principal place of residency;
 - c. The land area devoted to such dwelling conforms with the minimum requirements established in *Section 3.24 - Schedule of District Regulations* for single-family dwellings in an "RE" District, as if it were on a separate recorded lot; and
 - d. The total land area under common ownership comprising the agriculture use and related owner's and employee's residence is not less than twenty (20) acres.

3.8.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.8.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for "Classification of New and Unlisted Uses."

3.8.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.

3.8.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the "Off-Street Parking Requirements" and "Off-Street Loading Requirements" contained elsewhere in this Land Development Code.

3.8.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the official zoning map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.9 RE – Single Family "Estate" Residential District

3.9.A RE – SINGLE FAMILY "ESTATE" RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the RE - Single-Family Residential Estate District.

3.9.B PURPOSE AND INTENT

The purpose and intent of the RE - Single-Family Estate Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential estate purposes, select agricultural uses, open space uses, and selected community facility uses. The locational characteristic of this district is generally confined to the outer fringe of the more intensely urbanized and developed areas and/or along unprotected flood prone areas. The district further serves as a transitional element between limited residential development and intense agricultural activities and of higher density urbanized areas of the city. Low density detached single-family residential dwellings and estate development, along with the aforescribed uses, comprise the principal elements of the district.

3.9.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.9.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.9.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Buildings, structures, and uses accessory to permitted farming and ranching operations;
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use

of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.

3. Private residential garages, carports, and related storage buildings and greenhouses accessory to permitted residential uses.
4. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
7. Required off-street parking and loading spaces.
8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code
9. Parking and storage of private boat(s), camper trailer(s) or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
11. Private domestic greenhouses.
12. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

3.9.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public

hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - Schedule of Permitted Principal Uses*. The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.9.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

3.9.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.

3.9.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements," and the "Off-Street Loading Requirements."

3.9.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 - General Provisions* of this Land Development Code.

Section 3.10 R40 - Single Family Residential District

3.10.A R40 - SINGLE FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the R40 - Single Family Residential District.

3.10.B PURPOSE AND INTENT

The purpose and intent of the R40 - Single Family Residential District is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are not confined to any specific or general area; however, they are most appropriate on the outer fringe of the more intensively urbanized parts of the community, and/or along protected flood prone areas. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Low density detached single family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.

3.10.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.10.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.10.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than six (6') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side' or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code
9. Private domestic greenhouses.
10. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

3.10.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.10.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of the regulation for the "Classification of New and Unlisted Uses."

3.10.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.

3.10.I OFF- STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.10.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.11 R30 - Single Family Residential District

3.11.A R30 - SINGLE FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R30 - Single-Family Residential District.

3.11.B PURPOSE AND INTENT

The purpose and intent of the R30 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the City. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Moderately low density detached single-family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.

3.11.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.11.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.11.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than (24") inches and "above grade" swimming pools having a water depth (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4') feet nor more than (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than (5') feet to any side or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with these regulations and other applicable City codes and ordinances.
9. Private domestic greenhouses.

3.11.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such as allowed in *Section 2.24 - "Schedule of Permitted Principal Uses."* The issuance of such "special exception uses" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the

length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.11.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

3.11.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

3.11.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements" and "Off-Street Loading Requirements."

3.11.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 - General Provisions* of this Land Development Code regarding "Petition for Zoning District Change: Land Plan and Supporting Documents Required."

Section 3.12 R20 - Single Family Residential District

3.12.A R20 - SINGLE FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R20 - Single-Family Residential District.

3.12.B PURPOSE AND INTENT

The purpose and intent of the R20 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the city, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Moderately low density detached single-family residential dwellings as exist in the inner area of the city comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city.

3.12.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.12.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.12.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses.
5. Required off-street parking and loading spaces.
6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.

3.12.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.12.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

3.12.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

3.12.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.12.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.13 R15 - Single Family Residential District**3.13.A R15 - SINGLE-FAMILY RESIDENTIAL DISTRICT**

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the R15 - Single-Family Residential District.

3.13.B PURPOSE AND INTENT

The purpose and intent of the R15 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed core of the city and/or adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Medium low density detached single-family residential buildings as exist in the inner core area of the city on typically small lots, along with the aforescribed uses, comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city, but not to create new-zoned areas for such conventional small lots.

3.13.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.13.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.13.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 2.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.

3.13.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.13.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the regulations for the "Classification of New and Unlisted Uses."

3.13.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary*

District Regulations.”

3.13.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”

3.13.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.14 RD – Two-Family Residential District

3.14.A RD - TWO-FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RD - Two-Family Residential District.

3.14.B PURPOSE AND INTENT

The purpose and intent of the RD - Two-Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium-low density two-family residential purposes, open space useage, and selected community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, plus as a transitional element between low density, single family districts and higher density multiple family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Dwellings containing two-family dwelling units, plus the aforescribed uses, comprise the principal elements of the district. The intent of this district is not to allow single-family detached dwellings.

3.14.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.14.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.14.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All “at grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools,

shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.

3.14.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, can not be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 2.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.14.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

3.14.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

3.14.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.14.J LAND PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.15 RMF - Multifamily Residential District

3.15.A RMF - MULTI-FAMILY RESIDENTIAL DISTRICT

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RMF - Multifamily Residential District.

3.15.B PURPOSE AND INTENT

The purpose and intent of the RMF - Multi-family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium density multi-family residential purposes, open space uses, select community facility uses, and under special conditions, single-family uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, near employment centers, at the intersections of major and secondary thoroughfare streets, and as a transitional element between lower density and more intense nonresidential land uses. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Garden apartment buildings and condominiums, and low-density townhouses, plus the aforescribed uses, comprise the principal elements of the district.

3.15.C USE REGULATIONS

Land, buildings and structures may be used only for the purposes allowed in this Section.

3.15.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.15.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting

antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;

5. Required off-street parking and loading spaces.
6. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
7. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
8. Private domestic greenhouses.
9. Outdoor storage areas or storage buildings for boats, trailers, and other recreational equipment, automobiles, or household effects - for the exclusive use of the site occupants, provided these accessory uses are screened in general conformity with the requirements for "Fences, Free Standing Walls, and Screening Materials."
10. An office area not containing more than (2) percent of the gross floor area of the main building in a multifamily development used exclusively for administration purposes for said development only.
11. Coin-operated vending machines in a principal or accessory building for newspapers, candy, tobacco, soft drinks, ice and similar services for use by the site occupants and guests of permitted uses in this district.
12. Social and recreation buildings for use by the site occupants and guests of permitted uses in this district.
13. Group dining quarters within a principal building.

3.15.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.15.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the - "Classification of New and Unlisted Uses."

3.15.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

3.15.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.15.J SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

3.15.K OPEN SPACE REQUIRED

Unless waived by the Planning and Zoning Commission, the RMF - Multifamily Residential District shall conform to the Open Space Requirements as set forth in the provision for "Open Space Requirements," "Maximum Residential Density Permitted; and Density Increase Bonuses," and "Guarantee of Common Open Space."

3.15.L PLANNED SINGLE FAMILY USE IN RMF ZONING DISTRICTS BY SPECIAL USE PERMIT

1. Purpose and Intent - the purpose and intent of the grant of a special use permit for single family use in a R-MF Zoning District is to provide for the use in said zoning district of land, buildings and structures, for an appropriate combination of residential uses, accessory uses and special uses and to accommodate uses of land in multifamily zoning districts for single family purposes when said use is pursuant to a plan designed to encourage the most appropriate and aesthetic uses of land having due regard for the special arrangement of buildings, land uses, open spaces, circulation transportation patterns and consideration of special site and topographical features, which are controlled and the actual development becomes incorporated into the grant of the special use permit.
2. Allowable Uses - land, buildings or structures within an area zoned R-MF on which a special use has been granted may be used for any appropriate combination of principal uses, accessory uses, and special uses as permitted in residential zoning districts. However, the Planning and Zoning Commission and the City Council reserve the right to prohibit and exclude certain uses within any planned district, when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to an adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property within the adjacent districts thereto.
3. Permitted Uses - the land, buildings and structures within an RMF Zoning District upon which a special use permit has been granted may be used in any single purpose or mixed type of residential dwellings, including but not limited to the attached single family dwelling on conventional subdivision type lots, attached dwellings such as duplexes and townhouses, "cluster housing", patio homes, atrium homes, zero-lot line homes, (with a maximum of one side wall of the dwelling in common with a side property line). Additionally, accessory uses customary and incidental and secondary to any allowed foregoing use are allowed in the district.
4. Prohibited Uses - uses not expressly permitted in residential zoning districts of this Chapter are expressly prohibited in any R-MF District with special use permit unless otherwise authorized and approved by the City Planning and Zoning Commission and the City Council.
5. Minimum Lot Size Requirements; Minimum Yard Requirements; Maximum Building Heights; and Maximum Lot Coverage - the maximum height, lot width, lot depth, floor area ratio and lot area, and the minimum off-street parking and loading requirements for a special use permit in RMF Zoning District shall comply with or be more restrictive than the standard established in RMF Zoning Districts. The Planning and Zoning Commission and City Council may alter such

requirements when in their opinion the proposed development densities and land use arrangements shown on the site plan would result in the more innovative siting of buildings and facilities which would improve the usefulness of yard areas and the relationship to traffic circulation, admittance of light and air to buildings, fire protection and useable open space.

6. Off-Street Parking and Loading Requirements - off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
7. Site Plan and Supporting Documents Required - any application for a change in zoning district boundaries on the "official zoning map" to establish a special use permit in an RMF Zoning District shall be accompanied by a site plan and supporting documents therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.
8. Nature of Amending Ordinance Approving a Special Use Permit in RMF Zoning Districts - in approving any request for a special use permit in RMF Zoning Districts, the City Council shall, on the recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed on the project by the commission including those of Council, and said information, conditions and restrictions shall constitute controls and limitations upon the development and use of the property. The approval and adoption of the amending ordinance by the Council shall result in the appropriate change to the "Official Zoning Map." However, the zoning change does not constitute recording of a "final plat," nor authorize the issuance of building permits and "certificates of occupancy," until such time as a "final plat," and supporting legal and construction documents have been prepared and submitted for City Council approval on all or part of the proposed development, in conformance with the requirements and procedures of the City Subdivision Regulation Ordinance and the requested zoning change.
9. Requirements for "Final Plat," Submission Following Grant of Special Use Permit - within a maximum of six (6) consecutive months, following the approval of the special use permit in the RMF Zoning District by the City Council, the applicant shall file with the City Planning and Zoning Commission a "final plat" and necessary supporting documents of all or a part of the site in conformance with the City's Subdivision Regulations Ordinance. In its discretion and for good cause, the Planning Commission may extend for six (6) months the period of filing for the "final plat," upon written request by the applicant. Should the applicant fail to submit a "final plat" within the six-month period following the City Council approval of the Special Use Permit, or by the termination date of the filing of the extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings to amend the official zoning map by removing all or part of the Special Use Permit in the RMF Zoning District from the official zoning map. The City Council may uphold the Commission's recommendation and proceed to advertise and hold public hearings thereon, or may elect to continue the special use permit in the R-MF Zoning District.
10. Compliance with Development Schedule - an application for a planned unit development district shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become a part of the development plan and shall be adhered to by the owner, developer and his successors in interest. The development schedule shall be reviewed annually by the City Manager or his designee and he shall report to the Planning and Zoning Commission the actual development accomplished as compared with the development schedule. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the official Zoning Map by removing all or part of the special use permit in the RMF Zoning District from the official zoning map. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

Section 3.16 MH – Mobile Home Residential District**3.16.A MH - MOBILE HOME RESIDENTIAL DISTRICT**

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH - Mobile Home Residential District.

3.16.B PURPOSE AND INTENT

The purpose and intent of the MH - Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields.

3.16.C USE REGULATIONS

Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.

3.16.D PERMITTED PRINCIPAL USES

The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

3.16.E PERMITTED ACCESSORY USES

Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard, and shall not be located closer than five (5') feet to any side or rear property line.
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.

6. Home occupation uses, as defined by *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.
10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.

3.16.F SPECIAL EXCEPTION USES

In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in *Section 3.24 - "Schedule of Permitted Principal Uses."* The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.

3.16.G PROHIBITED USES

Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."

3.16.H DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

3.16.I OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.16.J SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.17 CPO - Professional Office Commercial District

3.17.A PURPOSE

This district is designed to be compatible adjacent to or near residential area and to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

3.17.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: government buildings; parks, golf courses & community buildings
2. Retail Uses: none
3. Service & Office Uses: interior decorator shop; general office
4. Commercial Service & Industrial Uses: none

3.17.C SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: (privately operated) kindergarten, primary & secondary school; cemeteries & mausoleums
2. Retail Uses: none
3. Service & Office Uses: day care / day nursery
4. Commercial Service & Industrial Uses: none

3.17.D SITE REQUIREMENTS

Minimum lot size:	200 s.f.	Minimum setbacks:	Max. Building height in stories:	2 st.
Maximum lot size:	1 acre	front:	Max. building height in feet:	35 ft.
Minimum lot width at front setback line:	100 ft.	side abutting residential:	Max. building height adj. to residential	
		side abutting non-residential:		
Minimum lot depth:	120 ft.	rear abutting residential:		
Maximum lot coverage:	40%	rear abutting non-residential:		

3.17.E SUPPLEMENTARY REQUIREMENTS

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 3.26	Commercial Bldg. Design Stds.	Site Plans:
- may be operated in daytime only	- each site must have a minimum of 25 points as per Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.18 CN - Neighborhood Commercial District**3.18.A PURPOSE**

This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

3.18.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: government buildings; parks, golf courses & community buildings
2. Retail Uses: convenience store w/o gasoline sales; general retail sales; pharmacy; retail plumbing, electrical & hardware w/o outside display; hardware w/outside display; book & stationary shop; jewelry, camera, music sales and/or repair; florist shop.
3. Service & Office Uses: barber and beauty salons; interior decorator shop; medical office w/o clinic; general office
4. Commercial Service & Industrial Uses: none

3.18.C SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: (privately operated) kindergarten,

- primary & secondary school; cemeteries & mausoleums
- 2. Retail Uses: none
- 3. Service & Office Uses: self service laundromat; dry cleaners (station only), day care / day nursery
- 4. Commercial Service & Industrial Uses: outdoor amusement

3.18.D SITE REQUIREMENTS

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size: 10,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: 1 acre	front: 40 ft.	
Minimum lot width at front setback line: 100 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage: 40%	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential district: see Sec. 24	

3.18.E SUPPLEMENTARY REQUIREMENTS

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 24	Commercial Bldg. Design Stds.	Site Plans:
- may be operated in daytime only	- each site must have a minimum of 25 points per Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.19 CC1 - Village Retail District

3.19.A PURPOSE

This district is oriented to general commercial retail goods and services as well as some office, entertainment and community facility uses. While the district is designed to encourage "clustering" stores, the site requirements allow for a smaller scale than a shopping center type development. It is likely that Village Retail centers will be built without a major anchor store and be located near but not at major street intersections.

3.19.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: government buildings; parks, golf courses & community buildings
2. Retail Uses: convenience store w/o gasoline sales; supermarket/grocery; bakery; meat & fish market; café, cafeteria or restaurant; general retail sales; pharmacy; drug store; retail plumbing, electrical & hardware w/o outside display; hardware w/outside display; book & stationary shop; jewelry, camera, music sales and/or repair; florist shop; furniture store; pet shop.
3. Service & Office Uses: barber and beauty salons; dry cleaners (station only); apparel alterations; health studios (excluding non-therapeutic massage parlors); music & dance studios; interior decorator shop; medical & veterinary clinics (out patient services only); medical office w/o clinic; general office; banks, financial institutions.
4. Commercial Service & Industrial Uses: none

3.19.C SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: (privately operated) kindergarten, primary & secondary school; junior & senior colleges & universities; vocational, technical & trade schools; business & professional school; cemeteries & mausoleums; bus or train passenger terminal; auto parking lots & garages.
2. Retail Uses: convenience store with gasoline sales; second hand goods shop.
3. Service & Office Uses: self service laundromat; funeral home / mortuary; day care / day nursery
4. Commercial Service & Industrial Uses: indoor amusement; outdoor amusement

3.19.D SITE REQUIREMENTS

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size: 15,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: 5 acres	front: 40 ft.	
Minimum lot width at front setback line: 150 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage: 50%	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

3.19.E SUPPLEMENTARY REQUIREMENTS

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 24	Commercial Bldg. Design Stds.	Site Plans:
- may be operated 24 hours/day	- each site must have a minimum of 30 points as defined by Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.20 CC2 - Shopping Center District**3.20.A PURPOSE**

This district is oriented to general commercial goods and services as well as office, entertainment and community facility uses. By nature, shopping center tracts are large-scale usually accommodating a large anchor store and several smaller stores. These tracts are generally located at major street intersections.

3.20.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: hotel & motel; government buildings; parks, golf courses & community buildings
2. Retail Uses: convenience store w/o gasoline sales; supermarket; bakery; meat & fish market; café, cafeteria or restaurant; restaurant with drive-in or drive-thru service; general retail sales; pharmacy; drug store; retail plumbing, electrical & hardware w/o outside display; hardware with outside display; book & stationary shop; jewelry, camera, music sales and/or repair; florist shop; furniture store; pet shop; building materials without outside storage.
3. Service & Office Uses: barber and beauty salons; dry cleaners (station only); apparel alteration;

health studios (excluding non-therapeutic massage parlors); music and dance studios; veterinarian office w/kennels; interior decorator shop; food catering; medical & veterinary clinics (out patient services only); medical office w/o clinic; general office; banks, financial institutions.

4. Commercial Service & Industrial Uses: motion picture theaters

3.20.C SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: (privately operated) kindergarten, primary & secondary school; junior & senior colleges & universities; vocational, technical & trade schools; business & professional school; cemeteries & mausoleums; bus or train passenger terminal; auto parking lots & garages; airport, heliport or helistop.
2. Retail Uses: convenience store with gasoline sales; second hand goods shop; vehicle sales w/outside display; auto sales.
3. Service & Office Uses: self service laundromat; funeral home / mortuary; day care / day nursery.
4. Commercial Service & Industrial Uses: indoor amusement; outdoor amusement; automotive repair & service w/o outside storage.

3.20.D SITE REQUIREMENTS

General Requirements:	<u>PRIMARY USE & STRUCTURE</u>	<u>Accessory Use & Structure</u>
Minimum lot size: 20,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size: none	front: 40 ft.*	
Minimum lot width at front setback line: 150 ft.	*see Sec. 23 (D) for special "urban Village" front yard setback.	
Minimum lot depth: 120 ft.	side abutting residential: 25 ft.	
Maximum lot coverage: 60%	side abutting non-residential: 15 ft.	
	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height in PUD: 4 st.	
	Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

3.20.E SUPPLEMENTARY REQUIREMENTS

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 3.24	Commercial Bldg. Design Stds.	Site Plans:
- may be operated 24 hours/day	- each site must have a minimum of 25 points as defined by Chapter 5	- plans must be submitted in accordance with Sec. 3.31

Section 3.21 CC3 - Highway Commercial District

3.21.A PURPOSE

This district would permit uses that do not fit within the retail or manufacturing categories. Service and retail uses associated with outdoor storage, noise, especially auto repair and service and others would be permitted. The minimum lot size is less than the Shopping Center District to allow for more flexibility of uses. It is anticipated that most of these districts would not be located near residential districts.

3.21.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: hotel & motel; business & professional school; government buildings; parks, golf courses & community buildings; bus or train passenger terminal; auto parking lots & garages.

2. Retail Uses: convenience store w/gasoline sales; restaurant with drive-in or drive-thru service; retail plumbing, electrical & hardware w/o outside display; hardware with outside display; commercial greenhouse; furniture store; feed and seed w/outside storage; motorcycle & jet ski sales & repair; vehicle sales w/outside display; auto sales; gasoline service station; building materials without outside storage.
3. Service & Office Uses: apparel alterations; veterinarian office w/kennels; food catering; hospital; contractor office w/yard; exterminator shop w/storage; pawn shop.
4. Commercial Service & Industrial Uses: motion picture theater; automotive repair & service w/o outside storage; laundry / dry cleaning plant; appliance repair shop; plumbing, heat, air conditioning & electrical trades shop; welding shops; upholstery, furniture repair; self service storage; printing & bookbinding; research & development labs.

3.21.D SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: (privately operated) kindergarten, primary & secondary school; junior & senior colleges & universities; vocational, technical & trade schools; telecommunication towers; cemeteries & mausoleums; airport, heliport or helistop
2. Retail Uses: second hand goods shop; building materials w/outside storage.
3. Service & Office Uses: self service laundromat; funeral home / mortuary, day care / day nursery.
3. Commercial Service & Industrial Uses: outdoor amusement; archery & firearm ranges.

3.21.E SITE REQUIREMENTS

General Requirements:		PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size:	10,000 s.f.	Minimum setbacks:	Permitted as per Sec. 3.24 & 3.28
Maximum lot size:	none	front:	40 ft.
Minimum lot width at front setback line:	150 ft.	side abutting residential:	25 ft.
Minimum lot depth	120 ft.	side abutting non-residential:	15 ft.
Maximum lot coverage	70%	rear abutting residential:	25 ft.
		rear abutting non-residential	10 ft.
		Max. Building height in stories:	2 st.
		Max. building height in feet:	35 ft.
		Max. building height adj. to residential district: see Sec. 3.24 (A&B)	

3.21.F SUPPLEMENTARY REQUIREMENTS

General: - outdoor storage is permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: - each site must have a minimum of 20 points as defined by Chapter 5	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.22 ML - Light Manufacturing District

3.22.A PURPOSE

This district would permit uses that involve the fabrication of products or have outdoor storage, noise, odors or other objectionable aspects that would not be compatible in retail or service areas. This district is limited to those uses that are not retail in nature or in some cases those that need outdoor space.

3.22.B PERMITTED USES

1. Residential / Ag / Educational / Community Facility Uses: vocational, technical & trade schools; business & professional school; government buildings; parks, golf courses & community

- buildings; public maintenance & storage buildings; bus or train passenger terminal; railroad or motor freight terminals; auto parking lots & garages; transportation vehicle storage yards or garages.
2. Retail Uses: convenience store w/gasoline sales; vehicle sales w/outside display; automobile sales; gasoline service station; building materials with outside storage.
 3. Service & Office Uses: veterinarian office w/kennels; contractor office w/yard; exterminator shop w/storage.
 4. Commercial Service & Industrial Uses: automotive repair & service with and without outside storage; laundry-dry cleaning plant; appliance repair shops; plumbing, heat, air conditioning & electrical trades shop; welding shops; upholstery, furniture repair; self service storage; warehouse & distribution; printing & bookbinding; food packaging & manufacturing; research & development labs; all other manufacturing.

3.22.C SPECIAL USES

1. Residential / Ag / Educational / Community Facility Uses: mobile home dwellings; servants or caretakers quarters; (privately operated) kindergarten, primary & secondary school; telecommunication towers; solid waste disposal sites; cemeteries & mausoleums; airport, heliport or helistop
2. Retail Uses: none
3. Service & Office Uses: none
4. Commercial Service & Industrial Uses: outdoor amusement; archery & firearm ranges

3.22.D SITE REQUIREMENTS

General Requirements:		PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size:	10,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.28
Maximum lot size:	none	front:	
Minimum lot width at front		side abutting residential:	
Setback line:	100 ft.	side abutting non-residential:	
Minimum lot depth	120 ft.	rear abutting residential:	
Maximum lot coverage	60%	rear abutting non-residential	
		Max. Building height in stories:	
		Max. building height in feet:	
		Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

3.22.F SUPPLEMENTARY REQUIREMENTS: (SEE SECTIONS 24, 25 AND 27)

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses	Commercial Bldg. Design Stds:	Site Plans:
Must be screened as per Sec. 3.24	- each site must have a minimum of	- plans must be submitted in
- may be operated 24 hours/day.	30 points as defined by Chapter 5	accordance with Sec. 3.31

Section 3.23 PUD - R; C; I (Planned Unit Development Districts)

3.23.A PUD-R; PUD-C; AND PUD-I PLANNED UNIT DEVELOPMENT DISTRICTS (R-RESIDENTIAL; C-COMMERCIAL; AND I-INDUSTRIAL)

The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this

Section, are the regulations of the PUD-R; C; or I; Planned Unit Development Districts.

3.23.B PURPOSE AND INTENT

The purpose and intent of this district is to accommodate planned associations of land uses developed as integral land use units such as: industrial parks; office parks; commercial or service centers; shopping centers; residential development of multiple or mixed housing types (i.e., conventional single family detached dwellings, duplexes, multifamily apartments, attached townhouses, condominium multifamily dwellings, cluster homes, "0 - lot line" homes, and patio and atrium homes); and other appropriate and compatible combinations of land uses which may be planned, developed and operated as integral land use units, either by a single owner or combination of owners.

This district is designed to encourage the most appropriate uses of land, permit flexibility to encourage a more creative, efficient, environmentally pleasing and aesthetic design regarding the spatial arrangement of buildings and land uses, open spaces, circulation and transportation patterns, and considerations of special site and topographic features.

Development controls aimed at assuring the character, compatibility of mixed land uses, and harmonious and timely development of the project are maintained through the establishment of standards specified for various land uses, yards, site coverage by buildings, etc., which are determined by actual design and incorporated into the amending ordinance of the zoning regulations. Likewise, site plans, development schedules, draft restrictive deed covenants and draft property owner association covenants when applicable, are required to be submitted.

The Official Zoning Map of the City only identifies those Planned Unit Developments (PUD's) that have been previously approved by the City Council. The map does not forecast the location or type of planned unit developments but assumes that every parcel of land within the community has the potential of being appropriately planned under the regulations set forth herein; therefore, relies on the owner to initiate a petition for zoning change.

3.23.C USE REGULATIONS

Land, buildings or structures within any "Planned Unit Development District" may be used for any appropriate combination of principal uses, accessory uses, community facility uses, and special uses permitted in any agricultural, residential, commercial or industrial district within the City; however, the City Planning and Zoning Commission and City Council reserve the right to prohibit and exclude certain uses within any planned district when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property both within or adjacent thereto. For the purposes of these regulations planned unit development districts shall be confined to one of the following designated classifications, and shall be designated on the Official Zoning Map in the following manner using the letter abbreviations of such districts:

- "PUD-R" - (Planned Unit Development - Residential);
- "PUD-C" - (Planned Unit Development - Commercial);
- "PUD-I" - (Planned Unit Development - Industrial).

3.23.D PERMITTED USES

1. "PUD-R" Planned Unit Development: Residential (where the majority of land use is designated for residential purposes)
 - a. Any single purpose or mixed type of residential dwellings, including, but not limited to: detached single family dwellings on conventional subdivision type lots; attached dwellings such as duplexes and townhouses; "cluster housing," patio homes, atrium homes, "0 - lot line" homes (with a maximum of one side wall of the dwelling in common with a side property line), multifamily apartments, flats and condominiums of similar housing types.

- b. Community Facility Uses, as approved by the City (and when intended to serve the residential development).
 - c. Agricultural Uses, as approved by the City.
 - d. Commercial Uses, when a part of a residential development and as allowed in conformance with the permitted uses and regulations of the "CN - Neighborhood Commercial District;" and limited in total area to not more than (10) acres. Where the number of dwelling units proposed in the "PUD-R" district indicates a need for a greater amount of commercial land acreage than herein allowed, and the applicant desires greater flexibility or more permissive commercial uses than those contained in the "CN" district regulations, the applicant shall substantiate and document the need for such additional acreage and/or uses via a market analysis or other similar method before such additional land acreage or uses are allowed and approved by the City.
 - e. Special Exception Uses, as designated for the various residential and commercial zoning districts in the "ML - Light Manufacturing and Industrial District", may be allowed by the Commission and Council by right, within a "PUD-R" district, without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.
 - f. Accessory Uses, customarily incidental and secondary to any allowed principal uses allowed in the respective residential districts or commercial district, with respect to the type of residential or nonresidential uses proposed in the "PUD-R" district.
2. "PUD-C" Planned Unit Development - Commercial (where the majority of land use is designated for commercial purposes)
- a. Shopping centers, commercial or service centers, office parks, major recreational and entertainment facilities, and other similar business and commercial centers or facilities when such uses are in conformance with the various commercial zoning district regulations of this Chapter. Residential uses similar to those set forth in the "RMF - Multifamily Residential District."
 - b. Community Facility Uses, as approved and allowed by the City.
 - c. Special Exception Uses, as designated for the various commercial zoning districts in the "ML - Light Manufacturing and Industrial District" may be allowed by right by the Commission and Council within a "PUD-C" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.
 - d. Accessory Uses, customarily incidental and secondary to any allowed principal uses with respect to the type of uses proposed in the "PUD-C" district.
3. "PUD-I" Planned Unit Development - Industrial (where the majority of land use is designated for industrial purposes)
- a. Single or multi-purpose industrial parks of innovative land utilization allowing for an appreciable amount of land reserved for open space, generous building setbacks with landscaped front lawns, and joint usage (where feasible) of parking and storage areas. The principal uses which may be permitted therein shall be as allowed and in conformance with the regulations established for the various commercial and industrial zoning districts elsewhere described in this Chapter.
 - b. Residential Uses, similar to those set forth in the "RMF - Multifamily Residential District."
 - c. Community Facility Uses, as allowed and when a part of an industrial or industrial-

commercial development, as approved by the City; except that public and semi-public schools, churches, temples, synagogues and other places of worship are discouraged in this district unless their locations are approved by the City Planning Commission and City Council due to an overriding need for such use in an industrial area.

- d. Special Exception Uses, as designated for the various industrial zoning districts in the "ML - Light Manufacturing and Industrial District," may be allowed by right by the Commission and Council within a "PUD-I" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.
- e. Accessory Uses, customarily incidental and secondary to any allowed principal use, with respect to the type of uses proposed in the "PUD-I" district.

3.23.E PROHIBITED USES

Uses not expressly permitted in the various zoning district regulations of this Chapter are expressly prohibited in any "PUD" district unless otherwise authorized and approved by the Planning and Zoning Commission and City Council in conformance with the approving ordinance.

3.23.F OPEN SPACE REQUIREMENTS

In Residential Planned Unit Development districts containing residential uses, common open space (whether dedicated to public use or owned and maintained in common by all or part of the occupants of the PUD development through a property owner association) land shall be reserved primarily for the leisure and recreational use of the project's occupants, and readily accessible thereto. The quantity of common open space required shall comprise not less than twenty (20%) percent of the project area. Said open space may be varied downward by the City Planning and Zoning Commission and City Council when a lesser amount of such open space would be more appropriate to the density of development or size of families or households proposed in the project, plus the availability and nature of adjacent public open space. For the purpose of this Chapter, common open space is defined as follows:

1. Common Open Space includes:
Land area of the development accessible to and permanently reserved for the common use and enjoyment of the occupants of the project for leisure and recreational purposes, for which said area is not covered by buildings, structures or parking except that recreational facilities and structures and their accessory uses and related parking may be located within said common open space as long as their total impervious surfaces (paving, roofs, etc.) do not constitute more than five (5) percent of the total common open space.
2. Common Open Space does not include:
 - a. Land areas reserved for the exclusive use and benefit of an individual owner or tenant.
 - b. Public or private streets, alleys, driveways, parking or loading areas, except as otherwise allowed in paragraph 1. above.
 - c. Church or school sites.
 - d. Other buildings, structures or facilities than those allowed in paragraph 1. above.
 - e. Utility easements, and drainage easements less than one hundred (100') feet in width.

3.23.G MAXIMUM RESIDENTIAL DENSITY PERMITTED; AND DENSITY INCREASE BONUSES

1. The maximum residential density permitted in any "PUD-R, C and I" district, where residential uses are proposed, shall not exceed the maximum residential density limits as permitted by the existing zoning classification in which the PUD district is proposed; except as follows:

Upon the receipt of a zoning petition requesting a higher density within a Planned Unit Development the Planning and Zoning Commission shall study and make a recommendation to the City Council setting forth a density for the project identified as 'gross residential density.' The City Council shall take this recommendation under advisement at its hearing to consider the

petition.

For the purpose of this regulation, "gross residential density" shall mean the sum total of all residential land use area(s) of the project, including one-half (1/2) of any abutting streets located within the boundary of the project.

2. **Density Increase Bonuses.** In an effort to increase the quality of a residential planned unit development through the adequate provision of open space, community facilities, recreation areas and other similar amenities and improvements, the Planning and Zoning Commission and City Council may approve residential density increases for the amenities listed below and in the amounts prescribed therefor.
 - a. Open space reservation shall be considered for residential density increases according to the following provisions:
 - i. Each additional one (1) percent (1 acre minimum) of common open space (greater than the requirement set forth in the "Open Space Requirements") up to a maximum of five (5) percent of the total project areas, if improved, permits a maximum increase of gross residential density of six (6) percent of the total number of units allowed on the remaining balance of the land (after the extra open space is deducted to be used for residential purposes). If said additional common open space is unimproved, as defined above, the increase in gross residential density is reduced to one-half (1/2) of six (6) or three (3) percent.
 - ii. Land within a designated 100-year flood plain area, conveyed by easement or dedicated to the City as permanent open space may receive additional density bonuses in the following amounts:
 - a) Add four (4) percent to the percentages listed in paragraph (i) above for improved open space; and three (3) percent for unimproved open space where such land is dedicated to the City.
 - b) Add two (2) percent to the percentages listed in paragraph (i) above for improved open space; and one (1) percent for unimproved open space where such land is conveyed by easement to the City.
 - b. Dedication of public school or park sites may be considered cause for density increase when such sites are of sufficient size and properly located so as to provide a direct benefit to the community. Up to twenty (20) percent increase in density or floor area ratio, within the proposed development may be granted by the Planning and Zoning Commission and City Council where such site dedications conform in general location and size to the City's latest approved Comprehensive City Plan and School District's general requirements. All dedications, whether for school or park purposes, shall be made in favor of the City.
 - c. In no case shall bonus increases exceed fifty (50) percent of the total of all additional bonus percentages added together for any purposes. All increases shall be taken on the same initial "gross residential density."

3.23.H GUARANTEE OF COMMON OPEN SPACE

Common open space provided in any "PUD" district shall be guaranteed by a restrictive covenant describing the open space and its uses, maintenance and improvement running with the land for the benefit of the occupants, or public, of the PUD development. The applicant for a PUD may file with said PUD zoning application a draft copy of the proposed covenants which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common spaces for the designated purposes, for general review and approval by the Planning and Zoning Commission. At the time a "final plat" of the development is filed with the City for approval, the final legal documents regarding the approved covenants relative to the open space, shall be submitted to the City for approval. In order to guarantee the preservation and maintenance of the common open space, one of the following methods

shall be required by the City for City Council approval:

1. It may be conveyed to the City or other public agency which will agree to maintain the common open space and any permitted buildings, structures or other improvements placed thereon.
2. If the common open space is not conveyed to the City or other public agency, the covenants governing the use, improvements, and maintenance of the common open space may authorize the City or other public agency to enforce their provisions.
3. If deeded to a property owners association or trustees thereof, the declaration of covenants and restrictions which is to govern the association shall include, but not be limited to, the following:
 - a. Membership must be mandatory for each building or property buyer and any successive buyer, affected by the common open space.
 - b. The common open space restrictions must be permanent, and not just for a period of years.
 - c. The association shall be totally responsible for liability, insurance, local taxes (if assessed), and the maintenance of the common open space and any improvements thereon.
 - d. Affected property owners shall pay their pro rata share of all costs associated therewith; any assessment levied by the association can become a lien on the property.
 - e. The association must be able to adjust the assessment rate to meet changing needs.

3.23.I SCREENING AND LANDSCAPE REQUIREMENTS

Requirements and standards for screening of certain residential and non-residential uses in any "PUD" district shall be required and in conformance with the provisions for "Fences, Free Standing Walls, and Screening Materials" of this Chapter. Areas within any "PUD" district not used for buildings, roadways, drives, parking areas and other similar features shall be landscaped with grass, shrubs, trees and other appropriate vegetative cover, and such shall be maintained in an aesthetic healthy growing condition.

3.23.J ACCESS AND CIRCULATION

1. Vehicular Access - Principal vehicular access points shall be designed to permit smooth traffic flow with minimum hazards to vehicular or pedestrian traffic.
2. Emergency Access - Lots or tracts in any "PUD" district which do not abut a public street or alley shall be provided with an "emergency access easement" dedicated to the City, of not less than twenty (20) feet in width. Such easement shall be paved with an all weather driving surface, and with such turning radii and turnarounds at the terminal ends so as to permit the free unobstructed movement of emergency or City equipment to gain access and egress to the lot or tract. No obstructions or parking shall be permitted within or allowed to interfere with the full use of such emergency access easement, and said easement shall be permanently marked or signed to identify its intended use. The words "Fire Lane" may be used to designate such easement.

3.23.K MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; AND MAXIMUM LOT COVERAGE

The maximum height, lot width, lot depth, floor-area ratio and lot area, and the minimum off-street parking and loading requirements for uses proposed shall be established for each Planned Development District, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

<u>GENERAL USE CATEGORY</u>	Maximum Height, Lot Width, Lot Depth, Floor-Area Ratio or Lot Area and Minimum Off-Street Parking and Loading Standards Shall Be Established by the Following Districts
Residential	R-MF
Office	C-PO
Commercial Services	C-C

Industrial or Manufacturing

M-L

The Planning & Zoning Commission and City Council may alter such requirements when in their opinion the proposed development density and land use arrangements shown on the site plan would result in a more innovative siting of buildings and facilities which would improve the usefulness of yard areas and their relationship to traffic circulation, admittance of light and air to buildings, fire protection and usable open space.

The average lot size in PUD-R is 16,000 square feet, with a minimum lot size of 13,000 square feet. Furthermore, the lot frontage may be adjusted to be consistent with adjacent properties on the same street but shall not be less than 100 feet.

3.23.M OFF-STREET PARKING AND LOADING REQUIREMENTS

Off -street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

3.23.N SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED

Any application for a change in zoning district boundaries on the "Official Zoning Map" to establish any PUD-R,C, or I district shall be accompanied by a site plan and supporting documents therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

3.23.O NATURE OF AMENDING ORDINANCE APPROVING ANY "PUD" DISTRICT ZONING CHANGE

In approving any request for a zoning change for a "PUD" district the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map." However, the zoning change does not constitute recording of a "Final Plat" nor authorize the issuance of building permits and "certificates of occupancy," until such time as a "Final Plat" and supporting legal and construction documents have been prepared and submitted for City Council approval on all or part of the proposed development, in conformance with the platting requirements and procedures of this Land Development Code.

3.23.P REQUIREMENTS FOR "FINAL PLAT" SUBMISSION FOLLOWING ZONING CHANGE

Within a maximum of six (6) consecutive months, following approval of the "PUD" district zoning change by the City Council, the applicant shall file with the City Planning and Zoning Commission a "Final Plat" and necessary supporting documents of all or a part of the PUD district site, in conformance with the *Chapter 8 – Plat Review Procedures* of this Land Development Code. At its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) months the period of filing for the "Final Plat" upon written request by the applicant. Should the applicant fail to submit a "Final Plat" within the six (6) month period following City Council approval of the zoning change, or by the termination date of the filing extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings under *Chapter 1 – General Provisions* of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Official Zoning Map by removing all or part of the Planned Unit Development (PUD) from the Official Zoning Map and placing the area involved in another appropriate zoning district. The City Council may uphold the Commission's recommendation and proceed to advertise and hold a public hearing thereon, or may elect to continue the PUD district zoning classification in effect.

3.23.Q COMPLIANCE WITH DEVELOPMENT SCHEDULE

An application for a Planned Unit Development District shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council,

shall become part of the development plan and shall be adhered to by the owner, developer and his successors in interest.

The development schedule shall be reviewed annually by the Building Inspector, and he shall report to the Planning and Zoning Commission the actual development accomplished in the various Planned Development Districts as compared with the development schedule. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings under *Chapter 1 – General Provisions* of this Land Development Code regarding “Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits,” to amend the Official Zoning Map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

3.23.R EFFECT OF THIS SECTION AND RELATED SUBSECTIONS ON PREVIOUSLY APPROVED “PUD” ZONING CHANGES

Previously approved “PUD” amending ordinances to the City’s preceding zoning ordinance, including accompanying site plans and supporting documents thereof, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter.

Section 3.24 Schedule of Permitted Uses

The following charts indicate, by symbol, the principal use permitted within each zoning district and the qualification, if any, for each use within each zoning district and the qualification, if any, for each use.

3.24.A SCHEDULE LEGEND

Symbol	District Classification
Ag	Agricultural
RE	Residential Estate
R40	Single Family Residential @ 40,000 s. f. minimum lot size
R30	Single Family Residential @ 30,000 s. f. minimum lot size
R20	Single Family Residential @ 20,000 s. f. minimum lot size
R15	Single Family Residential @ 15,000 s. f. minimum lot size
RD	Two Family Residential
RMF	Multifamily Residential

Symbol	District Classification
MH	Mobile Home Residential
CPO	Commercial - Professional Office
CN	Neighborhood Commercial
CC1	Village Retail
CC2	Shopping Center
CC3	Highway Commercial
ML	Light Manufacturing

3.24.B SYMBOLS USED IN TABLE OF PERMITTED USES

1. The following symbols are used in the Table of Permitted Uses:

- - Use permitted by right

- S - Use permitted with Special Use Permit (SUP)

2. The following special land use regulations are applicable to certain uses referenced in the Table of Permitted Uses:

- (a) Single family uses may be employed in R-MF Zoning Districts based upon a special use permit, conditioned upon the submission and approval of a development plan by the city pursuant to the provisions of this Chapter.
- (b) Allowed only when part of an approved planned unit development (PUD) or multifamily project, and when intended to serve the site occupants and guests thereof.
- (c) Excluding non-therapeutic massage parlors.
- (d) Excluding outside runs and pens (only pertains to CC2 District).
- (e) Outpatient services only.
- (f) An SUP required in every zoning district except CN & CC, for sales activity over 9 mo. per year.
- (g) That a certificate of occupancy (c.o.) be obtained prior to occupancy of the premises as a bed & breakfast. The C.O. shall be obtained after an inspection has determined that the structure is in compliance with all applicable current codes and ordinances of the City of Colleyville. Which shall include, but not necessarily be limited to:

1. The structure is structurally sound.
2. There are no clear and present dangers as to fire and fire safety.
3. The plumbing is in compliance with the currently adopted code requirements for the zoning district in which it is located.
4. The electrical system is in compliance with the currently adopted Electrical Code for the zoning district in which it is located.
5. Smoke detectors shall be placed in each individual bedroom which is offered for public use and smoke detectors shall also be placed in any hallway adjacent thereto.
6. Signs, not exceeding one and one-half (1-1/2) square feet, shall indicate only the address and the establishment name.
7. Off-street parking shall be located behind the front building line of the structure and shall be screened from public view, and shall be provided in the following manner: one space per bedroom offered for temporary rental in addition to that required for the zoning district in which it is located.
8. The total rental bedroom area of the structure shall not exceed twenty-five (25) percent of the total floor area of the dwelling.

Also, in order to continue operation:

- a. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this Section.
 - b. Food service shall comply with all provisions of the City Code.
 - c. The structure shall comply with all current City Codes, including, but not limited to Building Codes, Plumbing Codes, Electrical Codes, Fire and Safety Codes, and others as may from time to time be adopted.
 - d. The length of stay for any guest is limited to fifteen (15) consecutive days.
- (h) 1. construction shall be of monopole design only; and
 2. the distance between the base of the tower and any Agricultural (Ag) or residential district shall be not less than two (2) times the height of the tower; and
 3. the site plan shall meet all other commercial development requirements of the City such as site plan review, landscaping, setbacks; and
 4. a minimum of one paved parking space shall be provided at the site of the structure.

(i) Home Occupation Uses:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street on a driveway or other hard surface all weather area;
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of any adjacent or nearby site occupant. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. Home occupation uses and activities shall be limited to the following: seamstress; accounting; bookkeeping and tax services; notary public; insurance and real estate; cosmetics and household sundries; private educational, music and dance tutoring; arts, crafts and home hobby shops; garage, yard and patio sales of short temporary duration; mail order brokerage; and other similar activities --- but excluding medical and law offices, beauty shops, pet grooming services, kennels and other such activities.

Section 24.C - Table of Permitted Uses																
Land Use Classification	Zoning District															
	Ag	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	
Residential 24.C.1																
Single family home (a)	●	●	●	●	●	●		S								
Two family dwelling							●									
Townhouse / cluster / multifamily dwellings								●								
Mobile home dwelling									S							S
Hotel / motel													●	●		
Convalescent / retirement home								S								
Private social recreation club (b)	●	●	●	●	●	●	●	●	●							
Servants or caretakers quarters	●	●	S	S	S											S
Bed & breakfast lodging (g)	S	S	S	S	S	S	S	S								
Agricultural 24.C.2																
Farming & livestock breeding & raising	●	●														
Non-commercial swine farming	S															
Commercial equestrian boarding stable & school	●															
Private horse stables for domestic use	●	●	●	S	S											
Roadside fruit, veg. & prod. stands (year rnd)	S	S	S	S	S	S	S	S	S							
Educational (privately operated) 24.C.3																
Kindergarten, primary & secondary school										S	S	S	S	S	S	S
Junior and senior colleges and universities												S	S	S		
Vocational, technical and trade schools												S	S	S	●	
Business & professional school												S	S	●	●	
Community Facilities 24.C.4																
Government buildings & Parks	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Golf courses, & community buildings									●	●	●	●	●	●	●	●
Public maintenance & storage buildings																●
Telecommunication tower (h)														S	S	
Solid waste disposal sites																S
Cemeteries & mausoleums									S	S	S	S	S	S	S	S
Bus or train passenger terminals												S	S	●	●	
Railroad or motor freight terminals																●
Automobile parking lots & garages												S	S	●	●	
Transportation vehicle storage yards or garages																●
Airport, heliport, or helistop													S	S	S	

Section 24.C - Table of Permitted Uses (cont't)

Land Use Classification	Zoning District														
	Ag	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML
Retail 24.C.5															
Convenience store w/o gasoline sales											●	●	●		
Convenience store w/gasoline sales												S	S	S	S
Supermarket / grocery												●	●		
Bakery												●	●		
Meat & fish market												●	●		
Cafe, cafeteria & restaurant												●	●		
Restaurant with drive-in or drive-thru service													●	●	
General retail sales											●	●	●		
Pharmacy											●	●	●		
Drug store												●	●		
Retail plumbing, electrical & hardware w/o outside display											●	●	●	●	
Hardware w/outside display												●	●	●	
Book & stationary shop											●	●	●		
Jewelry, camera, music - sales and/or repair											●	●	●		
Florist shop											●	●	●		
Commercial greenhouse														●	
Furniture store												●	●	●	
Pet shop												●	●		
Second hand goods shop												S	S	S	
Feed & seed w/outside stor.														●	
Motorcycle & jet ski sales & repair														●	
Vehicle sales w/outside disp.													S	S	S
Automobile sales													S	S	S
Gasoline service station														S	S
Building materials w/o outside storage													●	●	
Bldg. matl. w/outside stor.														S	●
Services / Offices 24.C.6															
Barber, beauty salons											●	●	●		
Self service laundromat											S	S	S	S	
Dry cleaners (station only)											S	●	●		
Apparel alterations												●	●	●	
Health studios (c)												●	●		
Music & dance studios												●	●		
Funeral home / mortuary												S	S	S	

Section 24.C - Table of Permitted Uses (cont'd)

Land Use Classification	Zoning District														
	Ag	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML
Veterinarian office w/kennels (d)													●	●	●
Interior decorator shop										●	●	●	●		
Food catering													●	●	
Medical & veterinary clinics (e)												●	●		
Medical office w/o clinic											●	●	●		
Hospital														●	
General office										●	●	●	●		
Banks, financial institutions												●	●	●	●
Contractor office w/ yard														S	S
Exterminator shop w/storage														S	S
Day care / day nursery									S	S	S	S	S	S	
Pawn shop															●
Commercial / Service 24.C.7															
Motion picture theater													●	●	
Indoor amusement												S	S		
Outdoor amusement	S										S	S	S	S	S
Archery & firearm ranges (f)														S	S
Automotive repair & service w/o outside storage													S	S	S
Automotive repair & service w/outside storage															S
Laundry / dry cleaning plant														S	S
Appliance repair shops														●	●
Plumbing, heat, air cond. & electrical trades shops														●	●
Upholstery, furniture repair														●	●
Self service storage														S	S
Industrial 24.C.8															
Warehouse and distribution / office showroom															S
Printing and bookbinding														●	●
Food packaging and manufacturing															S
Research and development labs														●	●
all other manufacturing															S

Table Legend

Permitted Use



Special Use Permit Required

() Uses with () - see Section 3.24.B

3.24.D TEMPORARY USES

1. Construction Office - In all zoning districts, temporary field or construction offices and temporary building material storage areas used solely for premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted when approved by the Building Official. An application must be submitted for a "temporary construction office use" on forms supplied by the Building Official's office and shall include a scale drawing showing the location and size of the building, all outside storage areas and proposed construction fencing.
2. Real Estate Sales Office - In all zoning districts, temporary field real estate offices used solely for the promotion and sale of property on which it is erected or within the same platted subdivision may be permitted by the Building Official. Such temporary use may be located in a "model home" or a temporary building within the subdivision. An application for a "temporary real estate -sales office use" must be submitted on forms supplied by the Building Official's office and shall include a plat of the subdivision showing the exact location of the proposed sales office and the size of the building in which the temporary use is located. Not more than two (2) temporary field real estate offices may be located within any subdivision as such subdivision is described by a final plat. Any temporary field real estate office in a model home may be maintained for eighteen (18) months or until certificates of occupancy have been issued for seventy (70%) percent of the lots within the subdivision, whichever occurs first.
3. Temporary School Classrooms - All zoning districts which allow schools may have temporary buildings used solely for the purpose of classrooms.

3.24.E SCHEDULE OF DISTRICT REGULATIONS (CONTINUED)**OUTDOOR STORAGE; SCREENING AND HOURS OF OPERATION**

(for letter notations, i.e. (D), etc. see District Regulation Notes)

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation	Commercial Building Design Standards
CPO	Professional Office Commercial	No	8'	Daytime only	25 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	25 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	25 pts.
CC3	Highway Commercial	Yes	8'	24 hours	20 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	15 pts.

3.24.F DISTRICT REGULATION NOTES

- A. Where abutting a lot zoned or used for residential purposes (RE through MH) maximum building height shall not exceed requirements shown in Figure 1 "Height Zones for Commercial Districts Adjoining Residential Districts". The roofline within that 50 feet shall have a maximum height of 16' at the eave and the roof design shall be of a residential style.
- B. No structure shall be erected in any zoning district in excess of the specified maximum building height either in the number of stories or feet, whichever is less, unless an exception to said maximum building height is contained in this Chapter, except as noted in note "C" below.
- C. Heights of four (4) stories may be permitted in CC2 (Shopping Center) district if combined with a Planned Unit Development (PUD).
- D. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.
- E. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a

- twenty-five (25') foot side yard.
- F. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
 - G. No side yard required where no windows or other openings for light or entry face the side yard.
 - H. Where abutting a lot zoned or used for single family purposes (RE through R15) commercial or industrial purposes there shall be a ten (10') foot side yard.
 - I. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25') foot rear yard.
 - J. No rear yard required where no windows or other openings for light or entry face the rear yard.
 - K. Where abutting a lot zoned or used for single family purposes (RE through R15) commercial or industrial purposes there shall be a twenty-five (25') foot rear yard.
 - L. All regulations may vary when above districts are used as a base district for a PUD.

Section 3.25 Special Use Permit

A Special Use Permit is intended to authorize uses in particular zoning districts which may not be appropriate at all locations within the zoning district or would not be appropriate without the imposition of special requirements and limitations. Upon proper application, the City Council may authorize a Special Use Permit as allowed in *Section 3.24 "Schedule of Permitted Principal Uses"*. In the Ordinance granting the Special Use Permit, the City Council may impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use or neighborhood character and to insure the appropriate conduct of the special permitted use."

Section 3.26 Fences, Free Standing Walls, and Screening Materials

3.26.A SCOPE

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

3.26.B DEFINITIONS

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in Chapter 2 – Definitions of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof, or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

3.26.C GENERAL REQUIREMENTS/PROHIBITIONS FOR ALL FENCES AND FREE STANDING WALLS

1. Screening Required in Residential Districts
 - a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with screening elements and fences of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with screening elements and fences of not less than (8) feet in height.
 - b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot.
 - c. Garbage, refuse, and trash collection/storage areas in any multifamily development, mobile home development, or other nonresidential use permitted in a residential district shall be fully enclosed by a dense screening element to adequately screen such an area from view of the surrounding area.

- d. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. Screening Required in Non-Residential Districts

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. Garbage, refuse and trash collection/storage areas shall be fully enclosed by a suitable screening element of not less than six (6) feet in height.
- d. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height.
- e. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use.
- f. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.

3. Obstruction Prohibited

No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

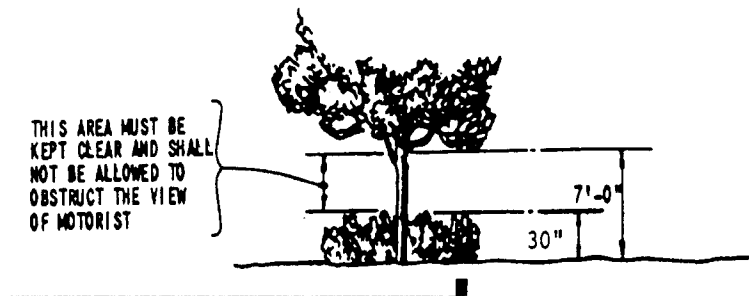


Exhibit "3-1"
Obstructions Prohibited

4. Twenty-Five (25) Foot Visibility Triangle Required

No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

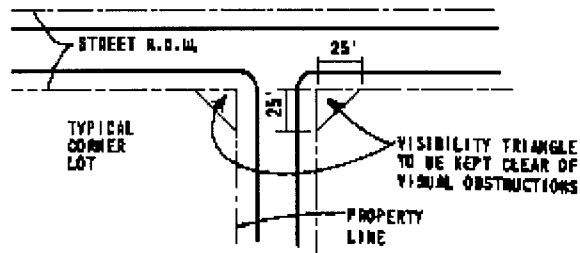


Exhibit "3-2"
Visibility Triangle

5. Barbed Wire Prohibited

Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

6. Electrical Fences

Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.

7. Eight (8) Foot Maximum Height

No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.

8. Property Owners' Responsibility

The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

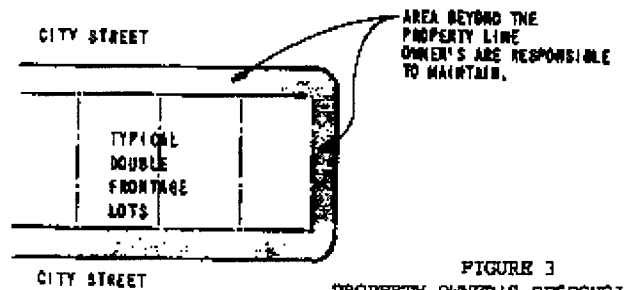


Exhibit "3-3"
Property Owner's Responsibility

9. Public Property

No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or

has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.

10. Floodway Permit Required

The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.

11. Swimming Pools

All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or keylocking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

3.26.D FENCE AND FREE STANDING WALL SETBACK REQUIREMENTS

1. Front Yards

No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the home faces except for perimeter subdivision fences meeting the following requirement:

- a. The primary fencing material shall be of wrought iron, pre-cast concrete, poured in place concrete, concrete masonry unit, brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official.
- b. On a corner lot a house shall be deemed to face on that street on which it has it's least dimension unless otherwise determined by the Building Official.

2. Corner Side Yards

Except for perimeter subdivision fencing or walls meeting the requirements of paragraph "1.a" above, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not

closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. Adjacent to Undeveloped Property

Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

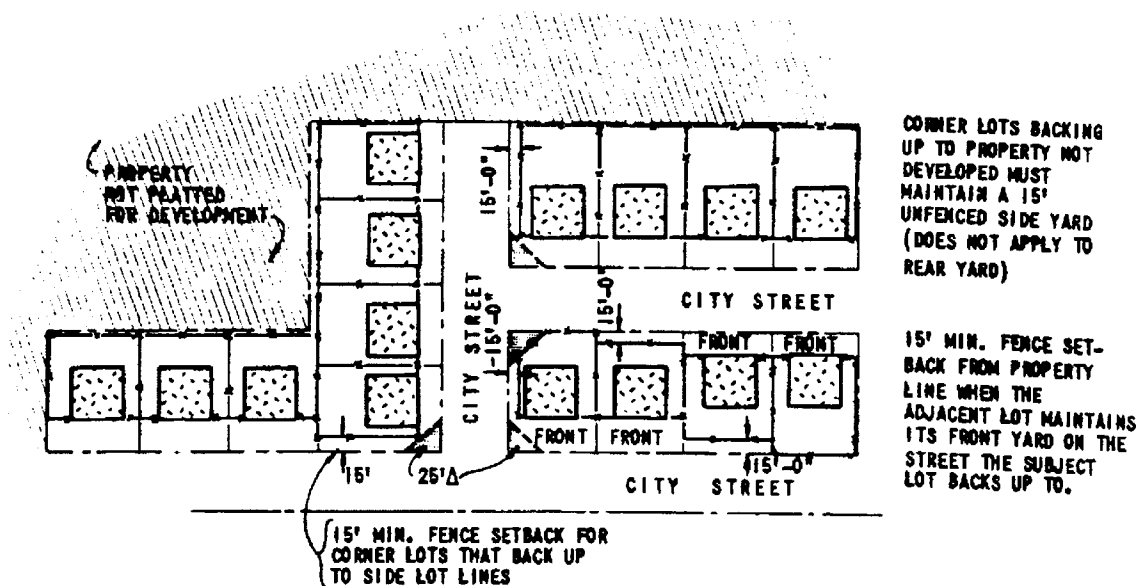


Exhibit "3-4"
Typical 15'-0" Fence Setbacks

4. Rear Fence and Free Standing Wall Setbacks

Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

3.26.E ADMINISTRATION

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Office of Building Inspections.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or

- corporation and the name of its president.
- b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

3.27.A ACCESSORY BUILDINGS LOCATED IN RESIDENTIAL ZONING DISTRICTS:

1. Permit Required:

- a. A building permit shall be required for an accessory building, which shall only be allowed as an incidental structure to a primary building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this section, the term accessory building shall include detached residential garages.

2. Number of Buildings:

No more than one (1) accessory building shall be permitted per lot. One additional accessory building may be allowed upon approval of a Special Use Permit. The maximum number of accessory buildings allowed per lot is two (2) buildings.

3. Maximum Size:

- a. No accessory building shall be erected, nor shall an existing accessory building be enlarged, to exceed the maximum size shown in the following table. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.

DISTRICT	AG	RE	R40	ALL OTHER RESIDENTIAL DISTRICTS
MAX. S.F.	2,000 s.f.	1,250 s.f.	1,250 s.f.	900 s.f.

- b. For the purpose of this section, the size of an accessory building shall be the square footage of the building footprint.
- c. A building may only exceed the maximum size shown in the above table upon approval of a Special Use Permit (SUP).

4. Setbacks:

- a. No accessory building shall be erected in any required yard except as set forth herein.
- b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the main building shall be considered attached, and shall not encroach in any required front, side, or rear yard established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces.
- c. Detached accessory buildings – A detached accessory building shall not encroach in any required front, side, or rear yard established for the applicable zoning district unless the accessory building is located totally within the rear yard, then it shall not be placed closer than five (5) feet to any side or rear lot line.

5. Maximum Height:

- a. No accessory building shall exceed the height of the primary building.
- b. When a detached accessory building is located five feet from a side or rear lot line, as provided herein, the maximum height shall not exceed 8 feet. The height may be increased at a rate of 1' in height for each additional 1' of setback as measured from the 5' rear or side setback line.

6. Permitted Uses:

The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic servants employed for the premises, where permitted by the district regulations.

3.27.B FOR ACCESSORY BUILDINGS LOCATED IN NONRESIDENTIAL ZONING DISTRICTS:

1. No accessory building shall be erected in any required yard area except as set forth by this section.
2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.
3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.
 - b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.
 - c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.
 - d. Located within required setbacks and in conformance with this section.
 - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.
 - f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.

- g. Limited to one (1) kiosk per platted plot.

3.27.C RESIDENTIAL CARPORT REGULATIONS

Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. Approval by Special Use Permit Only: In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, the City Council may approve a request for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. Carport Standards: A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. Size: A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. Height: A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. Setbacks:
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. Maximum Number Per Lot: one
 - e. Paving and Street Access:

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.
 - f. Design Criteria:
 - i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
 - ii. Posts - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.
 - g. Adequacy of Plans and Specifications:

The applicant requesting a Special Use Permit to construct a carport shall submit plans and

specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

3.28.A TEMPORARY BUILDINGS

Temporary buildings used in association with temporary uses as provided in this Chapter are allowed. No temporary building shall be erected or placed in such a manner that it would encroach in any required front, side or rear yard. No temporary building shall exceed 1,500 square feet in gross building area. There shall not be more than two (2) temporary real estate offices located in any subdivision as such subdivision is described by a final plat, whether such real estate offices shall be used for the sale of lots or of homes. All temporary buildings shall apply for a Certificate of Occupancy issued for an (18) month time period with a (6) month renewal thereafter based on compliance of the building.

3.28.B ERECTION OF MORE THAN ONE PRINCIPAL BUILDING ON A LOT

In any district, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.

3.28.C BUILDINGS CONSTRUCTED ACROSS LOT LINES

No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.

3.28.D EXCEPTIONS TO HEIGHT REGULATIONS -

1. Schools, public buildings, and institutions may be erected to a height not exceeding (85) feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.
5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City Council finds that the location and/or configuration of the building is such that it will conform to the surrounding area and provide adequate light and air under the circumstances. For each foot of proposed height over the standard, there shall be a foot increase in the front and rear yards or as approved by the council. The request for a variance shall be accompanied by a site plan of the property and an architectural drawing of the proposed building.

3.28.E PROJECTIONS OF BUILDINGS, STRUCTURES AND APPURTENANCES INTO REQUIRED YARDS

1. Open or lattice enclosed fire escapes may project into a required yard not to exceed fifteen (15) feet. The ordinary projections of chimneys and pilasters shall be permitted by the City's Building Official when placed so as not to obstruct light and ventilation.
2. Terraces, balconies, decks, uncovered porches and ornamental features above the floor level of the ground (first) story may project into a required side yard, provided these projections be at least five (5) feet from any adjacent side lot line.
3. An uncovered porch in the front yard may not be more than eighty (80) square feet or project into the front yard setback for distance of more than eight (8) feet.
4. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line.
5. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve (12) inches, or as otherwise excepted in paragraph a. through d. above. Roof eaves may project into required side yards provided the projections be at least five (5) feet from any adjacent side lot line.
6. Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than twenty-five (25) feet distant from any street, highway or alley right-of-way line, and not less than fifty (50) feet distant from any residential property line.

3.28.F MINIMUM WIDTH OF ENCLOSED OR PARTIALLY ENCLOSED OPEN SPACE

Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story and one and a half-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or more story buildings.

3.28.G BUILDINGS AND STRUCTURES TO HAVE ACCESS

Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3.28.H PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND VEHICLES

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard; provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

3.28.I PARKING AND STORAGE OF VEHICLES IN GENERAL

1. One commercial vehicle of not more than one ton capacity, except pick-up trucks, when used in the employ by the site occupant of a dwelling may be permitted on a residentially zoned lot, provided said parking space shall be in an enclosed garage, carport, or on an all-weather hard surface driveway, or in a side or rear yard on an all-weather surfaced driveway. Nothing in this Chapter shall prohibit the occasional overnight storage or parking of a commercial vehicle on residential property.
2. Off-street vehicle parking spaces shall not be located within ten (10) feet of existing proposed major thoroughfare street right-of-way lines in any commercial or industrial district. Such off-

street parking spaces shall consist of a paved surface, i.e., concrete, HMAC, brick or paving stone approved by the city building official. All ten (10) foot buffer areas shall be landscaped and maintained to enhance esthetic qualities.

3. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential use, unless a current state vehicle inspection sticker is displayed thereon.

3.28.J FRONT YARD ADJUSTMENTS

Front yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.
3. Interior lots abutting on two streets shall provide the required front yard on both streets.
4. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in this Chapter.
5. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

3.28.K SIDE YARD ADJUSTMENTS

Side yard requirements as established in *Section 3.24 Schedule of District Regulations* may be adjusted in the following cases:

1. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards not less than five (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard.
2. Whenever a lot of record at the time of the effective date of this Chapter has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width not less than ten (10) percent of the width of the lot, but in no instance shall such width be less than four (4) feet.
3. On corner lots of record the yard adjacent to the side street shall not be less than fifteen (15) feet.
4. For commercial or industrial lots abutting a lot zoned CC1, CC2, CC3, CN, CPO or ML, subject to the approval of the city building official, a zero lot line is permitted on one side, provided a four hour fire wall is constructed at said zero lot line.

3.28.L REAR YARD ADJUSTMENTS

Rear yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following case:

1. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.

3.28.M LOT AREA PER FAMILY ADJUSTMENTS

Lot area per family (dwelling unit) requirements as established in *Section 3.24. - Schedule of District Regulations* shall be adjusted in the following cases:

1. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City Council have officially approved and agreed to accept at the time of the effective date of this Chapter has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or nonresidential use, whichever is applicable, in the district in which it is located.

Section 3.29 – Off-Street Parking Requirements

3.29.A PURPOSE AND INTENT

The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street parking in conformance with the requirements established herein.

3.29.B LOCATION OF PARKING SPACES

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional or other nonresidential building served.

1. Up to fifty (50) percent of the parking spaces required for theatres, public auditoriums, bowling alleys, dance halls, night clubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church or school auditorium, may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified below.
2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and shall be filed with the application for a building permit.
3. No required off-street parking space shall be located within any public highway, street or alley right-of-way.

4. No head-in parking from a street will be permitted.

3.29.C COMPUTATION OF PARKING SPACE SIZES AND PARKING AREAS

In computing the minimum size and area of parking spaces and parking areas the following rules shall govern:

1. Parking Space Size - No parking space shall be less than nine (9) feet in width by eighteen (18) feet in length. Parking space sizes of ten (10) feet by twenty (20) feet are, however, encouraged where parking turnover rates would be higher than for normal long term low turnover parking lots and areas.
2. Parking Area Size - The minimum amount of parking area (excluding "in garage" space but including parking space, drives and turnarounds) required per car space for uses permitted in this Chapter shall be computed as follows:
 - a. Residential Uses: 300 square feet per space.
 - b. Non-Residential Uses: 400 square feet per space.

3.29.D TYPE OF PARKING SURFACE REQUIRED

All parking areas required by this Land Development Code shall consist of paved parking area, i.e., concrete, Hot Mix Asphaltic Concrete, brick or paving stone, approved by the Building Official.

3.29.E RULES FOR THE COMPUTATION OF THE NUMBER OF PARKING SPACES - IN COMPUTING THE NUMBER OF PARKING SPACES REQUIRED, THE FOLLOWING RULES SHALL GOVERN:

1. "Floor Area" shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the City Planning and Zoning Commission.
4. Whenever a building or use constructed or established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the new total. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
5. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

3.29.F NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The absolute minimum number of off-street parking spaces required for residential and nonresidential uses shall be in conformance with the following:

1. Residential Uses:
 - a. Single Family Detached Dwellings: 2 spaces per dwelling unit exclusive of "In-Garage" Parking.
 - b. Single-Family Patio Home, Cluster Home, etc: 2 spaces per dwelling unit.

- c. Duplex Dwelling (over-under or semi-detached): 2 spaces per dwelling unit (total of 4 spaces required).
 - d. Mobile Home: 2 spaces per dwelling unit.
 - e. Multifamily Dwelling (Apartments, Condominiums, Apartment Hotels, etc: 2 spaces per dwelling unit plus one space for each 5 units.
 - f. Fraternity or Sorority House: 1 space per each bed.
 - g. Boarding House or Rooming House: 1 space per each bed or individual sleeping room.
 - h. Nursing, Rest or Convalescent Home, Home for the Aged, Senior Citizens Apartment Dwelling, or other similar dwelling or institution: 1 space per each 3 beds or 1 space per individual sleeping unit, whichever is greater.
2. Nonresidential Uses:
- a. Schools
 - (1) Elementary: 1 space for each classroom or teaching station, plus 1 additional space for each 4 seats in any auditorium, gymnasium, or other place of assembly, whichever is greater.
 - (2) Junior High/Middle School: Same requirements as for elementary schools.
 - (3) High School: 1 space for each classroom or teaching station, plus 1 additional space for each 3 students accommodated in the school.
 - (4) College or University: Same requirements as for high schools.
 - (5) Day Care Centers or Kindergarten: 1 space per each 5 pupils accommodated, plus sufficient space to accommodate off-street circulation for pick-up and delivery of children by auto.
 - b. Churches and Places of Worship: 1 space for each 3 seats in the main sanctuary or auditorium.
 - c. Other Institutions and Special Uses
 - (1) Hospital, General Acute Care: 1 space per each bed.
 - (2) Hospital, Chronic Care: 1 space per each 3 beds.
 - (3) Institution for Alcoholic, narcotic or psychiatric patients: 1 space for each 2 employees or attendants.
 - (4) Health or Welfare Center: 1 space per each 200 square feet of floor area.
 - (5) Foster Home: 1 space per each 10 pupils or residents.
 - (6) Institutions of a Philanthropic Nature: 10 spaces plus 1 space for each employee.
 - d. Community Facilities
 - (1) Art Gallery or Museum: 1 space per each 1,000 square feet of floor area.
 - b) Library: 2 spaces per each 300 square feet of floor area.
 - c) Community Center (public or private): 1 space per each 100 square feet of floor area.
 - d) Meeting Rooms and Places of Public Assembly: 1 space per each 3 seats.
 - e) Lodge or Fraternal Organization: 1 space per each 200 square feet of floor area.
 - e. Personal Service and Retail Uses
 - (1) Personal Service Shop or Establishment: 1 space per each 200 square feet of floor area.

- (2) Mortuary/Funeral Home: 1 space per each 50 square feet of floor area in "slumber rooms," parlors, and individual service rooms, or 1 space per each 2 seats accommodated in a chapel area, whichever is greater.
 - (3) Furniture Stores and Appliance Stores: 1 space per each 400 square feet of floor area.
 - (4) Gasoline Service Stations: Minimum of 6 spaces.
 - (5) Retail Stores or Shops: 1 space per each 200 square feet of floor area.
 - (6) Open (outdoor) Retail Sales: 1 space per each 600 square feet of open site area utilized, exclusive of buildings.
- f. Office, Professional or Financial Uses
- (1) Banks, Savings and Loan or other similar financial establishments: 1 space per each 300 square feet of floor area.
 - (2) Doctor's Offices and Medical Clinics: 1 space per each 150 square feet of floor area.
 - (3) Veterinarian Offices or Clinics: 1 space per each 300 square feet of floor area.
 - (4) Offices, General: 1 space per each 300 square feet of floor area.
 - (5) Dance, Music, Display or Drama Studios: 1 space per each 200 square feet of floor area.
 - (6) Business, Trade or Craft School: 1 space per each 3 students in attendance at peak time of day.
- g. Transient Lodging Uses
- (1) Hotel, Motel, Tourist Court or Dude Ranch: 1 space per each room, unit or guest accommodation plus specific requirements for restaurants, cocktail lounges, and related facilities prescribed elsewhere in this section.
 - (2) Seasonal Camp or Cabin: 1 space per each sleeping unit or cabin.
- h. Eating and Drinking Establishments
- (1) Restaurant, Cafeteria or Cafe: 1 space per each 3 seats under maximum seating arrangement, or 1 space per each 100 square feet of floor area, whichever is greater.
 - (2) Drive-In Eating and Drinking Establishments: 12 spaces plus 1 space per each 50 square feet of floor area.
 - (3) Cocktail Lounges, Taverns and Similar Establishments: 1 space per each 100 square feet of floor area.
- i. Social, Recreation and Entertainment Uses
- (1) Commercial Amusement Establishments: 1 space per each 100 square feet of floor area.
 - (2) Bowling Alley: 6 spaces per each bowling lane.
 - (3) Private Club or Night Club: 1 space per each 100 square feet of floor area.
 - (4) Theatre: 1 space per each 3 seats.
 - (5) Country Club: 1 space per each 100 s. f. of floor area, exclusive of locker rooms and bathhouses.
 - (6) Recreation Club or Area, Private: 1 space per each 100 square feet of floor area.
 - (7) Golf Course: 5 spaces per each green.
 - (8) Dance Hall or Ballroom: 1 space per each 100 square feet of floor area.
 - (9) Sports Arena, Stadium or Gymnasium: 1 space per each 3 seats or bench seating spaces.
- j. Wholesale, Warehousing, Enclosed Storage, Manufacturing, Processing and Repairing Uses
- (1) Wholesale, Warehousing and Enclosed Storage: 1 space per each 2 employees, or 1 space per each 1,000 square feet of floor area, whichever is greater.
 - (2) Manufacturing, Processing or Repairing: 1 space per each 2 employees, or 1 space per each 1,000 square feet of floor area, whichever is greater.
 - (3) Building Materials/Lumber Yard: 1 space per each 1,000 square feet of site area.
 - (4) Storage Yards for Sand, Gravel or Petroleum Products: 1 space per each 2,000 s. f. of site area.

Section 3.30 Off-Street Loading Requirements

3.30.A PURPOSE AND INTENT

The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.

3.30.B LOCATION OF LOADING SPACES

Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way.

3.30.C COMPUTATION OF OFF-STREET LOADING SPACE SIZES

At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of ten (10) feet by fifty (50) feet each and the remaining required spaces or berths shall have a minimum dimension of ten (10) feet by twenty-five (25) feet each - exclusive of turnaround and maneuvering space.

3.30.D TYPE OF PARKING SURFACE REQUIRED FOR LOADING SPACES

All surface areas upon which vehicles and trucks are parked during unloading operations shall consist of a paved surface, i.e., concrete, HMAC, brick, paving stone, approved by the city building official.

3.30.E RULES FOR THE COMPUTATION OF OFF-STREET LOADING SPACES

1. No building, structure or part thereof used for nonresidential purposes on any "CN" or "CC" district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.
2. No building, structure or part thereof used for nonresidential purposes in any "ML" district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.

3.30.F NUMBER OF OFF-STREET LOADING SPACES REQUIRED

The minimum number of off-street loading spaces required shall be in conformance with the following schedules:

1. Retail, Service (except personal service), Commercial and Industrial Uses

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

2. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

Section 3.31 Duties of Administrative Official

3.31.A ADMINISTRATION AND ENFORCEMENT

An Administrative Official designated by the City Manager shall administer and enforce this Chapter. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the Administrative Official finds that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

3.31.B BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor where applicable, and issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Chapter. No building permit shall be issued unless the property has been platted of record, except that a building permit may be issued for unplatted property meeting all of the following five criteria:

1. The parcel is a "lot of record" as defined herein; and
2. Right-of-way and easements sufficient for Master Plan roads or drainage/utility facilities exist; and
3. The parcel adjoins an approved public street; and
4. The parcel contains a principal residential use in a residential structure; and
5. The requested construction permit(s) and all construction permits issued for the parcel within the past three years allow improvements whose combined value does not exceed 50% of the appraised value of the parcel as shown in the current parcel record of the Tarrant County Appraisal District.

3.31.C APPLICATION FOR BUILDING PERMIT

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this and other city ordinances.

One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such

copy. The original and one copy of the plans, similarly marked, shall be retained by the Administrative Official.

3.31.D SITE PLAN APPROVAL REQUIRED

Where the property is zoned CPO, CN, CC, ML, SU, PUD-C, or PUD-I, a site plan shall be submitted for review and approval to the Administrative Official prior to the issuance of a building permit. The site plan referred to herein shall contain the following:

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations. If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet then the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of surrounding properties, and shall include information indicating the drainage and line of sight effect the proposed grading plan will have on the surrounding properties.
3. The 100 year flood plain, water courses, wetlands, drainage areas, and other significant features including, but not limited to, rock outcroppings and tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street or curb line and/or alley shall be submitted.
5. Total number of off -street parking and loading spaces in accordance with Section 29 "Off-Street Parking Requirements", and Section 30 "Off-Street Loading Requirements" of this Chapter.
6. All points of vehicular ingress and egress and circulation within the property. Any special traffic regulation facilities, proposed or required, to assure the safe function of the circulation plan shall also be shown.
7. Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.
8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers and lighting.
9. A landscape plan prepared in accordance with the requirements of *Chapter 4 – Landscaping & Buffering* of this Land Development Code.
10. The location and height of fences or, screen plantings and the type of building materials or plantings to be used for fencing or screening in accordance with the requirements of Section 26 "Fences, Free Standing Walls, and Screening Materials" of this Chapter.
11. Note a soil erosion control plan for the period during which construction will be taking place.
12. Where multiple types of land uses are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
13. Vicinity map, north point, scale, name of the development, name of the owner, name of the planner, total acreage of the project, street address or common description of the property.

14. Current land uses and zoning district of the property and current land uses and zoning districts of the contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
15. The location and size of existing and proposed surface and subsurface drainage facilities.
16. A description of the type of land use that is proposed for the site including its Standard Industrial Classification (SIC) Code if there are any chemicals or toxic materials involved.

The Administrative Official may allow all of the foregoing to be contained within a single drawing if in the opinion of the Administrative official the drawing can be properly evaluated.

3.31.E EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within (6) calendar months from the date of issuance thereof, said permit shall expire. It shall be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Further, the Administrative Official shall make an inspection of the work each (6) months, and if the work has not progressed, said permit shall expire.

3.31.F CERTIFICATE OF OCCUPANCY REQUIRED: FOR NEW, ALTERED CHANGES IN USE, OR NON-CONFORMING USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Administrative Official stating that the proposed use of the principal building or land conforms to the requirements of this Chapter.

- a. No nonconforming building or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Administrative Official. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of the ordinance.
- b. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.
- c. A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding (6) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- d. The Administrative Official shall maintain a public record of all certificates of occupancy.
- e. Failure to obtain a certificate of occupancy shall be a violation of this Chapter and punishable under *Chapter 1 – General Provisions* of this Land Development Code.

3.31.F CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF OCCUPANCY

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Chapter, and punishable as provided by *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.32 Comprehensive Zoning Ordinance – Zoning Map

This Chapter when read together with the official Zoning Map of the City of Colleyville, Texas, shall constitute the comprehensive zoning ordinance for the City of Colleyville, Texas.

The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's office shall remain the official Zoning Map of the City of Colleyville, until a new map is established in accordance with the provisions contained in this Chapter.

Section 3.33 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 4

Landscaping and Buffering

Printed June 08, 00

Section 4.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for the minimum placement of landscaping materials in certain zoning districts.

Section 4.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 4.3 Applicability of This Chapter

The provisions of this Chapter shall be applicable as follows:

1. For all new construction; or,
2. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the proposed construction value exceeds fifty (50%) percent of the current appraised value of the existing structures, excluding the value of the land; or,
3. When an existing building is proposed for an addition that will increase the square footage of the existing building by twenty (20%) percent or greater; or,
4. As a requirement of the approval of a Special Use Permit or Planned Unit Development.
5. For purpose of this regulation, the value shall be that shown on the most recent tax roll of the Tarrant Appraisal District.

Section 4.4 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in Chapter 1 of this Land Development Code.

Section 4.5 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 4.6 Required Landscaping

For zoning districts "CPO, CN, CC1, CC2, CC3, ML, PUD-C, PUD-I" and institutional uses including churches, schools and governmental facilities.

1. Intent -The intent of this ordinance is that landscaping shall not be limited to only the application of turf or grass; but landscaping shall include the coordinated planting (or retention) of grass, shrubs, ground cover, flowering plants, and trees and the grading or moving of earth to form a visually aesthetic and pleasing environment. The review of all site plans will consider the applicant's efforts in coordinating a variety of plant materials with the physical features of the property.
2. Landscaping Completed Prior to Issuance of Certificate of Occupancy - All landscaping shall be installed prior to the issuance of a Certificate of Occupancy. A permanent Certificate of Occupancy will be issued only when it is determined by the building official that all landscaping has been installed in accordance with the approved landscape plan. If it is determined, by the Building Official that planting of live material is hindered by adverse weather conditions, a temporary Certificate of Occupancy may be issued for a period up to three months.
3. Required Landscape Mixture - Twenty percent (20% of the total land area in any proposed, development shall be, landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s) (Exhibit "4-A"). In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:
 - a. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching.
 - b. Shrubs: Shrubs shall be provided such that one 18" in height plant or five (5) gallon plant shall be planted on-site for each five (5) lineal feet of public street rights-of-way located adjacent to the property.
 - c. Trees: Landscaping shall include the retention or planting of one (1) three (3) inch caliper tree per each forty (40) feet of street frontage on collector streets, or larger, as shown on the Thoroughfare Plan, which shall be included in the twenty (20) percent required landscaping. These trees to be planted on the street frontage.
 - d. Landscape Plans Required: Prior to the issuance of a building permit for any non-residential use, a Landscape Plan shall be submitted, as an element of the required site plan, to the City Manager or his appointed designee. The City Manager or his appointed designee, which may be either a staff member or other official body of the City, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
 - e. Content of Landscaping Plans: Landscaping Plans shall be prepared by a Texas Licensed landscape architect. Landscape Plans shall contain the following information:
 1. minimum scale of one inch equals 40 feet except as approved by the City Manager or his approved designee;
 2. location of all trees to be preserved;
 3. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 4. species of all plant material to be used;
 5. size of all plant material to be used;
 6. quantity and spacing of plant material where appropriate;
 7. a general layout and description of irrigation, sprinkler or water systems, including placement of water sources as designed by a licensed irrigator;
 8. description of maintenance provisions for the Landscape Plan;
 9. all Landscape Plans to be sealed by a Texas Licensed Landscape Architect;
 10. provide planting and irrigation specifications as part of the Landscape Plan;
 11. provide name and address of the owner, location of the subject property, surrounding zoning, utility lines, water mains and easements, public or private streets and drives;
 12. provide a general grading and drainage plan.

- f. Description of Planting Material: Landscape plant material may be selected from the following list, however the applicant may use other plant material not listed if it is determined to be an appropriate and functional element of the landscape plan.

1. Overstory Trees (Range from 30 to 60 feet)

Common Name	Botanical Name
Bald Cypress	<i>Taxodium distichum</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Pecan	<i>Carya illinoensis</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus shumardii</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Live Oak	<i>Quercus virginiana</i>

Common Name	Botanical Name
Western soapberry	<i>Sapindus drummondii</i>
Post Oak	<i>Quercus stellata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern magnolia	<i>Magnolia grandiflora</i>
Slash pine	<i>Pinus elliotii</i>
Japanese black pine	<i>Pinus thunbergii</i>
Austrian pine	<i>Pinus nigra</i>
Afgan pine	<i>Pinus eldarica</i>

2. Accent Trees (Range from 10 to 20 feet)

Common Name	Botanical Name
Redbud	<i>Cercis canadensis</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Yaupon holly	<i>Ilex vomitoria</i>
Bradford pear	<i>Pyrus calleryana</i>
Texas sophora	<i>Sophora affinis</i>
Wild plum	<i>Prunus americana</i>

Common Name	Botanical Name
Crab apple	<i>Malus augustifolia</i>
Deciduous holly	<i>Illex decidua</i>
Flameleaf sumac	<i>Rhus copallina</i>
Cherry-laurel	<i>Prunus caroliniana</i>
Chase tree	<i>Vitex angustifolia</i>

3. Shrubs (Range from 3 to 5 feet)

Common Name	Botanical Name
Dwarf crape myrtle	<i>Lagerstroemia indica nana</i>
Dwarf buford holly	<i>Illex cornuta 'barfordii Nana'</i>
Dwarf Chinese holly	<i>Illex cornuta 'rotunda'</i>
Dwarf yaupon holly	<i>Illex vomitoria 'nana'</i>
Fraser's photinia	<i>Photinia Fraseri</i>
Purple sage	<i>Leucophyllum frutescens</i>

Common Name	Botanical Name
Purple leaf japanese barberry	<i>Berberis thunbergii 'atropurpurea'</i>
Pampas grass	<i>Cortaderia selloana</i>
Nandina	<i>Nandina domestica</i>
Juniper	<i>Juniperus chinensis spp</i>
Fountain grass	<i>Pennisetum spp</i>

4. Ground Cover (Ranges from 18 inches)

Common Name	Botanical Name
Juniper supp.	<i>Juniperus horizontalis</i> or <i>procumbens</i>
Periwinkle	<i>Vinca major</i>
Monkey Grass	<i>Liriope muscaria</i> spp
Asian jasmine	<i>Trachelospermum asiaticum</i>
Confederate Star Jasmine	<i>Trachelospermum jasminoides</i>
Monkey grass	<i>OP hipogon</i>

5. Vines

Common Name	Botanical Name
Coral honeysuckle	<i>Lonicera sempervirens</i>
Carolina yellow jasmine	<i>Gelsemium semper</i>
Lady banksia rose	<i>Rosa baksiae</i>
Cross vine	<i>Bignonia capreolata</i>
Sweet autumn clematis	<i>Clematis paniculata</i>
Virginia creeper	<i>Parthenocissus quinquefolia</i>
Boston ivy	<i>Parthenocissus tricuspidata</i>

6. Perennial and Annual Flowers

Common Name	Botanical Name
Chrysanthemum	<i>Chrysanthemum</i> spp
Canna	<i>Canna generalis</i>
Copper leaf	<i>Acalyopha Wilkesiana</i>
Periwinkle	<i>Catharanthus roseus</i>
Iris	<i>Iris</i> supp.
Lantana	<i>Lantana Camera</i>
Daffodil	<i>Narcissus Jonquil,</i> <i>Tazetta, & King Alfred</i>

Common Name	Botanical Name
Petunia	<i>Petunia hybrida</i>
Marigold	<i>Tagetes</i> spp
Tulip	<i>Tulipa</i> spp
Zinnia	<i>Zinnia</i> spp
Caladium	<i>Caladium hortulanum</i> 'candidum' 'pink beauty'
Moss rose or portulaca	<i>Portulaca gandiflora</i>
Wild Flowers	

- g. Landscaping Credit: Landscape credits may be applied to the overall landscape requirement, as indicated in *Section 4.5 Required Landscape Mixture*. However, in no instance shall the credits reduce the total amount of landscaping on a lot to less than fifteen (15) percent of the total land area. Credits will only be allowed if they are maintained as a permanent element of the landscape plan. Credits may be obtained as follows:
- For each two (2) square foot of area that is landscaped in the public street right-of-way, one (1) square foot of landscape credit will be applied to the overall landscaping requirement.
 - For each one (1) square foot of area that is landscaped with flowering seasonal color, two (2) square foot of landscape credit will be applied to the overall landscaping requirement.
 - Over and above the required shrub planting, for each newly planted shrub 18" in height or contained in a five (5) gallon container, which is maintained in a living and growing condition, fifteen (15) square feet of landscape credit will be applied to the overall landscape requirement.

4. Over and above the required tree planting, for each newly planted or existing tree of at least three (3) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, one hundred (100) square feet of landscape credit will be applied to the overall landscape requirement. Planting of two (2) ornamental trees of eight (8) feet in height shall receive the same landscape credit as one (1) three (3) inch caliper tree.
 5. Over and above the required tree planting, for each newly planted or existing tree of at least six (6) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, two hundred fifty (250) square feet of landscape credit will be applied to the overall landscape requirement. Each additional one (1) inch diameter of tree over twelve (12) inches shall receive twenty (20) square feet of landscape credit.
- h. Maintenance of Landscaping: All landscaping maintenance shall be the responsibility of the property owner. The following minimum standards shall be required:
1. All landscaping shall be permanently maintained and shall have an underground irrigation system installed by a licensed irrigator and must meet all applicable requirements of the City.
 2. Irrigation systems may be buried on public street rights-of-way. The City or any franchised utility will not be responsible for damage to any landscaping material or equipment while performing repairs of maintenance to its system. However, landscaped right-of-ways shall be irrigated;
 3. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping;
 4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year; and
 5. Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period.
- i. Landscaping of Parking Lots: it is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:
1. Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each eighteen (18) contiguous parking spaces required. This landscape island is to include one (1) three (3) inch caliper tree.
 2. Landscaped islands shall be irrigated by an underground system as indicated in *Paragraph h - Maintenance of Landscaping*. Irrigation of all landscaped areas adjacent to any parking and/or driving surfaces shall be accomplished such that a minimum amount of water is applied to parking and/or driving surfaces.
 3. All shrubbery, flowering plants, and trees planted in parking lot islands or adjacent to parking lots shall be set back three (3) feet from any curb and that provides for "head-in" automobile parking (Exhibit "4-B").
 4. Landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover, and/or flowering plants.
 5. All landscaping within the parking lot shall be located within a landscape island or module, delineated from the surrounding paved area by a curb or barrier, constructed of

masonry or concrete, of not less than six (6) inches in height around the perimeter of the island or module.

6. At least three-fourths (3/4) of the tree drip line area must be in permeable area (See Exhibit "4-C").
7. For larger existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
- j. **Landscaping Adjacent to Residential Districts:** For any development in "C-PO", "CN", "CC1", "CC2", "CC3", "ML", "PUD-C", "PUD-I" and institutional uses including, churches, schools, and governmental facilities which includes all zoning except residential districts and "AG" used for residential and pure agricultural uses, zoning districts which abut districts zoned residential or mobile home there shall be a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation and planted on six (6) foot centers, for the entire distance along which the development abuts the residential district. Where a fire lane is required, the green belt may be reduced to five (5) feet (Exhibit "4-C").
- k. **Conflict With Traffic:** Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
- l. **Special Permits; Appeals; Exceptions:** Any person aggrieved by this ordinance may appeal its effect to the Zoning Board of Adjustment on the basis of hardship.
- m. **Existing Non-Conforming Uses and/or Structures:** All uses that are in existence at the time of this Landscape ordinance, which do not meet the requirements provided herein, will be considered as being nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code, unless otherwise provided for in this Section. A variance to landscaping requirements may be granted, regardless of areas of noncompliance, upon completion of the following:
 1. Provide the City Manager or his appointed designee with a landscape plan prepared by the landscape architect for review and approval.
 2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide for completing the plan.
 3. The installation of landscaping as indicated by the landscape plan is completed and approved by the city manager or his appointed designee.

Section 4.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

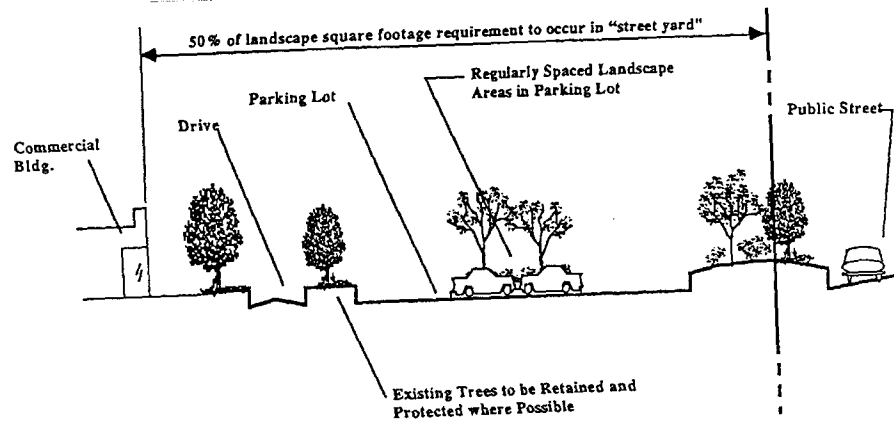


Exhibit "4-A" - Street Yard Landscaping Requirements

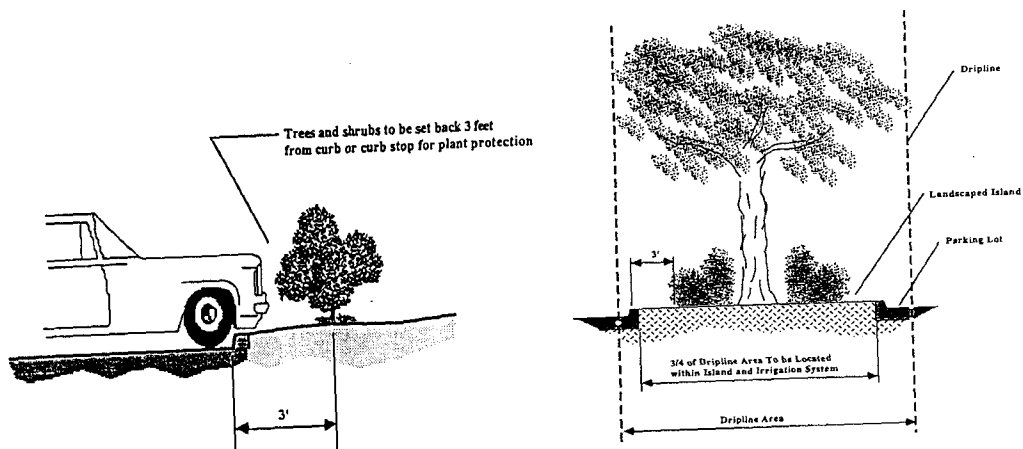


Exhibit "4-B"
Landscape Requirement for Head-in Parking

Exhibit "4-C"
Description of Dripline

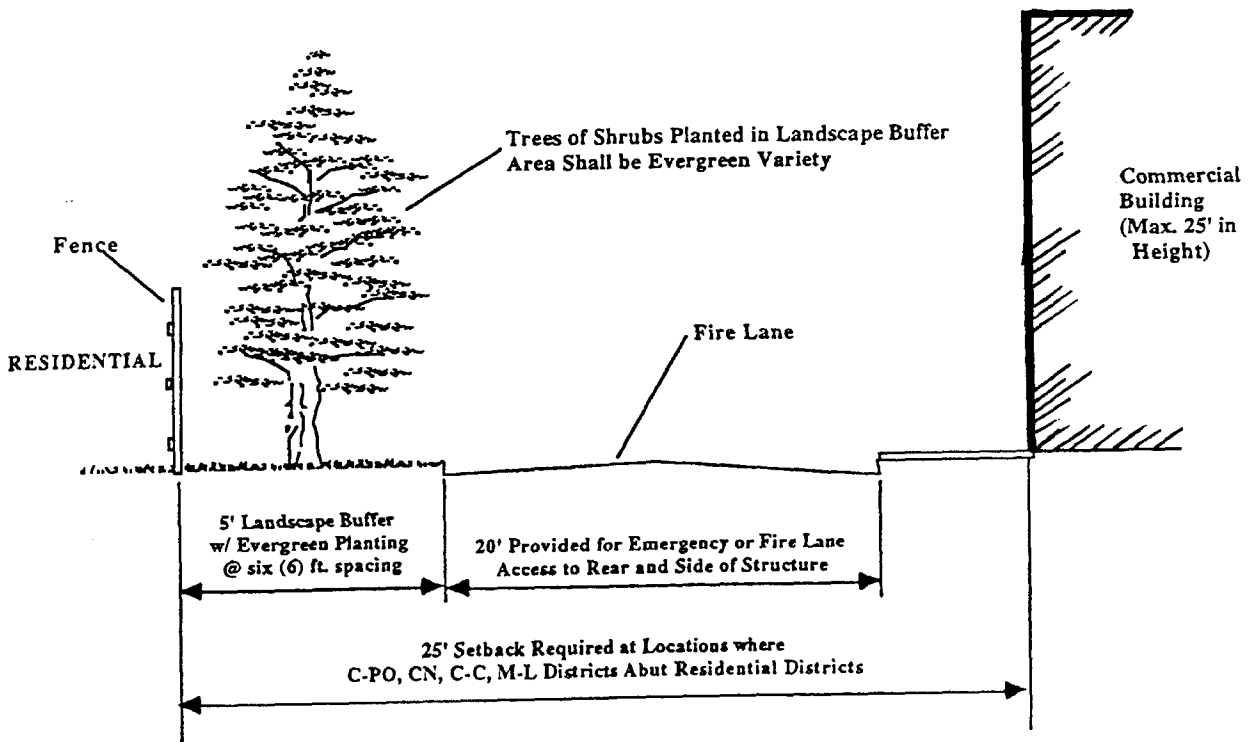


Exhibit "4-D"
Rear and Side Landscape Buffer Requirements
With Fire Lane Provided

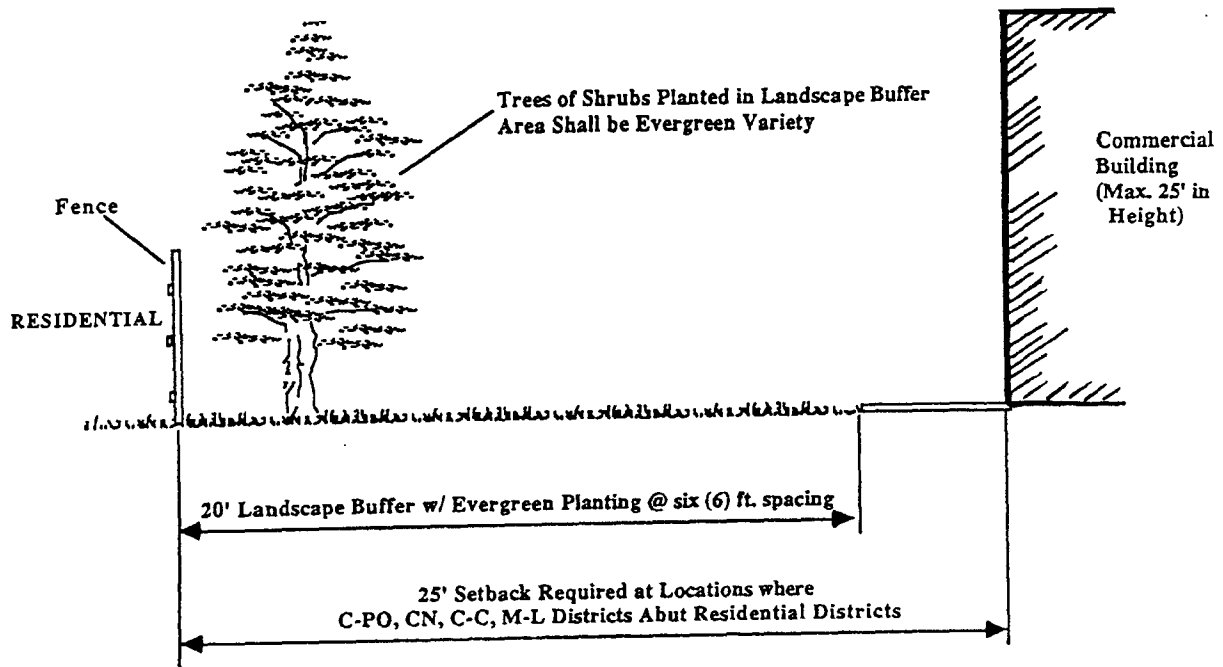


Exhibit "4-E"
Rear and Side Landscape Buffer Requirement
Without Fire Lane Provided

Chapter 5

Tree Preservation

Printed Mar. 22, 00

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of the *Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:

1. Any real property upon which any designated tree is located.
 2. Any property for which a final plat has not been submitted on the date of this Chapter.
 3. Any property for which construction plans have not been submitted on the effective date of this Chapter.
 4. All municipal / public domain property.
- B. The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from the provisions shall not be required to obtain tree removal permits in the circumstances described.
1. An employee of a public utility or an authorized contractor working in a dedicated public right-of-way may in the course of business, remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 2. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built.
 3. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 4. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.
 5. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.
- C. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in nonexempt areas.
1. A person performing work authorized by a building permit in the residential buildable area.
 2. A person performing work authorized by an approved site plan in the commercial building footprint.
 3. A person performing work authorized by the approved grading and drainage plan in the residential setback envelope.
 4. An employee of a public utility or a person performing work authorized by an approved subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement.

Section 5.7 Approval Process and Administrative Procedures

The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Residential Subdivisions: The Administrative Official shall determine from a review of subdivision tree surveys, grading and drainage plans the following:
1. The trees outside of the exempted areas of the right-of-way, easement and residential setback envelope which are slated for removal.

2. The extent of tree replacement in accordance with these regulations.

The Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater tree preservation. In the event such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new Preliminary Plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's application.

Approval of the construction drawings by the Director of Public Services shall constitute approval of a tree removal permit for the street and utility construction phase of the subdivision.

- B. **Platted Residential Lots:** The Administrative Official shall review building permits for platted lots and determine the following:

1. The trees outside of the exempted buildable area which are slated for removal.
2. The extent of tree replacement in accordance with these regulations.

No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of the tree preservation regulations.

- C. **Platted Commercial Lots:** The Administrative Official shall review building permits for commercial lots and determine the following:

1. The trees outside of the exempted commercial building footprint which are slated for removal.
2. The extent of tree replacement in accordance with these regulations.

If the tree removal permit application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan and no permit shall be issued without site plan approval.

- D. **Appeals:** Any decision made by the Administrative Official with regard to a request for a tree removal permit may be appealed by any party to the Planning and Zoning Commission. All actions of the Commission shall be final.
- E. **Permit Validity:** Permits for tree removal issued in connection with a building permit, subdivision plan and site plan shall be valid for the period of that building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void ninety (90) days after the issue date on the permit.

Section 5.8 Submittal Requirements

The Administrative Official shall establish administrative procedures necessary to facilitate the implementation and enforcement of this Chapter. These procedures shall include the following:

- A. **Tree Removal Permit:** A request for a tree removal permit must be submitted and approved prior to the removal of any tree.
- B. **Fees:** All tree removal permits shall be accompanied by a check made payable to the City of Colleyville in the amount established by the schedule of fees approved by the City Council.
- C. An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.

- D. Aerial photographs interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors and golf courses, at the discretion of the Administrative Official.
- E. The items required on a submitted exhibit:
1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.
 2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,
 3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
 4. Location of trunks and canopies of all existing trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration.
 5. Proposed general areas or locations of the replacement trees.
- F. Tree information required shall be summarized in legend form on the plan and shall include:
1. The list of trees to be removed.
 2. The total diameter of trees to be removed.
 3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.13 for replacement tree list.)
- G. Tree protection notes and details shall be included on site plans, subdivision plans or landscape plans and always included with the bid documents given to the contractor. (See Section 5.14)

Section 5.9 Tree Replacement Requirements

In the event that it is necessary to remove a tree which is three inches (3") or greater via permit approval, the applicant, as a condition to issuance of a tree removal permit, shall be required to replace the trees being removed with quality trees as defined herein. This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

- A. A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees three inches (3") or greater and slated for removal.
- B. Replacement trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight feet (8') in height when planted.

Examples-

1. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter trees.
 2. A total of 19" diameter to be removed shall be replaced with 7 – 3" trees or 5 – 3", trees and 1-4" tree.
- C. All replacement trees shall be guaranteed for one year from the date of the final inspection and acceptance of the project.

Section 5.10 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited with the limits of the drip line of any tree which is subject to the requirements of this Chapter.
1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the drip line of any tree.
 2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the dripline of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the dripline of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 2. Protective Fencing: All trees shall have protective fencing located at the tree's drip line. The protective fencing may be comprised of snow fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a four-foot (4') approximate height. The protective fencing may be located within the drip line of the specimen tree for approved construction only. The fencing shall follow the delineation of the approved construction.
 3. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 4. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.
- In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.
- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone. The following is the minimum design criteria which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.
1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following should be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.

- a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's drip line. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the dripline to mitigate cuts.
2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
 3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
 4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.

Section 5.11 Tree Planting Regulations

- A. Easements and rights-of-way: The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
- B. Off-site Planting of Replacement Trees: Replacement trees should be planted on the site or easement from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is in reasonable proximity to the project area.
- C. Replacement trees shall be planted prior to the issuance of the certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee, plus fifteen percent (15%) to cover administrative cost.

Section 5.12 Violations

Any person violating or failing to comply with any provision or requirement of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount provided in this chapter. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

- A. A monetary penalty of \$100.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville; and
- B. The tree which is removed or damaged shall be replaced with new trees having a total tree diameter width equal to the specimen tree removed or damaged.

Section 5.13 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

Replacement Tree List	
Common Name	Botanical Name
Pecan	<i>Carya illinoensis</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacehark Elm	<i>Ulmus parvifolia</i>
Red Oak	<i>Quercus shumardii</i>
Live Oak	<i>Quercus virginiana</i>
Bur Oak	<i>Quercus macrocarpa</i>
Post Oak	<i>Quercus stellata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Chinquapin Oak	<i>Quercus mulenbergii</i>
Chinese Pastiche	<i>Pistacia chinensis</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Austrian Pine	<i>Pinus nigra</i>
Southern magnolia	<i>magnolia grandiflora</i>
Bald Cypress	<i>Taxodium distichum</i>
Red Bud	<i>Cercis canadensis</i>

Section 5.14 Construction Plan Requirements

The following notes shall be required as a part of all construction plans.

1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or dripline. The fence will be maintained throughout the construction project in order to prevent the following.
 - A. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - B. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - C. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - D. Other activities detrimental to trees such as chemical storage, cement trunk cleaning, and fires.
3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
4. All grading within critical root zones of specimen trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.15 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 6

Building Design

Printed June 08, 00

Section 6.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for the exterior design of commercial buildings in certain zoning districts.

Section 6.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
2. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 6.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 6.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 6.5 Commercial Building Design Standards

6.5.A REQUIREMENTS

For buildings located within the Commercial Design District, it shall be the duty of the Administrative Official responsible for review of site plans to calculate the design score for all buildings in the Commercial Design District as part of the building permit and site planning process using Paragraphs A through G below as a design calculation work sheet.

Commercial Building Design Factors Work Sheet

A. Façade Articulation Variables

1. *L* = Length in feet of building perimeter visible from the street. _____ ft.

2. **F** = Length of the longest horizontal straight section of the exterior façade visible from the street. _____ ft.

In order to determine that any two horizontal straight sections of wall in the same plane are separate walls:

- a. There shall be an intervening physical separation of space or other wall sections which separate the two subject walls by not less than three feet.
 - b. The average offset distance of the intervening space and/or wall section shall be not less than one foot from the subject plane.
 - c. The total perimeter beam length of the intervening space and/or wall section shall not be less than five feet.
 - d. Materials used within the intervening separation may not be identical to materials used in more than one of the two same plane test sections.
 - e. Any two or more same-plane wall sections which do not meet all of the requirements of Paragraphs a, b and c above shall be determined to be part of one complete wall section.
3. **A** = Articulation ratio or $L/F =$ _____
4. **Ka** = Articulation Score = $A \times 2 =$ _____

B. Vertical Departure Variables

1. **P** = Total surface area of a projection of all surfaces visible from the street and which are relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.
2. **R** = Total surface area of a projection of all sloping or vertical departure surfaces of the building relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.

For the purpose of the calculation of "R";

- a. Buildings with principal wall sections which are generally rectangular must be aligned so that principal wall sections are parallel to a face of the test cube.
 - b. Only those surfaces which slope at an angle of not less than 15 degrees nor more than 75 degrees from the vertical plane may be included in this area calculation.
 - c. Circular, convex or concave regular surfaces which are offset at the central point of the curve by not less than one foot from the vertical surface and have a central angle of not less than 60 degrees may also be included.
 - d. **Q** = Number of test cube vertical surface projections (1,2,3 or 4) visible from the street. _____
3. **V** = Vertical departure ratio or $R/P =$ _____
4. **Kv** = Vertical Departure Score = $10 \times V =$ _____

C. Shade Coverage Variables

1. **S** = Total covered but unenclosed structural exterior area attached to the building as measured in square feet on a horizontal plane. _____ s.f.

- a. The floor area of covered exterior balconies may be included. Attached canopies, porches, verandas, and other shade oriented structural design features may also be included.
 - b. Each vertical opening into the shaded area must be framed on the top and sides by structural building materials with a cross sectional area parallel to the face of the opening which is equal in the aggregate to not less than 20 percent of the surface area of the opening.
 - c. The area under detached canopies shall be excluded.
2. **G** = Total area of the interior ground floor of the building. _____ s.f.
 3. **C** = Shade coverage ratio or $S/G =$ _____
 4. **Kc** = Shade Score = $100 \times C =$ _____

D. Horizontal and Diagonal Roof Planes Variables

1. **F** = "F" as previously calculated in Paragraph A(2) above. _____
5% of **F** = _____
2. **E** = Total visible horizontal and diagonal eave planes, ridge planes and/or parapet top planes on the building. _____

For the purpose of this paragraph:

- a. Two eaves in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.
 - b. Two parapets in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.
 - c. A parapet with a wall length of less than 5 percent of "F" shall be considered a crenelation and shall not be counted as a parapet.
 - d. For every five crenellations, regardless of elevation, one equivalent plane may be added to the calculation of total planes. In like manner, one crenelation shall equal 0.2 horizontal / diagonal planes.
 - e. For an eave, canopy or mansard which overhangs the vertical surface of the building by not less than 18 inches, one plane shall be counted for the outer edge of the eave and one plane shall be counted at the intersection of the eave and the wall.
 - f. One plane shall be counted for each diagonal ridge or edge of a sloped roof and, if the edge is also an eave which overhangs the wall by not less than eighteen (18") inches it shall be counted as two planes.
 - g. For mansards which wrap around a building corner, planes shall not be counted as separate unless there are actual changes in elevation.
 - h. Two parapet tops which intersect at 90 degrees in the same horizontal plane shall be counted as separate planes.
3. **Q** = Total # of test cube surfaces visible from the street as identified in Paragraph B(2)(d) above. _____

4. H = Horizontal / Diagonal Planes Ratio or E/Q = _____
5. Kh = Horizontal / Diagonal Planes Score = H if total floor area is less than 50,000 s.f. For floor area greater than or equal to 50,000 s.f., " Kh " shall be not more than 10 points. _____

E. Fenestration Variables

1. W = Total number of windows, doors, and other openings into the structure through which light may pass. _____

For the purpose of this paragraph each opening must be framed on the sides, top and/or bottom by structural building materials with a surface area equal in the aggregate to not less than 50 percent of the surface area of the opening.

2. Q = As previously calculated in Paragraph B(2)(d) above. _____
3. N = Fenestration Ratio = W/Q = _____
4. Kn = Fenestration Score = N if total floor area is less than 50,000 s.f. For floor area greater than 50,000 s.f., " Kn " shall be not more than 10 points. _____

F. Total Design Score: $Kt = Ka + Kc + Kh + Kv + Kn =$ _____

G. Minimum Design Scores (Kt) by Zoning District

Zone –	CN	CPO	CC1	CC2	CC3	ML
Score –	25	25	30	25	20	30

- H. An applicant for a permit to construct a building which does not meet the minimum design score in Paragraph G above may present an appeal of the building design to the Planning and Zoning Commission. The Administrative Official responsible for site plan review may also present an appeal of a proposed design to the Commission or request an interpretation of a particular design guideline. Following a review of an alternate design, the Planning and Zoning Commission shall have the authority to find that the façade, horizontal / diagonal planes, fenestration, vertical departures and shade oriented design features of the alternate design meet the intent of Commercial Design District guidelines. The decision of the Planning and Zoning Commission shall be final.

Section 6.6 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 7

Sign Regulations

Printed June 08, 00

Section 7.1 Purpose of This Chapter

The purpose of this Chapter is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in the City of Colleyville in order to:

1. balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;
2. further the objectives of the comprehensive plan;
3. protect the public health, safety, and welfare;
4. reduce traffic hazards;
5. facilitate the creation of an attractive and harmonious community;
6. protect property values;
7. promote economic development; and
8. preserve the right of free speech exercised through the use of signs containing non-commercial messages.

Section 7.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
2. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 7.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in Chapter 1 of this Land Development Code.

Section 7.4 Definitions

Definitions applicable to this chapter may be found in Chapter 2 – Definitions of this Land Development Code.

Section 7.5 Administration**7.5.A SIGN PERMIT REQUIRED**

No person shall erect any sign nor shall any person allow the erection or display of any sign upon property owned or controlled by him without obtaining a permit for said erection from the Building Official, pursuant to the terms of the Sign Code, except where an exemption is provided herein this Chapter.

7.5.B EXISTING TEMPORARY SIGNS

Any temporary permit allowing a sign issued prior to the adoption of the Sign Code shall not be renewed upon the expiration of the temporary permit.

7.5.C APPLICATION FOR SIGN PERMIT

The application for a sign permit shall be in a form approved by the Building Official which shall contain the following information:

1. Sign use classification.
2. Name, address and telephone number of the applicant.
3. Name, address and telephone number of the owner of the property on which the sign is to be located.
4. Name, address and telephone number of the lessee the sign is to benefit, if any.
5. Name, address and telephone number of the person erecting the sign.
6. Scaled site plan showing:
 - a. location of the building, structure or tract to which or upon which the sign is to be attached or erected,
 - b. the position of the sign in relation to nearby structures or other signs, and
 - c. dimensions of setbacks, building lines, distances between the sign and streets and property lines.
7. Scaled drawing of the sign including height, width, area, design and text.
8. Such other information as may be requested by the building official.

7.5.D EXEMPTIONS FROM REQUIREMENT FOR PERMIT

A permit shall not be required for erection of any of the following signs; provided, however, such signs shall otherwise comply with all other applicable provisions of the sign code:

1. a sign not exceeding eight square feet in area, which advertises the sale, rental or lease of the premises on which said sign is located. There shall be no more than one such sign per premise. The sign shall be removed upon the completion of the sale or lease of the premises.
2. nameplates not exceeding one square foot in area.
3. political signs not exceeding twelve square feet in area located on private property, by or with the permission of the owner of the property-, provided, however, political signs which advertise or promote a particular individual for office or a particular issue shall not be erected more than 30 days prior to the election in which such individual or issue shall be voted upon and said political

sign shall be removed within 7 days after said election.

4. construction signs, not exceeding a total of 16 square feet in area, denoting the architect, engineer or contractor, and placed upon the premises under construction. Said construction signs shall not be placed on the premises prior to construction and shall be immediately removed upon completion of construction.
5. occupational signs, not exceeding two square feet in area, denoting only the name and profession of an occupant in a commercial building or public institutional building. There shall not be erected more than one occupational sign per person.
6. memorial signs or tablets, the names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. flags, emblems and insignia of any governmental body and decorative displays for holidays or public demonstrations which do not promote or identify any person or the goods and services supplied by a person.
8. a flag, emblem or logo of a person which is erected on a freestanding flag pole 35 feet or less in height, where the flag, emblem or logo displayed on a flagpole does not exceed 32 square feet in maximum gross surface area, the flagpole is set back a minimum of 20 feet from the front property line and 8 feet from the side property line, and the flagpole is separated by a minimum of 60 feet from any other freestanding sign.
9. non illuminated, directional signs not exceeding 8 square feet provided such directional signs do not contain advertising and are not used as such.
10. any sign erected by or under the authority of the City.
11. signs located inside a building, which are not visible from the exterior of the building.
12. temporary banners, flags or pennants which are attached securely to the front or side of a building structure; provided, however, banners, flags or pennants shall not be attached to the building structure and displayed for more than three consecutive 30 day periods during the calendar year. Banners, flags or pennants shall be kept in good repair and remain firmly anchored or secured to the structure. The erection or display of banners, flags or pennants pursuant to this provision without a permit shall be conditioned upon the person erecting said banners, flags or pennants giving the building official 15 days notice prior to such erection.

7.5.E FEES

1. Every application for a permanent sign shall be accompanied by a non-refundable fee of \$35.00 for the processing and issuance of the permit.
2. Every application for a temporary sign permit shall be accompanied by a non-refundable fee of \$35.00 for the processing and issuance of the permit.
3. Every application for the use of a search light constituting a sign shall be accompanied by a non-refundable fee of \$35.00 for the processing and issuance of the permit.
4. Every application for an illuminated sign shall be accompanied by a non-refundable fee of \$60.00 for the processing and issuance of the permit for the sign, electrical permit and inspection.

7.5.F ISSUANCE OF PERMIT AND EXPIRATION

1. On the determination by the building official that the applicant for a sign permit has complied with all applicable portions of the Sign Code and that the proposed sign complies with the Sign Code, the Building Official shall issue a sign permit to the applicant.

2. The issuance of a permit for a permanent sign shall be automatically revoked 180 days after the date of issuance of the permit in the event the construction of the sign authorized by the permit has not been commenced within said 180 days.
3. A temporary sign permit shall be valid only for the period indicated in the Sign Code and the sign shall be removed immediately upon expiration of the time period stated in the permit.

7.5.G PERMIT REVOCABLE

1. The Building Official may suspend or revoke any sign permit whenever he shall determine that the permit has been issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of the Sign Code, any other ordinance of the City, the laws of the State of Texas or the federal government. Such revocation shall be effective when communicated in writing to the person to whom the permit is issued or the owner of the sign or the owner of the premises on which the sign is located. Any sign the subject of a revoked permit shall be immediately removed by the person in control of the sign or premises upon which the sign is located within 15 days of written notice of revocation.
2. A person may appeal the revocation of the sign permit to the Sign Board of Appeals by filing with the Building Official written notice of an intention to appeal within 10-days after receipt of written notice of revocation. The decision of the Sign Board of Appeals shall be reviewed, approved, reversed and/or modified by the City Council.
3. Notice of revocation shall be deemed to have been received when deposited in the mail, postage prepaid, addressed to the owner of the premises, the owner of the sign, and the tenant for whose benefit the sign is erected as listed in the permit application.

Section 7.6 Sign Removal

1. Removal of Certain Signs Upon Notice.

The owner of any property upon which any of the following signs are located shall immediately remove the sign upon notice from the building official:

- a. Any illegal, non-conforming sign.
- b. Any legal, non-conforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance operations or for changing letters, symbols or other matters on the sign. The sign shall be deemed to be substantially destroyed or dismantled if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

2. Repair of or removal of dilapidated or deteriorated signs.

Upon determination by the Building Official that a sign is in a dilapidated or deteriorated condition, the building official shall give notice of said determination to the owner of the sign, or the owner of the property on which the sign is erected and the lessee the sign is to benefit. Said notice shall further specify a time period in which said dilapidated or deteriorated condition must be corrected. In the event the dilapidated or deteriorated condition is not corrected within the time provided in the notice of the building official, then the owner of the property on which said sign is erected and the owner of the sign shall immediately remove the sign.

3. Removal of signs under the authority of the Municipal Board on sign control.

- a. Creation of Board.

The Mayor of the City shall appoint a Municipal Board on sign control. The Board shall consist of

two real estate appraisers, each of whom is a member in good standing of a nationally recognized professional appraisers society or a trade organization that has established a code of ethics, educational program and professional certification program; one person engaged in the sign business in the municipality; one employee of the State Department of Highways and Public Transportation who is familiar with real estate valuations and eminent domain proceedings; and one architect or landscape architect licensed by the State of Texas. A member of the Board shall serve for a term of two years from the date of his appointment.

b. Referral of signs to Board on sign control.

Upon determination by the Building Official that a sign is not in conformity with the sign code and should be removed, the Building Official shall issue an order requiring removal of the sign. Said order shall be delivered to the owner of the sign and the owner of the property on which the sign is situated. The owner of the sign and the owner of the property on which the sign is situated shall remove the sign in accordance with the order of the Building Official. A copy of the order requiring the removal of the sign shall be forwarded to the board on sign control which shall conduct a hearing and provide for compensation in accordance with the provisions of Chapter 216 of the Texas Local Government Code.

4. Removal by City.

In the event any owner of property on which a sign is situated fails to comply with any order issued by the Building Official for removal of a sign under the sign code, then the City may undertake to remove said sign in compliance with the order. The owner of the land on which the sign is situated and the owner of the sign shall pay all costs incurred by the City in the removal.

Section 7.7 Limitation Applicable to Signs Requiring a Permit

7.7.A LIMITATIONS FOR PERMANENT, ON-PREMISE SIGNS ATTACHED TO STRUCTURES

1. No permit for the erection of a permanent sign attached to a structure shall be issued, except for the purpose of an agricultural sign, apartment sign, directory sign, general business sign, identification sign, institutional sign, multipurpose sign, or real estate sign.
2. All permanent, on-premise signs attached to structures shall comply with the following standards:
 - a. Projecting Signs.

The horizontal portion of any projecting sign shall not extend more than six feet, six inches from the building face and shall not be closer than two feet from the curb line. Such signs shall be an integral part of the architectural design of the building. Vertical clearance shall be subject to the requirements of paragraphs h and i of this Section. Projecting signs may be illuminated.

- b. Marquee Signs.

Marquee signs shall be built as an integral part of the marquee. The maximum gross surface area of a marquee sign shall be 40 square feet or the product of two times the lineal footage of the building or store frontage on which the sign is located, whichever is greater, and shall not be closer to the curb than two feet from the curb line. Marquee signs shall not have a vertical height of more than six feet nor exceed 75% of the width of the building or store frontage to which they are attached. Marquee signs shall not extend above the wall to which they are attached. Vertical clearance shall be subject to the requirements of paragraphs h and i of this Section. Marquee signs may be illuminated.

- c. Wall Signs.

The maximum gross surface area of a wall sign shall be 40 square feet or the product of two

times the lineal width of the wall on which such signs are located, whichever is greater. Wall signs shall not have a vertical height of more than six feet, nor exceed 75% of the width of the wall area to which it is attached. Vertical clearance shall be subject to the requirements of paragraphs h and i of this Section. Wall signs shall not extend above the wall to which they are attached. Where two or more wall signs are installed in a single wall area, the gross surface area may not exceed 40 square feet or the product of two times the lineal width of the wall on which the signs are located, whichever is greater. Such signs shall not be arranged as to have a vertical height of more than six feet. The combination of the sign widths, when placed side by side, shall not exceed 75% of the width of the wall area to which they are attached. General business wall signs must be located over the premises which they advertise. Wall signs may be illuminated; provided, however, illuminated wall signs on rear building facades are prohibited.

d. Awning Signs.

An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet in height. The awning shall not be placed less than eight feet above the walking surface below. Art work or copy on awning signs shall be limited to a business name and/or logo and shall not exceed 20% of the area of the awning and shall extend for no more than 50% of the length of the awning. Awning signs may be illuminated.

e. Canopy Signs.

A canopy sign may be placed on or may be an integral part of the face of a canopy. The sign may consist of only the name and/or logo of the business at the location of the canopy and may be no greater in size than 20% of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy. The strip may not extend along the entire length of the face of the canopy. Width or thickness of the strip shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of the canopy is limited to the portions of the canopy face on which a sign or strip is permitted.

f. Subdivision Wall Signs or Plaques.

Subdivision wall signs or plaques shall not exceed 15 square feet in area. Subdivision wall signs or plaques are limited to one per subdivision entryway and may be illuminated by means of indirect illumination only. Subdivision wall signs or plaques shall only be attached to approved masonry screening wall.

g. Window Signs.

Window signs may be placed so as not to obscure more than 25% of the visible window area available in the absence of any signs. Where multiple windows exist, fronting on the single elevation, the 75% visibility shall be maintained for the total window area on said elevation.

h. Projection over Public Property.

If the vertical clearance of the sign above the ground is less than eight feet, no projection is permitted. If the vertical clearance of the sign above the ground exceeds eight feet, a projection of up to four feet or one-third of the width of the sidewalk below, whichever is less, is allowed.

i. Projection Over Private Property.

Projections other than awning or canopy signs over private property shall be allowed over pedestrian sidewalks, walkways and corridors, but not to exceed the following:

Vertical Clearance	Maximum Projection
Less than 8 feet	3 inches
8 feet or more	4 feet

7.7.B LIMITATIONS ON PERMANENT ON-PREMISE FREESTANDING SIGNS.

1. No permit shall be issued for a permanent, on-premises, freestanding sign except for the purpose of an agricultural sign, apartment sign, directory sign, general business sign, identification sign, institutional sign, multi-purpose sign, or real estate sign.
2. All permanent, on-premise, freestanding signs may be illuminated and shall be monument signs except for pole or pylon signs which are allowed in non-residential zoning districts with frontage on a roadway having a 55 mile per hour or greater speed limit as provided in this Section hereof.
3. All permanent, on-premise, freestanding, signs shall comply with the following standards:

a. Agricultural Signs

Agricultural signs may be erected in agricultural (AG) zoning districts. The maximum gross surface area of the sign shall be 50 square feet per side. Agricultural signs shall have a maximum height of fifteen feet and shall be set-back a minimum of 30 feet from the front property line. There shall be a minimum of 200 feet spacing between the agricultural sign and any other freestanding sign.

b. Apartment Signs.

Apartment signs may be erected in any residential zoning district which allows apartments as a use. The maximum gross surface area of an apartment sign shall be 25 square feet per side. An apartment sign shall have a maximum height of ten feet and shall have set-back a minimum of 15 feet from the front property line. Apartment signs are limited to one per street front.

c. Freeway Signs.

On-premise freeway signs may be erected only in districts zoned AG, C-PO, CN, CC1, CC2, CC3, PUD-C AND PUD-I where the property on which the sign is located is directly adjacent to a thoroughfare where the legal speed limit is 55 miles per hour or greater. Pole or pylon signs are allowed. The maximum gross surface area of on-premise freeway pole or pylon signs shall be 250 square feet per side. On-premise freeway pole or pylon signs shall have a minimum setback of 30 feet from the front and side property lines. In the event the property is located at or near an intersection, the sign shall be setback a minimum of 50 feet to the corner of any intersection. Where a monument sign is used, the maximum gross surface area of an on-premise freeway, monument sign shall be 100 square feet. On-premise freeway monument signs shall have a maximum height of 12 feet and a minimum setback of 30 feet from the front and side property lines. There shall be a minimum 60-foot spacing between on-premise freeway pole or pylon signs or other freestanding signs.

d. General Business Signs.

General business signs shall be erected only in non-residential zoning districts. The maximum gross surface area of a general business sign shall be 90 square feet per side for a monument style sign. The maximum height of a monument, general business sign shall be 10 feet and shall be set-back from the front property line a minimum of eight feet and a minimum of 30 feet from the side property line. General business signs shall have a minimum separation distance of 60 feet from any other free-standing sign.

e. Identification/Directory Signs.

Identification/directory signs shall be erected only in non-residential zoning districts. The maximum gross surface area of identification1directory signs shall be 150 square feet per side. The maximum height of identification/directory signs shall be 10 feet and said signs shall be set-back a minimum of eight feet from the front property line and 30 feet from the side property line. Identification/directory signs shall have a minimum separation of 60 feet from any other freestanding sign.

f. Institutional Signs.

Institutional signs may be erected only in zoning districts which allow the institution the sign advertises as a use. The maximum gross surface area of an institutional sign shall be 32 square feet per side. The maximum height of an institutional sign shall be 10 feet and shall have a minimum set-back from the front property line of 15 feet. Only one institutional sign per street front is allowed.

g. Multi-Purpose Signs.

i. The various portions of a multipurpose sign shall have the following surface areas:

Purpose	Maximum Gross Surface Area/Side
Identification	50 s.f.
Directory	70 s.f.
Reader Board	30 s.f.

provided, however, multi-purpose signs may have any combination of directory and reader board area so long as the maximum gross surface area does not exceed 100 square feet per side.

ii. A multi-purpose sign shall have a maximum total gross surface area of 150 square feet per side; provided, however, a multi-purpose sign may have a maximum gross surface area of 225 square feet per side so long as a rectangle drawn around the area actually occupied by the advertising copy is limited to the gross surface area of 150 square feet.

iii. Multi-purpose signs may be erected in any non-residential zoning district.

iv. Multi-purpose signs shall have a maximum height of 10 feet and shall have a minimum set-back of 30 feet from the front and side property lines. No more than one multi-purpose sign shall be erected per street front and there shall be a minimum separation distance of 60 feet from any other freestanding sign.

h. Subdivision Entry Signs.

Subdivision entry signs may be erected only in residential zoning districts. The maximum gross surface area of a subdivision entry sign shall be 30 square feet per side. The maximum height of a subdivision entry sign shall be three feet; provided, however, the sign height shall be limited so as not to obstruct the vision of automobile drivers entering and exiting the subdivision. Subdivision entry signs shall have a minimum set-back of five feet from the front property line. No more than two subdivision entry signs may be erected per subdivision.

i. Projections or Overhangs.

Any projecting or overhanging portion of a freestanding sign must be a minimum of ten feet above any walkway and fourteen feet above the roadway or other driving surface.

j. Attachments to Freestanding Signs.

No guys, braces, attachments, banners, flags, balloons, or other similar devices shall be attached to any freestanding sign, except as may be provided by a temporary permit.

k. Bollard, Wheel or Bumper Guard Protection for Freestanding Signs.

Freestanding signs shall be protected by bollard, wheel or bumper guards when deemed necessary by the building official in order to insure safe operation of vehicular traffic in and around the sign.

l. Number.

No more than one freestanding sign per street front shall be allowed for each developed lot, and in the event a building encompasses more than one developed lot, then no more than one freestanding sign per street front shall be allowed for said building.

m. Large Lots.

i. Except for agricultural signs and institutional signs, in non-residential zoning districts where the lot fronts on a thoroughfare having a speed limit of less than 55 miles per hour and the number of frontage feet of the lot exceeds 225 feet, the following limitations shall be applicable if greater than otherwise provided in this Chapter:

- (i) Area: the maximum gross surface area per side of the sign shall not exceed an amount equal to the product of .4 feet times the number of frontage feet of the lot, not to exceed 150 square feet.
- (ii) Height: the sign height shall not exceed five feet, plus one foot of sign height for each additional 20 feet of lot frontage over 99 feet, not to exceed 30 feet in height.
- (iii) Set-Back- set-back from the front property line shall be a minimum of 10 feet or the product of 1.43 times the sign height, whichever is greater.
- (iv) Spacing: signs shall not be placed closer to a side lot line than the distance equal to 1/4 of the lot frontage.

ii. Except for agricultural signs and institutional signs, in non-residential zoning districts where the lot fronts on a thoroughfare having a 55 mile per hour speed limit or greater and the number of frontage feet of the lot exceeds 225 feet, the following limitations shall apply if greater than otherwise provided in this Chapter:

- (i) Area: The maximum gross surface area per side of an on-premise, freeway, pole sign shall be the product of .4 feet times the number of frontage feet in the lot, or 250 square feet, whichever is less. The maximum gross surface area of an on-premise, freeway, monument sign shall be the product of .4 feet times the number of frontage feet in the lot, or 150 square feet, whichever is less.
- (ii) Height- the sign height shall not exceed 20 feet, plus one foot of sign height for each 40 feet of lot frontage over 99 feet, not to exceed 35 feet in height.
- (iii) Set-Back: the sign shall be set-back from the front property line a minimum of the product of 1.22 times the sign height.
- (iv) Spacing: the sign shall not be placed closer to a side lot line than a distance equal to 1/4 of the lot frontage.

n. Height.

The height of freestanding signs which are attached to the surface below street level shall be measured from street level.

7.7.C PROHIBITION OF PERMANENT, OFF-PREMISE SIGNS, WHETHER ATTACHED TO STRUCTURES OR FREESTANDING.

No permit shall be issued for the erection of any permanent, off-premise sign, including billboard signs, whether said sign is attached to a structure or freestanding, with the following exception:

1. Institutional Off-Premise signs meeting the following restrictions:
 - a. Shall be directional in nature.
 - b. A limit of two (2) signs per institution.
 - c. Gross square footage of each sign shall not exceed four (4) square feet.
 - d. Signs shall be manufactured and installed by the City in conformance with the Texas Manual on Uniform Traffic Control Devices for Streets & Highways.
 - e. All other applicable regulations and restrictions of the sign code shall apply, including the permitting and placement.
2. Vertical banners may be erected on utility and other designated poles within the public right-of-way subject to the following restrictions:
 - a. After approval of an application, vertical banners may only be erected by a non-profit organization for the purpose of advertising a function 1 or event to which the general public is invited
 - b. Vertical banner wording is limited to event names and dates only and may not contain any commercial message.
 - c. Vertical banners may occupy no more than 35 square feet in area per pole, may be no closer than ten feet (10') to the ground, and may have a maximum height of thirty-five feet (35') from the ground.
 - d. Vertical banners may be installed only on poles identified by the City that include the appropriate hardware for such installation. The installation must be supervised by the City.
 - e. For purposes-of safety and appearance, all vertical banners must be designed in accordance with criteria set forth by the city for purposes of safety, etc.
 - f. Approved vertical banners will be installed for a period of time not more than twenty-one (21) days, and must be removed on the first business day after the last day of the named event.
 - g. Vertical banner installation applications must be submitted no later than four weeks prior to the desired installation date, and must be submitted to the City Manager or his designee who will approve them on a first-come, first-served basis. Applications must include a notarized hold harmless and indemnity agreement.

7.7.E LIMITATIONS ON TEMPORARY, ON-PREMISE SIGNS.

1. No permit shall be issued for a temporary, on-premise sign except for the purposes of a construction sign, model home sign, search light as a general business sign, seasonal/special sales sign, or real estate sign.
2. Temporary, on-premise signs shall conform to the following standards.
 - a. Construction signs.

Construction signs may be erected in non-residential and residential zoning districts. The

maximum gross surface area per side of a construction sign shall be 32 square feet. The maximum height of a construction sign shall be 15 feet and shall have a minimum set-back of 20 feet from the front property line. A construction sign shall be removed upon the sale of the property or completion of the construction project.

b. Development signs.

Development signs may be erected in non-residential and residential zoning districts. The maximum gross surface area per side of a development sign in a non-residential zoning district shall be 90 square feet. The maximum gross surface area of a development sign in a residential zoning district shall be 50 square feet. The maximum height of a development sign in a non-residential zoning district shall be 20 feet. The maximum height of a development sign in a residential zoning district shall be 12 feet. A development sign shall be set-back, a minimum of 30 feet from the property line; provided, however, if the building line is less than 30 feet from the front property line, a development sign may be erected at the building line. There may be no more than one development sign per subdivision; provided, however, in the event the subdivision exceeds a total of 50 acres, then an additional development sign may be added for each additional 50 acres within the subdivision. A development sign shall be removed when the project is 90% complete or within three years, whichever is less. For the purposes of this provision, a subdivision shall be deemed 90% complete when 90% of the lots within the subdivision are sold.

c. Model Home Signs.

Model home signs may be erected in residential zoning districts. The maximum gross surface area of a model home sign shall be 16 square feet per side. The maximum height of a model home sign shall be 6 feet and shall be set-back from the front property line 10 feet or 1/2 of the distance between the front property line and the building line, whichever is greater. Model home signs are limited to one per premises. A model home sign shall be issued for a period of 18 months, provided if the model home is sold prior to the expiration of the 18 month period, the sign shall be removed when the sale is completed.

d. Real Estate Signs.

Real estate signs shall be allowed in non-residential districts; provided, however, real estate signs are limited to signs attached to the wall of the building located on the premises. The maximum gross surface area of a real estate sign shall be 90 square feet. The maximum height of a real estate sign shall be the height of the wall on which the sign is displayed. There shall be no more than one real estate sign per platted lot. Real estate signs shall be removed within 7 days following the completion of the sale or lease of the premises.

e. Search Lights.

A search light may be used as a sign in any non-residential zoning district. A search light shall be located a minimum of 50 feet from any public right-of-way and positioned so that all beams of light emitted have a minimum angle of 30 degrees from grade level. A search light may not generate light of an intensity in excess of 1,600 million foot candle power. No more than four beams of light may be projected from any premises. All search lights must be designed and maintained so as to prevent any light emitted therefrom from being directed at any portion of a street or adjoining property. No light emitted shall be of such intensity to cause impairment of the vision of the driver of any vehicle upon a public right-of-way or private roadway. No search light may be operated between the hours of 11:00 P.M., and 7:00 A.M. Permits for search lights shall be limited to periods of 7 consecutive days and permits shall be limited to one per premises for each 6 month period.

f. Seasonal/Special Sales Signs.

i. Seasonal/special Sales signs may be erected in residential/agricultural zoned districts, in order to advertise the sale of fruits and vegetables from a residential premises. The

maximum gross surface area of a residential Seasonal/Special Sales sign shall be 32 square feet per side. The sign shall have a minimum set-back of 8 feet from the front property line. No more than one seasonal/special sales sign shall be allowed per premises. The display period for a residential seasonal/special sales sign shall be for the May 1 to August 31 selling season of each year. The Fee for a residential seasonal/special sales sign permit shall be \$25 for the selling season.

- ii. Seasonal/special sales signs may be erected in non-residential zoning districts. A seasonal/special sale sign shall have a maximum gross surface area of 32 square feet per side. A seasonal/special sale sign shall have a minimum set-back of 8 feet from the front property line. No more than one seasonal/special sale sign shall be allowed per premises. A seasonal/special sales sign permit shall be for a period of 30 days. No more than three seasonal/special sales permits shall be issued per year per premises.

g. Vertical Banners.

Vertical banners may be erected on utility and other designated poles within the public right-of-way subject to the following restrictions:

- i. After approval of an application, vertical banners may only be erected by a non-profit organization for the purpose of advertising a function 1 or event to which the general public is invited
- ii. Vertical banner wording is limited to event names and dates only and may not contain any commercial message.
- iii. Vertical banners may occupy no more than 35 square feet in area per pole, may be no closer than ten feet (10') to the ground, and may have a maximum height of thirty-five feet (35') from the ground.
- iv. Vertical banners may be installed only on poles identified by the City that include the appropriate hardware for such installation. The installation must be supervised by the City.
- v. For purposes-of safety and appearance, all vertical banners must be designed in accordance with criteria set forth by the city for purposes of safety, etc.
- vi. Approved vertical banners will be installed for a period of time not more than twenty-one (21) days, and must be removed on the first business day after the last day of the named event.
- vii. Vertical banner installation applications must be submitted no later than four weeks prior to the desired installation date, and must be submitted to the City Manager or his designee who will approve them on a first-come, first-served basis. Applications must include a notarized hold harmless and indemnity agreement.

7.7.F PROHIBITION OF TEMPORARY, OFF-PREMISES SIGNS, WHETHER ATTACHED TO A STRUCTURE OR FREESTANDING.

No permit shall be issued for any temporary, off-premises sign, whether attached to a structure or freestanding, with the following exception:

Temporary subdivision directional signs may be placed in the public right-of-way or on private property. If placed in the public right-of-way adjacent to developed property it will require the permission of the adjacent property owner. There shall be no more than twenty (20) signs for any one subdivision. Each sign shall not exceed an area of six (6) square feet and may be exhibited from 12:00 noon on Friday to 12:00 noon on Monday. A special permit will be required for these types of signs and such permit shall be renewed on an annual basis. Cost of the permit will be fifty dollars (\$50 00) for each subdivision.

7.7.G LIMITATION ON ILLUMINATION OF SIGNS IN RESIDENTIAL ZONING DISTRICTS.

A sign in a residential zoning district, where allowed by the Sign Code, may be illuminated by means of indirect illumination only, and such light shall be located so as not to produce glare or direct illumination across the property lines of the premises.

7.7.H WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

All signs requiring a permit shall be designed and constructed to withstand a wind pressure of not less than 35 pounds per square foot of area.

7.7.I MAXIMUM GROSS SURFACE AREA OF MULTIPLE PERMITTED SIGNS UPON A PREMISES.

The gross maximum surface area of all permitted signs upon a premises shall not exceed the following in designated zoning districts:

<i>Zoning District</i>	<i>Maximum Gross Combined Surface Area</i>
Residential, other than R-MF	80 s. f.
R-MF	50 s. f.
AG	180 s. f.
C-PO	90 s. f.
CN	90 s. f.
Non-Residential, other than CN & C-PO	800 s. f.

Section 7.8 Limitations & Regulations Applicable to all Signs/Prohibition of Certain Signs**7.8.A MAINTENANCE OF SIGNS.**

No person shall allow a sign located on a premises owned by him or which he has control of to display or contain any of the following defects or conditions:

1. where the elements of the surface or background can be seen as viewed from the intended viewing distance to have portions of the finished material flaked, broken off, missing or otherwise not in harmony or consistency with the rest of the surface; or
2. where the structural supports or frame members are visibly bent, broken, dented, deteriorated or torn; or
3. where a panel is visibly cracked or in the case of wood and other similar products, splintered in such a way as to constitute unsightly or harmful conditions-, or
4. the sign, or its elements are twisted leaning or at angles other than those at which it was originally erected; or
5. where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
6. where the sign or its elements are not in compliance with the requirements of any building, electrical, sign or other type of code construction standards adopted by the City of Colleyville.

7.8.B OBSOLETE SIGNS.

No person shall erect or allow to be displayed upon premises owned or controlled by him an obsolete sign.

7.8.C OBSCENE SIGNS.

No person shall erect or allow to be displayed upon premises owned or controlled by him a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

7.8.D OBSTRUCTING SIGNS.

No person shall erect or allow to be displayed upon premises owned or controlled by him a sign which prevents free ingress to or egress from any door, window or fire escape.

7.8.E ATTACHMENTS TO STAND PIPE OR FIRE ESCAPE.

No person shall erect or allow to be displayed upon premises owned or controlled by him a sign which is attached to a stand pipe or fire escape.

7.8.F INTERFERENCE WITH TRAFFIC.

No person shall erect or allow to be displayed upon premises owned or controlled by him a sign which obstructs the free and clear vision at any location, where as a result of the position, size, movement, shape, color, fashion, manner or intensity of illumination or any other characteristics, such sign may interfere with vehicular or pedestrian traffic. Nor shall any person erect or allow to be displayed upon premises owned or controlled by him any sign in such a manner as to interfere with, obstruct the view of or be confused with, any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

7.8.G MOBILE OR PORTABLE SIGNS.

1. No person shall attach any sign to a trailer, skid. or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes; provided, however, said vehicle signs shall be prohibited where such vehicle is allowed to remain parked along a right-of-way, in the same location, or in the same vicinity, at frequent or extended periods of time, where the intended purpose is its use as a sign for the subject matter displayed on the vehicle sign.
2. No person shall erect or allow to be displayed on premises owned or controlled by him a portable sign.

7.8.H A-FRAME SIGNS AND SANDWICH BOARD SIGNS.

No Person shall erect or allow to be displayed upon premises owned or controlled by him an A-Frame Sign or Sandwich Board Sign.

7.8.I SUSPENDING MATERIAL AND SIGNS FROM BUILDINGS, LIGHT FIXTURES, POLES, SIDEWALKS, ETC.

1. No person shall erect or display upon premises owned or controlled by him any items such as goods, wares, merchandise or other advertising objects or material which are suspended from any building, light fixture, pole, structure, sidewalk, apartment, driveway or parking area, for the purpose of advertising such items, except as allowed pursuant to the provisions of the Sign Code.
2. No person shall erect or display upon premises owned or controlled by him any sign suspended or placed on a light fixture.

7.8.J PAINTING, MARKING, ATTACHING, MATERIALS TO STREETS, SIDEWALKS, UTILITY POLES, ETC.

No person shall attach any sign, whether consisting of paper, plastic, or paint, or stencil or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, whether public or private, utility pole, public building, fence or structure except as allowed by the sign code.

7.8.K ATTACHING ADVERTISING MATTER TO FENCES, UTILITY POLES, ETC., AND SCATTERING ADVERTISING MATERIAL ON THE STREETS AND SIDEWALKS.

1. No person shall place, stick, tack, nail or otherwise place any advertisement, sign, handbill, placard or printed pictured or written matter or thing for political advertisement or other advertising purposes upon any fence, railing, sidewalk, public telephone pole, electric or other utility pole or any other public property, including trees thereon or to knowingly cause or to commit same to be done for his benefit.
2. No person shall scatter, throw, or disburse any handbills, circulars, cards, tear sheets or other advertising materials of any description along or upon any street or sidewalk.

7.8.L FREESTANDING SIGNS PROHIBITED ON/OVER PUBLIC PROPERTY.

No person shall erect or allow to be displayed upon premises owned or controlled by him any freestanding sign on or over public property unless same be erected by the City, or with permission of the City for public purposes.

7.8M CERTAIN ILLUMINATED, ANIMATED, MOVING AND FLASHING SIGNS PROHIBITED.

No person shall erect or allow to be displayed upon premises owned or controlled by him any illuminated, animated, moving or flashing sign, with the following exceptions:

1. Only a sign which has illumination that is turned on and off, changed in light intensity, color or copy, at a rate equivalent to, or no more often than every five (5) minutes, is permitted. It is further provided that a sign which uses illumination to provide time of day and/or temperature only shall not constitute a flashing sign.
2. No person shall erect or allow to be displayed upon a premises owned or controlled by him any illuminated sign within 150 feet of property within a residentially zoned district unless the lighting is shielded from view of the residentially zoned district and indirect light does not exceed 1/2 lumen measured from any property line of the residentially zoned district.
3. No person shall erect or allow to be displayed upon a premises owned by him or controlled by him in a residentially zoned district any internally illuminated sign.

7.8.N BALLOONS, FLAGS, PENNANTS AND OTHER FLOATING DEVICES USED FOR ADVERTISING PURPOSES.

No person shall erect or allow to be displayed upon premises owned or controlled by him as a sign, any balloon, flag, pennant or other floating or inflatable device anchored to the ground or to any other structure except as allowed by the Sign Code.

7.8.O ROOF SIGNS, FENCE SIGNS, OR AMENITY SIGNS.

No person shall erect or allow to be displayed upon premises owned or controlled by him any roof sign, fence sign, or amenity sign.

7.8.P NON-COMBUSTIBLE MATERIAL.

All signs with internal illumination, direct illumination or indirect illumination which is attached to the sign

shall be constructed of non-combustible materials. Such signs shall be supported by non-combustible supports which with respect to freestanding signs are in a finished condition. Unfinished metal is not allowed.

7.8.Q NON-DEFINED SIGNS.

No person shall erect or allow to be displayed upon premises owned or controlled by him any sign which is not specifically allowed and permitted pursuant to the terms of the Sign Code.

Section 7.9 Adoption of Uniform Sign Code

The Uniform Sign Code, 1985 Edition, a copy of which is on file in the office of the City Secretary is hereby adopted by reference and designated as a portion of this Sign Code. To the extent any provisions of the Uniform Sign Code conflict with the provisions of the Sign Code as adopted, the Sign Code shall prevail.

Section 7.10 Construction Permit Fees

In addition to the sign permit fees established pursuant the terms of the Sign Code, the erection of any sign shall be subject to the payment of all other fees relating to the construction or erection thereof, including building permit fees.

Section 7.11 Penalty Provision

1. Persons Responsible.

The permit holder, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure on which the sign is located, the person in charge of erecting the sign and the person who has control of the premises on which the signs are erected are all subject to the provisions and prohibitions contained in the Sign Code.

2. Penalty for Violation.

Any person who violates any provision of the Sign Code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than \$500.00 for each offense. Each and every day that a violation to the Sign Code continues shall constitute a separate offense and shall be punishable as such.

Section 7.12 Protection of First Amendment Rights

Any sign allowed under this Chapter may contain, in lieu of other copy, any lawful, non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other requirements of this ordinance.

Section 7.13 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 8

Plat Review Procedures

Printed Mar. 23 00

Section 8.1 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

1. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
2. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
3. encourage appropriate protection to environmentally sensitive areas;
4. ensure that public facilities and services are available provide adequate and efficient transportation, water, sewerage, drainage and other public facilities.
5. establish standards of design for public facilities, and
6. establish procedures for the review and approval of subdivision plats.

Section 8.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 8.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 8.5 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

1. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
2. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
3. All plats and subdivisions shall conform to the rules and regulations set forth herein.
4. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
5. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8.6 Plat Required for Building Permit

No building permit shall be approved for or certificate of occupancy be issued on any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

1. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
2. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
3. Platting Exemption for Certain Conditions - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural zoning district.
4. Public Facilities Available - No building permit for a primary building will be issued until all proposed

public facilities have been installed and have been approved and accepted by the City or provision has been made by the developer for such public facilities.

Section 8.7 Procedure for Approval of Subdivisions

8.7.A APPROVAL OF PLATS BY STAFF, COMMISSION AND CITY COUNCIL

In accordance with Chapter 212.004 of the Local Government Code, the Planning and Zoning Commission shall approve all subdivision plats which conform to this Land Development Code. In addition to the requirement of approval of subdivision plats by the Planning and Zoning Commission, the City Council shall also be required to approve subdivision plats, except for approval of minor plats or amending plats.

1. The Planning and Zoning Commission shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the Planning and Zoning Commission fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the Planning and Zoning Commission. Such request shall be submitted in writing by the subdivider prior to the date of the scheduled Planning and Zoning Commission hearing.
2. Where City Council action is required on a subdivision application as provided in this Chapter, the action shall be taken within thirty (30) days after the date the subdivision application was approved by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council. Such request shall be submitted in writing by the subdivider prior to the date of the scheduled City Council hearing.
3. In cases where the City fails to act on a subdivision application within the thirty day time period, the Administrative Official, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
4. The approval of a plat by the City Council, or in the case of a Minor or Amending plat by the staff or Planning and Zoning Commission, shall constitute authority for the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, or staff to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
5. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail. The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Preliminary Plats	no	yes	yes
Final Plats	no	yes	yes
Minor Plats	no	yes	no
Amending Plats	yes	no *	no *

* The Planning and Zoning Commission shall have the authority to approve an Amending Plat which has not been approved by City Staff.

8.7.B MINOR PLAT APPROVAL BY COMMISSION

The Planning and Zoning Commission shall be authorized to approve or disapprove a Minor Plat, as defined by this Land Development Code, without the additional approval of the City Council. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall have the authority to approve the request or may elect to present the Minor Plat and the waiver request to the City Council for consideration.

8.7.C AMENDING PLAT APPROVAL BY STAFF

The City Manager, or his designee, shall be authorized to approve an Amending Plat as defined by the Local Government Code. If the application includes a request for a waiver from the subdivision requirements, the City Manager, or his designee, shall present the amending plat to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to approve the Amending Plat or may elect to present the plat to the City Council for consideration.

The City Manager, or his designee, may not disapprove an Amending Plat, but shall refer any Amending Plat which he refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

8.7.D MODIFICATIONS OF CONDITIONS

Where the City finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.

8.7.E DETERMINATION OF COMPLETENESS

The Administrative Official responsible for review of subdivision plats shall, upon receipt of a subdivision application, determine whether or not the subdivision application meets all of the content requirements for a plat submittal. A subdivision application not meeting all of the plat content requirements of this Chapter shall be returned to the subdivider within ten (10) working days following the date the application was submitted indicating the information which is lacking.

8.7.F OFFICIAL PLAT SUBMITTAL DATE

No subdivision application shall be scheduled for action by the City unless it is determined that the application is complete and in conformance with this Land Development Code. For the purpose of this Code, the date of the regular meeting of the approving body at which action is considered shall constitute the official filing date of the plat from which the statutory period requiring approval or disapproval of the plat shall commence, unless a waiver of the time period is requested by the developer.

8.7.G DEVELOPMENT REVIEW COMMITTEE

The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.

8.7.H DRC ACTION REQUIRED

Upon receipt of a subdivision application, copies of the subdivision plat shall be distributed to the Development Review Committee members for technical review. The DRC shall provide written

comments and recommendations on the proposed development to the Administrative Official within two (2) weeks following the date of distribution.

The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days after receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed. Upon receipt of the revised subdivision application or written response from the subdivider, the subdivision application shall be placed on the agenda of the next available scheduled meeting of the Planning and Zoning Commission for action. The written comments from the subdivider shall be furnished to the Administrative Official not less than four (4) working days prior to the meeting of the Planning and Zoning Commission.

8.7.I CONSISTENCY WITH MASTER PLAN

No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan.

8.7.J COMPLIANCE WITH ZONING

No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.

8.7.K PUBLIC FACILITIES

No subdivision application shall be approved unless the City determines that public facilities proposed by the developer will be adequate to support and service the area of the proposed subdivision. The applicant shall submit sufficient information and data to demonstrate that the proposed public facilities are adequate for the proposed uses of said subdivision. Public facilities and services to be examined for adequacy will include drainage facilities, roads, sewage, and water systems. All public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:

1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Any proposed water system improvements shall be consistent with the Master Water System Plan.
3. Wastewater Collection System - All lots shall be served by an approved means of wastewater collection and treatment. Any proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.
4. Storm Water Management - Drainage improvements shall accommodate potential runoff from the entire upstream drainage area, based on the ultimate development of the drainage basin, and shall be designed to prevent increases in downstream flooding. The City may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
5. Parks System Plan – All developments shall be consistent with the Parks Development Plan including all proposed trail systems plans of the City.

8.7.L RECORD MAINTENANCE

The Administrative Official responsible for subdivision review shall maintain a record of each application

submitted under this Chapter, and the action taken on the application. On written request by a property owner of an affected tract, the Administrative Official shall certify the reasons for the action taken on the application.

8.7.M DEDICATION OFFERS

All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.

1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the City may either deny the subdivision application or require the rearrangement of lots to include such land.
2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.

8.7.N NUISANCE ORDINANCES AND OUTSTANDING LIENS

No subdivision plat shall be approved in which the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville. No subdivision plat shall be approved that has an outstanding delinquent lien payable to the City of Colleyville.

8.7.O DELINQUENT TAXES

No subdivision plat shall be approved in which the property being considered for development has delinquent taxes due.

8.7.P FRONTAGE ON PUBLIC ACCESS REQUIRED

Every lot shall have frontage on a public street. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.

8.7.Q PLATS STRADDLING MUNICIPAL BOUNDARIES

Whenever access to the subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the Planning and Zoning Commission may require written approval from the adjacent city.

8.7.R OFFICIAL CITY MAP

The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal.

8.7.S ENFORCEMENT OF CHAPTER

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Section 8.8 Preliminary Plats

8.8.A PRELIMINARY PLAT CLASSIFICATION

Submittal of a Preliminary Plat is the first of a two step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process.

8.8.B PLATTING ALL LAND IN COMMON OWNERSHIP

The Preliminary Plat shall include all contiguous holdings of the owner, including land in "common ownership" as defined in this Chapter, with an indication of the portion which is proposed for subdivision.

8.8.C PHASING OF PRELIMINARY PLATS

In the event that the property indicated is to be final platted in phases, the Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.

8.8.D EFFECT OF APPROVAL

Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision but shall constitute authority to proceed with the Final Plat process as described in this Chapter.

8.8.E EXPIRATION OF APPROVAL

Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.

8.8.F RE-SUBMITTAL OF PRELIMINARY PLAT

When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.

8.8.G PRELIMINARY PLAT EXHIBITS

The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Preliminary Plat Application* – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Preliminary Plat Drawing* – The plat drawing shall contain the information listed in *Section 8.14 – Required Plat Information*, where applicable.
3. *Preliminary Drainage Analysis* – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code. The Planning and Zoning Commission shall not recommend for approval any plat which does not provide adequate facilities to accommodate stormwater runoff.
4. *Preliminary Utility Plan* – The subdivider shall submit a preliminary utility plan which shall indicate the general location and approximate sizes of all existing and proposed public utilities. The size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
5. *Tree Preservation Plan* – The subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. Where trees are proposed for removal, the subdivider shall submit a tree replacement plan. The tree survey, aerial photograph and tree replacement plan shall be in accordance with *Chapter 5 - Tree Preservation* of this Land Development Code.
6. *Nuisance Compliance Certification* – The subdivider shall submit a certification from the city code compliance officer indicating the status of the property regarding public nuisances.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

8.8.H GRADING SITE PRIOR TO FINAL APPROVAL

Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8.9 Final Plats

8.9.A FINAL PLAT CLASSIFICATION

Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.

8.9.B FINAL PLAT PREREQUISITES

Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.

8.9.C FINAL PLAT EXHIBITS

The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Final Plat Drawing* – The plat drawing shall contain the information contained in *Section 8.14 – Required Plat Information* of this Land Development Code.
3. *Drainage Study* – When the Preliminary Drainage Analysis has determined that drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with engineering drawings which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code. The Planning and Zoning Commission shall not recommend for approval any plat which does not provide adequate facilities to accommodate stormwater runoff.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat for approval by the City. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Preservation Plan* – If not previously submitted, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. Where trees are proposed for removal, the subdivider shall submit a tree replacement plan. The tree survey, aerial photograph and tree replacement plan shall be in accordance with *Chapter 5 - Tree Preservation* of this Land Development Code.
6. *Nuisance Compliance Certification* – The subdivider shall submit a certification from the city code compliance officer indicating the status of the property regarding public nuisances.
7. *Taxes Paid Certification* – The applicant shall submit evidence from all local public taxing entities indicating that no delinquent taxes are due.
8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

8.9.D RECORDING OF FINAL PLATS

The City shall record the plat with the Tarrant County Clerk's Office when the following are complete:

1. The plat has been drawn on mylar reproducible film or other permanent material and has been signed by the Planning and Zoning Commission Chairman and Secretary and/or the Mayor and City Secretary, or staff, as applicable;
2. All necessary fiscal agreements have been approved by the City;
3. All fees have been received; and
4. The Director of Public Services has approved all engineering plans and specifications.

Section 8.10 Minor Plats

8.10.A MINOR PLAT CLASSIFICATION

The Minor Plat procedure shall be used when the property proposed for development is not platted, contains four (4) or fewer lots, will not create a new street and conforms to the requirements of this Chapter. The purpose of the Minor Plat procedure is to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created.

8.10.B PLATTING ALL LAND IN COMMON OWNERSHIP

The Minor Plat shall include all contiguous holdings of the owner including land in "common ownership" as defined in this Code, with an indication of the portion which is proposed for subdivision.

8.10.C MINOR PLAT EXHIBITS

The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Minor Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Minor Plat Drawing* – The plat drawing shall contain the information contained in *Section 8.14 – Required Plat Information* of this Land Development Code.
3. *Drainage Study* – The subdivider should discuss with the city engineer the need to submit a Preliminary Drainage Analysis to determine the need for drainage facilities or a Drainage Study with engineering drawings. Any Preliminary Drainage Analysis or Drainage Study shall be prepared in accordance with drainage improvement requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code. The Planning and Zoning Commission shall not recommend for approval any plat which does not provide adequate facilities to accommodate stormwater runoff.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat for approval by the City. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Preservation Plan* – The subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. Where trees are proposed for removal, the subdivider shall submit a tree replacement plan. The tree survey, aerial photograph and tree replacement plan shall be in accordance with *Chapter 5 - Tree Preservation* of this Land Development Code.
6. *Nuisance Compliance Certification* – The subdivider shall submit a certification from the city code compliance officer indicating the status of the property regarding public nuisances.
7. *Taxes Paid Certification* – The applicant shall submit evidence from all local public taxing entities indicating that no delinquent taxes are due.
8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

8.10.D RECORDING OF MINOR PLAT

The City shall record the plat with the Tarrant County Clerk's Office when the following are complete:

1. The plat has been drawn on mylar reproducible film or other permanent material and has been signed by the Planning and Zoning Commission Chairman and Secretary;
2. All necessary fiscal agreements have been approved by the City;
3. All fees have been received; and
4. The Director of Public Services has approved all engineering plans and specifications, if applicable.

Section 8.11 Replats

8.11.A REPLAT CLASSIFICATION

The Replat procedure shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat.

8.11.B REPLAT EXHIBITS

The subdivider shall file an application for approval of a Replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Replat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Replat Drawing* – The plat drawing shall contain the information contained in *Section 8.14 – Required Plat Information* of this Land Development Code.
3. *Drainage Study* – The subdivider should discuss with the city engineer the need to submit a Preliminary Drainage Analysis to determine the need for drainage facilities or a Drainage Study with engineering drawings. Any Preliminary Drainage Analysis or Drainage Study shall be prepared in accordance with the requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code. The Planning and Zoning Commission shall not recommend for approval any plat which does not provide adequate facilities to accommodate stormwater runoff.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Replat for approval by the City. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Preservation Plan* – The subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. Where trees are proposed for removal, the subdivider shall submit a tree replacement plan. The tree survey, aerial photograph and tree replacement plan shall be in accordance with *Chapter 5 - Tree Preservation* of this Code.
6. *Nuisance Compliance Certification* – The subdivider shall submit a certification from the city code compliance officer indicating the status of the property regarding public nuisances.

7. *Taxes Paid Certification* – The applicant shall submit evidence from all local public taxing entities indicating that no delinquent taxes are due.
8. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

8.11.C ADDITIONAL CRITERIA FOR RE-PLATTING

The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:
 - a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice (with a copy of paragraph (2) attached) of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.
4. Compliance with paragraphs (2) & (3) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

8.11.D RECORDING OF A REPLAT

The City shall record the plat with the Tarrant County Clerk's Office when the following are complete:

1. The plat has been drawn on mylar reproducible film or other permanent material and has been signed by the Planning and Zoning Commission Chairman and Secretary;
2. All necessary fiscal agreements have been approved by the City;
3. All fees have been received; and
4. The Director of Public Services has approved all engineering plans and specifications, if applicable.

Section 8.12 Amending Plats

8.12.A AMENDING PLAT CLASSIFICATION

The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.

8.12.B AMENDING PLAT PROCEDURES

The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:

1. Correct an error in any course or distance shown on the prior plat;
2. Add any course or distance that was omitted on the prior plat;
3. Correct an error in the description of the real property shown on the prior plat;
4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or
 - b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
 - a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and

- c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
11. To replat one or more lots fronting on an existing street if:
 - a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.

8.12.C AMENDING PLAT EXHIBITS

The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Amending Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Amending Plat Drawing* – The plat drawing shall contain the information contained in *Section 8.14 – Required Plat Information* of this Land Development Code, where applicable.
3. *Drainage Study* – The subdivider should discuss with the city engineer the need to submit a Preliminary Drainage Analysis to determine the need for drainage facilities or a Drainage Study with engineering drawings. Any Preliminary Drainage Analysis or Drainage Study shall be prepared in accordance with the requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code. The Planning and Zoning Commission shall not recommend for approval any plat which does not provide adequate facilities to accommodate stormwater runoff.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat for approval by the City. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Nuisance Compliance Certification* – The subdivider shall submit a certification from the city code compliance officer indicating the status of the property regarding public nuisances.
6. *Taxes Paid Certification* – The applicant shall submit evidence from all local public taxing entities indicating that no delinquent taxes are due.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

8.12.D RECORDING AN AMENDING PLAT

The City shall record the plat with the County Clerk's Office when the following are complete:

1. The plat has been drawn on mylar reproducible film or other permanent material and has been signed by the Administrative Official authorized to approve an Amending Plat;
2. All necessary fiscal agreements have been approved by the City;
3. All fees have been received; and

4. The Director of Public Services has approved all engineering plans and specifications, if applicable.

Section 8.13 Vacation of Plats

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed for the original plat.

Section 8.14 Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is within an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. Preceding the name of the subdivision shall be a Title Block indicating whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
 - g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
 - h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

- i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown. The plat or deed recording information shall be shown.
- j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.
- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width may be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.
- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* - The plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.
- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* - All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Staff Approval Authority

This amending plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development Manager

Director of Public Services

Dedication Certificate

WHEREAS, (owners name), are the owners of a tract of land situated in the (name) Survey, Abstract N. (#), Tarrant County, Texas, and being out of a (#) acre tract conveyed to them by (deed reference), and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20____.

Owners Name

STATE OF TEXAS }
COUNTY OF TARRANT }

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for Tarrant County

(affix seal)

My printed name

My commission expires:

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground.

Signature

Date

(Affix Seal)

Section 8.15 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 10

Private Streets and Entrance Gates

Printed June 08, 00

Section 10.1 Purpose of This Chapter

The purpose of this Chapter is to establish regulations for gated subdivisions with privately owned streets.

Section 10.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 10.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an administrative official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 10.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 10.5 Council Authority and Procedure

10.5.A AUTHORITY

The City Council, after receiving recommendations from the Planning and Zoning Commission and holding a public hearing, may grant a variance to allow approval of a plat or replat of a subdivision which includes private streets and entrance gates, provided that the subdivision complies with the minimum requirements listed below plus any other requirements deemed necessary by the City Council in order to protect public health and safety. The terms "private street" or "private streets" shall be inclusive of streets, alleys, storm drainage systems, entrance gates and structures.

10.5.B PUBLIC HEARINGS REQUIRED

A request for a subdivision with private streets must be reviewed by the Planning and Zoning Commission and City Council with each body holding a public hearing. Written notices of all such public hearings shall be sent to all owners of real property lying within 200 feet of the proposed subdivision with private streets.

Such notices to be given not less than ten (10) days before the day set for hearing, as listed on the last approved City tax roll. Such notice may be served by depositing letters properly addressed and postage paid in the City Post Office. The applicant will be sent notice by registered mail. The Planning and Zoning Commission will act in an advisory capacity to the City Council in this matter. A subdivision with private streets and alleys is permitted only after a final decision has been made by the City Council to issue a private street permit.

Section 10.6 Conditions of Approval

10.6.A PLANNING CONSIDERATIONS

1. Streets shown on the adopted Thoroughfare Plan of the City of Colleyville must not be used, maintained or constructed as private streets.
2. A subdivision with private streets and alleys must not impede or cross an existing or proposed street as shown on the City's most recent Thoroughfare Plan or approved preliminary or final plats.
3. A subdivision with private streets and alleys must not disrupt or disconnect an existing or proposed City of Colleyville public pedestrian pathway, hike and bike trail, or park as shown on the City's most recent Park Plan.
4. The perimeter of a subdivision with private streets and alleys must include a minimum of eighty (80) feet of contiguous frontage upon a public street.
5. The proposed subdivision with private streets must be zoned for residential purposes in accordance with the Colleyville Land Development Code, and contain twenty (20) single-family lots or greater.

10.6.B PUBLIC ACCESS CONSIDERATIONS

In addition to the above conditions of approval, the Planning and Zoning Commission may recommend denial and the City Council may reject a request for a subdivision with private streets if in the Commission's and Council's judgment the private streets would negatively affect traffic circulation on public streets, impair access to properties or future developments that are either on-site or off-site to the subdivision, impair access to or from public facilities such as schools, parks and libraries, etc., or delay the response time of emergency vehicles.

10.6.C PRIVATE STREET AND DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

Private streets must conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the concrete street standards, engineering design guidelines and construction standards and details, street naming and addressing policy. The drainage system must meet all the requirements of public facilities, including sizing to carry upstream loads, metered discharges, etc.

10.6.D TRAFFIC SIGNS

All traffic regulatory signs along private streets must conform to the Texas Manual of Uniform Traffic Control Devices.

10.6.E HOMEOWNERS ASSOCIATIONS (HOA) REQUIRED

A subdivision developed with private streets must have a mandatory HOA which includes all properties served by the private streets. The association shall own and be responsible for the maintenance of the private streets and appurtenances. The association's document must indicate that the streets and drainage systems within the development are private, owned and maintained by the association, and that

the City has no obligation to maintain the private streets and drainage systems. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association must not be dissolved without the prior written consent of the City. No portion of the association's documents pertaining to the maintenance of the private streets and assessments thereto shall be amended without the written consent of the City.

10.6.F RESERVE FUND

The HOA shall establish a reserve fund for the maintenance and reconstruction of the private streets, drainage facilities, and related appurtenances. The reserve fund should be accounted for separately from other funds maintained for annual operating expenses of the association in order to better demonstrate that the amounts deposited therein are intended for capital improvements. The HOA shall, no later than January 31st of each year, submit to the City a copy of the reserve fund statement for the preceding calendar year. The annual contribution to the reserve fund shall be a minimum of \$75.00 per lot, or as otherwise determined by the City Council. The City shall have authority to inspect all streets, drainage facilities, and related appurtenances on a periodic basis to determine the need for repairs to these capital facilities. The City requires that the HOA employ an engineering firm to estimate the cost of replacement based on inflation, original design and construction and the age of the facilities. The HOA shall repair all drainage and street facilities when instructed to do so by the City, subject to appeal to the City Council. Failure by the HOA to make repairs to streets or drainage facilities which impact drainage up or downstream from the development may result in the completion of needed repairs by the City with an assessment of all costs plus interest accrued from the time the City installs the improvements until all funds are collected. HOA documents must detail this City authority and shall not be amended without City approval.

10.6.G PRIVATE STREET LOT

Private streets must be constructed within a separate lot owned by the HOA. This lot must conform to the City's standards for public street and alley right-of-way. An easement covering the street lot must be granted to the City providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies operating within the City. The easement must also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the private street lot that impairs emergency access.

10.6.H CONSTRUCTION AND MAINTENANCE COST

The City shall not pay for any portion of the cost of constructing or maintaining a private street.

10.6.I CITY UTILITIES

Water, sewer, storm drainage facilities placed within the private street and alley lot shall be installed to city standards. After completion and acceptance of such facilities, the water and sewer facilities shall be dedicated to the city. All storm drainage facilities in the subdivision shall remain within the ownership and maintenance responsibilities of the HOA. All city regulations relating to infrastructure financing, performance bonds, developer cost participation and capital cost recovery shall apply to developments with private streets. Any and all city executable maintenance bonds covering subdivision construction shall be transferred to the HOA upon approval of the private street subdivision by the City Council.

10.6.J PLANS & INSPECTIONS

Proposed subdivision with private streets must submit to the City the same plans and engineering information required to construct public streets, utilities and related appurtenances. Requirements pertaining to inspection and approval of improvements prior to the City's acceptance of the subdivision shall apply. Fees charged for these services shall also apply. The City shall have the right to inspect the private streets and related appurtenances at any time, and require the HOA to provide the repairs needed

to ensure emergency access. The City Council shall be the final judge of whether such repairs are needed.

10.6.K ACCESS RESTRICTIONS

Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the City and other utility service providers with appropriate identification. If the HOA fails to maintain reliable access as required to provide city or utility services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the HOA, subject to approval by the City Council. The HOA's documents must contain provisions in conformity with this paragraph which must not be amended without the written consent of the City.

10.6.L RESTRICTED ACCESS ENTRANCE DESIGN STANDARDS

Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 24 feet at the location of the access control device. If an overhead barrier is used, it must have a minimum height above the road surface as required by the Fire Code for fire lanes. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, must meet City guidelines or policies and must be approved by the City prior to installation. The gates, cross arms and opening devices must be tested and accepted by the City prior to being put into operation. Gate designs may incorporate one or two gate sections to meet the required minimum width of 24 feet. If the entrance is to incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the City, but in no case shall any single gate or street pavement have a clear opening of less than 18 feet.

All restricted access entrances shall be equipped with the Opticom gate opening system. The system shall be maintained by the HOA in good working condition at all times.

10.6.M VISITOR ENTRANCE DESIGN STANDARDS

At least one entrance per subdivision with private streets must be equipped for visitor access. In addition to the above Restricted Access Entrance Design Standards, said visitor entrance must be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing. The City reserves the right to require the developer to provide a detailed study to determine if the traffic generated by the proposed development will warrant the call or code box to be set back greater than the 50 foot minimum requirement in order to ensure sufficient vehicle storage or queuing space. A turn-around space with a minimum outside radius of 30 feet must be located between any call or code box and access control gate or cross arm to allow vehicles denied access to safely exit onto public streets in a "head out" position. A sign must be erected next to the edge of such turn around space to prohibit vehicle parking in such space. Residents entrance used in combination with a visitor entrance shall comply with the requirements of this paragraph.

10.6.N RESIDENT ONLY ENTRANCE DESIGN STANDARDS

In addition to the above Restricted Access Entrance Design Standards, an access control gate or cross arm that requires residents to use a key, card or code to gain access must be set back a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing. Resident entrances equipped with an electronic opener that allows residents to remotely open the control access gate or cross arm and enter the subdivision without having to stop are exempted from this requirement. A sign must be erected next to any resident entrance that does not meet the 50 feet setback requirement of this paragraph and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.

10.6.O HOLD HARMLESS

The subdivision final plat and the HOA's documents must contain language whereby the HOA, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: a) the reasonable use of the private streets, emergency access, utility easements, entrance gate or structure by the City, its officers, agents, licensees, servants and employees; b) the condition of the private streets, private street lights, private entrance gates or structures, private walls or fences, private pedestrian access, private storm drainage systems and emergency access; or c) any use of the subdivision with private streets by the City, its officers, agents, licensees, servants and employees for any purpose related to the exercise of a governmental function or service, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of City. The HOA shall be responsible for carrying liability insurance to meet the requirements in this paragraph. Those portions of the HOA's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

10.6.P REVOCATION OF PRIVATE STREET PERMIT

The City Council, after giving a sixty (60) day notice to the HOA, its successors or assignees and after holding a public hearing, may revoke a private street permit issued to a subdivision with private streets if the Council finds that the private street permit was obtained by fraud or deception, or if the HOA fails to provide reliable emergency access. The revocation of a private street permit shall give the City the right to inspect the private streets and levy an assessment upon each lot on a pro-rata basis for the expense of needed repairs. Said assessment shall constitute an assessment lien upon the lot against which each assessment is made. The City Council shall be the final judge of whether repairs are needed. The City shall also have the right to require, at the HOA's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. If the permit is revoked, the HOA will forfeit to the City the remaining balance of the reserve fund established for the maintenance and improvement of all streets and utilities within the subdivision. If the reserve fund is insufficient, the lot owners will be assessed the difference for appropriate maintenance. The HOA's documents must provide for the City's right to require said assessment and removal of improvements. Those portions of the HOA's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

10.6.Q PETITION TO CONVERT TO PUBLIC STREETS

The HOA may petition the City Council to accept private streets as public streets and right-of-ways upon written notice to all HOA members and upon receipt of the notarized signatures of 100% of the HOA's membership indicating approval. However, in no event shall the City be obligated to accept the private streets as public. Should the City Council elect to grant the petition, the City shall have the right to inspect the private streets and estimate the expense of repairing the private streets and removing gates, guard houses, access control devices, landscaping or other amenities located within the private street lot. The City shall be the final judge of whether repairs are needed to the private streets prior to acceptance. Before approval by the City Council, the petitioners or their designee must contract with the City for payment of 100% of the City's estimated expenses.

10.6.R PETITION TO CONVERT TO PRIVATE STREETS

The homeowners may petition the City Council to convert public streets to private streets upon written notice to all the neighborhood's members and upon receipt of the notarized signatures of 100% of the neighborhood's homeowners indicating approval. A subdivision petitioning to have private streets must have a mandatory HOA which includes all properties proposed to be served by the private streets. However, in no event shall the City be obligated to convert public streets to private streets. Should the City Council elect to grant the petition, the City shall receive documentation of an acceptable plan whereby a reserve fund of the appropriate amount is set up for implementation by the HOA.

10.6.S CITY ATTORNEY REVIEW

All HOA's documents must be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable City policies prior to being filed of record at the County. The developer of a new subdivision shall pay for the cost of the City Attorney's review.

10.6.T SUBDIVISION PLAT REQUIREMENTS

The plat dedication certificate and conditions of approval shown in the attached Exhibits "10-A" and "10-B" must be provided in all final plats for subdivisions with private streets."

10.6.U PERMIT FEE

To defray the cost of processing the application, and maintaining City owned electronic emergency equipment, a partially refundable fee of \$700 shall be presented upon application for approval of a private street subdivision. If the application is denied by City Council, \$500 shall be refunded to the applicant."

EXHIBIT "10-A"

PLAT DEDICATION CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

THAT _____, acting by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described real property as _____, an addition to the City of Colleyville, Tarrant County, Texas, and does hereby dedicate to the public's use the emergency access and utility easements shown thereon subject to the conditions of approval stated herein.

WITNESS MY HAND at Colleyville, Tarrant County, Texas, this _____ day of _____, 199__.

(provide name and title)

EXHIBIT "10-B"

CONDITIONS OF APPROVAL:

1. Lot 1, Block A denotes the private access and private drainage easement owned by the Homeowners Association (HOA) of _____. No building permit will be issued for Lot 1, Block A.
2. The landowners and any subsequent owners of lots shown herein (the ☐Lot Owners☐), jointly and severally, shall be responsible and liable for the construction, operation and maintenance of any private common areas or facilities in the addition created herein (the ☐Addition☐), including but not limited to private streets, private entrance gates or structures, private walls and fences, private pedestrian access, private storm drainage systems, private lake, private open space and landscaping, and emergency access.
3. A HOA shall be established by the subdivider or developer to operate and/or maintain the aforementioned private common areas or facilities.

4. The City of Colleyville, Texas (the City) shall not be responsible for maintaining any of the aforementioned private common areas or facilities. The City will maintain only the public water and sewer systems in utility easements accepted by the City.
5. The HOA, lot owners, and landowners shall not seek maintenance from the City except for the aforementioned public water and sewer systems in utility easements accepted by the City.
6. Any public utility entities, including the City, shall have the right at all times of ingress and egress to and from and upon the utility easements shown herein for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems. Except for private storm drainage systems, private streets and related entrance gates or structures that are approved by the City, no buildings, fences, structures, trees, shrubs, or other improvements or growths shall be constructed or placed upon, or across said public utility easements. Any public utility entity, including the City, shall have the right to remove and keep removed all or parts of any buildings, fences, structures, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with its respective systems within said utility easements.
7. The City shall have the right at all times to remove and keep removed any vehicle or obstacle that impairs emergency access in the emergency access easements shown herein.
8. Any governmental entities, including the City, shall have the right at all times of ingress and egress to and from and upon the private access easements shown herein for any purpose related to the exercise of a governmental service or function.
9. If the HOA or lot owners fail to maintain reliable access to any public utility or governmental entities for purposes stated hereinabove, the City may enter the Addition and remove any entrance gate or structure which is a barrier to access at the sole expense of the HOA or lot owners on a pro-rata share formula.
10. The construction, reconstruction or repair of any private streets within the Addition must meet the approval of the City Engineer and comply with the specifications of the City for public streets at the time of construction, reconstruction or repair. The construction, reconstruction or repair of any entrance gate and structure for the Addition must meet the approval of the Engineering Department and Fire Department of the City.
11. The installation or replacement of all traffic regulatory signs along the private streets must conform to the Texas Manual of Uniform Traffic Control Devices.
12. THE HOA AND LOT OWNERS AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OF CHARACTER, WHETHER REAL OR ASSERTED, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY: A) THE REASONABLE USE OF THE PRIVATE STREETS, EMERGENCY ACCESS, UTILITY EASEMENTS, ENTRANCE GATE OR STRUCTURE BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES; B) THE CONDITION OF THE PRIVATE STREETS, PRIVATE ENTRANCE GATES OR STRUCTURES, PRIVATE WALLS AND FENCES, PRIVATE PEDESTRIAN ACCESS, PRIVATE STORM DRAINAGE SYSTEMS AND EMERGENCY ACCESS; OR C) ANY USE OF THE ADDITION BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES FOR ANY PURPOSE STATED HEREINABOVE, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY ALLEGED NEGLIGENCE OR OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES OR INVITEES OF CITY. THE HOA SHALL BE RESPONSIBLE FOR CARRYING LIABILITY INSURANCE TO MEET THE REQUIREMENTS IN THIS PARAGRAPH.

Section 10.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 11

Park Land Dedication

Printed June 08, 00

Section 11.1 Purpose of This Chapter

The purpose of this Chapter is to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape and quality of open space and park areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks and Recreation Master Plan.

Section 11.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 11.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 11.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 11.5 Council Authority and Procedure

11.5.A APPLICABILITY

1. Unplatted Property - This section applies to all property for which a final plat has not been formally submitted to the City for approval, unless otherwise noted herein.
2. Exempt Property - Any tract or lot occupied by an existing residential dwelling unit at the time of adoption of this ordinance shall be exempt from the dedication requirements of this section herein if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the

existing residential dwelling. Any additional lots created by further subdivision of the property shall be subject to the requirements herein.

3. Date of Assessment - All requirements contained in this section shall be assessed at the time of approval of the final plat of any applicable property.

11.5.B LAND DEDICATION REQUIREMENTS

1. Standards

In reviewing proposed dedications of parkland, the following criteria shall be imposed; provided, however, the approving body may vary or waive any of the following criteria on a finding that the proposed dedication of parkland is in accordance with the development of the City, complies with the statement of intent of the Parkland Dedication Ordinance and because of the uniqueness of the property, requires a variance:

- a. Parkland shall be clearly visible from the public rights-of-way and shall be located so as to give maximum possible exposure throughout the neighborhood.
- b. Access to the parkland shall be available from public rights-of-way.
- c. Where the proposed parkland is a flood plain area which is proposed as a linear park, the following shall also be considered:
 - i. Whether the proposed site contains significant environmental features representative of a pre-urbanized Colleyville, including trees, plants, wildlife, topography, geological outcroppings, unique water features or any combination thereof.
 - ii. Whether the proposed site currently provides, or will provide in the future, an effective linkage to other existing or anticipated public park sites which will allow movement to and from places where residents live, work and play.
 - iii. Whether the proposed site is easily accessible, visible and identifiable.
 - iv. Whether the proposed site has street frontage along its entire length.
 - v. Whether the proposed site is designed to be used and function as a natural waterway with minimal site alteration.
- d. A minimum of fifty percent (50%) of any dedicated parkland shall have grades of less than three percent (3%) and shall be well drained and suitable for development of parkland improvements.
- e. Parkland shall be provided with access to all utilities, including water and sewer, along the street frontage of the park.
- f. Parkland shall not be burdened with easements, rights-of-way, deed restrictions or other limitations which prohibit or inhibit the use of the parkland for park purposes.

2. Amount and Location

a. Residential Developments

Based on the population projected to reside in the City of Colleyville, as stated in the 1998 Master Plan adopted by the City Council, the City desires to provide 9.0 acres of parkland for every 1,000 residents in an ultimate condition. Parkland meeting the requirements contained within this section shall be dedicated to the City at a ratio of one (1) acre of parkland for every thirty-six (36) residential dwelling units or a prorated portion thereof.

The subdivider shall dedicate to the City a minimum of 0.0280 acres of parkland in fee simple for each DU (dwelling unit) within the subdivision; provided, however, no tract of parkland shall be less than seven (7) acres in total area unless approved by the City Council.

b. Non-Residential Developments

Although non-residential development does not generate residential occupancies per se, it does create environmental impacts, which may negatively affect the living environment of the community. These impacts may be ameliorated or eliminated by providing park or open space areas which buffer adjoining land uses, prevent undue concentration of paved areas, allow for the reasonable dissipation of automotive exhaust fumes, provide natural buffers to the spread of fire or explosion, and provide separation of lighting, waste disposal, and noise by-products of non-residential operations and activities from adjacent residential areas. The City has therefore determined that non-residential developments must provide dedicated parks and/or reserved open space at a ratio of one (1) acre of parkland for every fifty-six (56) non-residential gross acres of development or prorated portion thereof.

c. Off-site Dedications

A developer may dedicate the required parkland for a development at another location owned by the same developer within the City with the consent of the City, provided that the off-site dedication is in accordance with this ordinance.

3. Documents Accompanying Final Plat

Where the subdivider proposes to dedicate land to the City for parkland purposes, the following additional documents shall be submitted to the City with the submission of the final plat of the subdivision:

- a. An environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- b. If a developer chooses to dedicate the land or to build the park, a site plan of the park property containing a conceptual plan of the type, nature, and extent of improvements which could be made to the property and identifying the property as to type, i.e., neighborhood park, linear park, special purpose or community park.
- c. A statement as to the number of proposed DUs within the subdivision.

4. Condition of Property and Acceptance by the City of Colleyville

Prior to the issuance of a building permit for the erection of any house within the subdivision, the subdivider shall apply to the City for written acceptance of the parkland, which shall be accepted upon completion of the following conditions:

- a. The subdivider shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.
- b. The subdivider shall provide the City with a survey acceptable to the City reflecting each corner monument, showing and locating any encroachments, easements and providing a metes and bounds description of the parkland.
- c. All rubbish, trash, junk and other offensive materials shall be removed from the parkland and the property returned to its natural condition except as to approved construction and improvements thereon.

- d. All improvements or construction on or within the parkland to be installed by the subdivider shall be completed in accordance with approved construction plans.
- e. All other applicable ordinances of the City have been complied with.

11.5.C ALTERNATIVES TO LAND DEDICATION

1. Authorization

In any case where a dedication is required, the City shall have the right to accept the dedication, as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this Section. The City may permit a combination of dedication and fees to be used to fulfill this requirement.

2. Fee Payment Alternative

Approval of Fee Payment Alternative: The City Council shall upon recommendation of the Park Board, determine the acceptability of a developer's payment of fees in lieu of land dedication requirement of this section.

3. Calculation of Fees

The City Council shall establish an acreage land value cost figure to be used in calculating park fees.

- a. Residential Dwelling Unit Fees: Fees paid in lieu of dedication shall be based on the determined cost of 1 acre of land divided by thirty-six (36), for a resulting fee per residential dwelling unit of \$1,206.
- b. Non-Residential Development Fees: The fee payment alternative for non-residential development shall be calculated by dividing the determined cost of one (1) acre of land by fifty-six, for a resulting fee per non-residential acre cost of \$400 per acre. In the event the non-residential development is less than fifty-six (56) acres, the total acreage shall be divided by 56 to determine the prorated fee payment.

4. Collection of Fees

- a. The payment of the fee in lieu of dedication shall be a condition precedent to issuance of any building permit for a DU within the subdivision.
- b. By agreement approved by the City Council, the City and the subdivider may alter the time and method of payment and fees in lieu of dedication.

5. Physical or Equipment Improvements to Parks

Compatibility with Parks and Recreation Master Plan: A developer may have the option of improving existing facilities within municipal parks or improving dedicated parkland in lieu of parkland dedication or payment of cash, based on recommendations made in the Parks and Recreation Master Plan. Should any of these options be exercised, the City and the developer shall prior to initiation of work on such improvements, enter into an agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if he chooses to improve parklands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing with the subdivision plat.

6. Approval Process

a. Land Dedications

- i. Park Board Recommendation: The Parks and Recreation Manager or their designee shall report to the Parks and Recreation Advisory Board regarding any parkland dedication issues

arising from development applications submitted to the City for approval. The Park Board may then make a formal recommendation to the Planning and Zoning Commission to accept or refuse any proposed dedicated land prior to the Commission's action on the development.

- ii. Planning and Zoning Commission: The Planning and Zoning Commission shall consider the recommendation of the Parks and Recreation Advisory Board in determining the acceptability of any land dedications proposed on any development. The Commission recommendation shall then be forwarded to the City Council for final approval where applicable.
 - iii. Final Plat Dedications: Where review or development applications have resulted in the City's desire for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the City.
- b. Fee Payments in Lieu of Dedication
- i. Park Board Recommendation: The Parks and Recreation Advisory Board shall make a formal recommendation to the City Council as to the acceptability of any proposed alternatives to parkland dedications.
 - ii. City Council Consideration: Upon receiving a formal recommendation from the Parks and Recreation Advisory Board, the City Council shall enter into an agreement with the developer for the provision of fees in lieu of dedication, or a combination thereof.
- c. PUD-R Zoning or Other Zoning Classifications Requiring Dedication of Open Space

The obligation of the sub-divider to dedicate parkland or make payments in lieu thereof shall be in addition to and independent of the obligation of the sub-divider to dedicate open space under the PUD-R zoning ordinance, provided, to the extent the open space in the PUD-R exceeds twenty (20) percent of the project area (the "excess acreage") the requirements hereof may be modified as follows:

- i. If the open space is dedicated to and accepted by the city as public park land
 - (a) the required dedication of park land may be reduced by the amount of the excess acreage, or
 - (b) if the sub-divider is allowed to pay fees in lieu of dedication, the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$1260) (\text{excess acreage})}{0.028 \times \text{number of lots in project}}$$

provided fee shall never be less than \$1 per lot
- ii. If the open space is not dedicated to or not accepted by the city as public park land
 - (a) the required dedication of park land may be reduced by ½ of the amount of excess acreage, or
 - (b) if the sub-divider is allowed to pay fees in lieu of dedication the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$1260) (\text{excess acreage})}{0.028 \times \text{number of lots in project}}$$

provided fee shall never be less than \$1 per lot

7. Use of Fees

- a. All funds collected as fees in lieu of dedication shall be deposited in a special interest bearing account dedicated to the accumulation of monies required by this section. Interest earned on fees in lieu of dedication shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed upon the use of fees in lieu of dedication.
- b. Expenditures of fees in lieu of dedication shall be made only for one or more of the following purposes:
 - i. The acquisition or improvement of park sites or other sites which are available for park purposes.
 - ii. Inappropriate expenditures

Monies placed in this fund may not be utilized for any other general business activity of the City or for maintenance of park facilities.

Section 11.6 Park Land Dedication Committee

1. The City hereby creates the Parkland Dedication Committee. The Parkland Dedication Committee shall be made up of two members of the Planning and Zoning Commission and two members of the Parks and Recreation Board. The Parkland Dedication Committee shall have the following duties:
 - a. Review proposed parkland dedication fund expenditures and make recommendations to the Planning and Zoning Commission and the City Council.
 - b. Review the Parks and Recreation Master Plan every three years and make recommendations for modification or alteration.
2. The City Council shall appoint the members of the Parkland Dedication Committee and the terms of the members of the Parkland Dedication Committee shall coincide with their respective terms of the Planning and Zoning Commission or the Park Board, as applicable.

Section 11.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Chapter 12

Erosion Control Regulations

Printed June 08, 00

Section 12.1. Purpose and Applicability

12.1.A PURPOSE

The purpose of these erosion control regulations is to set forth the minimum standards necessary to protect against erosion and sedimentation problems within the City of Colleyville when (1) new subdivisions are developed, (2) a building permit has been issued for a construction site, or (3) other soil erosion conditions create a public erosion nuisance as herein defined.

12.1.B APPLICABILITY

Every lot, tract or parcel of land within the corporate limits of the City Colleyville shall be subject to these erosion control regulations.

12.1.C DUTIES OF CITY OFFICIALS

The City Engineer, or his designee, is hereby authorized to enforce these erosion control regulations.

12.1.D CONFLICTING REGULATIONS

In the event of a conflict between these erosion control regulations and any ordinance of the City of Colleyville, the most restrictive regulation shall govern.

Section 12.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 12.3 Waivers and Appeals

The City Engineer may approve a waiver of a provision of these erosion control regulations where strict adherence to these requirements will result in unnecessary hardship and not fulfill the intent of these erosion control regulations. The owner shall submit a written request for a waiver stating the specific waiver sought and reasons for requesting the waiver. The City Engineer shall not grant a waiver unless and until sufficient specific reasons justifying the waiver are provided by the owner.

Section 12.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 12.5 Earthwork Permit Requirements and Exemptions**12.5A OFFENSE FOR PERFORMING EARTHWORK WITHOUT AN EARTHWORK PERMIT**

It shall be unlawful to remove trees, excavate, grade, level, or otherwise disturb soil or perform any earthwork, except where exempted, without an Earthwork Permit or an Erosion Control Plan which has been approved by the City. When the area proposed for earthwork is located within the limits of the 100 year flood area, approval of a separate Development Permit issued by the Flood Plain Administrator shall also be required.

12.5.B EXEMPTIONS FOR CERTAIN ACTIVITIES

The following activities shall be exempt from these erosion control regulations:

1. An individual property owner shall be exempt from obtaining an Earthwork Permit when the land is used as a single-family residence, and the earthwork to be performed is for the sole purposes of gardening, landscaping, sprinkler installation, or other earthwork purposes not related to urban development.
2. The City may approve a request for exemption from installing all or any portion of the erosion control requirements when the City inspector has determined that (a) the amount of earthwork will not cause a public erosion nuisance, or (b) the topography and the amount of existing vegetation will prevent an offense of these erosion control regulations.
3. The City may require installation of specific erosion control measures, even when a previous exemption request has been approved, if it is determined by the City that a sufficient amount of soil erosion or siltation creates a public nuisance.

Section 12.6 Erosion Control Plan Required**12.6.A OBJECTIVES**

The objectives of the Erosion Control Plan are to prevent public erosion nuisances. No Earthwork Permit shall be approved by the City until an Erosion Control Plan has been submitted which meets the following objectives:

1. To reduce sedimentation in streams, creeks, lakes, waterways, storm drains, etc.
2. To protect the quality of the water in the City of Colleyville.
3. To provide, protect, and preserve wildlife habitat.
4. To reduce the negative environmental impacts of construction activity.

12.6.B SUBMITTAL REQUIREMENTS FOR EARTHWORK PERMIT:

It shall be the responsibility of the applicant to prepare and submit an Erosion and Sedimentation Control Plan which shall, at a minimum, contain the following information:

1. A site plan drawn to scale of the property where earthwork is proposed showing the property boundary, any street right-of-way and any drainage easement.
2. The existing drainage flow by using arrows to indicate the direction of slope.
3. The location and type of erosion control method proposed.
4. The location where access is gained to the property.

12.6.C ACCEPTABLE METHODS OF EROSION CONTROL

The following are the minimum acceptable methods of erosion control permitted in the City of Colleyville. All methods of erosion control shall be installed to prevent siltation on public rights-of-way.

1. Erosion control barriers, including the following
 - a. silt screen fencing installed in accordance with Exhibit 12-A.
 - b. sandbag sediment barrier installed in accordance with Exhibit 12-B.

- c. silt collection ponds.
 - d. storm drain inlets – Curb inlets shall be protected with wire mesh and sand bags in accordance with the requirements shown on Exhibit 12-C.
 - e. hay bale screening shall not be used as a primary silt screen barrier but may be approved by the City to supplement other erosion control methods.
2. Erosion control filters, including the following
 - a. filter berms
 - b. filter fencing
 - c. continuous block sodding at a width acceptable to the City Engineer.
3. The City Engineer may approve an alternate method if said method meets the intent of these erosion control regulations.

12.6.D EROSION CONTROL BARRIER STANDARDS

Where required by these regulations, there shall be an erosion control barrier constructed according to these standards. The erosion control barrier shall be installed to a minimum height of twelve inches (12") with the base buried to protect from washout. Said erosion control barrier shall be placed behind any curb and extend across a minimum of 66% of the street frontage of the lot. Additional erosion control barriers may be required to provide erosion control for the entire width of the lot where required by the Administrative Official, except at the access point. There shall be a four-foot (4') transition section at each end of the barrier. The erosion control barrier shall provide for a minimum of one point of access which shall be a minimum width of ten feet (10') and a maximum width of twenty feet (20'). The access point shall have a minimum four inch (4") thick gravel base and extend a minimum of ten feet (10') from the curb. In the absence of any curb, the City inspector shall determine the proper location of the erosion control barrier.

12.6.E REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS

All applicants for a building permit shall submit an Erosion Control Plan for approval prior to the issuance of a building permit. No construction may commence until such time that evidence to mitigate soil erosion and sedimentation has been approved by the City Inspector. The Erosion Control Plan shall be similar to that shown in Exhibit 12-D.

12.6.F REQUIREMENTS FOR NEW SUBDIVISIONS

All applicants for subdivision of land shall submit to the City Engineer an Erosion Control Plan for approval prior to the commencement of grading, tree removal, excavation, or construction of public improvements. The erosion and sedimentation plan shall be included in the engineering construction plans of the subdivision.

12.6.G INSPECTIONS AND TIME SCHEDULE FOR COMPLIANCE

1. For Building Permit Activities – All erosion control measures shall be installed prior to the start of any earthwork associated with a building permit. No required building inspection shall be approved by the City unless the erosion control measures are in compliance with these erosion control regulations.
2. For New Subdivisions – All erosion control measures shall be installed prior to final acceptance of the subdivision by the City Engineer.
3. As Required by the City – Erosion control measures shall be installed anytime that an offense of these erosion control regulations is imminent.

12.6.H RE-VEGETATION REQUIREMENTS

No erosion control measure shall be removed until the property has been replanted with vegetation and said vegetation prevents an offense of these erosion control regulations, or upon approval by the City.

Section 12.7 Offense of Failing to Comply, Notification and Stop Work Orders**12.7.A PUBLIC EROSION NUISANCE DEFINED**

It shall be unlawful for any person, firm or corporation which owns, possesses, is in custody of or exercises control of property to permit a public erosion nuisance to occur on said property. A public erosion nuisance is an occurrence where erosion of, or sediment from, one location causes an unsafe, bothersome, or unsightly condition on public property and/or public rights-of-way. An unsafe, bothersome or unsightly condition or burden includes silt, mud or similar debris, originating on one property but being deposited onto a second off-site property, which is public property or a public right-of-way, including a public easement.

The owner, builder, developer, tenant, or any other person, firm, or corporation who owns, possesses, is in custody of, or exercises control of, property, building structures, subdivisions, excavations and fill operations, all development and all other similar development activities shall be responsible for any silt, mud, or sands transported from the property by drainage. Additionally, all persons, firms or corporations who, after construction and development, own, possess, are in custody of, or exercise control of, the property are responsible for preventing the erosion and sedimentation problems addressed by these erosion control regulations.

It is not a violation of this ordinance if erosion and sedimentation occurs upon private property and is deposited upon private property.

12.7.B VIOLATION FOR DAMAGING EROSION CONTROL MEASURES

It shall be a violation of these regulations to remove, damage or destroy an erosion control barrier or other erosion control measure without the approval of a city inspector or which is required for compliance with these regulations.

12.7.C NOTICE OF VIOLATION AND STOP WORK PROVISIONS

The City shall give written notice to the owner or agent in charge of any premises believed to be in violation of these erosion control regulations, and provide forty-eight (48) hours to secure an Earthwork Permit and/or to correct the public erosion nuisance and to remove the offending sedimentation.

A notice of less than forty-eight (48) hours may be given in the event that the City determines that the situation believed to be in violation poses an immediate threat to public health, and safety.

The City is hereby authorized to issue a "stop work order" at a construction site that is in violation of these erosion control regulations. However, no stop work order may be issued until the notice provisions of this section are fully complied with by the City and the owner or agent of the premises has been given the amount of time allotted to correct the public erosion nuisance and to clean up and remove the offending sedimentation.

Section 12.8 Abatement by City

In the event that the owner of any lot, tract, parcel of land, or a portion thereof situated within the corporate limits of the city shall fail to comply with these erosion control regulations, then the City Engineer, or his designee, shall notify such owner by letter, addressed to him at the address shown on the last approved tax rolls of the city or at any residence or business structure located on subject property or at the last known address. The mailing of notice in accordance with any of the above shall satisfy this section. In the alternative, the city may notify the owner by publication in the City's official newspaper on one (1) occasion. At the expiration of ten (10) days after notification or publication, the city may enter upon such premises and may do such work as is necessary, or cause the same to be done, in order that the premises may comply with the requirements set forth within this ordinance. A statement of the cost incurred by the city to abate such condition shall be mailed to the owner of said premises, which statement shall be paid within thirty (30) days of the date of the mailing thereof. In the event that said statement has not been paid within such period, the City Manager may file a statement with the Tarrant County Clerk of the expenses incurred to abate such

condition on said premises, and the city shall have a privileged lien on any lot, tract or parcel of land upon which such expenses is incurred, together with ten (10) percent on the delinquent amount from the date such payment is due. For any such expenditure and interest, as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the city and the statement so made, as aforesaid, or a copy thereof shall be prima facie proof of the amount expended in any such work performed by the city.

Section 12.9 Administration, Approvals, Surety

12.9.A EFFECT OF APPROVAL

It is to be understood that the approval of an Erosion and Sedimentation Control Plan by the City does not constitute a recognition by the City that the Erosion and Sedimentation Control Plan will prevent any, or all, public erosion nuisances. By approval of the Erosion and Sedimentation Control Plan, the City does not warrant that the Erosion and Sedimentation Control Plan will be sufficient to prevent a public erosion nuisance, and the City waives no rights to pursue any legal remedies, both under these erosion control regulations, and all other applicable ordinance and laws.

If for any reason, after an Erosion and Sedimentation Control Plan is approved by the City, a public erosion nuisance occurs on property addressed by said Erosion and Sedimentation Control Plan, the approval of said Erosion and Sedimentation Control Plan shall not be a defense or bar to prosecution under this ordinance.

12.9.B DISCLAIMER OF LIABILITY

These erosion control regulations rely on a degree of erosion and sedimentation control and flood protection that is considered reasonable for regulatory purposes and that is based on scientific, engineering, and economic considerations. These erosion control regulations do not imply that erosion and sedimentation controls will survive inundation by runoff from storms or that land below such controls will be free from flooding or flood damages. These erosion control regulations shall not create liability on the part of the City of Colleyville, or any officer or employee thereof, for any flood damages, or erosion or sedimentation damages, whether to persons or property, that result from reliance these erosion control regulations or any administrative decision lawfully made thereunder.

12.9.C SURETY FOR PERMANENT EROSION CONTROLS IN NEW SUBDIVISIONS

The applicant shall provide a surety in the form of cash, certificate of deposit, irrevocable letter of credit acceptable to the City, or surety bond underwritten by a surety company licensed to operate in the State of Texas to insure that vegetative cover and other permanent erosion control measures are installed, maintained, and functioning properly up to a two (2) year period from the date of final acceptance of the dedicated streets and/or utilities by the City of Colleyville. This surety shall be given to the City before the final acceptance of the streets and/or utilities. This surety shall be in the amount estimated to be one hundred percent (100%) of the cost of constructing and maintaining the permanent erosion controls for a two (2) year period. Such estimate shall be signed and sealed by a registered professional engineer. Any vegetative cover which is planted and is a permanent part of a public improvement project associated with the subdivision development will not be accepted by the City until the growth has been established and maintained by the developer for a two (2) year period from the date of final acceptance of the subdivision's streets and utilities.

After the two-year period has elapsed, the owner of the property shall be responsible for maintaining the erosion controls in good working order. If any future owner modifies or disturbs the erosion controls for the area, that owner must restore or replace the permanent erosion controls at the conclusion of the disturbing activity.

Section 12.10 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject

Section 12.11 Exhibits

The following Exhibits are included with this Chapter:

Exhibit Number	Subject
12-A	Typical Silt Screening Fence
12-B	Typical Sand Bag Screening
12-C	Typical Curb Inlet Screening
12-D	Typical Erosion Control Plan

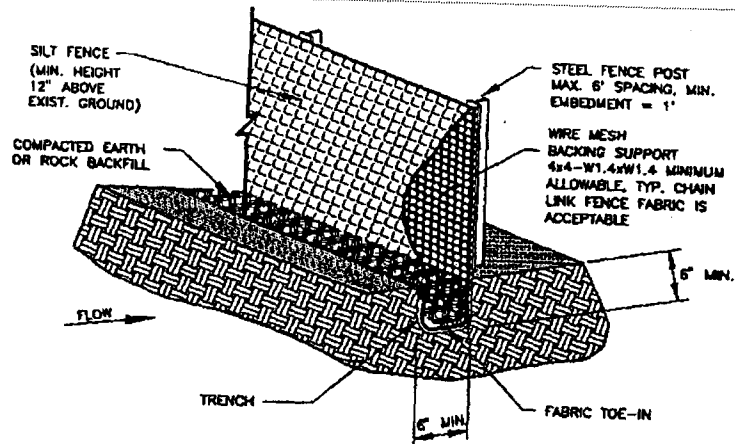


Exhibit "12-A"
Typical Silt Screening Fence

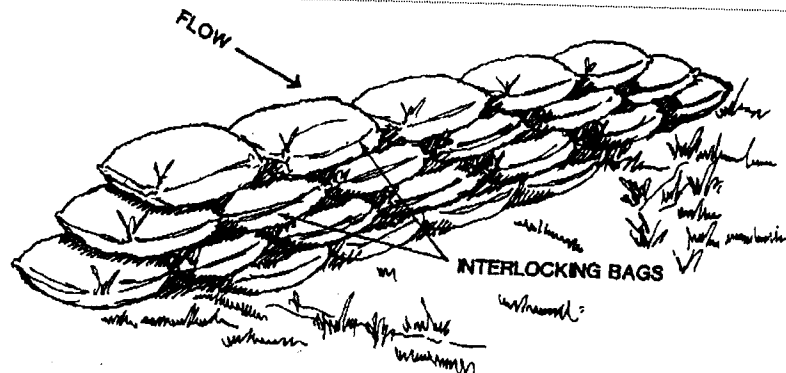


Exhibit "12-B"
Typical Sand Bag Screening

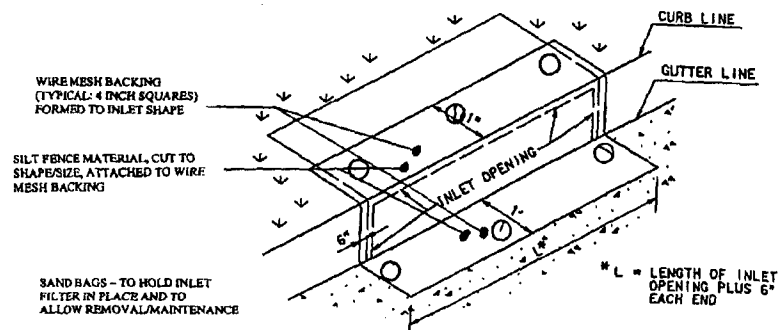
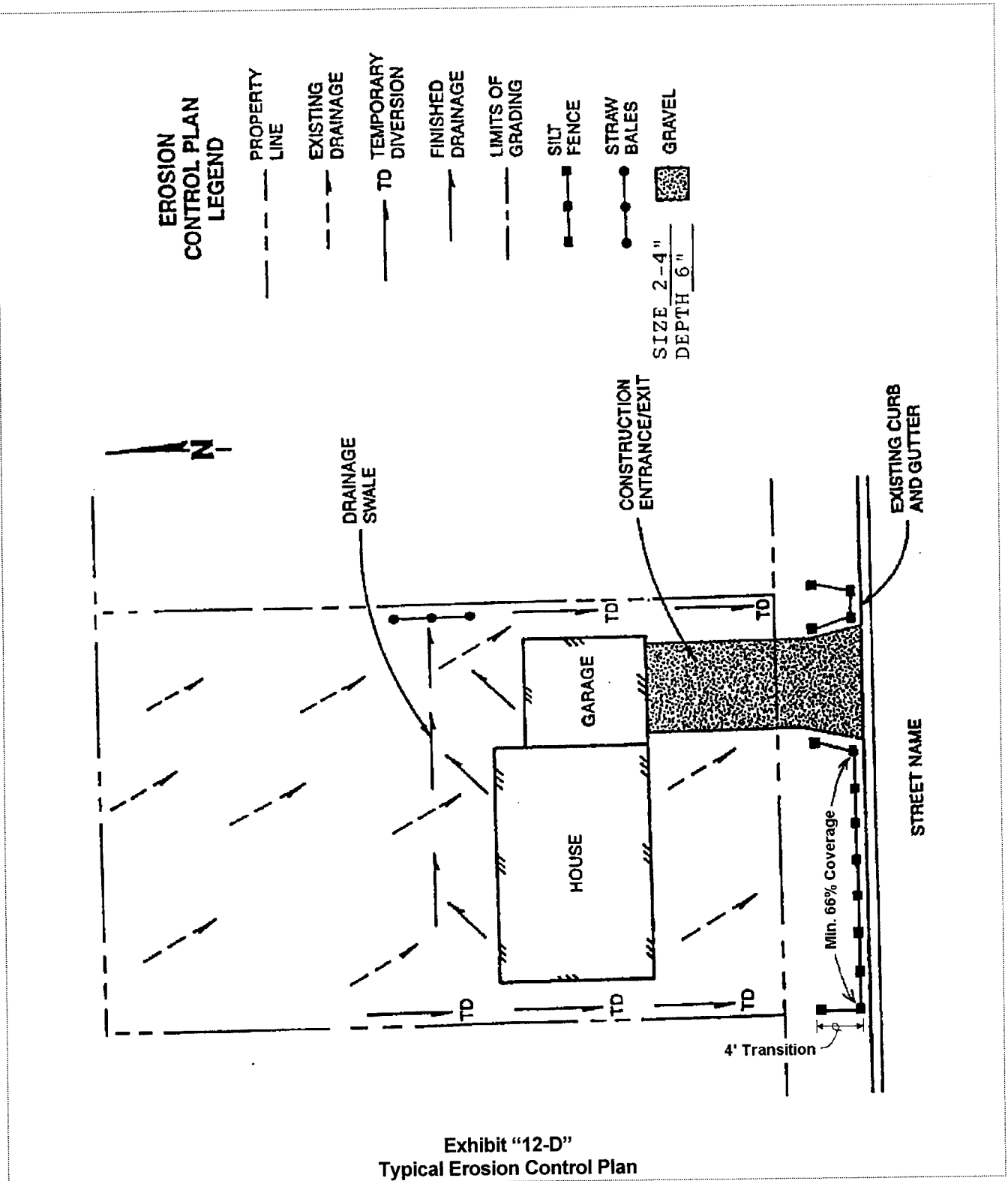


Exhibit "12-C"
Typical Curb Inlet Screening



Chapter 13

Impact Fees

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Section 13.1 Purpose of this Chapter

The purpose of this Chapter is to establish regulations for the collection of impact fees to pay for the costs for new development.

Section 13.2 Authorization for Adoption of this Chapter

The regulations contained in this Chapter are adopted under the authorization of *Chapter 395 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 13.3 Waivers and Appeals

An applicant requesting a waiver of a requirement contained in this Chapter may seek relief from the City Council by using the procedure described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 13.4 Definitions

The definitions unique to this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 13.5 Master Plan and Capital Improvements Plan Adopted

13.5.A MASTER PLAN

The City of Colleyville, Texas Master Plan, approved as Resolution R-98-1408, be and the same is hereby adopted and designated as the Master Plan for the City of Colleyville.

13.5.B LAND USE ASSUMPTIONS

Land use assumptions used in the development of the impact fees are contained in Exhibit “13-B” (Table of Land Use Assumptions) of this Chapter. These assumptions may be revised by the City Council according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

13.5.C WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN

The City of Colleyville Water and Wastewater System Capital Improvements Plan and Impact Fee study prepared by Kimley-Horn, and Associates, Inc., dated March, 1999 is hereby adopted as the Water and Wastewater Facility Capital Improvements Plan for the City of Colleyville.

13.5.D ROADWAY CAPITAL IMPROVEMENTS PLAN

The City of Colleyville Roadway Capital Improvements Plan and Impact Fee Update study prepared by Kimley-Horn, and Associates, Inc., dated March, 2000, is hereby adopted as the Roadway\Facility Capital Improvements Plan for the City of Colleyville.

Section 13.6 Applicability of Impact Fees

1. This Chapter shall be uniformly applicable to new development which occurs within the water, wastewater and roadway service areas.
2. No new development shall be exempt from the assessment of impact fees as defined in this Chapter.

Section 13.7 Impact Fees as Conditions of Development Approval

No final plat for new development shall be approved within the service area without assessment of impact fees pursuant to this Chapter, and no water and wastewater tap shall be issued and no building permit shall be issued unless the applicant has paid the impact fees imposed by and calculated as provided herein.

Section 13.8 Establishment of Service Areas

The water, wastewater and roadway service areas are established as shown on the Service Area Map, attached as Exhibit "13-A" (Service Area Map). The service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13.9 Service Units

1. Service units are established in accordance with generally accepted engineering and planning standards.
2. For water and wastewater impact fees, service units shall be calculated in accordance with the land use equivalency table for living units equivalents, attached as Exhibit "13-C" (Table of Water and Wastewater Living Unit Equivalents), as determined by the size of the water meter(s) for the development, or alternatively, as approved the City Engineer as a result of an engineering report prepared by a qualified professional engineer licensed to perform such professional engineering services in the State of Texas, which demonstrates that the number of LUE's of service for the new development will be different than those indicated by the size of the water meter.
3. If the Director of Public Services determines that the water pressure in the City's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the Director may adjust the number of LUE's based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.
4. If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's.
 - a. The meter types used to calculate the number of LUE's shall be either simple or compound meters.
 - b. If the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the then-owner of the property shall be assessed the then current fee for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

- c. To avoid the use of fire flow volumes for domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the City Attorney, which covenant shall acknowledge the right of the City to assess such fees to subsequent owners of the property. Said covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the County.
- d. No fees shall be collected for the purchase of taps which shall be utilized to provide only fire protection capacity.
5. Upon wastewater tap purchase for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, shall be reviewed by the Engineer and shall be presented to Council, which shall designate the appropriate number of service units.
6. For roadways, service units shall be calculated in accordance with the land use equivalency table for (vehicle) trips attached as Exhibit "13-D" (Table of Roadway Trip Generation Equivalents).
7. The City Council may revise the land use equivalency tables according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13.10 Impact Fees Per Service Unit

1. The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area. Maximum impact fees per service unit for each service area shall be established by category of capital improvements and shall be set forth in the attached Exhibit "13-E" (Table of Maximum Assessable Water and Wastewater Impact Fees).
2. The impact fee per service unit which is to be paid by each new development within a service area shall be that established in Exhibit "13-G" (Schedule of Actual Water and Wastewater Impact Fees to be Collected), which is attached hereto and incorporated herein by reference, and shall be an amount less than or equal to the maximum impact fee per service unit allowed.
3. Exhibits "13-E" and "13-G" may be amended by the City Council according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13.11 Assessment of Impact Fees

1. The assessment of an impact fee for any new development shall be made in accordance with the provisions of this Section.
2. Assessment of the impact fee for any new development shall be made on occurrence of the following events:
 - a. For new development which is submitted for approval pursuant to the City's subdivision regulations after June 20, 1987, or for which replatting results in an increase in the number of service units after such date, assessment shall be at the time of final subdivision plat approval, and shall be the amount of the impact fee per service unit, as provided in the Schedule of Impact Fees to be Collected (Exhibits "13-E" and "13-F") then in effect.
 - b. For new development which has received final plat approval prior to June 20, 1987, and for which no replatting is necessary prior to the issuance of a building permit, assessment shall be upon the

issuance of a building permit, and shall be the amount of the impact fee per service unit set forth in Exhibit "13-G" & "13-H" then in effect.

- c. For new development which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit or water or sewer tap purchase (whichever occurs first), and shall be the amount of the impact fee per service unit set forth in Exhibits "13-G" & "13-H" then in effect.
 - d. For water and wastewater facilities, fees shall not be assessed to a development for which taps previously were purchased and which development does not result in an increase in the number of living unit equivalents as determined by the land use equivalency table. If the exchange of said taps will result in an increase in the number of LUE's, impact fees for the increase in the number of LUE's shall be assessed in accordance with Exhibits "13-G" & "13-H" then in effect.
 - e. Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment or collection of a water or wastewater impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the current owner of the property shall be assessed the impact fees currently in effect at the time such conversion is established by the City for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
3. Following assessment of the impact fee above, no additional impact fees or increases thereof shall be assessed against that development unless the number of service units increases.
 4. Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.

Section 13.12 Calculation of Impact Fees

13.12.A MANNER OF COMPUTATION OF FEE

The City shall compute impact fees due for the new development in the following manner:

1. The total service units for the new development shall be multiplied by the impact fee per service unit established in Exhibits "13-E" & "13-F"; and
2. Fee credits and offsets shall be subtracted as determined by the process proscribed elsewhere in this Chapter.

13.12.B AMOUNT OF FEE

The amount of each impact fee due for a new development shall not exceed an amount computed by multiplying the maximum impact fee per service unit assessed according to Exhibits "13-E" & "13-F" by the number of service units generated by the development.

Section 13.13 Payment and Collection of Impact Fees

13.13.A TAP OR BUILDING PERMIT

No water or wastewater tap or building permit shall be issued until all impact fees have been paid to the City, except as provided otherwise by contract.

13.13.B PAYMENT WITH BUILDING PERMIT

Water, wastewater and roadway impact fees shall be paid at the time of the issuance of a building permit, unless a provision in this Chapter provides for another time for collection of impact fee.

13.13.C CONVERSION FROM EXISTING PRIVATE FACILITIES

For new development converting to the City water utility from a water well or to the City wastewater utility from a septic tank or individual waste disposal system, the City may allow the fee-payer to pay impact fees in the form of a monthly assessment in the same manner as monthly assessments for related tap fees, if such an extended payment program for tap fees is currently in effect.

13.13.D PLATTED DEVELOPMENT

For new development which is platted in accordance with the City's subdivision or platting procedures before the effective date of this ordinance, no wastewater impact fee may be collected on any service unit for which a valid building permit is issued within one year after the effective date of this amendatory ordinance.

13.13.E CONTRACT SPECIFYING TIME AND METHOD OF PAYMENT

The City may, at its sole discretion, enter into a contract with the owner of a tract of land for which the plat has been recorded to establish a different time and method of payment of impact fees than those provided in this Section.

13.13.F NOTIFICATION DUE TO INCREASED SERVICE UNITS

Whenever a property owner proposes to increase the number of service units for a development previously assessed, the additional impact fees to be collected on such service units shall be determined in accordance with Exhibits "13-G" & "13-H" then in effect, and such additional fees shall be collected at the times prescribed by this section.

13.13.G ROADWAY FEES FOR EXEMPT NON-RESIDENTIAL USES

For roadway impact fees, in circumstances where non-residential uses may be exempt from payment of fees based upon prospective generation of sales tax revenues, such fees shall be paid as provided in this section, subject to rebate pursuant to this Chapter, upon demonstration that more than 50% of the floor area of the structure for which a building permit is issued will be utilized by a business generating city sales tax revenues.

Section 13.14 Offsets and Credits Against Impact Fees

13.14.A SYSTEM RELATED FACILITIES

The City shall offset the reasonable value of any system-related facilities, pursuant to rules established in this Section, which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement, subject to administrative guidelines established by the City.

13.14.B CREDIT FOR IMPACT, PRO-RATA, ACREAGE OF LOT FEES

The City shall credit impact, pro rata, acreage or lot fees which have been paid pursuant to the subdivision regulations contained in this Land Development Code prior to the effective date of this amendatory ordinance against the amount of an impact fee for that category of capital improvement, subject to administrative guidelines established by the City.

13.14.C LIMITATIONS FOR OFFSETS AND CREDITS

All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.

1. No offset or credit shall be given for the dedication or construction of site-related facilities, except where credit is provided in this Chapter, or for any capital improvement which is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets are incorporated into an agreement for capital improvements.
2. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by the City as a condition of development approval shall be credited against roadway impact fees otherwise due from the development.
3. The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.
4. An offset or credit created pursuant to prior impact fee ordinances shall expire no later than ten (10) years after the effective date of this amendatory ordinance, unless a different expiration date has been agreed to by the City by contract or certificate. Offsets or credits created after the effective date of this amendatory ordinance shall expire within ten (10) years from the date the offset or credit was created, unless otherwise prescribed by contract.
5. In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Chapter or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the City.
6. Offsets or credits created after the effective date of this amendatory ordinance for a development which has received final plat approval prior to the effective date hereof shall be discounted to take into account the number of service units in the development which will utilize the facility for which the offset or credit was given.

13.14.D APPLICATION FOR OFFSET OR CREDIT

An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of plat recordation, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.

13.14.E MANNER OF OFFSET OR CREDIT APPLICATION

The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:

1. Such offset or credit shall be prorated proportionally among all service units, or for roadway facilities, among all units of trip generation, as calculated from the applicable land use equivalency table, and shall remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit, against impact fees due.

2. If the total number of service units used by the City in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total service units realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess service units.
3. At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Section 13.15 Establishment of Accounts and Records

1. The City shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of City funds, for each major category of capital facility for which an impact fee is imposed pursuant to this Chapter.
2. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in the Capital Improvements Plan.
3. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in the CIP. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
4. The City shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvements program as system-related capital projects. The City Finance Department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provisions of this Chapter, and such other information as may be necessary for the proper implementation of this Chapter.

Section 13.16 Use of Proceeds of Impact Fee Accounts

13.16.A PERMITTED USES OF FEES

The impact fees collected pursuant to this Chapter may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facilities expansions.

13.16.B PROHIBITED USES OF FEES

Impact fees collected pursuant to this Chapter shall not be used to pay for any of the following expenses:

1. Construction, acquisition or expansion of capital improvements or assets other than those identified in the associated capital improvements plans;
2. Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
3. Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

4. Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
5. Administrative and operating costs of the City.

Section 13.17 Appeals

1. The property owner or applicant for new development may appeal the following decisions to the City Manager or designee:
 - a. The applicability of an impact fee to the development;
 - b. The value of the impact fee due;
 - c. The availability or the value of an offset or credit;
 - d. The application of an offset or credit against an impact fee due,
 - e. The amount of the refund due, if any; or
 - f. The alternative determination by the City Engineer concerning the size of the water meter which is to be converted to service units.
2. The burden of proof shall be on the appellant to demonstrate that the value of the fee or the value of the offset or credit was not calculated according to the applicable impact fee schedule or the ordinance provisions and guidelines established for determining offsets and credits.
3. The appellant may appeal the decision of the City Manager to the City Council. A notice of appeal to the Council must be filed by the applicant with the City Secretary within thirty (30) days following the City Manager's decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

Section 13.18 Refunds

13.18.A TIME LIMIT PRIOR TO REFUND

Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.

13.18.B PRO-RATED REFUND

If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

13.18.C DETERMINATION OF EXCESS FEES UPON COMPLETION OF IMPROVEMENTS

Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

13.18.D REQUEST TO REFUND FEES

Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

1. Existing service is available and service is denied; or
2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or
3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

13.18.E PROPORTIONAL REFUND DUE TO DOWNSIZING METER

The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, less an administrative charge of \$50.

13.18.F PROCEDURE FOR PETITION OF REFUND

Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.

13.18.G REBATE OF ROADWAY IMPACT FEES FOR EXPIRED PERMIT

The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

13.18.H REBATE OF ROADWAY IMPACT FEES FOR SALES TAX BUSINESSES

The City may rebate seventy-five percent (75%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues.

Section 13.19 Updates to Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water, wastewater and roadway facilities at least every three years, the first three year period which shall commence from the date of adoption of the capital improvements plan referenced herein. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 13.20 Functions of Advisory Committee

1. The functions of the Advisory Committee are those set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, and shall include the following:
 - a. Advise and assist the City in adopting land use assumptions;
 - b. Review the capital improvements plan regarding water, wastewater and roadway capital improvements and file written comments thereon;
 - c. Monitor and evaluate implementation of the capital improvements program;
 - d. Advise the City of the need to update or revise the land use assumptions, capital improvements program and impact fees; and
 - e. File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
2. The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.
3. The City Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 13.21 Agreement for Capital Improvements

1. The City Council may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The Engineer shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.
2. The City and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

Section 13.22 Use of Other Financing Mechanisms

1. The City may finance water, wastewater and roadway capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of

public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

2. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

Section 13.23 Exemption of Roadway Impact Fees

When a building permit application for a new commercial or industrial development is accompanied with adequate documentation, such as an executed contract, to verify that 50% of the proposed floor space will generate city sales tax revenues, such new development shall be exempt from the payment of seventy-five percent (75%) of the roadway impact fee.

Section 13.24 Impact Fees as Additional and Supplemental Regulation

1. Impact fees established by this Chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or the sale of water or wastewater taps. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.
2. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 13.25 Relief Procedures

1. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.
2. The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

Section 13.26 Water Facilities Impact Fees

13.26.A WATER SERVICE AREA

1. There is hereby established a water service area as depicted on Exhibit "13-A" (Service Area Map), attached hereto and incorporated herein by reference.

2. The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

13.26.B WATER IMPROVEMENTS PLAN

1. The Water Improvements Plan for the City prepared by the engineering consulting firm of Kimley-Horn, and Associates, Inc., dated March, 1999, is hereby adopted and incorporated by reference herein.
2. The Water Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Chapter 395 of the Texas Local Government Code and its successors.

13.26.C WATER IMPACT FEES

1. The maximum impact fees per service unit for water facilities are hereby adopted and incorporated in Exhibit "13-E" (Table of Maximum Assessable Water and Wastewater Impact Fees) attached hereto and made a part hereof by reference.
2. The actual water impact fee collection rate which is to be paid by each new development shall be 82% of the maximum allowed by this Chapter. This rate is incorporated into the Schedule of Actual Water and Wastewater Impact Fees to be Collected and is attached as Exhibit "13-G", which is made a part hereof by reference.
3. The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13.27 Wastewater Facilities Impact Fees

13.27. WASTEWATER SERVICE AREA

1. There is hereby established a wastewater service area as depicted on Exhibit "13-A" (Service Area Map) attached hereto and incorporated herein by reference.
2. The boundaries of the wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

13.27.B WASTEWATER IMPROVEMENTS PLAN

1. The Wastewater Improvements Plan for the City prepared by the engineering consulting firm of Kimley-Horn, and Associates, Inc., dated March, 1999, is hereby adopted and incorporated by reference herein.
2. The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Chapter 395 of the Texas Local Government Code and its successors.

13.27.C WASTEWATER IMPACT FEES

1. The maximum impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit "13-E" (Table of Maximum Assessable Water and Wastewater Impact Fees) attached hereto and made a part hereof by reference.
2. The actual wastewater impact fee collection rate which is to be paid by each new development shall be 100% of the maximum allowed by this Chapter. This rate is incorporated into the

Schedule of Actual Water and Wastewater Impact Fees to be Collected and attached as Exhibit "13-G", which is made a part hereof by reference.

3. The impact fee per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13.28 Roadway Facilities Impact Fees

13.28.A ROADWAY SERVICE AREAS

1. There is hereby established roadway service areas as depicted on Exhibit "13-A", (Service Area Map) attached hereto and incorporated herein by reference.
2. The boundaries of the roadway service areas may be amended from time to time, and new service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

13.28.B ROADWAY IMPROVEMENTS PLAN

1. The Roadway Improvements Plan for the City prepared by the engineering consulting firm of Kimley-Horn, and Associates, Inc., dated February, 2000, is hereby adopted and incorporated by reference herein.
2. The Roadway Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Chapter 395 of the Texas Local Government Code.

13.28.C ROADWAY IMPACT FEES

1. The maximum impact fees per service unit for roadway facilities are hereby adopted and incorporated in Exhibit "13-F" (Schedule of Maximum Assessable Roadway Impact Fees) attached hereto and made a part hereof by reference.
2. The impact fees per service unit for roadway facilities which are to be paid by each new development shall be as follows:
 - a. Service Area 1: The actual Roadway Impact Fee collection rate shall be 100% of the maximum allowed by this Chapter for all uses, except church, office and retail uses which shall be 35% of the maximum allowed.
 - b. Service Area 2: The actual Roadway Impact Fee collection rate shall be 100% of the maximum allowed by this Chapter for all uses, except church, office and retail uses which shall be 35% of the maximum allowed.
 - c. The above rates are incorporated into the Schedule of Roadway Impact Fees to be Collected and attached as Exhibit "13-H", which is made a part hereof by reference.
3. The impact fees per service unit for roadway facilities may be amended from time to time, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses.

Exhibit "13-A" Service Area Map

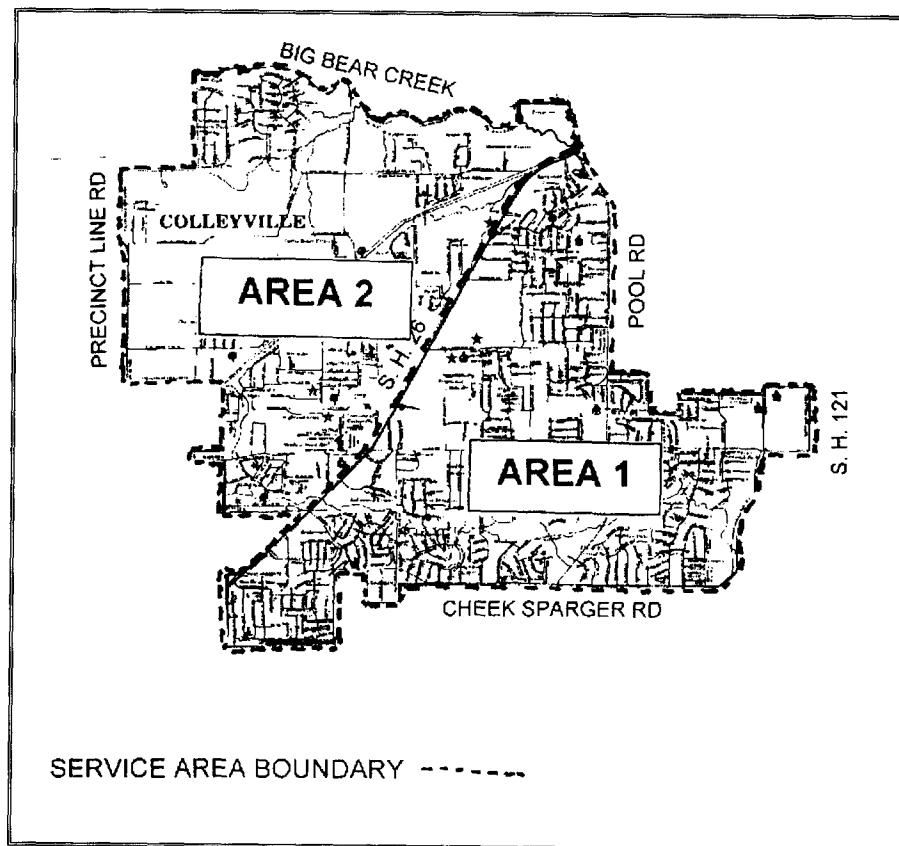


Exhibit "13-B"

Table of Land Use Assumptions

LAND USE	2000 (Existing)						2010						2025 (Ultimate)					
	S.A. 1		S.A. 2		Total		S.A. 1		S.A. 2		Total		S.A. 1		S.A. 2		Total	
	AC	%	AC	%	AC	%	AC	%	AC	%	AC	%	AC	%	AC	%	AC	%
Single Family	2415	56.6%	1962	47.4%	4377	52.1%	2546	59.7%	2325	56.1%	4871	57.9%	2742	64.3%	2870	69.3%	5612	66.7%
Multi-Family	0	0.0%	13	0.3%	13	0.2%	0	0.0%	13	0.3%	13	0.2%	0	0.0%	13	0.3%	13	0.2%
Office	19	0.4%	16	0.4%	35	0.4%	52	1.2%	62	1.5%	114	1.4%	101	2.4%	132	3.2%	233	2.8%
Retail	163	3.8%	84	2.0%	247	2.9%	261	6.1%	182	4.4%	443	5.3%	407	9.6%	329	7.9%	736	8.8%
Institutional	276	6.5%	124	3.0%	399	4.8%	276	6.5%	120	2.9%	396	4.7%	277	6.5%	114	2.7%	390	4.6%
Industrial	24	0.6%	18	0.4%	42	0.5%	24	0.6%	11	0.3%	35	0.4%	23	0.6%	0	0.0%	23	0.3%
Roadway	517	12.1%	320	7.7%	837	10.0%	518	12.2%	322	7.8%	840	10.0%	521	12.2%	324	7.8%	845	10.0%
Utilities	0	0.0%	44	1.1%	44	0.5%	0	0.0%	44	1.1%	44	0.5%	0	0.0%	45	1.1%	45	0.5%
Public Open Space	102	2.4%	160	3.9%	262	3.1%	87	2.0%	165	4.0%	252	3.0%	64	1.5%	173	4.2%	237	2.8%
Vacant	682	16.0%	1265	30.5%	1947	23.2%	409	9.6%	759	18.3%	1168	13.9%	0	0.0%	0	0.0%	0	0.0%
Water	17	0.4%	3	0.1%	20	0.2%	17	0.4%	3	0.1%	20	0.2%	17	0.4%	3	0.1%	20	0.2%
Private Open Space	49	1.2%	134	3.2%	184	2.2%	75	1.8%	136	3.3%	212	2.5%	114	2.7%	139	3.4%	253	3.0%
TOTAL	4266	100%	4142	100%	8408	100%	4266	100%	4142	100%	8408	100%	4266	100%	4142	100%	8408	100%

Exhibit "13-C" Table of Water & Wastewater Living Unit Equivalencies By Meter Size		
Meter Type	Meter Size	Ratio to 1" Meter
Simple	5/8" x 3/4"	0.7
Simple	3/4" or 1"	1.0
Simple	1-1/2"	2.0
Simple, Compound	2"	3.2
Turbine	2"	4.0
Compound	3"	6.0
Turbine	3"	7.0
Compound	4"	10.0
Turbine	4"	12.0
Compound	6"	20.0
Turbine	6"	25.0
Turbine	8"	36.0
Turbine	10"	58.0
Turbine	12"	86.0

Exhibit "13-D" Table of Trip Generation Equivalents For Roadway Impact Fees		
Land Use	Trips Generated Per Unit¹	Unit of Trip Generation
Single Family	9.57	Dwelling Unit
Multi-Family	6.63	Dwelling Unit
Office	11.01	1000 ft ² GFA
Retail	53.23	1000 ft ² GFA
Schools	1.02	Students
Churches	9.11	1000 ft ² GFA
Industrial	51.8	Acre
Private Open Spaces	1.59	Acre
¹ Based on 1997 Trip Generation Manual		

Exhibit "13-E"
Table of Maximum Assessable Water and Wastewater Impact Fees

Meter Type	Meter Size	Ratio to 1" Meter	Maximum Assessable Water Impact Fee	Maximum Assessable Wastewater Impact Fee
Simple	5/8" x 3/4"	0.7	\$ 2,507	\$ 179
Simple	3/4" or 1"	1.0	\$ 3,581	\$ 256
Simple	1-1/2"	2.0	\$ 7,163	\$ 512
Simple, Compound	2"	3.2	\$ 11,461	\$ 819
Turbine	2"	4.0	\$ 14,326	\$ 1,024
Compound	3"	6.0	\$ 21,489	\$ 1,536
Turbine	3"	7.0	\$ 25,070	\$ 1,792
Compound	4"	10.0	\$ 35,814	\$ 2,560
Turbine	4"	12.0	\$ 42,977	\$ 3,072
Compound	6"	20.0	\$ 71,629	\$ 5,120
Turbine	6"	25.0	\$ 89,536	\$ 6,400
Turbine	8"	36.0	\$ 128,932	\$ 9,216
Turbine	10"	58.0	\$ 207,724	\$ 14,848
Turbine	12"	86.0	\$ 308,004	\$ 22,016

Exhibit "13-F"
Table of Maximum Assessable Roadway Impact Fees

Land Use	Unit of Trip Generation	Service Area 1 Fee	Service Area 2 Fee
Single Family	Dwelling Unit	\$ 1,962	\$ 1,589
Multi-Family	Dwelling Unit	\$ 1,359	\$ 1,101
Office	1000 s.f. GFA	\$ 2,257	\$ 1,828
Retail	1000 s.f. GFA	\$ 10,912	\$ 8,836
School	Students	\$ 209	\$ 169
Church	1000 s.f. GFA	\$ 1,867	\$ 1,512
Industrial	Acre	\$ 10,619	\$ 8,599
Private Open Space	Acre	\$ 326	\$ 264

Exhibit "13-G" Schedule of Actual Water and Wastewater Impact Fees To Be Collected				
Meter Type	Meter Size	Actual Water Impact Fee Collected	Actual Wastewater Impact Fee Collected	Total Water & Wastewater Impact Fees To Be Collected
Simple	3/4"	\$ 2,056	\$ 179	\$ 2,235
Simple	1"	\$ 2,936	\$ 256	\$ 3,192
Simple	1-1/2"	\$ 5,874	\$ 512	\$ 6,386
Simple, Compound	2"	\$ 9,398	\$ 819	\$ 10,217
Turbine	2"	\$ 11,747	\$ 1,024	\$ 12,771
Compound	3"	\$ 17,621	\$ 1,536	\$ 19,157
Turbine	3"	\$ 20,557	\$ 1,792	\$ 22,349
Compound	4"	\$ 29,367	\$ 2,560	\$ 31,927
Turbine	4"	\$ 35,241	\$ 3,072	\$ 38,313
Compound	6"	\$ 58,736	\$ 5,120	\$ 63,856
Turbine	6"	\$ 73,420	\$ 6,400	\$ 79,820
Turbine	8"	\$ 105,724	\$ 9,216	\$ 114,940
Turbine	10"	\$ 170,334	\$ 14,848	\$ 185,182
Turbine	12"	\$ 252,563	\$ 22,016	\$ 274,579

Exhibit "13-H" Schedule of Roadway Impact Fees to be Collected			
Land Use	Unit of Trip Generation	Service Area 1 Fee	Service Area 2 Fee
Single Family	Dwelling Unit	\$ 1,962	\$ 1,589
Multi-Family	Dwelling Unit	\$ 1,359	\$ 1,101
Office	1,000 s. f. GFA	\$ 790	\$ 640
Non-Sales Tax Generating Retail	1,000 s. f. GFA	\$ 3,819	\$ 3,093
Sales Tax Generating Retail ⁽¹⁾	1,000 s. f. GFA	\$ 955	\$ 773
School	Students	\$ 209	\$ 169
Church	1,000 s. f. GFA	\$ 653	\$ 529
Industrial	Acre	\$ 10,619	\$ 8,599
Private Open Space	Acre	\$ 326	\$ 264

(1) Per refund criteria for sales tax businesses

(2) All fees shown are after applying collection rate

CITY COUNCIL**AGENDA BRIEFING**

MEETING DATE :	06/21/05	CITY MANAGER	
ITEM # :	5	DEPARTMENT HEAD	
ORDINANCE # :	O-05-1529	FINANCE REVIEW	N.A.

Previous Action: 06/07/05

DEPARTMENT :	COMMUNITY DEVELOPMENT
SUBJECT :	Approval of an Amendment to Chapter 3, Section 3.23 of the Land Development Code regarding Planned Unit Development Regulations, Case G-05-008

Second Reading and Public Hearing***First Reading and Public Hearing***

Over the past few months, the Planning and Zoning Commission has held several workshops to discuss revisions to the Planned Unit Development (PUD) zoning regulations. One of the major areas of concern, with the current regulations, has been the number of requests by developers to reduce the overall amount of open space area in a proposed development as compared to the amount of open space required by the Land Development Code. The code currently requires a minimum of twenty percent of a PUD be in open space. However, some rezoning requests have been considered with as little as six percent open space. Additionally, the Planning and Zoning Commission has expressed concern over the utilization of the open space areas by developers for storm-water detention.

The current PUD regulations were adopted in 1977 as part of an overall zoning regulation update, and they have changed little since that time. The regulations are quite lengthy, containing many confusing requirements, and some unnecessary provisions. Development patterns in Colleyville have changed significantly since 1977, and the current regulations are not achieving the desired results with the type of developments preferred by the Colleyville Master Plan. Staff believes the regulations could be revised to achieve the goals stated in *The 2004 Colleyville Plan*. Furthermore, the regulations can be written in less confusing, more specific language, which would greatly improve the quality of the PUD proposals.

The Colleyville Plan, recently adopted by the City Council, contains several goals and objectives related to open space and PUD regulations. These goals and objectives include:

- Promote greenbelts and buffer areas in front of subdivisions adjacent to major thoroughfares
- Plan for all neighborhoods to have access to sidewalks and hike and bike trails
- Limit the amount of open space that can be utilized for detention ponds to 50% of the open space area in a residential PUD

- Require amenities in residential PUD open space areas such as benches, sidewalks and play areas to enhance the quality of the open space
- Ensure that open space areas function as quality areas for the neighborhood
- Establish a minimum size for open space
- Require tree planting or enhanced landscaping for PUD buffer areas along streets

PUD zoning became increasingly popular during the early 1960's in response to many perceived problems associated with traditional zoning and subdivision practices around the country. Developers often complained to municipalities that under traditional straight zoning, only the best lands could be developed, leaving many parcels undeveloped due to higher development costs and causing a hop-scotched pattern of neighborhoods with no interconnectivity.

Most early subdivision developments had taken place on flat sites, which were cleared of all trees to make construction economical. Developers argued that they should be able to cluster development to achieve a higher density, on the best parts of a tract, and utilize the undevelopable parts for open space. This development approach was more sensitive to environmental issues, yet produced the same overall net development density as a traditional zoned tract. Benefits to the developer included lower overall development costs by concentrating infrastructure investments and enhancing residential developments with greenbelt amenities. Benefits to the community were the generation of more open space areas and a pleasing rural atmosphere.

However, municipalities were not quick to accept PUD zoning due to the language contained in most state's enabling legislation, which required uniformity of regulations within zoning districts. PUD's regulations tend to be variable and generally do not comply with the uniformity requirement. It was not until model PUD ordinances had been published in the mid-1960's by several nationally recognized housing and development associations that PUD zoning became an accepted zoning practice around the country.

The goals and objectives of PUD zoning generally focus on four issues: (1) flexibility in development standards, (2) encouragement of innovative housing types and choices, (3) provision of increased amenities; and (4) the role of negotiation and improved public regulation of development.

Attached is a copy of the current Colleyville PUD regulations, which shows the proposed language being deleted or inserted. Also attached is a copy of the proposed ordinance, which if approved by the City Council, will amend the Land Development Code to incorporate the recommendation of the Planning and Zoning Commission.

The following is a brief summary of each of the major changes proposed to the PUD regulations:

- A. Purpose – This section of the PUD regulations is being streamlined so as to be very specific. A large part of the existing text is being deleted as being unnecessary.
- B. Ordinance required – This is a new section that describes the procedure for changing the Official Zoning Map upon approval of a PUD and includes the components that will comprise an approving ordinance.
- C. General Standards – This is a new section that clarifies the applicability status of all other regulations in the Land Development Code.
- D. Classification of PUD's – This section establishes the PUD-R and PUD-C designations for PUD's. The PUD-I is being deleted, since any such use could become a part of a PUD-C.
- E. Permitted Uses – This section outlines the process for listing the uses allowed within any particular PUD.
- F. Prohibited Uses- This section states that any uses not specifically mentioned in the approving PUD ordinance are prohibited.
- G. Maximum Residential Density – The 1.8 dwelling units per acre is retained as the maximum density allowed in a PUD. Language also includes the methodology for calculating the density of a residential PUD.
- H. Density Bonus – This section has been added to provide guidance to a developer who chooses to seek a residential density higher than the 1.8 units per acre by requiring additional open space or through the addition of enhanced amenities by the developer.
- I. Minimum Residential Lot Size – The 13,000 square foot minimum and 16,000 square foot average lot sizes are being retained, as in the existing PUD regulations.
- J. Open Space Requirement – This section retains the 20% open space requirement for a PUD, but limits the amount of the open space that can be used for detention to 25% of the open space area.
- K. Submittal Requirements – This section identifies the minimum documents required for submittal of a PUD.
- L. Preliminary Plat – This section allows the developer the option of including a preliminary plat with the PUD application for purpose of expediting the development process.
- M. Approval Process – This section states that a PUD application will be reviewed by the Planning and Zoning Commission and the City Council using the same procedures as any other rezoning application. This section also includes language to allow the City Council and the Planning and Zoning Commission to approve a proposal that includes a waiver or modification of any PUD regulation, or to impose conditions on a PUD proposal in order to address neighborhood concerns or to meet the planning and development goals of the community.
- N. Effect on Existing PUD's – This section states that previously approved PUD's shall remain in effect and are held harmless by the new regulations.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission considered this amendment to the Land Development Code on May 9, 2005 and recommended approval (7-0).

Recommendation

Approval

Attachments

- Existing PUD Regulations Showing Proposed Changes
- Ordinance O-05-1529

Current PUD Regulations Showing Proposed Changes
(deleted text is strikethrough and new text is bold/italics)

Section 3.23 ~~PUD-R, C, I (Planned Unit Development Districts)~~

~~3.23.A PUD-R, PUD-C, and PUD-I Planned Unit Development Districts (R-Residential, C-Commercial, and I-Industrial)~~

~~The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the PUD-R, C, or I, Planned Unit Development Districts.~~

~~3.23.B Purpose and Intent~~

- A. *Purpose*** –~~The purpose of a Planned Unit Development (PUD) and intent of this district is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community. accommodate planned associations of land uses developed as integral land use units such as: industrial parks; office parks; commercial or service centers; shopping centers; residential development of multiple or mixed housing types (i.e., conventional single family detached dwellings, duplexes, multifamily apartments, attached townhouses, condominium multifamily dwellings, cluster homes, “0 lot line” homes, and patio and atrium homes); and other appropriate and compatible combinations of land uses which may be planned, developed and operated as integral land use units, either by a single owner or combination of owners.~~

~~This district is designed to encourage the most appropriate uses of land, permit flexibility to encourage a more creative, efficient, environmentally pleasing and aesthetic design regarding the spatial arrangement of buildings and land uses, open spaces, circulation and transportation patterns, and considerations of special site and topographic features.~~

~~Development controls aimed at assuring the character, compatibility of mixed land uses, and harmonious and timely development of the project are maintained through the establishment of standards specified for various land uses, yards, site coverage by buildings, etc., which are determined by actual design and incorporated into the amending ordinance of the zoning regulations. Likewise, site plans, development schedules, draft restrictive deed covenants and draft property owner association covenants when applicable, are required to be submitted.~~

~~The Official Zoning Map of the City only identifies those Planned Unit Developments (PUD's) that have been previously approved by the City Council. The map does not forecast the location or type of planned unit developments but assumes that every parcel of land within the community has the potential of being appropriately planned under the regulations set forth herein; therefore, relies on the owner to initiate a petition for zoning change.~~

- B. *Ordinance Required and Effect on Official Zoning Map*** – Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the “Official Zoning Map.”
- C. *General Development Standards*** – The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to

another zoning district.

3.23.C Use Regulations

~~Land, buildings or structures within any "Planned Unit Development District" may be used for any appropriate combination of principal uses, accessory uses, community facility uses, and special uses permitted in any agricultural, residential, commercial or industrial district within the City; however, the City Planning and Zoning Commission and City Council reserve the right to prohibit and exclude certain uses within any planned district when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property both within or adjacent thereto. For the purposes of these regulations planned unit development districts shall be confined to one of the following designated classifications, and shall be designated on the Official Zoning Map in the following manner using the letter abbreviations of such districts:~~

- ~~"PUD R" (Planned Unit Development - Residential);~~
- ~~"PUD C" (Planned Unit Development - Commercial);~~
- ~~"PUD I" (Planned Unit Development - Industrial);~~

- D. Classification of Planned Unit Developments – The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.***

<i>Planned Unit Development Classifications</i>		
<i>PUD Classification</i>	<i>Planned Unit Development - Residential</i>	<i>Planned Unit Development - Commercial</i>
<i>Map Symbol</i>	<i>PUD-R</i>	<i>PUD-C</i>
<i>Classifications Defined</i>	<i>Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a conventional single family project of the same acreage, shall be classified as Planned Unit Development – Residential. A PUD-R may also contain a portion of non-residential uses.</i>	<i>Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or combinations thereof, shall be classified as Planned Unit Development – Commercial. A PUD-C may also contain a portion of residential uses.</i>

3.23.D Permitted Uses

- ~~1. "PUD R" Planned Unit Development: Residential (where the majority of land use is designated for residential purposes)~~
 - ~~a. Any single purpose or mixed type of residential dwellings, including, but not limited to: detached single family dwellings on conventional subdivision type lots; attached dwellings such as duplexes and townhouses; "cluster housing," patio homes, atrium homes, "0 lot line" homes (with a maximum of one side wall of the dwelling in common with a side property line), multifamily apartments, flats and condominiums of similar housing types.~~
 - ~~b. Community Facility Uses, as approved by the City (and when intended to serve the residential development).~~
 - ~~c. Agricultural Uses, as approved by the City.~~
 - ~~d. Commercial Uses, when a part of a residential development and as allowed in conformance with the permitted uses and regulations of the "CN Neighborhood Commercial District," and limited in total area to not more than (10) acres. Where the number of dwelling units proposed in the "PUD R" district indicates a need for a greater amount of commercial land~~

~~acreage than herein allowed, and the applicant desires greater flexibility or more permissive commercial uses than those contained in the "CN" district regulations, the applicant shall substantiate and document the need for such additional acreage and/or uses via a market analysis or other similar method before such additional land acreage or uses are allowed and approved by the City.~~

~~e. Special Exception Uses, as designated for the various residential and commercial zoning districts in the "ML" Light Manufacturing and Industrial District, may be allowed by the Commission and Council by right, within a "PUD-R" district, without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.~~

~~f. Accessory Uses, customarily incidental and secondary to any allowed principal uses allowed in the respective residential districts or commercial district, with respect to the type of residential or nonresidential uses proposed in the "PUD-R" district.~~

~~2. "PUD-C" Planned Unit Development - Commercial (where the majority of land use is designated for commercial purposes)~~

~~a. Shopping centers, commercial or service centers, office parks, major recreational and entertainment facilities, and other similar business and commercial centers or facilities when such uses are in conformance with the various commercial zoning district regulations of this Chapter. Residential uses similar to those set forth in the "RMF" Multifamily Residential District."~~

~~b. Community Facility Uses, as approved and allowed by the City.~~

~~c. Special Exception Uses, as designated for the various commercial zoning districts in the "ML" Light Manufacturing and Industrial District" may be allowed by right by the Commission and Council within a "PUD-C" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof shall be shown on the site plan and contained in the supporting documents herein required.~~

~~d. Accessory Uses, customarily incidental and secondary to any allowed principal uses with respect to the type of uses proposed in the "PUD-C" district.~~

~~3. "PUD-I" Planned Unit Development - Industrial (where the majority of land use is designated for industrial purposes)~~

~~a. Single or multi purpose industrial parks of innovative land utilization allowing for an appreciable amount of land reserved for open space, generous building setbacks with landscaped front lawns, and joint usage (where feasible) of parking and storage areas. The principal uses which may be permitted therein shall be as allowed and in conformance with the regulations established for the various commercial and industrial zoning districts elsewhere described in this Chapter.~~

~~b. Residential Uses, similar to those set forth in the "RMF" Multifamily Residential District."~~

~~c. Community Facility Uses, as allowed and when a part of an industrial or industrial-commercial development, as approved by the City; except that public and semi public schools, churches, temples, synagogues and other places of worship are discouraged in this district unless their locations are approved by the City Planning Commission and City Council due to an overriding need for such use in an industrial area.~~

~~d. Special Exception Uses, as designated for the various industrial zoning districts in the "ML" Light Manufacturing and Industrial District," may be allowed by right by the Commission and Council within a "PUD-I" district without review and approval by the Zoning Board of Adjustment, including any restrictions imposed thereon. The extent and locations thereof~~

~~shall be shown on the site plan and contained in the supporting documents herein required.~~

- ~~e. Accessory Uses, customarily incidental and secondary to any allowed principal use, with respect to the type of uses proposed in the "PUD I" district.~~

- E. Permitted Uses** – The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.

~~3.23.E Prohibited Uses~~

- F. Prohibited Uses** – Uses not expressly permitted in the various zoning district regulations of this Chapter ~~are expressly prohibited in any "PUD" district unless otherwise authorized and approved by the Planning and Zoning Commission and City Council in conformance with the approving ordinance.~~ **ordinance approving the Planned Unit Development shall be prohibited.**
- G. Maximum Residential Density** – The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per gross acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project and one-half of any abutting street situated adjacent to the project. This calculation shall exclude all proposed non-residential acreage from the gross acreage.
- H. Density Bonus** – A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult.
- I. Minimum Residential Lot Size** – Notwithstanding Paragraph G above regarding maximum density, the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.

~~3.23.F Open Space Requirements~~

- J. Open Space Requirements** – ~~In Residential Planned Unit Development districts containing residential uses, common open space (whether dedicated to public use or owned and maintained in common by all or part of the occupants of the PUD development through a property owner association) land shall be reserved primarily for the leisure and recreational use of the project's occupants, and readily accessible thereto. The quantity of common open space required shall comprise not less than twenty (20%) percent of the project area. Said open space may be varied downward by the City Planning and Zoning Commission and City Council when a lesser amount of such open space would be more appropriate to the density of development or size of families or households proposed in the project, plus the availability and nature of adjacent public open space. For the purpose of this Chapter, common open space is defined as follows: All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:~~

- 1. Residential Areas** – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.
- 2. Non-Residential Areas** – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space

area may be the same area as the landscaped area required elsewhere in this Land Development Code.

3. Definition of Common Open Space. For the purpose of this section, common open space is defined as follows:

4.a. Common Open Space *may* include:

~~Land area of the development accessible to and permanently reserved for the common use and enjoyment of the occupants of the project for leisure and recreational purposes, for which said area is not covered by buildings, structures or parking except that recreational facilities and structures and their accessory uses and related parking may be located within said common open space as long as their total impervious surfaces (paving, roofs, etc.) do not constitute more than five (5) percent of the total common open space.~~

- i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,**
- ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,**
- iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or**
- iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.**

2.b. Common Open Space does not include:

- ~~a i. Land areas reserved for the exclusive use and benefit of an individual owner or tenant,~~
- ~~b.ii Public or private streets **street right-of-way, parkways,** alleys, driveways, parking or loading areas, **except as otherwise allowed in paragraph a. above,**~~
- ~~c.iii Church **Religious institutions** or private school sites, or~~
- ~~d. Other buildings, structures or facilities than those allowed in paragraph 1. above.~~
- ~~e. Utility easements, and drainage easements less than one hundred (100') feet in width.~~
- iv. street medians or islands.**

4. Open Space Design Requirements.

- a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.**
- b. The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.**
- c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.**

5. Guarantee of Common Open Space. In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:

- a. Public Open Space – Common open space may be conveyed to the City or other public agency, provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.**

- b. Private Open Space – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:**
- i. the establishment of the association is made before any lot in the development is sold or any building occupied,**
 - ii. membership in the association is mandatory for each building or property owner and any successive owner and give the association the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common open space areas,**
 - iii. ownership and maintenance of the common open space is guaranteed by a restrictive covenant, which is permanent, running with the land for the benefit of the occupants of the development and state that the association is totally responsible for the maintenance of the common open space and any improvements,**
 - iv. submittal of a draft copy of the proposed covenants at the time of preliminary platting, which will ensure the guarantees stated in this section and provides for restricting the use of common spaces for the designated purposes, and**
 - v. the plat contains a note stating that the common open space shall be maintained by the home owners association**

3.23.G Maximum Residential Density Permitted; and Density Increase Bonuses

- ~~1. The maximum residential density permitted in any "PUD-R, C and I" district, where residential uses are proposed, shall not exceed the maximum residential density limits as permitted by the existing zoning classification in which the PUD district is proposed; except as follows:~~

~~Upon the receipt of a zoning petition requesting a higher density within a Planned Unit Development the Planning and Zoning Commission shall study and make a recommendation to the City Council setting forth a density for the project identified as 'gross residential density.' The City Council shall take this recommendation under advisement at its hearing to consider the petition.~~

~~For the purpose of this regulation, "gross residential density" shall mean the sum total of all residential land use area(s) of the project, including one half (1/2) of any abutting streets located within the boundary of the project.~~

- ~~2. Density Increase Bonuses. In an effort to increase the quality of a residential planned unit development through the adequate provision of open space, community facilities, recreation areas and other similar amenities and improvements, the Planning and Zoning Commission and City Council may approve residential density increases for the amenities listed below and in the amounts prescribed therefor.~~

- ~~a. Open space reservation shall be considered for residential density increases according to the following provisions:~~

- ~~i. Each additional one (1) percent (1 acre minimum) of common open space (greater than the requirement set forth in the "Open Space Requirements") up to a maximum of five (5) percent of the total project areas, if improved, permits a maximum increase of gross residential density of six (6) percent of the total number of units allowed on the remaining balance of the land (after the extra open space is deducted to be used for residential purposes). If said additional common open space is unimproved, as defined above, the increase in gross residential density is reduced to one half (1/2) of six (6) or three (3) percent.~~
- ~~ii. Land within a designated 100-year flood plain area, conveyed by easement or dedicated to the City as permanent open space may receive additional density bonuses in the following amounts:~~

~~a) Add four (4) percent to the percentages listed in paragraph (i) above for improved open space; and three (3) percent for unimproved open space where such land is dedicated to the City.~~

~~b) Add two (2) percent to the percentages listed in paragraph (i) above for improved open space; and one (1) percent for unimproved open space where such land is conveyed by easement to the City.~~

~~b. Dedication of public school or park sites may be considered cause for density increase when such sites are of sufficient size and properly located so as to provide a direct benefit to the community. Up to twenty (20) percent increase in density or floor area ratio, within the proposed development may be granted by the Planning and Zoning Commission and City Council where such site dedications conform in general location and size to the City's latest approved Comprehensive City Plan and School District's general requirements. All dedications, whether for school or park purposes, shall be made in favor of the City.~~

~~c. In no case shall bonus increases exceed fifty (50) percent of the total of all additional bonus percentages added together for any purposes. All increases shall be taken on the same initial "gross residential density."~~

3.23.H Guarantee of Common Open Space

~~Common open space provided in any "PUD" district shall be guaranteed by a restrictive covenant describing the open space and its uses, maintenance and improvement running with the land for the benefit of the occupants, or public, of the PUD development. The applicant for a PUD may file with said PUD zoning application a draft copy of the proposed covenants which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common spaces for the designated purposes, for general review and approval by the Planning and Zoning Commission. At the time a "final plat" of the development is filed with the City for approval, the final legal documents regarding the approved covenants relative to the open space, shall be submitted to the City for approval. In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required by the City for City Council approval:~~

- ~~1. It may be conveyed to the City or other public agency which will agree to maintain the common open space and any permitted buildings, structures or other improvements placed thereon.~~
- ~~2. If the common open space is not conveyed to the City or other public agency, the covenants governing the use, improvements, and maintenance of the common open space may authorize the City or other public agency to enforce their provisions.~~
- ~~3. If deeded to a property owners association or trustees thereof, the declaration of covenants and restrictions which is to govern the association shall include, but not be limited to, the following:~~
 - ~~a. Membership must be mandatory for each building or property buyer and any successive buyer, affected by the common open space.~~
 - ~~b. The common open space restrictions must be permanent, and not just for a period of years.~~
 - ~~c. The association shall be totally responsible for liability, insurance, local taxes (if assessed), and the maintenance of the common open space and any improvements thereon.~~
 - ~~d. Affected property owners shall pay their pro rata share of all costs associated therewith; any assessment levied by the association can become a lien on the property.~~
 - ~~e. The association must be able to adjust the assessment rate to meet changing needs.~~

3.23.I Screening and Landscape Requirements

~~Requirements and standards for screening of certain residential and non-residential uses in any "PUD" district shall be required and in conformance with the provisions for "Fences, Free Standing Walls, and Screening Materials" of this Chapter. Areas within any "PUD" district not used for buildings, roadways, drives, parking areas and other similar features shall be landscaped with grass, shrubs, trees and other appropriate vegetative cover, and such shall be maintained in an aesthetic healthy growing condition.~~

3.23.J Access and Circulation

- ~~1. Vehicular Access~~ Principal vehicular access points shall be designed to permit smooth traffic flow with minimum hazards to vehicular or pedestrian traffic.
- ~~2. Emergency Access~~ Lots or tracts in any "PUD" district which do not abut a public street or alley shall be provided with an "emergency access easement" dedicated to the City, of not less than twenty (20) feet in width. Such easement shall be paved with an all weather driving surface, and with such turning radii and turnarounds at the terminal ends so as to permit the free unobstructed movement of emergency or City equipment to gain access and egress to the lot or tract. No obstructions or parking shall be permitted within or allowed to interfere with the full use of such emergency access easement, and said easement shall be permanently marked or signed to identify its intended use. The words "Fire Lane" may be used to designate such easement.

3.23.K Minimum Lot Size Requirements; Minimum Yard Requirements; Maximum Building Height; and Maximum Lot Coverage

The maximum height, lot width, lot depth, floor area ratio and lot area, and the minimum off street parking and loading requirements for uses proposed shall be established for each Planned Development District, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

<u>GENERAL USE CATEGORY</u>	<u>Maximum Height, Lot Width, Lot Depth, Floor Area Ratio or Lot Area and Minimum Off-Street Parking and Loading Standards Shall Be Established by the Following Districts</u>
— Residential	R-MF
— Office	C-PO
— Commercial Services	C-C
— Industrial or Manufacturing	M-L

The Planning & Zoning Commission and City Council may alter such requirements when in their opinion the proposed development density and land use arrangements shown on the site plan would result in a more innovative siting of buildings and facilities which would improve the usefulness of yard areas and their relationship to traffic circulation, admittance of light and air to buildings, fire protection and usable open space.

The average lot size in PUD R is 16,000 square feet, with a minimum lot size of 13,000 square feet. Furthermore, the lot frontage may be adjusted to be consistent with adjacent properties on the same street but shall not be less than 100 feet.

3.23.M Off Street Parking and Loading Requirements

Off street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off Street Parking Requirements," and "Off Street Loading Requirements."

3.23.N Site Plan and Supporting Documents Required

Any application for a change in zoning district boundaries on the "Official Zoning Map" to establish any PUD R, C, or I district shall be accompanied by a site plan and supporting documents therefore, in conformance with the provisions of Chapter 1 General Provisions of this Land Development Code.

3.23.O Nature of Amending Ordinance Approving any "PUD" District Zoning Change

In approving any request for a zoning change for a "PUD" district the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed

~~on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map." However, the zoning change does not constitute recording of a "Final Plat" nor authorize the issuance of building permits and "certificates of occupancy," until such time as a "Final Plat" and supporting legal and construction documents have been prepared and submitted for City Council approval on all or part of the proposed development, in conformance with the platting requirements and procedures of this Land Development Code.~~

3.23.P Requirements for "Final Plat" Submission Following Zoning Change

~~Within a maximum of six (6) consecutive months, following approval of the "PUD" district zoning change by the City Council, the applicant shall file with the City Planning and Zoning Commission a "Final Plat" and necessary supporting documents of all or a part of the PUD district site, in conformance with the Chapter 8 Plat Review Procedures of this Land Development Code. At its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) months the period of filing for the "Final Plat" upon written request by the applicant. Should the applicant fail to submit a "Final Plat" within the six (6) month period following City Council approval of the zoning change, or by the termination date of the filing extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings under Chapter 1 General Provisions of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Official Zoning Map by removing all or part of the Planned Unit Development (PUD) from the Official Zoning Map and placing the area involved in another appropriate zoning district. The City Council may uphold the Commission's recommendation and proceed to advertise and hold a public hearing thereon, or may elect to continue the PUD district zoning classification in effect.~~

3.23.Q Compliance with Development Schedule

~~An application for a Planned Unit Development District shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer and his successors in interest.~~

~~The development schedule shall be reviewed annually by the Building Inspector, and he shall report to the Planning and Zoning Commission the actual development accomplished in the various Planned Development Districts as compared with the development schedule. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings under Chapter 1 General Provisions of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Official Zoning Map or the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.~~

K. Special Submittal and Exhibit Requirements – To facilitate the review and public hearing process, all applications for a Planned Unit Development shall include the following documents and exhibits:

- 1. Application – These forms are furnished by the Administrative Official.**
- 2. Application Fee – No application shall be processed or scheduled for public hearing until the application fee has been paid.**
- 3. Statement of Planning Objectives – The developer shall provide a written statement of planning objectives which describes the nature and character of the proposed development, any proposed development standards, and the rationale behind the assumptions and choices made by the applicant, including use and ownership of any open spaces, etc.**
- 4. Legal Description – A written metes and bounds description of the total site area proposed for the Planned Unit Development.**

5. **Development Schedule** – A development schedule indicating the target dates for the start and completion of the project, including any key dates of phasing of the project. The development schedule, if adopted and approved by the City Council, shall be incorporated into the approving ordinance, which shall be adhered to by the owner, developer and his successors in interest.

If upon review by the Administrative Official, the owner or owners of property fail to meet the approved schedule, the Planning and Zoning Commission or City Council may initiate proceedings under Chapter 1 – General Provisions of this Land Development Code regarding “Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits,” to amend the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

6. **Site Plan** – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
- a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
 - b. Proposed land uses and building locations
 - c. General elevation drawings of all non-residential structures indicating building height
 - d. Landscaping, lighting, fencing and screening of common areas
 - e. General locations of existing tree clusters
 - f. Location and construction type of perimeter fencing
 - h. Design of ingress and egress with description of any special pavement treatments
 - i. Calculations and location of off-street parking and loading facilities
 - j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
 - k. Location and description of subdivision signs and landscaping at entrance areas
 - l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

7. **Drainage Analysis** – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in Chapter 14 – Engineering Design Standards of the Land Development Code.
- L. **Optional Preliminary Plat Submittal** – To expedite a development proposal for a Planned Unit Development, a developer may submit a separate application for a Preliminary Plat, which meets all of the requirements specified in Chapter 8 of this Land Development Code for a Preliminary Plat submittal, and which may be processed and reviewed concurrently with a PUD application, provided that no Preliminary Plat application shall be approved prior to the approval of the PUD application. The developer shall request a waiver of the 30 day time limit for Preliminary Plat approval where such application runs concurrently with a PUD application.

M. **Approval Process**

- a. **Application** – An application for a Planned Unit Development shall be submitted and processed using the same requirements used for submittal of a rezoning request, which shall be reviewed and considered in accordance with the procedures specified in Chapter One of this Land Development Code.
- b. **Conditions Related to Approval** – In establishing a Planned Unit Development, each application shall be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community. The Planned Unit

Development may be approved or denied as the findings indicate appropriate. The Planning and Zoning Commission may recommend and the City Council may approve safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties, which may include any or all of the following site conditions:

- | | |
|--|--|
| <i>i. Accessory buildings</i> | <i>xi. Lot sizes and dimensions</i> |
| <i>ii. Building and structure heights</i> | <i>xii. Outside storage and display</i> |
| <i>iii. Drainage</i> | <i>xiii. Pedestrian circulation</i> |
| <i>iv. Exterior construction materials</i> | <i>xiv. Public street access</i> |
| <i>v. Exterior lighting</i> | <i>xv. Refuse and waste storage</i> |
| <i>vi. Fire protection measures</i> | <i>xvi. Screening or buffer areas</i> |
| <i>vii. Hours of operation</i> | <i>xvii. Signs</i> |
| <i>viii. Land uses</i> | <i>xviii. Vehicle traffic, circulation, and parking lots</i> |
| <i>ix. Landscaping and open space</i> | <i>xix. Other conditions deemed appropriate</i> |
| <i>x. Lot coverage, density & setbacks</i> | <i>xx. Project phasing and development schedule</i> |

- c. Modification of a PUD requirement – The Planning and Zoning Commission may recommend and the City Council may approve a proposal for a Planned Unit Development that includes a provision which modifies any requirement contained in these Planned Unit Development regulations.*
- d. Amending a Planned Unit Development – Changes to a Planned Unit Development or to its approved Site Plan shall be processed in the same manner as the original request. However, the administrator of this Code may approve minor modifications in an approved Concept Plan, provided the modifications:*
 - i. Do not alter the basic physical relationship of the property to adjacent property;*
 - ii. Do not change the permitted land uses;*
 - iii. Do not increase the maximum density, floor area, height; or,*
 - iv. Do not reduce the minimum yards or setbacks.*

~~**3.23.R Effect of this Section and Related Subsections on Previously Approved "PUD" Zoning Changes**~~

- N. Effect of this Section on Existing Planned Unit Developments** – Previously approved PUD amending ordinances to the City's preceding zoning ordinance **and Land Development Code**, including accompanying plans and supporting documents, ~~thereof~~, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter. **Where a prior ordinance fails to provide specific information regarding minimum lot sizes, lot width, lot depth, set backs, building heights and maximum lot coverage, the requirements contained in Section 3.24.G shall prevail.**

Proposed PUD Ordinance

ORDINANCE O-05-1529

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING SECTION 3.23 PLANNED UNIT DEVELOPMENT REGULATIONS, OF THE LAND DEVELOPMENT CODE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning regulation; and

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City Council of the City of Colleyville desires to amend certain portions of the Land Development Code regarding Planned Unit Development regulations; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the zoning regulations to the City Council; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning regulations, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the persons interested, the governing body of the City of Colleyville is of the opinion that said change in zoning regulation should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT *Section 3.23 – PUD-R; C; I;* of the Land Development Code, is hereby amended in its entirety to read as shown in the attached Exhibit "A",

- Sec. 2. THAT Ordinance O-00-1214 adopting the Land Development Code of the City of Colleyville, as amended, shall remain in effect, except where amended by this ordinance.
- Sec. 3. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 4. THAT any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 5. THAT addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 6. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the _____ day of _____ 2005.

The second reading and public hearing being conducted on the _____ day of _____ 2005.

ATTEST:

CITY OF COLLEYVILLE

Cynthia Singleton, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Exhibit "Section 3-410 PUD Planned Unit Developments"

- A. Purpose - The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community.
- B. Ordinance Required and Effect on Official Zoning Map - Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map."
- C. General Development Standards - The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to another zoning district.
- D. Classification of Planned Unit Developments - The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.

Planned Unit Development Classifications		
PUD Classification	Planned Unit Development- Residential	Planned Unit Development - Commercial
Map Symbol	PUD-R	PUD-C
Classifications Defined	Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a conventional single family project of the same acreage, shall be classified as Planned Unit Development - Residential. A PUD-R may also contain a portion of non-residential uses.	Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or combinations thereof, shall be classified as Planned Unit Development - Commercial. A PUD-C may also contain a portion of residential uses.

- E. Permitted Uses - The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.
- F. Prohibited Uses - Uses not expressly permitted in the ordinance approving the Planned Unit Development shall be prohibited.
- G. Maximum Residential Density - The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per gross acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project

and one-half of any abutting street situated adjacent to the project. This calculation shall exclude all proposed non-residential acreage from the gross acreage.

- H. Density Bonus – A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult.
- I. Minimum Residential Lot Size – Notwithstanding Paragraph G above regarding maximum density, the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.
- J. Open Space Requirements – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:
1. *Residential Areas* – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.
 2. *Non-Residential Areas* – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.
 3. *Definition of Common Open Space*. For the purpose of this section, common open space is defined as follows:
 - a. Common Open Space may include:
 - i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
 - ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
 - iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or
 - iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.
 - b. Common Open Space shall not include:
 - i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
 - ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
 - iii. religious institutions or private school sites, or
 - iv. street medians or islands.
 2. *Open Space Design Requirements*.
 - a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.
 - b. The maximum amount of common open space used for storm water detention or retention

purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.

- c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.
3. *Guarantee of Common Open Space.* In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:
- a. *Public Open Space* – Common open space may be conveyed to the City or other public agency, provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.
 - b. *Private Open Space* – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:
 - i. the establishment of the association is made before any lot in the development is sold or any building occupied,
 - ii. membership in the association is mandatory for each building or property owner and any successive owner and give the association the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common open space areas,
 - iii. ownership and maintenance of the common open space is guaranteed by a restrictive covenant, which is permanent, running with the land for the benefit of the occupants of the development and state that the association is totally responsible for the maintenance of the common open space and any improvements,
 - iv. submittal of a draft copy of the proposed covenants at the time of preliminary platting, which will ensure the guarantees stated in this section and provides for restricting the use of common spaces for the designated purposes, and
 - v. the plat contains a note stating that the common open space shall be maintained by the home owners association
- K. Special Submittal and Exhibit Requirements – To facilitate the review and public hearing process, all applications for a Planned Unit Development shall include the following documents and exhibits:
1. *Application* – These forms are furnished by the Administrative Official.
 2. *Application Fee* – No application shall be processed or scheduled for public hearing until the application fee has been paid.
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 4. *Legal Description* – A written metes and bounds description of the total site area proposed for the Planned Unit Development.
 5. *Development Schedule* – A development schedule indicating the target dates for the start and completion of the project, including any key dates of phasing of the project. The development schedule, if adopted and approved by the City Council, shall be incorporated into the approving ordinance, which shall be adhered to by the owner, developer and his successors in interest.

If upon review by the Administrative Official, the owner or owners of property fail to meet the approved schedule, the Planning and Zoning Commission or City Council may initiate proceedings under Chapter 1 – General Provisions of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner

and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

6. *Site Plan* – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:

- a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
- b. Proposed land uses and building locations
- c. General elevation drawings of all non-residential structures indicating building height
- d. Landscaping, lighting, fencing and screening of common areas
- e. General locations of existing tree clusters
- f. Location and construction type of perimeter fencing
- h. Design of ingress and egress with description of any special pavement treatments
- i. Calculations and location of off-street parking and loading facilities
- j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
- k. Location and description of subdivision signs and landscaping at entrance areas
- l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

7. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.

- L. Optional Preliminary Plat Submittal – To expedite a development proposal, a developer may submit a separate application for a Preliminary Plat, which meets all of the requirements specified in Chapter 8 of this Land Development Code for a Preliminary Plat submittal, and which may be processed and reviewed concurrently with a PUD application, provided that no Preliminary Plat application shall be approved prior to the approval of the PUD application. The developer shall request a waiver of the 30 day time limit for Preliminary Plat approval where such applications run concurrently with a PUD application.

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- a. *Application* – An application for a Planned Unit Development shall be submitted and processed using the same requirements used for submittal of a rezoning request, which shall be reviewed and considered in accordance with the procedures specified in Chapter One of this Land Development Code.
- b. *Conditions Related to Approval* – In establishing a Planned Unit Development, each application shall be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community. The Planned Unit Development may be approved or denied as the findings indicate appropriate. The Planning and Zoning Commission may recommend and the City Council may approve safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties, which may include any or all of the following site conditions:

- | | |
|-------------------------------------|---|
| i. Accessory buildings | xi. Lot sizes and dimensions |
| ii. Building and structure heights | xii. Outside storage and display |
| iii. Drainage | xiii. Pedestrian circulation |
| iv. Exterior construction materials | xiv. Public street access |
| v. Exterior lighting | xv. Refuse and waste storage |
| vi. Fire protection measures | xvi. Screening or buffer areas |
| vii. Hours of operation | xvii. Signs |
| viii. Land uses | xviii. Vehicle traffic, circulation, and parking lots |
| ix. Landscaping and open space | xix. Other conditions deemed appropriate |
| x. Lot coverage, density & setbacks | xx. Project phasing and development schedule |

- c. *Modification of a PUD requirement* – The Planning and Zoning Commission may recommend and the

City Council may approve a proposal for a Planned Unit Development that includes a provision which modifies any requirement contained in these Planned Unit Development regulations.

- d. *Amending a Planned Unit Development* – Changes to a Planned Unit Development or to its approved Site Plan shall be processed in the same manner as the original request. However, the administrator of this Code may approve minor modifications in an approved Concept Plan, provided the modifications:
 - i. Do not alter the basic physical relationship of the property to adjacent property;
 - ii. Do not change the permitted land uses;
 - iii. Do not increase the maximum density, floor area, height; or,
 - iv. Do not reduce the minimum yards or setbacks.
- N. Effect of this Section on Existing Planned Unit Developments – Previously approved PUD amending ordinances to the City's preceding zoning ordinance and Land Development Code, including accompanying plans and supporting documents, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter. Where a prior ordinance fails to provide specific information regarding minimum lot sizes, lot width, lot depth, set backs, building heights and maximum lot coverage, the requirements contained in Section 3.24.G shall prevail.

ORDINANCE O-05-1529

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING SECTION 3.23 PLANNED UNIT DEVELOPMENT REGULATIONS, OF THE LAND DEVELOPMENT CODE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning regulation; and

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City Council of the City of Colleyville desires to amend certain portions of the Land Development Code regarding Planned Unit Development regulations; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the zoning regulations to the City Council; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning regulations, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the persons interested, the governing body of the City of Colleyville is of the opinion that said change in zoning regulation should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

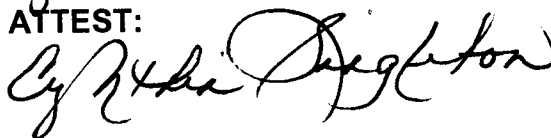
Sec. 1. **THAT** *Section 3.23 – PUD-R; C; I;* of the Land Development Code, is hereby amended in its entirety to read as shown in the attached Exhibit "A",

- Sec. 2. THAT Ordinance O-00-1214 adopting the Land Development Code of the City of Colleyville, as amended, shall remain in effect, except where amended by this ordinance.
- Sec. 3. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 4. THAT any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 5. THAT addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 6. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

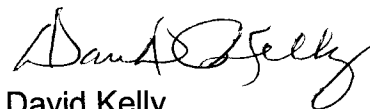
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of June 2005.

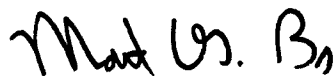
The second reading and public hearing being conducted on the 21st day of June 2005.

ATTEST:

Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Exhibit "Section 3-410 PUD Planned Unit Developments"

- A. Purpose - The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community.
- B. Ordinance Required and Effect on Official Zoning Map - Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the "Official Zoning Map."
- C. General Development Standards - The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to another zoning district.
- D. Classification of Planned Unit Developments - The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.

Planned Unit Development Classifications		
PUD Classification	Planned Unit Development- Residential	Planned Unit Development - Commercial
Map Symbol	PUD-R	PUD-C
Classifications Defined	Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a conventional single family project of the same acreage, shall be classified as Planned Unit Development - Residential. A PUD-R may also contain a portion of non-residential uses.	Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or combinations thereof, shall be classified as Planned Unit Development - Commercial. A PUD-C may also contain a portion of residential uses.

- E. Permitted Uses - The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.
- F. Prohibited Uses - Uses not expressly permitted in the ordinance approving the Planned Unit Development shall be prohibited.
- G. Maximum Residential Density - The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per gross acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project.

and one-half of any abutting street situated adjacent to the project. This calculation shall exclude all proposed non-residential acreage from the gross acreage.

- H. Density Bonus – A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult.
- I. Minimum Residential Lot Size – Notwithstanding Paragraph G. above regarding maximum density, the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.
- J. Open Space Requirements – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:
1. *Residential Areas* – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.
 2. *Non-Residential Areas* – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.
 3. *Definition of Common Open Space*. For the purpose of this section, common open space is defined as follows:
 - a. Common Open Space may include:
 - i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
 - ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
 - iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or
 - iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.
 - b. Common Open Space shall not include:
 - i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
 - ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
 - iii. religious institutions or private school sites, or
 - iv. street medians or islands.
 2. *Open Space Design Requirements*.
 - a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.
 - b. The maximum amount of common open space used for storm water detention or retention

purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.

- c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.
3. *Guarantee of Common Open Space.* In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:
- a. *Public Open Space* – Common open space may be conveyed to the City or other public agency, provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.
 - b. *Private Open Space* – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:
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