



# City of Colleyville City Council Worksession Agenda

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

Tuesday, January 23, 2018  
6:00 p.m.

Executive Conference Room  
Third Floor - City Hall

## **1. CALL TO ORDER**

## **2. PRESENTATION AND DISCUSSION**

**2a** Review of proposed amendments to the Land Development Code

## **3. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, January 19, 2018 by 5:00 p.m.

Christine Loven, 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](http://www.colleyville.com)

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|-----------------------------------------|-------------------------------|---------------|
| <b>Agenda Number</b> 2a                 | <b>Agenda Date</b> 01/23/2018 | <b>Number</b> |
| <b>Type</b> Presentation and Discussion |                               |               |
| <b>Department</b> Community Development |                               |               |

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## **Title**

Review of proposed amendments to the Land Development Code

## **Strategic Plan**

1.4 Communicate thoroughly and strategically

## **Explanation**

Staff will present the history and progress of the internal reviews and recommendations for amendments to the Land Development Code (LDC) as explained in the attached proposed LDC priority amendments list.

Also attached for discussion and review are proposed amendments to Chapters 1 and 3 of the LDC.

## **Attachments**

1. Proposed LDC priority amendments list
2. Chapter 1 - General Provisions
3. Chapter 3 - Land Use

## Proposed LDC Priority Amendments

**Update:** Staff presented a list of amendments to the Land Development Code (LDC) at the August 1<sup>st</sup> Council Worksession meeting. At that meeting, the Council confirmed that the list was complete and the priority ranking satisfactory.

Subsequently, the Council participated in a visioning workshop. As a result of the workshop, the Council asked that the list be presented again to discuss the prioritization of the amendments and the best method for completing the entirety of the task at hand. This was to be discussed at a worksession meeting in December. However, the meeting was cancelled and rescheduled to January 23, 2018.

In anticipation of the worksession, city staff has initiated a full review of LDC. A red-line version of Chapter 1: General Provisions and Chapter 3: Land Use are included with the intent to initiate discussion. A selected list of amendments includes:

- Increase in distance for adjacent property notice (increase to 300' from 200')
- Requirement for Concept Plan & Preliminary Drainage Study for all zoning change requests (including non-PUD)
- Requirement for properties with the R-10 zoning designation to comply with R-15 zoning standards
- Removal of 'density bonus' from the PUD zoning overlay
- Complete review of the Schedule of Permitted Principal Uses chart
- Inclusion of standards for Perimeter Subdivision Fences
- Change in maximum square footage allowance for accessory buildings (percentage of lot calculation)
- Revision to accessory dwelling (previously servant quarters) size limitations
- Allowance for minor reduction in parking to be approved by staff

A few sections that require additional review from staff include the following:

- Review of Non-Conforming Uses, Lots and Buildings section
- Open space & street frontage design regulations for PUD zoning
- Revision to ratio of alcohol to food receipts (increase to 60/40?)
- Design criteria and regulations for commercial buildings
- Residential carport regulations

**Explanation:** The attached list identifies the subject, chapter, estimated staff preparation time, estimated overall completion time, and indication on the need for outside help. Staff has attempted to identify and prioritize these amendments based on input and direction from the City Council over the past several months.

The list has primarily been arranged in ranking from high priority to lesser priority with a few less complicated amendments incorporated strategically in order to accomplish the list in a timely manner. Many of the top priorities were taken from the recently amended comprehensive plan, *Destination Colleyville*. The other amendments were either provided by the City Council or identified by staff for review.

The proposed timeline is very aggressive and will be a best case scenario. Staff will endeavor to follow this schedule as best as possible with the understanding that priorities can change and projects may shift depending on preferences, available resources, and outside influences.

## Proposed LDC Priority Amendments

| Proposed LDC Amendment                                                                                                                                                                                                                                                                      | Staff Prep*                                   | Total Time<br>(Final action)                | Outside<br>Participation                                        | Source                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------|-----------------------------------------------------------------|----------------------------|
| Revise the LDC to require an accompanying conceptual plan and ability to condition approval of straight zoning requests (non-PUD) to ensure new developments are built in substantial compliance to the approved conceptual plan. (Chapter 3)                                               | 1 – 2 months<br><br>Oct – WS<br>(worksession) | 3 – 4 months<br><br>Nov – P&Z<br>Dec – CC   | Yes – need help verifying legality and proper procedure         | City Council/<br>Comp Plan |
| Evaluate annexation process for areas in the City's ETJ, if any.                                                                                                                                                                                                                            | 2 – 3 months<br><br>Nov – WS                  | 4 – 5 months<br><br>Dec – P&Z<br>Jan – CC   | None                                                            | City Council               |
| Revise setback regulations for fencing on corner lots. (Chapter 3)<br>– Possible reduction in the setback required on the 'street' side yard.                                                                                                                                               | 1 – 2 months<br><br>Nov - WS                  | 3 – 4 months<br><br>Dec – P&Z<br>Jan – CC   | None                                                            | Staff                      |
| Revise PUD-R development standards to establish rural frontage (character) standards along key roadways. (Chapter 3)                                                                                                                                                                        | 2 – 3 months<br><br>Dec – WS                  | 4 – 5 months<br><br>Jan – P&Z<br>Feb – CC   | Yes                                                             | Comp Plan                  |
| Revise PUD-R standards to require appropriate transitions and quality open space. (Chapter 3)<br>– More specifically, establish design and performance criteria for open space to maximize value creation, tree preservation, preservation of rural frontage along key roadways, etc.       | 4 – 6 months<br><br>Dec - WS                  | 6 – 8 months<br><br>Jan – P&Z<br>Feb – CC   | Yes                                                             | Comp Plan                  |
| Replace Chapter 5: Tree Preservation chapter of the LDC.                                                                                                                                                                                                                                    | 3 – 4 months<br><br>Jan - WS                  | 5 – 6 months<br><br>Feb – P&Z<br>Mar – CC   | None                                                            | Staff                      |
| Revise regulations for accessory buildings regarding definition, size, setbacks, and more. (Chapter 3)                                                                                                                                                                                      | 2 – 3 months<br><br>Feb - WS                  | 4 – 5 months<br><br>Mar – P&Z<br>Apr – CC   | None                                                            | Staff                      |
| Revise regulations for Servants Quarters regarding maximum size allowed. (Chapter 3)<br>– Allow for larger size through SUP approval process                                                                                                                                                | 1 – 2 months<br><br>Feb – WS                  | 3 – 4 months<br><br>Mar – P&Z<br>Apr – CC   | None                                                            | Staff                      |
| Clean up and revisions to Chapter 7: Signage                                                                                                                                                                                                                                                | 4 – 6 months<br><br>Mar – WS                  | 6 – 8 months<br><br>Apr – P&Z<br>May – CC   | Very little, if any                                             | Staff                      |
| Review Chapter 4: Landscaping and Buffering as it relates to buffers between residential and non-residential uses, and amend as appropriate.                                                                                                                                                | 1 – 2 months<br><br>Apr – WS                  | 3 – 4 months<br><br>May – P&Z<br>June – CC  | None                                                            | Staff                      |
| Create an integrated regulatory tool (through a Corridor Zoning/Overlay District or similar tool) to achieve a mix of commercial uses, appropriate transitions and buffers, and desired character that is tailored to the 4 different sections of the Boulevard as described in the vision. | 4 – 6 months<br><br>May – WS                  | 6 – 8 months<br><br>June – P&Z<br>July – CC | Yes – would be 1 <sup>st</sup> overlay district for Colleyville | Comp Plan                  |
| Create public realm and streetscape standards to complement private realm standards.                                                                                                                                                                                                        | 2 – 3 months<br><br>June – WS                 | 4 – 5 months<br><br>July – P&Z<br>Aug – CC  | None                                                            | Comp Plan                  |
| Streamline all commercial design standards into one section of the LDC. (Chapter 6)<br>– Building and site design                                                                                                                                                                           | 3 – 4 months<br><br>July – WS                 | 5 – 6 months<br><br>Aug – P&Z<br>Sep – CC   | None                                                            | Comp Plan                  |
| Ensure environmental concerns are included in the LDC to limit development that may significantly harm the environment.                                                                                                                                                                     | ???                                           | ???                                         | Yes                                                             | Comp Plan                  |

\*Lead time to prepare for initial presentation to City Council worksession

# Chapter 1

## General Provisions

Rev. 05/04/2010

### 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

Certificate of Occupancy requirements shall be in accordance with the currently adopted Building Code(s) in effect at such time.

### ~~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~~

**Commented [EW1]:** The International Building Code (IBC) and International Residential Code (IRC) contain provisions for CO's and this language is contradictory or otherwise in conflict

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**

#### **DELETE THIS SECTION**

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.

**Commented [EW2]:** Time limitations are already addressed in the currently adopted building codes

### **Section 1.11 Compliance Required for Building Permits & Utility Services**

#### **DELETE THIS SECTION**

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.

**Commented [EW3]:** Language is stating the obvious and utility connections are addressed by current codes and/or policies

### **Section 1.12 Waivers and Appeals - Generally**

#### **DELETE THIS SECTION**

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.

**Commented [EW4]:** Waivers and appeals are already addressed in the adopted codes

| 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<br>See Section 1.16 | N/A              | See Section 4.6<br>N/A |
| 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.

Commented [BB5]: Ordinance Amendment in 2017; needs to be updated by staff

### 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

Note: Section 1.15 replaced in its entirety. (Ord. O-03-1414 / 09-02-2003)

- A. Creation of Sign Board of Appeals – There is hereby created a Sign Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Sign Board of Appeals shall consist of the same members and officers as the Zoning Board of Adjustment.
- B. Authority of the Sign Board of Appeals – The Sign Board of Appeals shall have the authority to hear and decide on requests for a variance from the requirements contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The Sign Board of Appeals shall also have the authority to hear and decide an appeal of an administrative decision on a regulation contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The authority established under this paragraph shall be applicable to a definition contained in *Chapter 2 – Definitions* of this Land Development Code required for the administration and enforcement of the provisions of *Chapter 7 – Sign Regulations*.
- C. Quorum and Organization – ~~Four~~ 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.
- D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Sign Board of Appeals. Such rules of procedure may be amended by the Sign Board of Appeals membership. 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. 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 Administrative ~~Official~~ on or before the last date to receive applications prior to the scheduled meeting date. The Building Official shall publish a calendar establishing such final application dates.
- E. Variance – A person may request a variance from a requirement contained in *Chapter 7 – Sign Regulations* by filing said request with the building official Administrative Official. A request for a variance shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance 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, 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.
- F. Fees – No action shall be taken on any application submitted to the Sign Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.
- G. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment, and only after written notice of the public

Commented [EW6]: Provision should not list a specific position

Commented [EW7]: Provision should not list a specific position

hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within two ~~three~~ hundred (200300) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office.

**Commented [BB8]:** Increased for more notification coverage

- H. Appeal to City Council – The decision by the Sign Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall re-notify all property owners lying within two ~~three~~ hundred (200300) feet of the area being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.

**Commented [BB9]:** Increased for more notification coverage

## 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*; ~~and 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.

**Commented [BB10]:** Authority for Chapter 6 is the P&Z Commission

### 1.16-A. 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. 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. 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 ~~three~~ hundred (200~~300~~) 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:

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- 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 ~~three~~ hundred (~~200~~~~300~~) 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.

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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 ~~fifteen~~ (1915) 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.

Commented [BB13]: Current practice is 15 days

### 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~~ **fifteen (15)** 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)~~ **three hundred (300)** 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~~ **fifteen (15)** 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. **The land area within 200 feet of the proposed Special Use Permit shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the Special Use Permit.**
  - i. **Alcohol and Package Store SUP Requests** – When a rezoning application includes a provision for a Special Use Permit for the sale of alcoholic beverages or a package store, the written notification of the public hearing stated in the preceding paragraph shall be sent to all owners of real property lying within five hundred (500) feet of the area being considered. The land area within 200 feet of the proposed Special Use Permit shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the Special Use Permit. (Ord. O-03-1399 / 04-15-2003).
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

**Commented [BB14]:** Current practice is 15 days; same as ZBA notice

**Commented [BB15]:** Increased for more notification coverage

**Commented [BB16]:** Current practice is 15 days; same as ZBA notice

**Commented [BB17]:** Similar practice as outlined for Alcohol & Package Store SUP Requests in the paragraph below.

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.~~

Concept Plan - The Concept 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:

**Commented [BB18]:** New regulation for Concept Plan & Preliminary Drainage Study requirement

- a. Proposed layout, indicating the approximate size and dimensions of all residential lots
- b. Proposed land uses and building locations
- c. Landscaping, lighting, fencing and screening of common areas
- d. General locations of existing tree clusters
- e. Location and construction type of perimeter fencing
- f. Design of ingress and egress with description of any special pavement treatments
- g. Location and description of subdivision signs and landscaping at entrance areas
- h. Street names on all proposed streets
- i. 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.

**Exception:** A change of zoning application may be submitted and approved without a Concept Plan if the scale of the request does not justify preparation of the plan.

g. Preliminary drainage study.

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 Administrative Official may waive the site plan requirement altogether when appropriate.

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"~~ Section 3.31.D Site Plan Approval Required as described in the City's ~~subdivision regulations~~ Land Use chapter, 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;

**Commented [BB19]:** In rare situations a site plan may not be warranted based on the limited scale of the zoning request

- 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 ~~fifteen~~ (1015) 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.

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### 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                                        |
|-------------|------------|------------------------------------------------|
| O-03-1399   | 04/15/2003 | 500 foot notification for alcohol SUP requests |
| O-03-1414   | 09/02/2003 | Sign Board of Appeals authority                |
| O-10-1750   | 05-04-2010 | Addition of Package Store SUP Requirements     |
|             |            |                                                |

## 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.

Commented [BB1]: Need to clarify

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, re-constructed, 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

Commented [BB2]: Needs further review

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, not forward of the primary dwelling, 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~~ Accessory dwellings provided the gross habitable square feet of floor area shall ~~not exceed six hundred (600) square feet~~ complies with regulations found in Section 3.27 of this chapter. 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"

**Commented [EW3]:**

**Commented [EW4]:** Recommendation that the pool not extend past the front of the house

**Commented [EW5]:** Pool barrier requirements are codified in the adopted building codes

**Commented [BB6]:** New standards for Accessory Dwellings

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~~to 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 forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.~~

**Commented [EW7]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW8]:** Recommend that the pool does not extend past the front of the dwelling

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 Accessory dwellings provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet complies with regulations found in Section 3.27 of this chapter. 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.

**Commented [BB9]:** New standards for Accessory Dwellings

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~~to 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 ~~R-40~~ – Single Family Residential District

- A. R-40 – 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 ~~R-40~~ – Single Family Residential District.
- B. 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.
- 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 – but not forward of the primary dwelling on the lot, – and shall not be located closer than five (5') feet to any side' or rear property line.~~

**Commented [EW10]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW11]:** Recommend that the pool cannot extend beyond the front of the existing dwelling

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 ~~R-30~~ – Single Family Residential District

- A. R-30 – 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 ~~R-30~~ – Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the ~~R-30~~ – 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 forward of the primary dwelling on the lot, 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.

**Commented [EW12]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW13]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

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 R-20 – Single Family Residential District

- A. R-20 – 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 R-20 – Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the R-20 – 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 forward of the primary dwelling on the lot, 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."

**Commented [EW14]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW15]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

- 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 ~~R-15~~ Single Family Residential District

- A. ~~R-15 – 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 ~~R-15 – Single-Family Residential District~~.
- B. Purpose and Intent – The purpose and intent of the ~~R-15 – 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 forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

**Commented [EW16]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW17]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

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. R-10 Single-Family Residential District Historic Designation:** All lots within the City of Colleyville with the R-10 designation shall conform to the standards of the R-15 zoning district.

**Commented [BB18]:** This will address the existing R-10 properties

**G. 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.

**GH. 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."

**HI. 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."*

**IJ. Off-street Parking and Loading Requirements** – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."

**JK. 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 forward of the primary dwelling on the lot, 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

**Commented [BB19]:** The vast majority of properties zoned RD are developed with single-family residences

**Commented [EW20]:**

**Commented [EW21R20]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW22]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

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 – ~~Multi-family-Family~~ Residential District

- A. RMF – ~~Multi-family-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 – ~~Multi-family-Family~~ Residential District.
- B. Purpose and Intent – The purpose and intent of the RMF – ~~Multi-family-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 forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.~~

**Commented [EW23]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW24]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

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~~to the provisions of the "Off-Street Parking Requirements," and ~~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 ~~Multi-family~~Family 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-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 forward of the primary dwelling on the lot,~~ 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.

**Commented [EW25]:** Pool barrier requirements are already codified in the adopted building codes

**Commented [EW26]:** Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

- 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 ~~"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 areas and ~~so as 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                           |
| Maximum lot size: 1 acre                          | front: 40 ft.                         | Max. building height in feet: — 35 ft.                         |
| Minimum lot width at front setback line: —100 ft. | side abutting residential: 25 ft.     | Max. building height adj. to residential district: see Sec. 24 |
| 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. |                                                                |

- E. Supplementary Requirements

|                                       |                                        |                              |
|---------------------------------------|----------------------------------------|------------------------------|
| <b>General:</b>                       | <b>Landscaping Plans:</b>              | <b>Off-Street Parking:</b>   |
| - outdoor storage is not permitted    | - required as per Chapter 4            | - as required by Sec. 3.29   |
| - uses adjacent to single family uses | <b>Commercial Bldg. Design Stds.</b>   | <b>Site Plans:</b>           |
| must be screened as per Sec. 3.26     | - each site must have a minimum of     | - plans must be submitted in |
| - may be operated in daytime only     | 25 points as per Chapter <del>56</del> | 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**
- 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**

|                               |                                                                |                                              |
|-------------------------------|----------------------------------------------------------------|----------------------------------------------|
| <b>General Requirements:</b>  | <b>PRIMARY USE &amp; STRUCTURE:</b>                            | <b>Accessory Use &amp; Structure:</b>        |
| Minimum lot size: 10,000 s.f. | Minimum setbacks:                                              | Permitted per Sec. 3.24 & 3.28 <del>27</del> |
| Maximum lot size: 1 acre      | 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: 40%     | 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

|                                       |                                      |                              |
|---------------------------------------|--------------------------------------|------------------------------|
| <b>General:</b>                       | <b>Landscaping Plans:</b>            | <b>Off-Street Parking:</b>   |
| - outdoor storage is not permitted    | - required per Chapter 4             | - as required by Sec. 3.29   |
| - uses adjacent to single family uses | <b>Commercial Bldg. Design Stds.</b> | <b>Site Plans:</b>           |
| must be screened as per Sec. 24       | - each site must have a minimum of   | - plans must be submitted in |
| - may be operated in daytime only     | 25 points per Chapter <del>65</del>  | 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**
- 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

| <b>General Requirements:</b>                     | <b>PRIMARY USE &amp; STRUCTURE:</b>                                    | <b>Accessory Use &amp; Structure:</b> |
|--------------------------------------------------|------------------------------------------------------------------------|---------------------------------------|
| Minimum lot size: 15,000 s.f.                    | Minimum setbacks:                                                      | Permitted per Sec. 3.24 & 3.2827      |
| 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) |                                       |

E. Supplementary Requirements

|                                                                                                                                                                          |                                                                                                                                                                                   |                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General:</b><br>- outdoor storage is not permitted<br><br>- uses adjacent to single family uses must be screened as per Sec. 24<br><br>- may be operated 24 hours/day | <b>Landscaping Plans:</b><br>- required as per Chapter 4<br><br><b>Commercial Bldg. Design Stds.</b><br><br>- each site must have a minimum of 30 points as defined by Chapter 56 | <b>Off-Street Parking:</b><br>- as required by Sec. 3.29<br><br><b>Site Plans:</b><br><br>- plans must be submitted in accordance with Sec. 3.31 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|

## 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

| <b>General Requirements:</b>                     | <b>PRIMARY USE &amp; STRUCTURE</b>                               | <b>Accessory Use &amp; Structure</b> |
|--------------------------------------------------|------------------------------------------------------------------|--------------------------------------|
| Minimum lot size: 20,000 s.f.                    | Minimum setbacks:                                                | Permitted per Sec. 3.24 & 3.2827     |
| 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) |        |

E. Supplementary Requirements

|                                                                                                                                                                    |                                                                                                                                                                                      |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General:</b><br>- outdoor storage is not permitted<br>- uses adjacent to single family uses must be screened as per Sec. 3.24<br>- may be operated 24 hours/day | <b>Landscaping Plans:</b><br>- required as per Chapter 4<br><b>Commercial Bldg. Design Stds.</b><br>- each site must have a minimum of 25 points as defined by Chapter <del>56</del> | <b>Off-Street Parking:</b><br>- as required by Sec. 3.29<br><b>Site Plans:</b><br>- plans must be submitted in accordance with Sec. 3.31 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

## 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

|                                                  |                                                                        |                                                 |
|--------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------|
| <b>General Requirements:</b>                     | <b>PRIMARY USE &amp; STRUCTURE:</b>                                    | <b>Accessory Use &amp; Structure:</b>           |
| Minimum lot size: 10,000 s.f.                    | Minimum setbacks:                                                      | Permitted as per Sec. 3.24 & <del>3.28</del> 27 |
| 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

|                                                                                                                                                                 |                                                                                                                                                                                      |                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General:</b><br>- outdoor storage is permitted<br>- uses adjacent to single family uses must be screened as per Sec. 3.24<br>- may be operated 24 hours/day. | <b>Landscaping Plans:</b><br>- required as per Chapter 4<br><b>Commercial Bldg. Design Stds:</b><br>- each site must have a minimum of 20 points as defined by Chapter <del>56</del> | <b>Off-Street Parking:</b><br>- as required by Sec. 3.29<br><b>Site Plans:</b><br>- plans must be submitted in accordance with Sec. 3.31 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

## 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

| <b>General Requirements:</b> |             | <b>PRIMARY USE &amp; STRUCTURE:</b>      | <b>Accessory Use &amp; Structure:</b> |
|------------------------------|-------------|------------------------------------------|---------------------------------------|
| Minimum lot size:            | 10,000 s.f. | Minimum setbacks:                        | Permitted per Sec. 3.24 & 3.2827      |
| 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

|                                                                                                                                                                    |                                                                                                                                                                           |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General:</b><br>- outdoor storage is permitted<br>- uses adjacent to single family uses<br>Must be screened as per Sec. 3.24<br>- may be operated 24 hours/day. | <b>Landscaping Plans:</b><br>- required as per Chapter 4<br><b>Commercial Bldg. Design Stds:</b><br>- each site must have a minimum of 30 points as defined by Chapter 66 | <b>Off-Street Parking:</b><br>- as required by Sec. 3.29<br><b>Site Plans:</b><br>- plans must be submitted in 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 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 net 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 and street rights-of-way from the gross-net 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.~~

**Commented [BB27]:** No density bonus desired

- ~~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.~~

**Commented [BB28]:** The PUD ordinance will determine minimum lot standards for area dimension (size, width & depth)

- 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:

**Commented [BB29]:** Should the 20% standard be a recommendation? Should Council be able to reduce this standard as part of the PUD approval?

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   | P  | S   | P  |                           |    |     |     |     |    |                                            | 8             | 3    |
| Duplex – Attached Dwelling                                |                      |    |     |     |     |     |    | P   | S  |                           |    |     |     |     |    |                                            | 8             | 2    |
| Townhome – Attached Dwellings                             |                      |    |     |     |     |     |    | P   |    |                           |    |     |     |     |    |                                            | 8             | 4    |
| Multi-family – Attached Dwellings                         |                      |    |     |     |     |     |    | P   |    |                           |    |     |     |     |    |                                            | 8             | 4    |
| HUD Code Manufactured Housing                             |                      |    |     |     |     |     |    |     | S  | 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 <u>Accessory Dwelling</u> | 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   |

Commented [BB30]: Only applies to AG &amp; RE districts

| Public Utility Supply and Storage Yards                     | S                    | S            | S            | S            | S            | S            | S            | S            | S            | S                         | S  | S   | S   | S   | S            |                            | 24            |
|-------------------------------------------------------------|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------------------|----|-----|-----|-----|--------------|----------------------------|---------------|
| <b>Table 3.24.B- - Schedule of Permitted Principal Uses</b> |                      |              |              |              |              |              |              |              |              |                           |    |     |     |     |              |                            |               |
| 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           |                            |               |
| <del>Solid Waste Disposal Sites</del>                       |                      |              |              |              |              |              |              |              |              |                           |    |     |     |     | <del>S</del> |                            | <del>24</del> |
| 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.          |
| <b>E. PUBLIC AND INSTITUTIONAL USES</b>                     |                      |              |              |              |              |              |              |              |              |                           |    |     |     |     |              |                            |               |
| Colleges or Universities                                    | <del>S</del>         | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del>              | 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            |
| <b>F. OFFICE USES</b>                                       |                      |              |              |              |              |              |              |              |              |                           |    |     |     |     |              |                            |               |

**Commented [BB31]:** Not a desired use

**Commented [BB32]:** Not appropriate in residential districts

| Accountant's Offices                                                       |                      |    |     |     |     |     |    |     |    |     |                           | P   | 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  | P |                            | 8             |
| Attorney Offices                                                           |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Chiropractic Clinics                                                       |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Emergency Clinic (24 hrs.)                                                 |                      |    |     |     |     |     |    |     |    |     |                           |     | S   | P   | P  | P | 10                         | 6             |
| Engineering, Architect's, and Surveyor's Offices                           |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| General Business Offices not elsewhere listed                              |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Insurance Agencies                                                         |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Management and Public Relations Services Offices                           |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Optometrist Office                                                         |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Psychologist Offices                                                       |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Physician's or Dentist's Offices                                           |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P | 5                          | 7             |
| Real Estate Agency Offices                                                 |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Security Broker Offices                                                    |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   | P  | P |                            | 8             |
| Telemarketing Offices                                                      |                      |    |     |     |     |     |    |     |    |     |                           |     | P   | P   | P  | P |                            | 5             |
| Title Abstract Offices                                                     |                      |    |     |     |     |     |    |     |    |     | P                         | 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  | 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            |

**Commented [BB33]:** Permitted in restaurant that meets 60/40 alcohol food ratio (no more than 60% of total receipts for alcohol)

| Antique Stores                                                                    |                      |    |     |     |     |     |    |     |    |     |                           |     |          |          | P        | P        | <u>P</u>                   |               |          | 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        | <u>P</u> |          |          |                            |               | 7        |   |
| Arts and Crafts Stores and Hobby Shops                                            |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |
| Bakery Stores                                                                     |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |
| Banks, Credit Unions and Financial Institutions                                   |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P        | <u>P</u> |          |          |                            |               | 8        |   |
| Barber Shops, Beauty Shops and Day Spas                                           |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P        | <u>P</u> |          | 10       |                            |               | 7        |   |
| Bicycle Shops                                                                     |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |
| Book, Stationary or Greeting Card Shops                                           |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | P        |          |          |                            |               | 7        |   |
| Camera or Music Stores                                                            |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 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, and Cheerleading & Gymnastics Facilities |                      |    |     |     |     |     |    |     |    | S   | S                         | P   | P        | <u>P</u> | <u>P</u> |          |                            |               | 7        |   |
| Day Care Centers                                                                  |                      |    |     |     |     |     |    |     |    | S   | S                         | S   | S        | S        |          | 17       |                            |               | 11       |   |
| Department Stores                                                                 |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |
| <u>Dog Boarding with indoor kennels</u>                                           |                      |    |     |     |     |     |    |     |    |     |                           |     | <u>P</u> | <u>P</u> | <u>P</u> | <u>4</u> |                            |               | <u>8</u> |   |
| <u>Dog Boarding with outdoor kennels</u>                                          |                      |    |     |     |     |     |    |     |    |     |                           |     | <u>S</u> | <u>S</u> | <u>S</u> |          |                            |               | <u>8</u> |   |
| <u>Dog Grooming</u>                                                               |                      |    |     |     |     |     |    |     |    |     |                           |     | <u>P</u> | <u>P</u> | <u>P</u> |          |                            |               | <u>8</u> |   |
| Dry Cleaner Pick-up Stations                                                      |                      |    |     |     |     |     |    |     |    |     | S                         | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |
| Dry Cleaners (up to 5,000 s. f. w/on-site laundry)                                |                      |    |     |     |     |     |    |     |    |     |                           | P   | P        | <u>P</u> |          |          |                            |               | 7        |   |

|                                             |  |  |  |  |  |  |  |  |  |  |   |   |   |   |   |   |  |    |
|---------------------------------------------|--|--|--|--|--|--|--|--|--|--|---|---|---|---|---|---|--|----|
| Equipment Rental and Leasing Stores         |  |  |  |  |  |  |  |  |  |  |   |   |   |   | S | P |  | 7  |
| Florist Shops                               |  |  |  |  |  |  |  |  |  |  | P | P | P | P |   |   |  | 7  |
| Food Catering                               |  |  |  |  |  |  |  |  |  |  |   |   | P | P | S | P |  | 8  |
| Funeral Homes                               |  |  |  |  |  |  |  |  |  |  |   | S | S | S |   |   |  | 24 |
| Furniture and Appliance Stores              |  |  |  |  |  |  |  |  |  |  |   | P | P | P |   |   |  | 9  |
| General Retail Store (not listed elsewhere) |  |  |  |  |  |  |  |  |  |  |   | P | 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 |    |                            |               |
| Grocery Stores                                        |                      |    |     |     |     |     |    |     |    |     |                           | P   | 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                                     |                      |    |     |     |     |     |    |     |    |     |                           | S   | P   | P   |    |    | 19                         |               |
| Interior-Home Decoration Stores                       |                      |    |     |     |     |     |    |     |    | P   | P                         | P   | P   | P   |    |    | 7                          |               |
| Jewelry Stores                                        |                      |    |     |     |     |     |    |     |    |     | P                         | P   | P   | P   |    |    | 7                          |               |
| Locksmiths                                            |                      |    |     |     |     |     |    |     |    |     | S                         | S   | P   | P   | P  |    | 8                          |               |
| Mailing and Shipping Stores                           |                      |    |     |     |     |     |    |     |    |     | P                         | 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   | P   |    |    | 7                          |               |
| Pharmacy                                              |                      |    |     |     |     |     |    |     |    |     | S                         | P   | P   | P   |    |    | 7                          |               |
| Photography Studios                                   |                      |    |     |     |     |     |    |     |    | P   | P                         | P   | P   | P   | P  |    | 8                          |               |

Commented [BB34]: Catch-All Category

|                                                                                                                                                             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |          |  |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|---|---|----------|--|----------|
| 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 | <u>S</u> |  | 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        |
| <u>Short Term Loans (Title/Payday)</u>                                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   | <u>S</u> |  | <u>7</u> |
| Second hand goods shop                                                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | S | S | S |          |  | 7        |
| Self-service Laundries                                                                                                                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | S | S | S | S        |  | 7        |

Commented [BB35]: New use

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   | S  |    | 24                         |               |
| H. RECREATIONAL AND ENTERTAINMENT USES   |                                     |    |     |     |     |     |    |     |    |     |                           |     |     |     |    |    |                            |               |
| Adult Entertainment Establishments       | See section 22-5 Code of Ordinances |    |     |     |     |     |    |     |    |     |                           |     |     |     |    |    | 5                          |               |
| Amusement Centers (indoors)              |                                     |    |     |     |     |     |    |     |    |     |                           | S   | S   | P   | S  |    | 247                        |               |
|                                          |                                     |    |     |     |     |     |    |     |    |     |                           | P   | P   |     |    |    |                            |               |
| Archery and Firearms Ranges              |                                     |    |     |     |     |     |    |     |    |     |                           |     |     | S   | S  | 6  | 24                         |               |
| Billiard Parlors                         |                                     |    |     |     |     |     |    |     |    |     |                           | S   | S   | S   |    | 17 | 23                         |               |

Colleyville, Texas, Land Development Code

|                                              |          |          |          |          |          |          |          |          |          |          |   |          |          |          |          |          |    |    |
|----------------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|---|----------|----------|----------|----------|----------|----|----|
| Commercial Recreation (outdoor)              | S        |          |          |          |          |          |          |          |          |          |   | S        | S        | S        | S        | S        |    | 24 |
| Fitness Centers                              |          |          |          |          |          |          |          |          |          |          |   | <u>S</u> | P        | P        | P        | <u>P</u> |    | 7  |
| Golf Courses – Privately Owned               | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | P | P        | P        | P        | P        | P        |    | 22 |
| Golf Driving Ranges                          |          |          |          |          |          |          |          |          |          |          |   | <u>S</u> | P        | P        | <u>S</u> | <u>S</u> |    | 22 |
| Miniature Golf Courses                       |          |          |          |          |          |          |          |          |          |          |   |          | P        | P        |          |          |    | 20 |
| Roller or Ice Skating Rinks                  |          |          |          |          |          |          |          |          |          |          |   | <u>S</u> | S        | S        |          |          |    | 24 |
| Theaters                                     |          |          |          |          |          |          |          |          |          |          |   |          | P        | P        | <u>P</u> | <u>S</u> | 7  | 18 |
| <b>I. AUTOMOTIVE AND TRANSPORTATION USES</b> |          |          |          |          |          |          |          |          |          |          |   |          | <u>S</u> | <u>S</u> |          |          | 47 | 23 |
| Airports and Heliports                       | S        | 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   | P  | 13 | 7                          |               |
| Auto, Truck or Trailer Rental                 |                      |    |     |     |     |     |    |     |    |     |                           |     | S   | 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                          |               |

Colleyville, Texas, Land Development Code

|                                             |  |  |  |  |  |  |  |  |  |  |  |  |  |   |   |   |   |    |    |
|---------------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|---|---|---|---|----|----|
| 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**

| 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                         |               |

Colleyville, Texas, Land Development Code

|                                                    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |              |              |
|----------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--------------|--------------|
| Office Showroom                                    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P |              | 25           |
| Oil and Gas Extraction                             | S | 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            | 8            |
| <del>Printing and Publishing - Commercial</del>    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | <del>P</del> | <del>8</del> |
| 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            | 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           |
| <u>Wholesale Store/Supply</u>                      |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | <u>P</u>     | <u>25</u>    |
| <u>Wholesale Store/Supply with outdoor storage</u> |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | <u>S</u>     | <u>24</u>    |

Commented [BB36]: Duplicate listings

Commented [BB37]: New Uses

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.

Commented [BB38]: Move to Ch. 2 - Definitions

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 ~~or use~~ 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.~~

Commented [BB39]: Use not listed in chart

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)

**Commented [BB40]:** Regulations deemed not needed

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; small-scale production of 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, auto repair, beauty shops, pet grooming services, kennels and other such activities.

**Commented [BB41]:** Clarification of uses, permitted & non-permitted

**Commented [EW42]:** Recommended language for clarity of activities allowed

**Commented [BB43]:** New proposed regulation

**Commented [BB44]:** Move to Ch. 2 - Definitions

g. If a home occupation is deemed to become a nuisance, the Administrative Official may halt the use of the home occupation.

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.

**Commented [BB45]:** A review of Ch. 6 needed to modify the alcohol to food ratio for total receipts

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.

**Commented [BB46]:** Should be increased to 8 feet?

- 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 or other residential property and shall be stored in an enclosed building or within a completely enclosed area behind a six-foot tall solid masonry screening fence.
14. ~~Servants or Caretaker Family or Servants Quarters~~ Accessory Dwelling – A secondary dwelling for use by family members or domestic servants employed on the premises of family members provided the gross habitable square feet of floor area shall not exceed six-hundred (600) square feet complies with regulations found in Section 3.27 of this chapter 5% of the lot area. 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

**Commented [EW47]:** Recommended provisions

**Commented [EW48]:** Recommend change in heading for this section

**Commented [EW49]:** Same language but relocated to beginning of paragraph

**Commented [BB50]:** New standards for Accessory Dwellings

**Commented [BB51]:** Move to Ch. 2 - Definitions

vehicular traffic is not impeded in any way. A permit shall be required per the provisions of sub-section "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 Special Use Permit (SUP) in accordance with Chapter One Section 3.25 Special Use Permit of the Land Development Code.

Commented [BB52]: Revise for SUP approval

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 business activities, 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. Events sponsored by the City shall be exempt from the requirements of this section. Special Events shall comply with the following:~~
  - a. Application and site plan for a Special Event shall be submitted at least ten (10) business days in advance of the proposed event
  - b. Events located in parking lots which cause the loss of existing parking spaces shall require the submittal of written approval from the owner

- c. A Special Event shall not extend greater than any time period over two (2) consecutive days.
- d. There shall be at least one-hundred eighty (180) calendar days between events before another permit can be obtained by the business or organization. Any entity that is directly or indirectly affiliated with the previous permit holder shall require the minimum separation between permits.

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. The Administrative Official may extend the permit for an additional 30 days with good cause. 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/or 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       | <del>30-25 pts.</del>                |
| CN               | Neighborhood Commercial          | No                      | 8'                                               | Daytime only       | <del>30-25 pts.</del>                |
| CC1              | Village Retail                   | No                      | 8'                                               | 24 hours           | 30 pts.                              |
| CC2              | Shopping Center                  | No                      | 8'                                               | 24 hours           | <del>30-25 pts.</del>                |
| CC3              | Highway Commercial               | Yes                     | 8'                                               | 24 hours           | <del>30-20 pts.</del>                |
| ML               | Light Manufacturing - Industrial | Yes                     | 8'                                               | 24 hours           | 30 pts.                              |

Commented [BB53]: Revised to match each district

F. District Regulation Notes {renumber as needed}

- ~~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.

Commented [BB54]: These notes not needed, not included on the chart

Commented [BB55]: Not needed with removal of PUD lined from chart

Commented [BB56]: Not needed with removal of PUD lined from chart

Commented [BB57]: Not needed with removal of PUD lined from chart

Commented [BB58]: Move to footnotes section of the chart

## 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. <sup>*</sup><br>Res.<br>Density | Minimum Lot Size Requirements |                     |                          |                          | Max.<br>Lot<br>Size | Minimum Yard Requirements |                     |                    | Max. Building Height |                | Max. Lot<br>Coverage |
|------------------|---------------------------------------------------------------|--------------------------------------|-------------------------------|---------------------|--------------------------|--------------------------|---------------------|---------------------------|---------------------|--------------------|----------------------|----------------|----------------------|
|                  |                                                               |                                      | Area (sq. ft.)                |                     | Min.<br>Width<br>in feet | Min.<br>Depth<br>in feet |                     | Front<br>(feet)           | Each Side<br>(feet) | Rear<br>(feet)     | Stories              | Feet           |                      |
| Classification   |                                                               | DU/AC                                | Per<br>Family                 | Total               |                          |                          |                     |                           |                     |                    |                      |                | Percent              |
| 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<br>(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<br>(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<br>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%                  |
| <del>POD-R</del> | <del>Planned Unit Dev. - Residential</del>                    | <del>n.a.</del>                      | <del>n.a.</del>               | <del>15,000**</del> | <del>100'</del>          | <del>120'</del>          | <del>n.a.</del>     | <del>30'</del>            | <del>10' (R)</del>  | <del>25' (J)</del> | <del>3.0</del>       | <del>30'</del> | <del>50%</del>       |
| <del>POD-C</del> | <del>Planned Unit Dev. - Commercial</del>                     | <del>n.a.</del>                      | <del>n.a.</del>               | <del>7,200</del>    | <del>70'</del>           | <del>115'</del>          | <del>n.a.</del>     | <del>40'</del>            | <del>10' (S)</del>  | <del>(R)</del>     | <del>3.0 (C)</del>   | <del>35'</del> | <del>50%</del>       |
| <del>POD-I</del> | <del>Planned Unit Dev. - Industrial</del>                     | <del>n.a.</del>                      | <del>n.a.</del>               | <del>10,000</del>   | <del>70'</del>           | <del>115'</del>          | <del>n.a.</del>     | <del>40'</del>            | <del>10' (S)</del>  | <del>(R)</del>     | <del>3.0</del>       | <del>30'</del> | <del>50%</del>       |

\* 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

\* All regulations may vary when above districts are used as a base district for a PUD

### 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)

**Commented [BB59]:** Section need further review

- 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~~ 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. [Exterior lighting shall comply with Chapter 6 \(Building Design Standards\) of the Land Development Code.](#)

**Commented [EW60]:** New Section 6.6 in Chapter 6 addresses exterior lighting in all commercial districts

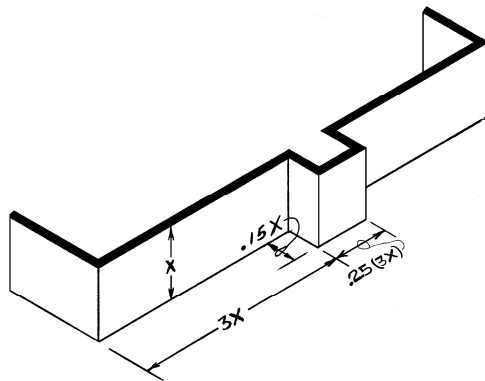
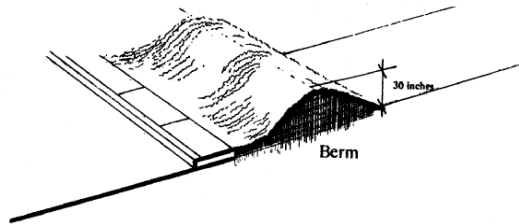


Exhibit "A"

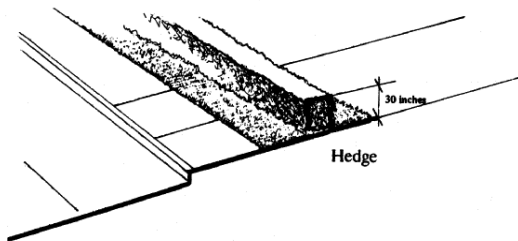
**Façade Articulation**

**Berm**



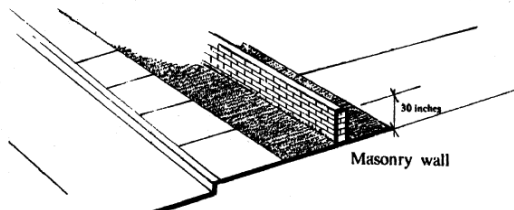
**Landscape Berm  
Exhibit "B"**

**Hedge**

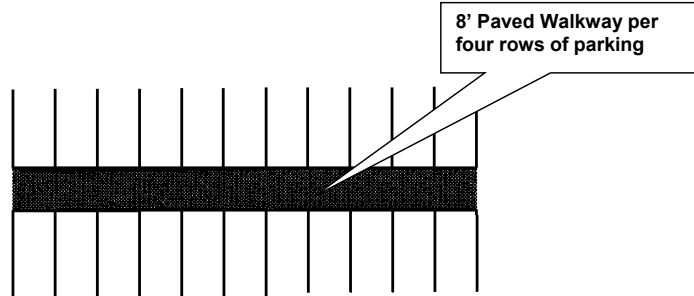


**Landscape Shrubs  
Exhibit "C"**

**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~~ Fence or Wall Placement

~~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. The actual location of a fence or wall on a site is assumed to be to on the property or common property line and encroachments onto adjacent property are not expressly authorized by the Administrative Official or their representatives.

### 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

**Commented [EW61]:** A sub-section for "Definitions" that contains only one definition is not necessary and should be located in Section 2 of LDC. Retitled this section as "Fence or Wall Placement".

**Commented [BB62]:** Move to Ch. 2 - Definitions

**Commented [EW63]:** Added disclaimer for when property owners dispute the fence is crossing property lines.

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.

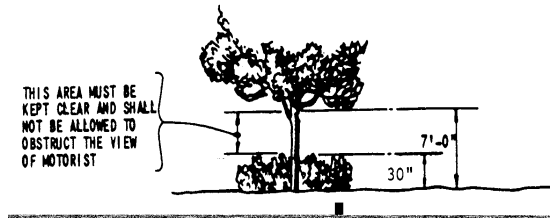
**2. Screening Required in Non-Residential Districts:**

- 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.

**Commented [BB64]:** Churches and schools should be expected to provide screening when adjacent to residential uses

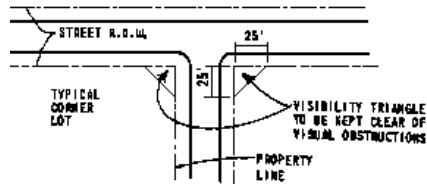
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
  - d. Off-street loading areas shall be 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 compliments 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.
  - ~~h. and All enclosures and containers shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.~~
  - hi. 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.
  - ij. 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".

Commented [BB65]: Separated into 2 regulations



**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".



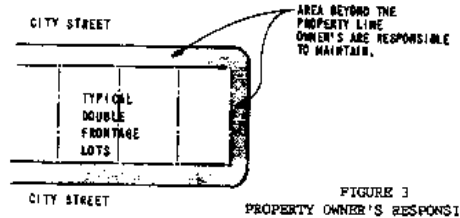
**Exhibit "3-2"**  
**Visibility Triangle**

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 storm water run-off is not impeded.
  - h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.
15. Perimeter Subdivision Fences: A fence along the perimeter of a subdivision is allowed under the following conditions:
- a. No setback shall be required from any street right-of-way line.
  - b. No perimeter subdivision fence shall encroach into the required twenty-five (25) foot visibility triangle as defined above.
  - c. The perimeter subdivision fence shall have a maximum height of eight (8) feet, to include any element associated with the fence.
  - d. The perimeter subdivision fence shall be decorative in nature and constructed of stone, brick, wrought-iron, or a combination of these materials. The use of wood shall be prohibited.
16. 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 opaque 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. Vehicle Gate setback: Any vehicle 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 opaque construction within the front yard. Allowed construction materials shall

**Commented [EW66]:** "storm water" is two separate words

**Commented [BB67]:** Codified standards for perimeter subdivision fences

**Commented [EW68]:** Provides consistency for term used throughout Subsection E

**Commented [EW69]:** Specifies that the section applies to vehicle gates – not pedestrian gates

**Commented [EW70]:** Provides consistency for term used throughout Subsection E

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:

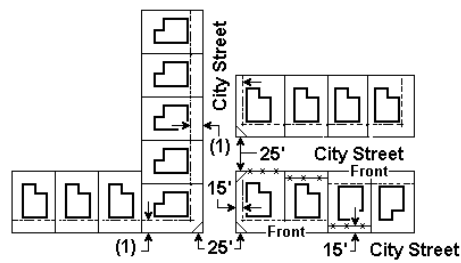
A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

- 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 opaque construction, 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".

**Commented [EW71]:** Provides consistency with term used throughout Subsection E



(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 other adopted standards may be erected on the rear property line except; however, lots whose rear property line abuts a public

**Commented [EW72]:** Uniform codes are obsolete

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".

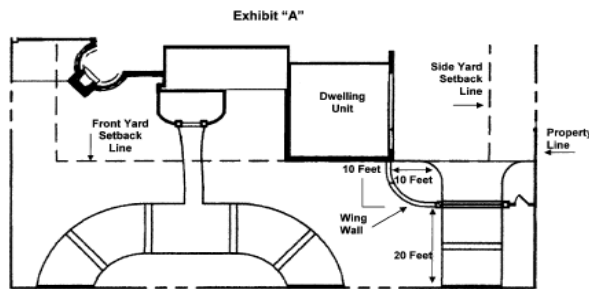
5. Twenty-five Percent Opaque Construction: The intent of this provision in Subsection E is to discourage barriers that resemble a compound or fortress and the calculation shall be as follows: Every eight (8) linear feet of fencing shall be at least 75% open to view from the street or public way. The 25% opaque construction shall be calculated based on the area of each eight (8) foot linear segment of the barrier.

**Commented [EW73]:** This added provision attempts to specify how the calculation is applied to eliminate completely solid walls for longer runs and then installing wrought-iron on the ends

#### 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.

**Commented [BB74]:** Redundant language

### 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), gaccessory dwellings, gazebos, cabanas, trellises, arbors, outdoor fireplaces/chimneys, or other shade structures. Exception: structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

**Commented [EW75]:** Recommended expansion of language and provisions for children's structures

##### 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: four percent (54%) of the aggregate area of the lot.

**Commented [BB76]:** Four percent (4%) is more in-line with current size allowances

**Commented [EW77]:** Allows for building sizes based on land area, not category

| 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. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
  1. Fifty percent (50%) of the primary structure;
  2. The maximum allowed square footage for accessory buildings on the lot; or
  3. No more than twelve hundred (1,200) square feet

**Commented [BB78]:** Size limitations for accessory dwellings

c. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint each floor, mezzanine, covered porch, or shade structure.

ed. An application to exceed the total square footage shown in the above table authorized above may be approved as a Special Use Permit (SUP).

de. 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 a legally-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.

ef. 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. (Potential option: No accessory building shall exceed one story or fourteen (14) feet in height unless zoned Agricultural.)

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 family or servants quarters 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.

~~7. *Variances:* Any proposed accessory buildings which cannot be constructed in accordance with the regulations provided herein shall require a variance that is authorized by the Zoning Board of Adjustment.~~

### 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.

**Commented [EW79]:** Large accessory structures and extensions from accessory buildings should be accounted for.

**Commented [EW80]:** Non-compliance should be addressed in new Section 7 below - Variances

**Commented [BB81R80]:** Need to keep per City Council direction

**Commented [EW82]:** Provision that does not “grandfather” buildings that were constructed without permits or otherwise authorized

**Commented [BB83]:** Needs clarification/discussion – Delete altogether???

**Commented [EW84]:** Simplifies the requirement by eliminating an illogical calculation

**Commented [EW85]:** Matches definitions

**Commented [EW86]:** Non-compliance should be addressed in new Section 7 below - Variances

**Commented [BB87R86]:** Need to keep per Council direction

**Commented [EW88]:** Removes City Council approval for cases that should be heard by ZBA

- 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.

**4. Accessory buildings on sites involving residential adjacency shall require approval of a Special Use Permit by City Council unless previously identified on an approval Site Plan.**

**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. ~~Carports that cannot be constructed in accordance with the requirements set forth in this section shall require a variance approved by the Zoning Board of Adjustments.~~

**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.

**Commented [EW89]:** Recommended for protections of residentially zoned properties

**Commented [BB90R89]:** Needed?

**Commented [EW91]:** If the carport is constructed according to the standards, an SUP is not necessary

**Commented [EW92]:** Edited to match proposal listed above

**Commented [EW93]:** Recommend deletion of this section as it is contradictory

**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, cedar 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 wrapped using masonry stone or brick from the base to at least 50% of the post height.

**Commented [EW94]:** Recommend allowing cedar as an approved material

**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 other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.

**Commented [EW95]:** Ag zoning district allows for a secondary dwelling

**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 the maximum height 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.

**Commented [BB96]:** The size of the property will dictate the maximum height of the structure

**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.~~ Fountains and other decorative features may project into the required front yard but shall not include structures used for occupancy such as guard sheds, shade structures, etc.
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.

**Commented [EW97]:** Uncovered flatwork has no effect on the requirement provided lot drainage is not impacted

**Commented [EW98]:** Uncovered flatwork, regardless of size, has no effect on aesthetics at the front of a property

**Commented [EW99]:** Provides for decorative features in a front yard

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 on an all-weather hard surface driveway; 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.

**Commented [EW100]:** Prohibits parking RV's on the grass

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, HMA, 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 a~~h 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 or adjacent to the site as defined by contiguous lot lines 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

**Commented [EW101]:** Allows for an adjacent property to be used for shared parking

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.

5. A reduction of up to twenty percent (20%) may be approved by staff with a parking analysis report justifying the reduction is provided as part of a request for parking reduction.

- 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*.

**Commented [BB102]:** The percentage is up for discussion; this allows for greater flexibility for unique and/or large developments

| Table 3.29<br>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<br>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, HMA, 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<br>in Building or Structure | Minimum Number of Off-Street<br>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<br>in Building or Structure | Minimum Number of Off-Street<br>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~~ the Administrative Official or their representative 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~~ The Administrative Official or their representative 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.

**Commented [EW103]:** Revised language that was gender-specific

- 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.~~

**Commented [EW104]:** The adopted building codes already codify the requirements for building permit applications

- 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.

**Commented [EW106]:** The adopted building codes already codify the requirements for a Certificate of Occupancy

### 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                                                              |
|-------------|----------|----------------------------------------------------------------------|
| 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                                                |

*Colleyville, Texas, Land Development Code*

|           |          |                                                                                                                                                       |
|-----------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                    |
|           |          |                                                                                                                                                       |
|           |          |                                                                                                                                                       |