



City of Colleyville Planning and Zoning Commission Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, July 9, 2018

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

**LEGAL BRIEFING BY CITY ATTORNEY REGARDING PLANNING, ZONING,
PLATTING, AND LAND USE**

**REVIEW OF REGULAR AGENDA ITEMS AND DISCUSSION OF PREVIOUS
MEETING MINUTES**

**DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND
UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND CITY COUNCIL
ACTIONS ON PAST AGENDA ITEMS**

**EXECUTIVE SESSION – In accordance with Texas Government Code
Chapter 551, Subchapter D, Section 551.071 – Legal – Consultation with
attorney on legal issues raised by public hearing or action items on the
agenda**

**7:00 P.M. - REGULAR MEETING
CALL TO ORDER AND ROLL
INVOCATION: COMMISSIONER BAUGHMAN
PLEDGE OF ALLEGIANCE**

- 1. SWEARING IN OF NEWLY APPOINTED MEMBERS**
Matt Koch - Place 5
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA**
- 3. PUBLIC HEARING AGENDA ITEMS**

- 3a** Consideration of a Replat for Lot 21R, Block 2, of the Jewell Estates Addition, located at 1104 Tinker Road, Case PC18-006
- 3b** Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, located at 1713 Glade Road, Case ZC18-018
- 3c** Consideration of a Minor Plat for Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, located at 1713 Glade Road, Case PC18-007
- 3d** Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 & 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019
- 3e** Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004, TABLED FROM THE JUNE 11, 2018 MEETING
- 3f** Consideration of amendments to the Land Development Code, specifically Chapter 6 – Commercial Design Standards
- 3g** Consideration of amendments to the Land Development Code, specifically Chapter 3 – Land Use, Chapter 8 – Plat Review Procedures, and Chapter 9 – Subdivision Design & Public Facilities

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards July 6, 2018 by 5:00 p.m.



Araceli Botello
Planning Technician

A quorum of the Colleyville City Council may be in attendance 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 Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3a	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Replat for Lot 21R, Block 2, of the Jewell Estates Addition, located at 1104 Tinker Road, Case PC18-006

Explanation

Neal Ostman, the owner and applicant, has submitted a request for a Replat of Lot 21-R, Block 2, of the Jewell Estates Addition, being approximately 1.1032 acres, and zoned R-40 Single Family Residential district. The purpose is to add a portion of the abandoned Caldwell-Hughes Road to the existing lot for maintenance of the trees within the area.

Existing Conditions/Background: The subject property, 1104 Tinker Road, resides on the north side of the Tinker Road east of Emerald Drive. The subject property has R-40 zoning and is developed with a single-family residence.

Lot Dimensions and Setbacks: Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-40 zoning regulations require the following standards:

- Minimum Lot Area: 40,000 square feet
- Minimum Lot Width: 150 feet
- Minimum Lot Depth: 150 feet
- Minimum Front Yard Setback: 40 feet
- Minimum Side Yard Setbacks: 15 feet
- Minimum Rear Yard Setback: 25 feet
- Maximum Lot Coverage: 20 percent

As submitted, the proposed plat meets all of the requirements of R-40 zoning as described in the Land Development Code.

Surrounding Development: The surrounding area consists of a mix of larger lots with R-30, R-40, and AG zoning districts and are developed with single family homes.

Analysis: The proposed lot layout complies with the existing R-40 zoning and the incorporation of the additional area will not create any non-conforming issues.

The Caldwell-Hughes Road right-of-way was abandoned in 1993 by resolution R-93-

870. As a condition of the abandonment, an Access & Utility easement was retained and will remain in effect with this proposed Replat. Additionally, a 12-foot Private Ingress/Egress & Emergency Access easement exists on the adjacent properties to the east along the old right-of-way alignment.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Public Notification: Staff mailed notices to all property owners within 200 feet of the subject property. Notice was also published in the Fort Worth Star-Telegram as required by State law and the Land Development Code. To date, no correspondence has been received for this item.

Staff Recommendation: The proposed plat meets the requirements of the Land Development Code, staff recommends approval.

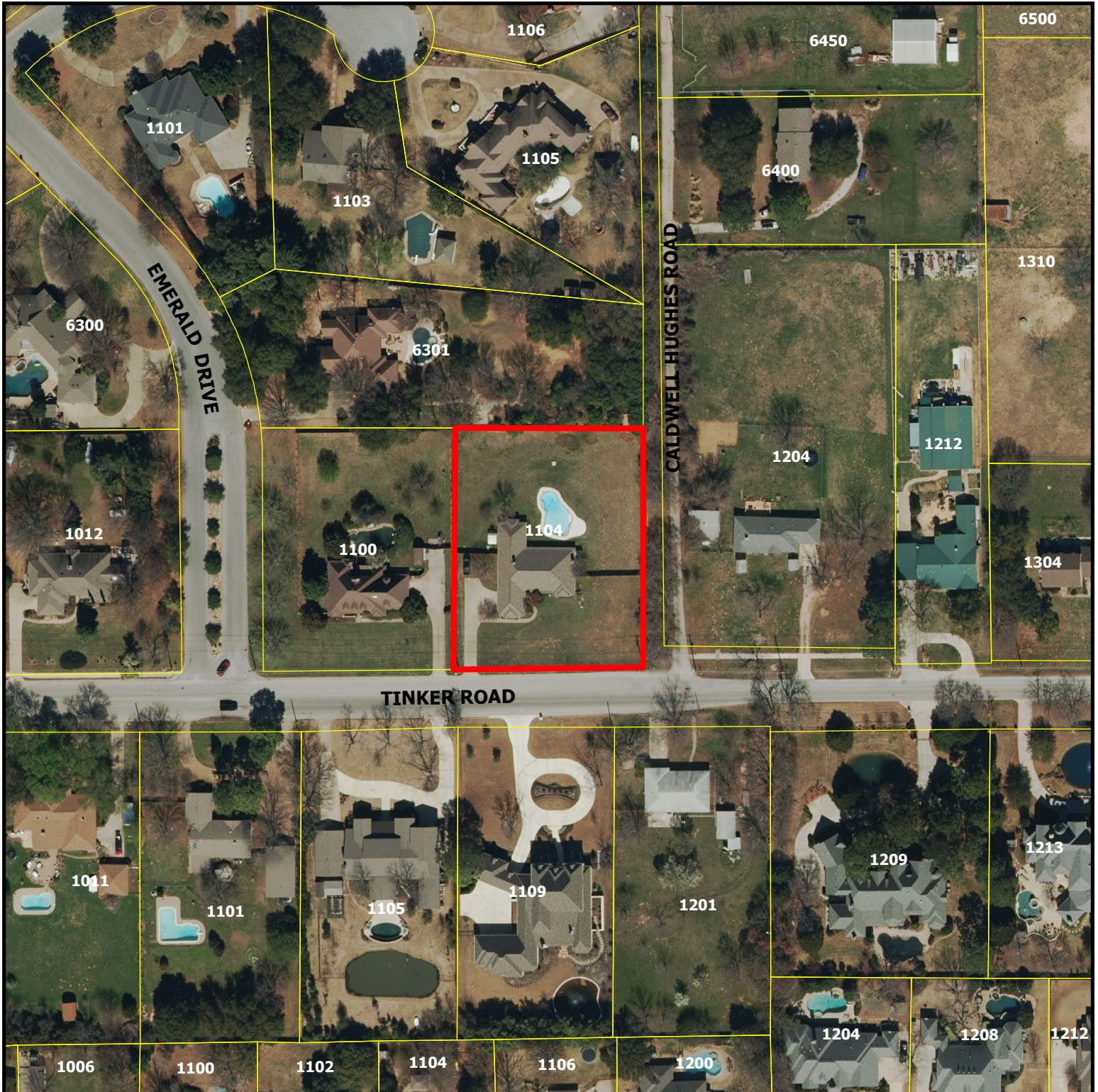
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. R-93-870 Abandonment of Caldwell-Hughes Road
6. Aerial Map - Caldwell Hughes Road
7. Notification Map
8. Notification List
9. Property Owner Notification
10. Draft Resolution PC18-006

Aerial Map



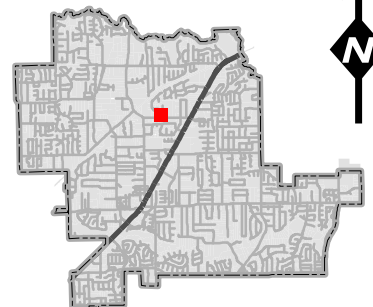
PC18-006

1104 Tinker Road

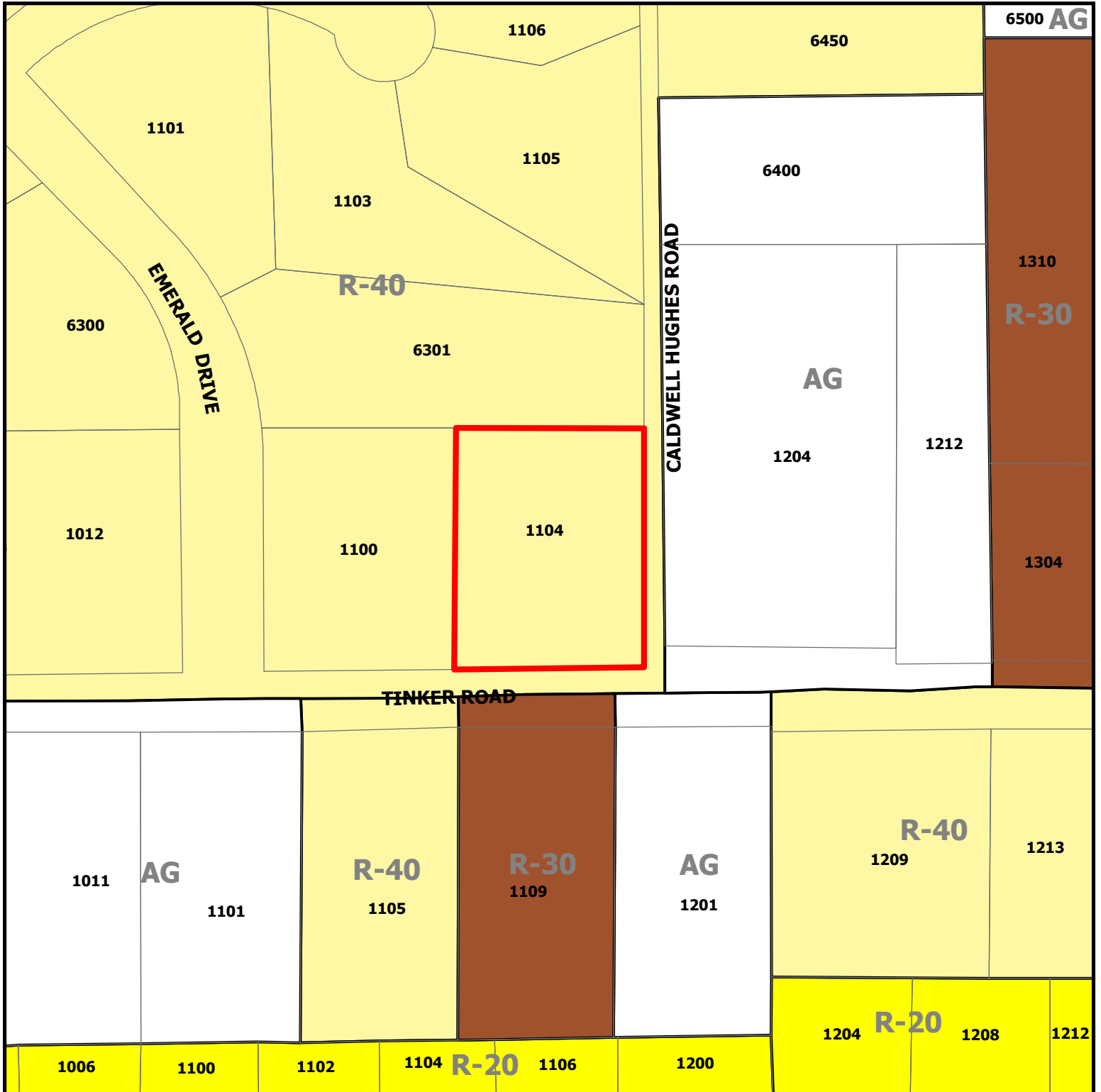
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Subject Property



Zoning Map

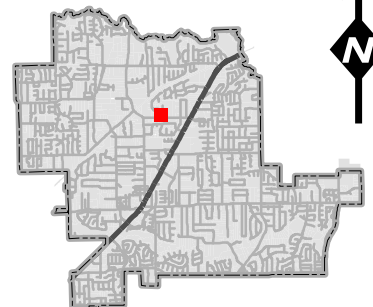


PC18-006

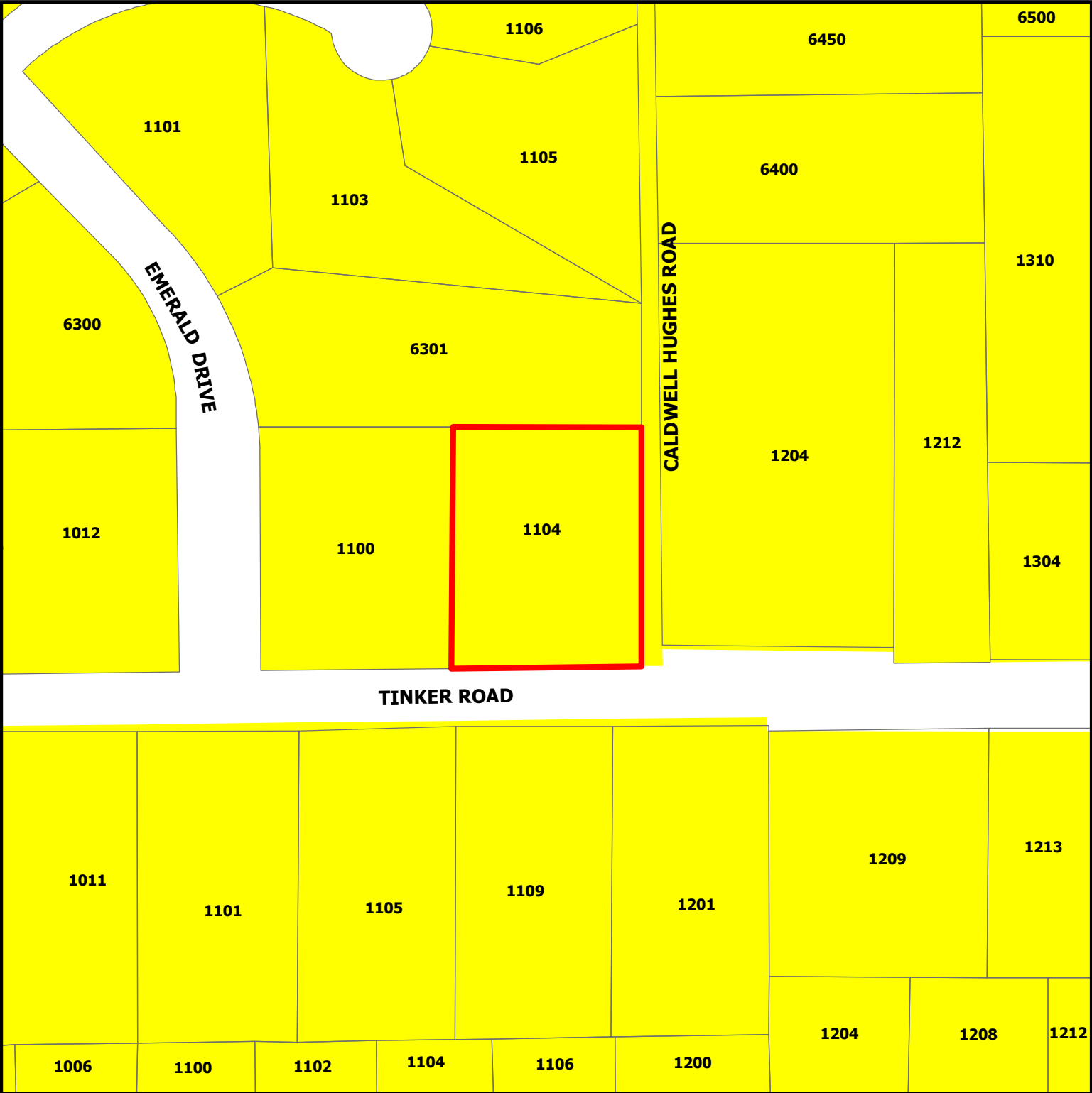
1104 Tinker Road

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 Subject Property



Future Land Use Map

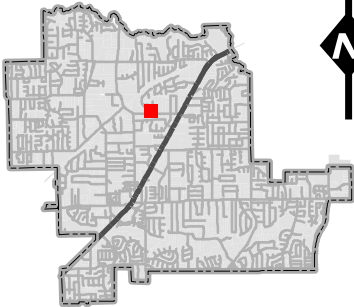


PC18-006

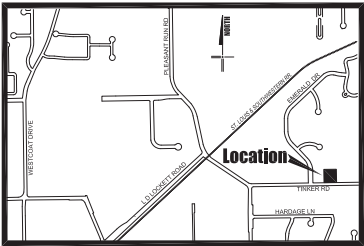
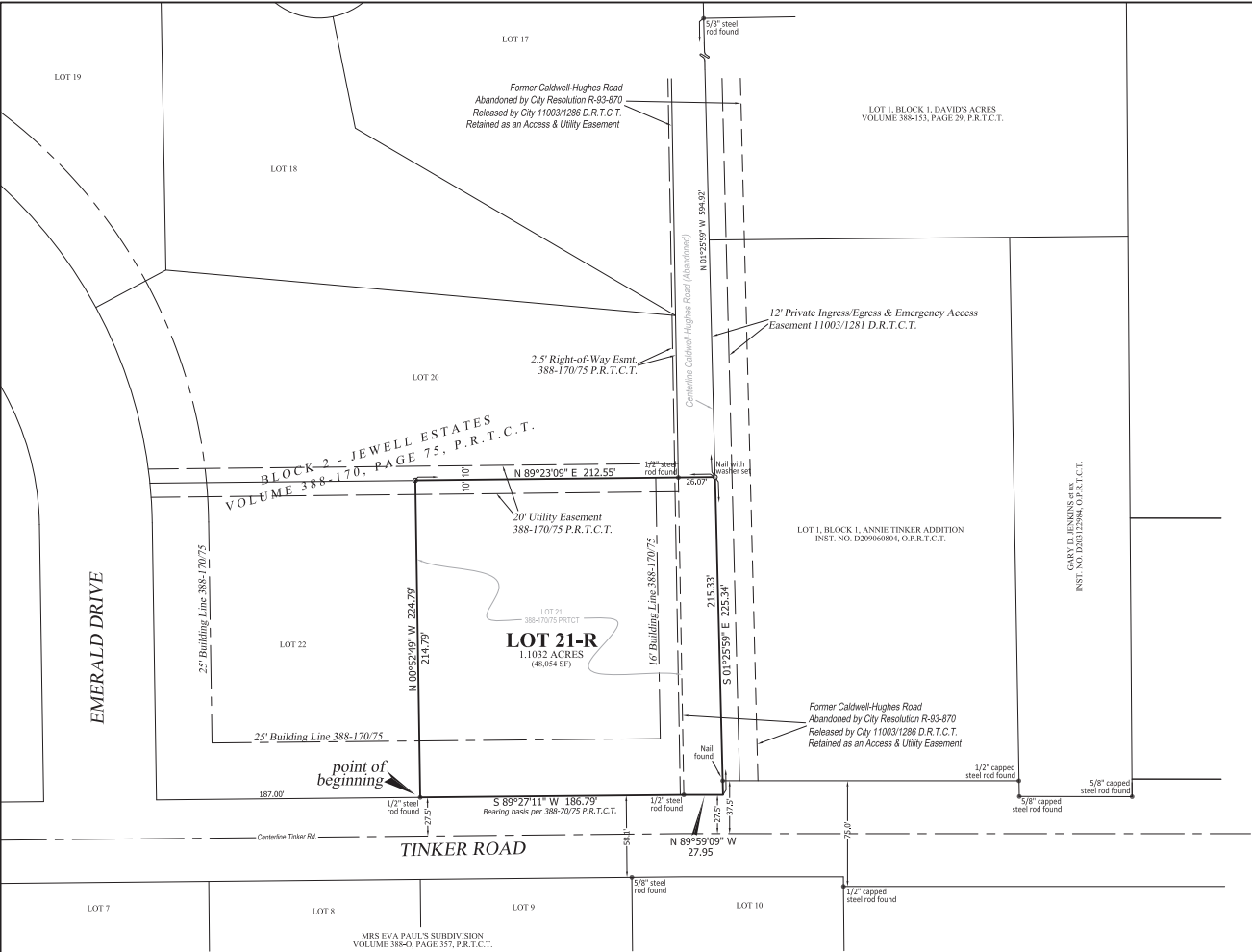
1104 Tinker Road

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-  Subject Property
-  Residential



Plat Exhibit



OWNER/APPLICANT:
NEAL OSTMAN
1104 TINKER ROAD
COLLEYVILLE, TEXAS 76034

PLANNING AND ZONING COMMISSION APPROVAL

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this the ____ day of _____, 20__ to approve this Plat.

Chairman, Planning and Zoning Commission _____

Attest: Secretary, Planning and Zoning Commission _____

The purpose of this amending plat is to add a portion of the abandoned Caldwell-Hughes Road to existing Lot 21, Block 2, Jewell Estates, creating one single-family-residential lot.

STATE OF TEXAS
COUNTY OF TARRANT

OWNER'S DEDICATION AND CERTIFICATE

WHEREAS Neal R. Ostman and Janis N. Ostman are the owners of a tract of land out of the William Dunn Survey, Abstract No. 404 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in March of 2018, said tract being all of Lot 21, Block 2, Jewell Estates, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Volume 388-170, Page 75 in the Plat Records of Tarrant County, Texas, and also including a portion of Caldwell-Hughes Road right-of-way, abandoned by City Resolution No. R-93-870 and released by the City of Colleyville per Volume 11003, Page 1288 of the Deed Records of said county and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch steel rod found for the southwest corner of said Lot 21, said rod being in the northerly right-of-way line of Tinker Road; Thence North 00 degrees 52 minutes 49 seconds West with the westerly boundary line of said Lot 21 a distance of 224.79 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the northwesterly corner thereof;

Thence North 89 degrees 23 minutes 09 seconds East with the northerly boundary line of said Lot 21, passing at 185.22 feet a 1/2 inch steel rod found for the northeast corner thereof, said rod being in the westerly boundary line of said abandoned right-of-way and continuing a total distance of 212.55 feet to a nail with washer set in the centerline of said abandoned, said nail being in the westerly boundary line of Lot 1, Block 1, Annie Tinker Addition, an addition to the City of Colleyville, Texas according to the plat thereof recorded as Instrument No. D20900804 of the Official Public Records;

Thence South 03 degrees 25 minutes 59 seconds East with said centerline and with the westerly boundary line of said Annie Tinker Addition, passing at 215.33 feet a nail found in said northerly right-of-way line for the southwest corner of said Annie Tinker Addition and continuing a total distance of 225.34 feet to a point in the said northerly right-of-way line;

Thence North 89 degrees 59 minutes West with said northerly right-of-way line a distance of 27.95 feet to a 1/2 inch steel rod found in the westerly boundary line of said abandoned right-of-way, said rod being the southeast corner of said Lot 21;

Thence South 89 degrees 27 minutes 11 seconds West with the southerly boundary line of said Lot 21 and with said northerly right-of-way line a distance of 186.79 feet to the point of beginning and containing 1.1032 acres of land, more or less;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Neal R. Ostman and Janis N. Ostman, do hereby adopt this plat designating the hereinbefore described property as Lot 21-R, Block 2, Jewell Estates, an addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules regulations, and resolutions of the City of Colleyville, Texas.

Witness my hand this ____ day of _____, 20__.

Neal R. Ostman

Janis N. Ostman

STATE OF TEXAS
COUNTY OF TARRANT

Before me, the undersigned, a Notary Public in and for said County and State on this date appeared Neal R. Ostman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 20__.

Notary Public for the State of Texas

STATE OF TEXAS
COUNTY OF TARRANT

Before me, the undersigned, a Notary Public in and for said County and State on this date appeared Janis N. Ostman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 20__.

Notary Public for the State of Texas

KNOW ALL MEN BY THESE PRESENTS:

That I, Jason B. Rawlings, Registered Professional Land Surveyor No. 5665 licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Jason B. Rawlings Date _____

MILLER
Surveying, Inc.
Commercial • Residential • Municipal
430 Mid Cities Blvd. 817-577-1052
Hurst, Texas 76034 TdSP No. 10100000
MillerSurvey.net

Amending Plat
LOT 21-R, BLOCK 2
JEWELL ESTATES
an addition to the City of Colleyville, Tarrant County, Texas
Being an amendment of Lot 21, Block 2, Jewell Estates, an addition to the City of Colleyville, Tarrant County, Texas recorded in Volume 388-170, Page 75, Plat Records, Tarrant County, Texas
WILLIAM DUNN SURVEY A-404
Surveyed in March of 2018

14
STATE OF TEXAS

COUNTY OF TARRANT

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KNOW ALL MEN BY THESE PRESENTS:

RELEASE

WHEREAS, the undersigned has requested that the City close and abandon Caldwell-Hughes Road, lying south of the DART right-of-way as provided in Resolution Number: R-93-870 of the City of Colleyville a true and correct copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City of Colleyville has agreed to close and abandon the Caldwell-Hughes Road as provided in said Resolution, provided the City receives from affected parties releases concerning any damages arising from said act; and

WHEREAS, the undersigned gives this Release as an inducement to and for the purpose of the City's consideration in closing and abandoning the Caldwell-Hughes Road as provided in said Resolution.

NOW, THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, whether one or more, hereby releases, discharges and quit-claims the City of Colleyville, its agents, servants and employees, and each of them, from any and all claims or causes of action, whether now existing or which may accrue in the future, concerning or in any manner arising from or as a result of the action of the City of Colleyville in closing and abandoning Caldwell-Hughes Road, lying south of the DART right-of-way within the City of Colleyville, including, without limitation, all damages in the nature of condemnation or inverse condemnation.

EXECUTED on the 18th day of MARCH 1993.

OWNERS:

Susan Scott

Greg Scott

NOTARY/SIGNATURE IN BLUE
INK MAY NOT BE LEGIBLE

SUSAN SCOTT, et vir GREG SCOTT

Kris Eggspuehler Bonnel Eggspuehler
KRIS EGGSPUEHLER, et ux BONNEL EGGSPUEHLER

Jeanne Patterson
JEANNE PATTERSON

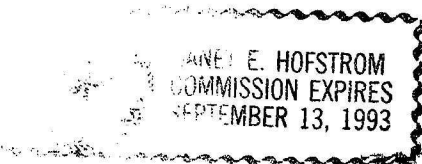
NOTARY/SIGNATURE IN BLUE
INK MAY NOT BE LEGIBLE

Elizabeth Ann Waller
ELIZABETH ANN WALLER as Independent Executrix of the Estate of
ANNIE TINKER

11003 1286

BEFORE ME, the undersigned authority, on this day personally appeared **SUSAN SCOTT, et vir GREG SCOTT**, and known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of MAR, 1993.



Janet E. Hofstrom
NOTARY PUBLIC

My Commission Expires: 9/13/93

BEFORE ME, the undersigned authority, on this day personally appeared **KRIS EGGSPUEHLER, et ux BONNEL EGGSPUEHLER**, and known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of MARCH, 1993.



Janet E. Hofstrom
NOTARY PUBLIC

My Commission Expires: 9/13/93

BEFORE ME, the undersigned authority, on this day personally appeared **JEANNE PATTERSON**, and known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of MARCH, 1993.



Janet E. Hofstrom
NOTARY PUBLIC

My Commission Expires: 9/13/93

BEFORE ME, the undersigned authority, on this day personally appeared **ELIZABETH ANN WALLER as Independent Executrix of the Estate of ANNIE TINKER**, and known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of MARCH, 1993.



Janet E. Hofstrom
NOTARY PUBLIC

My Commission Expires: 9/13/93



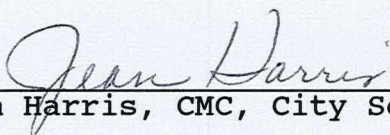
THE STATE OF TEXAS

COUNTY OF TARRANT

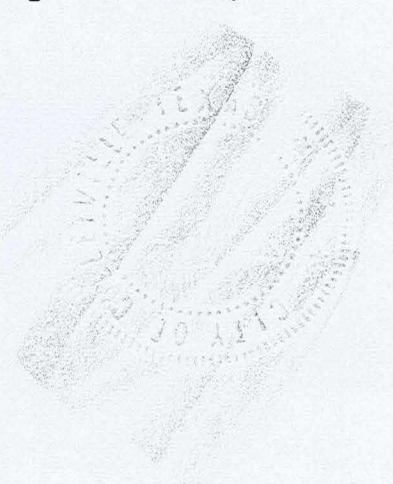
CERTIFICATION

I, JEAN HARRIS, City Secretary of the City of Colleyville, Tarrant County, Texas, do hereby certify that the attached is a true and accurate copy of a Release and Resolution R-93-870, approved by the City Council on March 2, 1993.

WITNESS MY HAND AND SEAL OF SAID CITY on this 29th day of March, 1993.



Jean Harris, CMC, City Secretary



RESOLUTION NO: R-93-870

WHEREAS, the City of Colleyville is a home-rule municipal corporation; and

WHEREAS, as a home-rule municipal corporation, the City of Colleyville has the power to close and abandon public roadways; and

WHEREAS, the City Council of the City of Colleyville deems it is in the best interest of the citizens of the City to close or abandon Caldwell-Hughes Road as provided herein,

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

Sec. 1: THAT, Caldwell-Hughes Road, lying South of the DART Right-of-Way, the center line of said road being described in Exhibit "A" hereto, which is incorporated herein for all purposes, be and the same is hereby closed and abandoned as a public roadway; provided, however the City of Colleyville specifically retains and does not abandon any easement of any nature on the abandoned roadway, including, but not limited to, utility easements, access easements, construction easements, maintenance easements, sewer easements and drainage easements.

Sec. 2: THAT the closing and abandonment of the street pursuant to Section 1 hereof is conditioned upon the execution of a release in a form satisfactory to the City by the land owners adjacent to the roadway, or so many of them as the City may determine, releasing the City of Colleyville from any and all damages, including damages in the nature of condemnation or inverse condemnation, as a result of the closing and abandonment of said street.

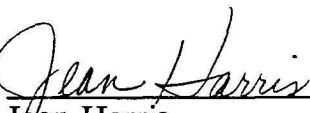
Sec. 3: THAT the closing and abandonment of the aforesaid street shall be effective only upon certification by the City Manager of the City that conditions set out in Section 2 hereof has been met.

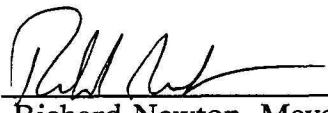
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3 AND IT IS SO RESOLVED.

4 Passed by a vote of 5 to 0 on this 2nd day of
5 March, 1993.
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7 ATTEST:

CITY OF COLLEYVILLE

8 
9 Jean Harris
10 City Secretary


Richard Newton, Mayor

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12 APPROVED AS TO LEGAL FORM:

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14 Ross T. Foster
15 City Attorney
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CENTERLINE OF CALDWELL-HUGHES ROAD
COLLEYVILLE, TARRANT COUNTY, TEXAS

The following described tract or parcel of land being the centerline of Caldwell-Hughes Road situated in the A.J. Lott Survey, A-963, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the centerline of said Caldwell-Hughes Road with the North line of Tinker Road and being N $89^{\circ} 00'$ E a distance of 25.7 feet and S $1^{\circ} 00'$ E a distance of 2.57 feet from an iron rod at the Southeast corner of Lot 21, Block 2, JEWELL ESTATES, an addition to the City of Colleyville, Tarrant County, Texas according to plat recorded on Page 75 of Volume 388-170 in the Tarrant County Plat Records;

THENCE N $1^{\circ} 00'$ W along the centerline of said Caldwell-Hughes Road a distance of 1293.32 feet;

THENCE N $0^{\circ} 02' 46''$ E a distance of 930.12 feet to the South right-of-way line of S.L. & S.W. Railroad.

EXHIBIT A

11003 1292

D193062132
CITY COLLEYVILLE
PO BOX 185
COLLEYVILLE, TX

76034

-W A R N I N G-T H I S I S P A R T O F T H E O F F I C I A L R E C O R D--D O N O T D E S T R O Y

F I L E D -- T A R R A N T C O U N T Y T E X A S
S U Z A N N E H E N D E R S O N -- C O U N T Y C L E R K
O F F I C I A L R E C E I P T

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R E C E I P T N O
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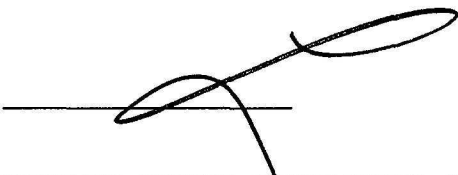
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F I L E D T I M E
930405 11:10 C G

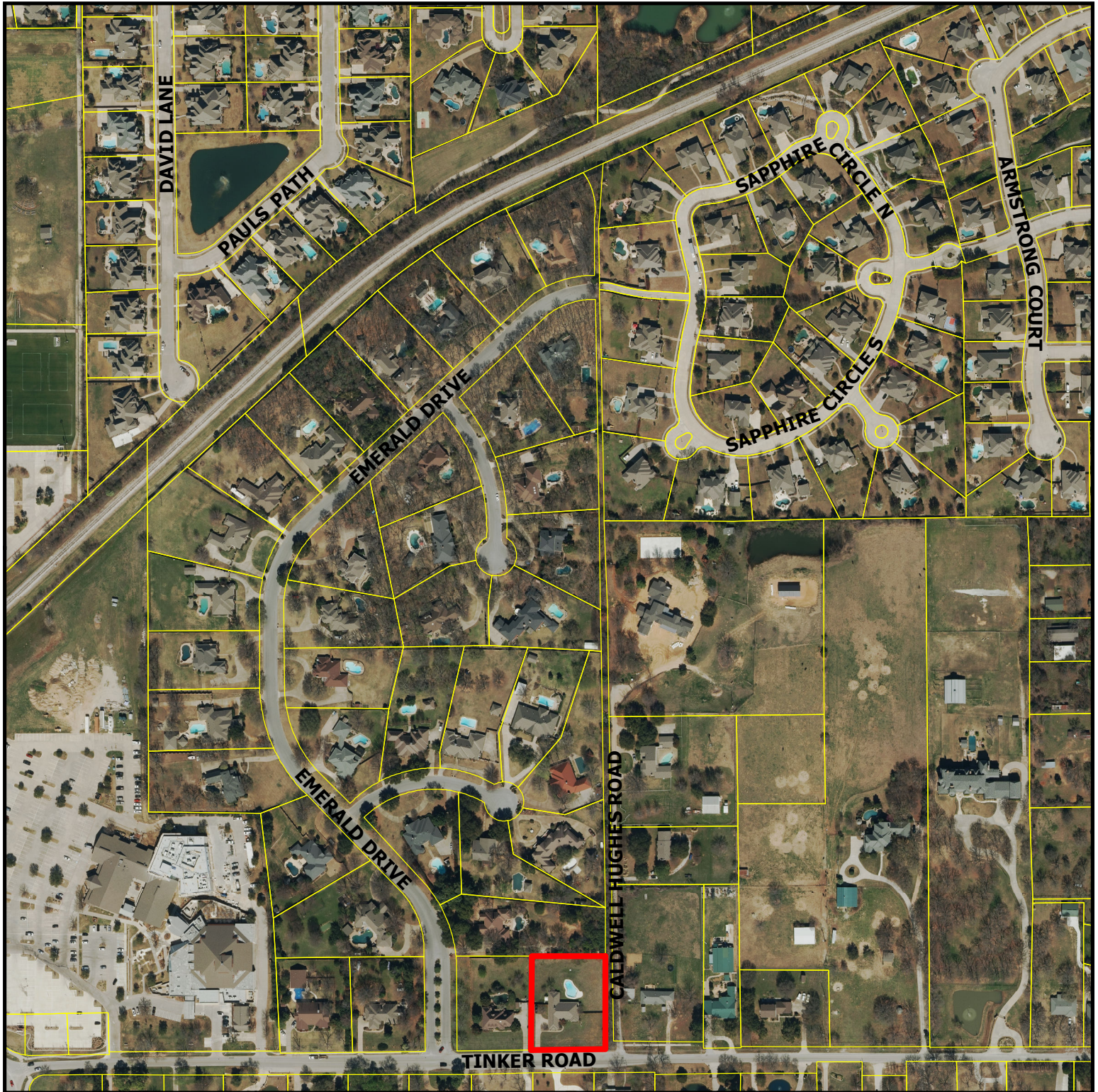
T O T A L : D O C U M E N T S : 01 F E E S : 16.00

B Y : 

ANY PROVISION WHICH RESTRICTS THE SALE RENTAL OR USE
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE
IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

11003 1293

Aerial Map - Caldwell Hughes Road

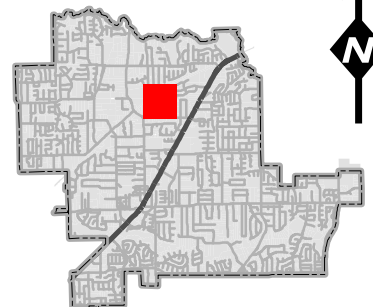


PC18-006

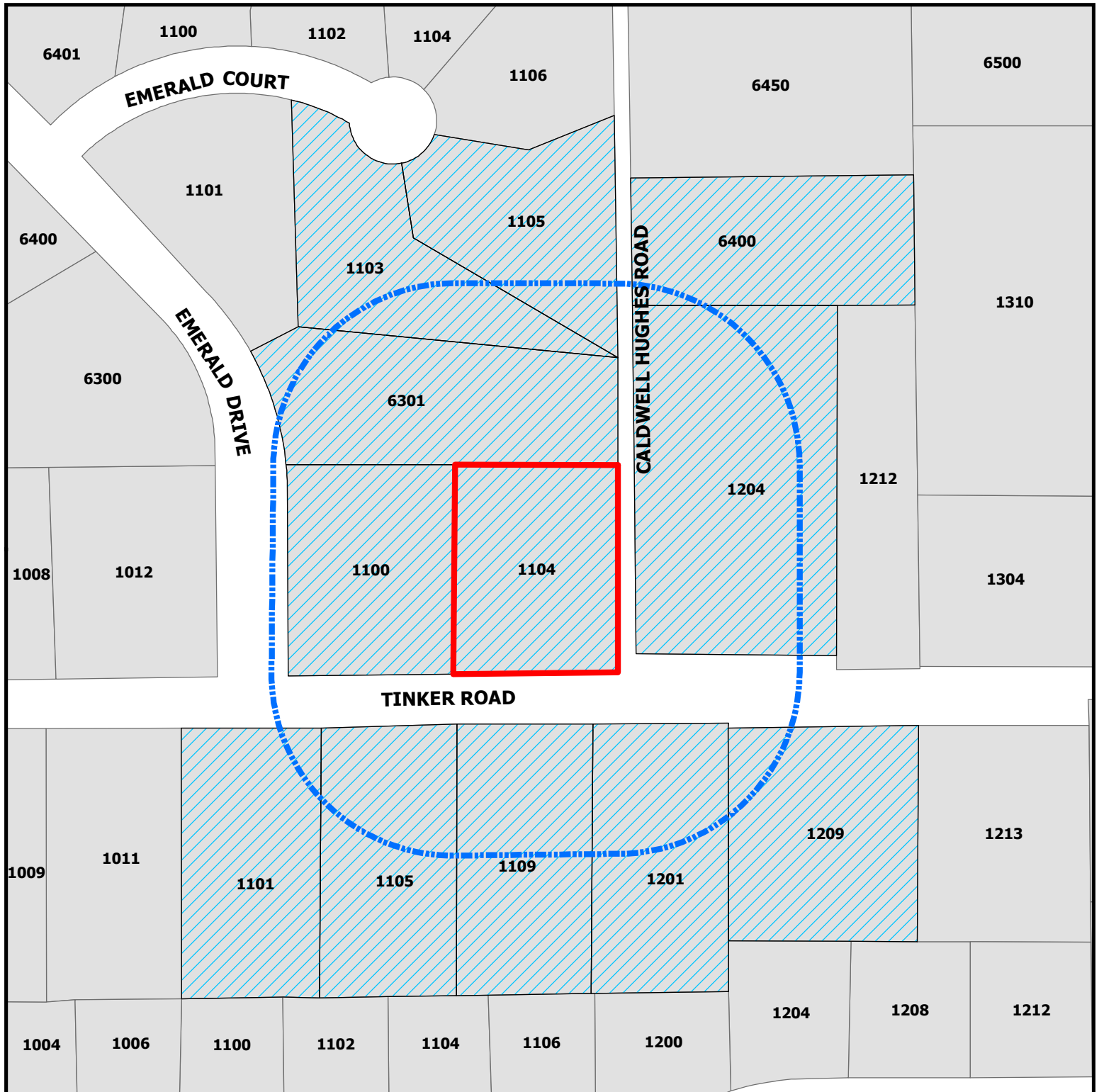
1104 Tinker Road

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 Subject Property



Notification Map



PC18-006

1104 Tinker Road



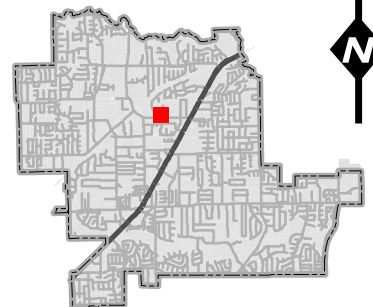
Subject Property



200ft Buffer



Properties within 200ft



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JONES, ELISA	1204 TINKER RD	COLLEYVILLE, TX	76034	1204 TINKER RD
SUMMERALL, CHERILYN	1109 TINKER RD	COLLEYVILLE, TX	76034	1109 TINKER RD
LEWIS, MARY BELINDA	7004 ROSEBROOK	COLLEYVILLE, TX	76034	1201 TINKER RD
RITZ, FRANK A	PO BOX 1530	COLLEYVILLE, TX	76034	1105 TINKER RD
WILSON, ERIS B	6400 CALDWELL HUGHES RD	COLLEYVILLE, TX	76034	6400 CALDWELL HUGHES RD
GOODALE, STEVEN E	1209 TINKER RD	COLLEYVILLE, TX	76034	1209 TINKER RD
NUNN, KENNETH E	1101 TINKER RD	COLLEYVILLE, TX	76034	1101 TINKER RD
OSTMAN, NEAL	1104 TINKER RD	COLLEYVILLE, TX	76034	1104 TINKER RD
TURPENTINE, GEORGE A	1100 TINKER RD	COLLEYVILLE, TX	76034	1100 TINKER RD
CAIN, ALVIN R	1103 EMERALD CT	COLLEYVILLE, TX	76034	1103 EMERALD CT
BLYTHE, STANLEY L	1105 EMERALD CT	COLLEYVILLE, TX	76034	1105 EMERALD CT
JONES, PAUL S	6301 EMERALD DR	COLLEYVILLE, TX	76034	6301 EMERALD DR
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED
OSTMAN, NEAL	1104 TINKER RD	COLLEYVILLE, TX	76034	APPLICANT

Public hearing notices were mailed Friday, June 22, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC18-006

Owner: Neal Ostman

Applicant: Neal Ostman

Location: 1104 Tinker Road

Property Description: Lot 21, Block 2, of the Jewell Estates Addition

Present Zoning: R-40 Single Family Residential District

Request: Consideration of a Replat Plat for Lot 21-R, Block 2, of the Jewell Estates Addition, located at 1104 Tinker Road. The purpose is to add a portion of the abandoned Caldwell-Hughes Road to the existing single-family residential lot.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, July 9, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, August 7, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

RESOLUTION R-18-XXXX

**A RESOLUTION APPROVING A REPLAT FOR LOT 21-R, BLOCK 2, OF
THE JEWELL ESTATES ADDITION**

WHEREAS, the Planning and Zoning Commission recommended approval of the Replat for Lot 21-R, Block 2, of the Jewell Estates Addition on July 9, 2018.

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

Sec. 1. THAT the Replat for Lot 21-R, Block 2, of the Jewell Estates Addition on approximately 1.1032 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 7th DAY OF AUGUST 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

[illegible]



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district on Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, located at 1713 Glade Road, Case ZC18-018

Explanation

Warren Packer, the applicant, has submitted a request for a zoning change on Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, being approximately 0.86 acres, and zoned R-40 Single Family Residential district. The purpose is to rezone from the R-40 district to the R-30 Single Family Residential district to allow for construction of a new single-family residential dwelling.

Existing Conditions/Background: The subject property, 1713 Glade Road, resides on the southwest corner of the Glade Road and Behrens Court intersection. The subject property has R-40 zoning and is currently undeveloped.

Proposed Zoning:

Request – The applicant requests to rezone the property from R-40 to R-30 zoning. The applicant desires to create a 0.974 acre (appx. 42,000 sq ft) lot and a 0.86 acre (appx. 37,458 sq ft) lot for single family home construction. The minimum standards for the R-30 zoning district are as follows:

Minimum Lot Size: 30,000 square feet.
Minimum Lot Width: 125 feet
Minimum Lot Depth: 125 feet
Front Building Line: 35 feet
Side Building Line: 10 feet
Rear Building Line 25 feet

Analysis: The requested R-30 zoning allows the applicant to plat a residential lot. The current size of the property does not comply with the minimum lot size or minimum lot width requirements of the existing R-40 district. The R-30 zoning is the next available district that would allow the property to be platted in conformance with the minimum district standards. If the change of zoning is not approved, the associated plat can be approved with plat waivers to the minimum lot size and minimum lot width regulations.

Surrounding Development: The properties to the south, east, and west are zoned R-

40 Single-Family Residential zoning. The properties to the north across Glade Road are zoned R-30 Single Family Residential zoning. The surrounding lots have developed with single family residences. Several of the lots with R-40 zoning do not meet the minimum requirements for that district and exist as legal non-conforming lots.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed R-30 zoning does not conflict with any portion of the comprehensive plan.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date staff has received 5 formal response in opposition to the case.

Staff Recommendation: Staff recommends approval of the request. The proposed zoning meets the intent of the residential designation assigned in the Destination Colleyville comprehensive plan. An alternative to a change of zoning is approval of a Minor Plat with plat waivers to the minimum lot size and minimum lot width regulations of the R-40 district.

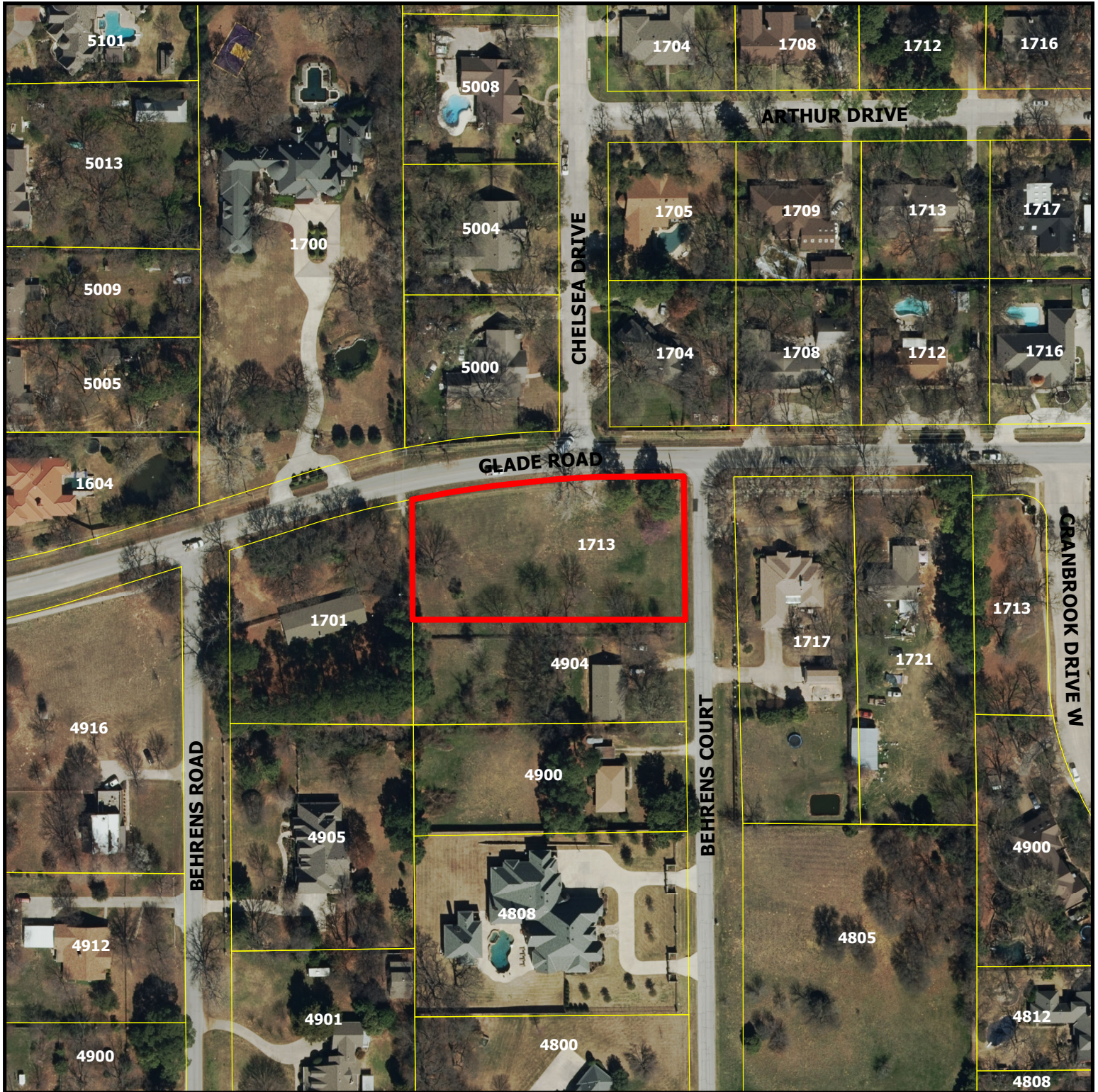
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Zoning Exhibit
5. Site Plan
6. Floor Plan
7. Building Elevations
8. Notification Map
9. Notification List
10. Property Owner Notification
11. Letters of Opposition
12. Draft Ordinance O-18-xxxx

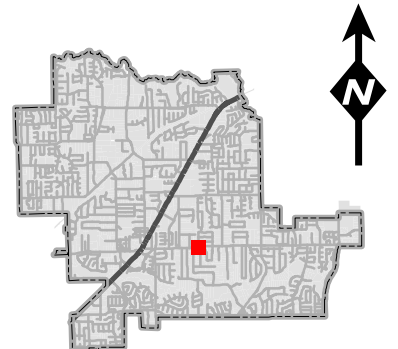
Aerial Map



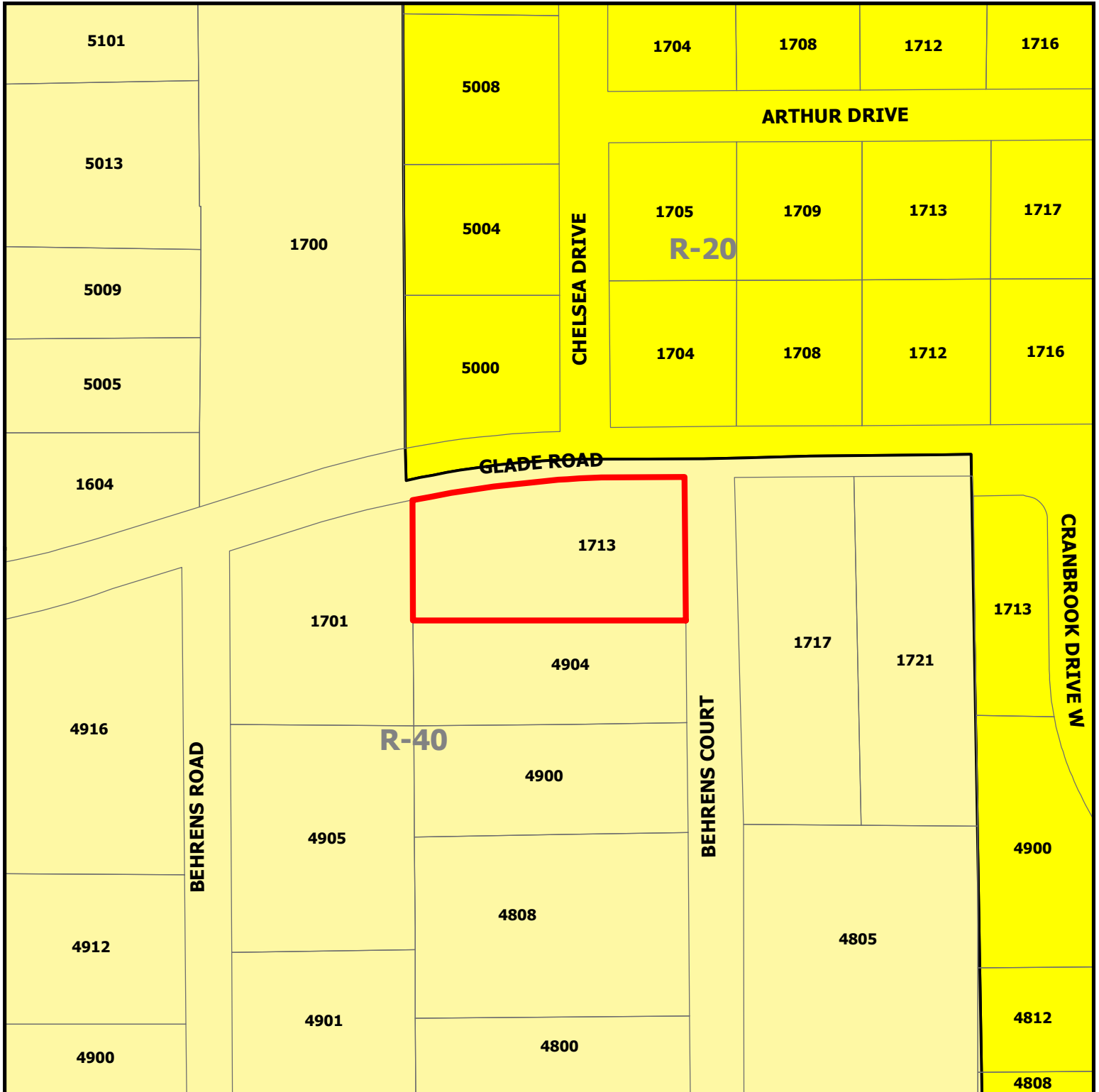
ZC18-018
1713 Glade Road

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 Subject Property



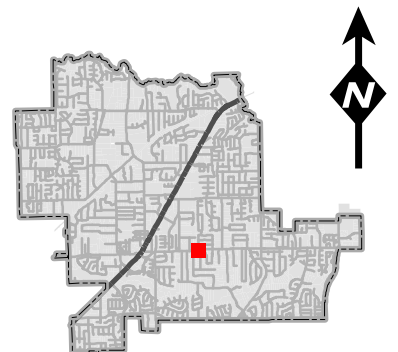
Zoning Map



ZC18-018
1713 Glade Road

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 Subject Property



Future Land Use Map



ZC18-018

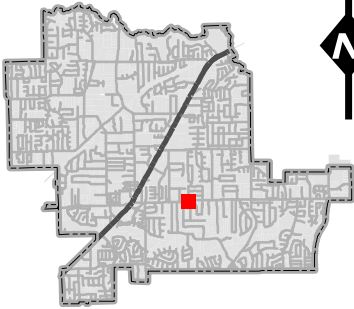
1713 Glade Road



Subject Property



Residential

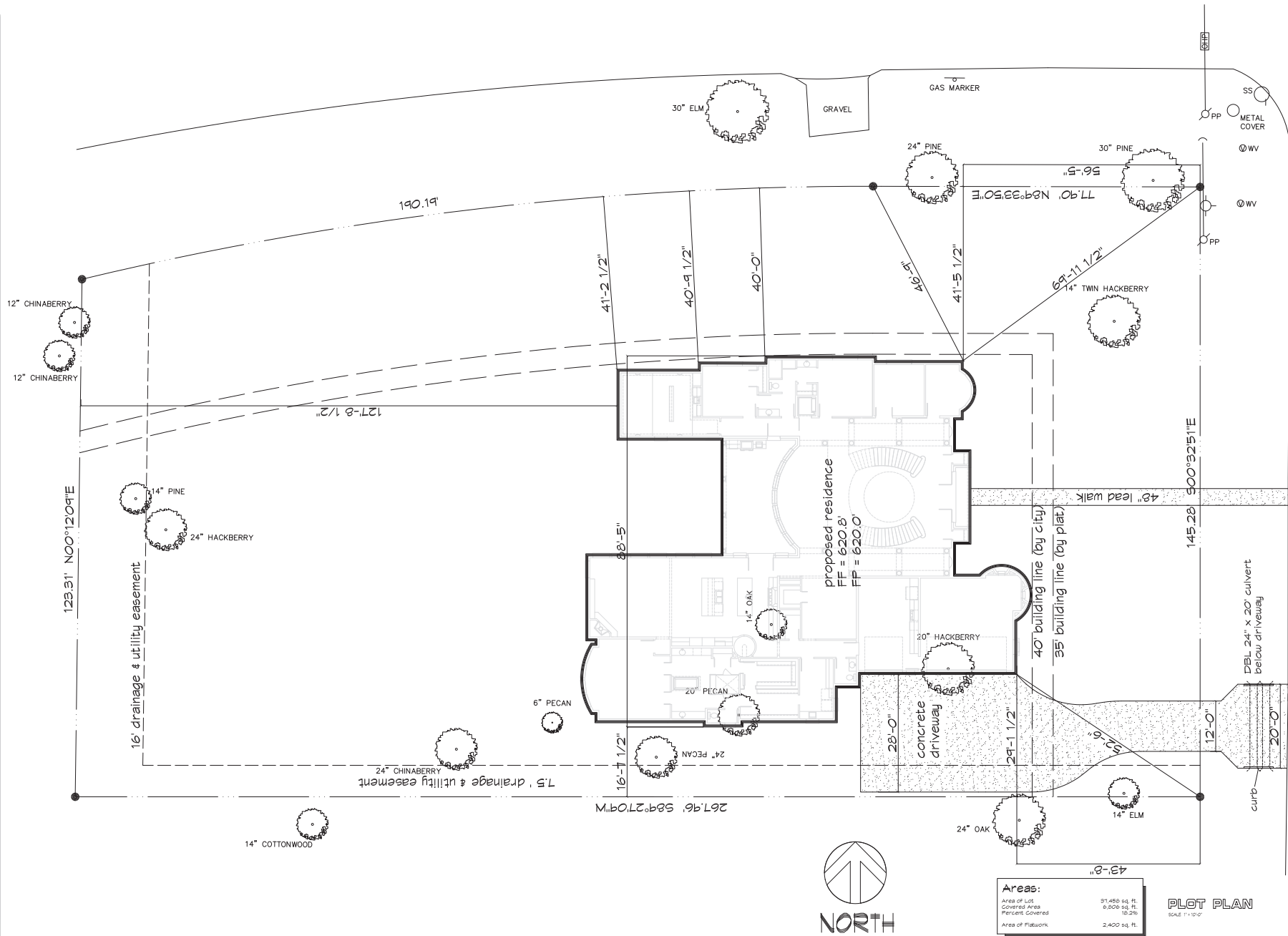


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S:\Public\Gonzales\Data\Robert\project\6761 - Glade at Behrens\6761 Plat.dwg, 5/4/2018 9:37:48 AM, DWG To PDF.pc3



Site Plan



REVISIONS:

04/18/18

05/01/18

05/21/18

DRAWN BY: JK

These plans are intended to provide the basic construction information necessary to substantially complete this structure. Like most home designers, this firm, J. Karlovich Home Design, is not being an architectural or engineering firm stands no liability for structural or architectural design integrity. Every effort has been made to ensure all dimensions are correct and governmental regulations have been met. Any error or omission does occur it is the sole responsibility of J. Karlovich Home Design. It is not the responsibility of J. Karlovich Home Design.

P Custom Homes, LLC
817.503.1031

A Custom Residence for :
Vankawala Residence
Behrens Court
Tract 6B03 & 6B3A
Abstract 328
City of Colleyville, Tarrant County, Texas

SHEET NO.
A1

[illegible]

<u>ID#</u>	<u>Size</u>	<u>Description</u>	<u>Rough Opening</u>	<u>Quantity</u>
1	1		1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7

[illegible]

First Floor Living Area	5,246 sq. ft.
Second Floor Living Area	1,847 sq. ft.
Total Living Area	7,093 sq. ft.
Garage	884 sq. ft.
Front Porch	51 sq. ft.
Outdoor Living	385 sq. ft.
Brick Ledger	240 sq. ft.
Total Slab Area	6,806 sq. ft.
Total Under Roof	6,653 sq. ft.

REVISIONS:

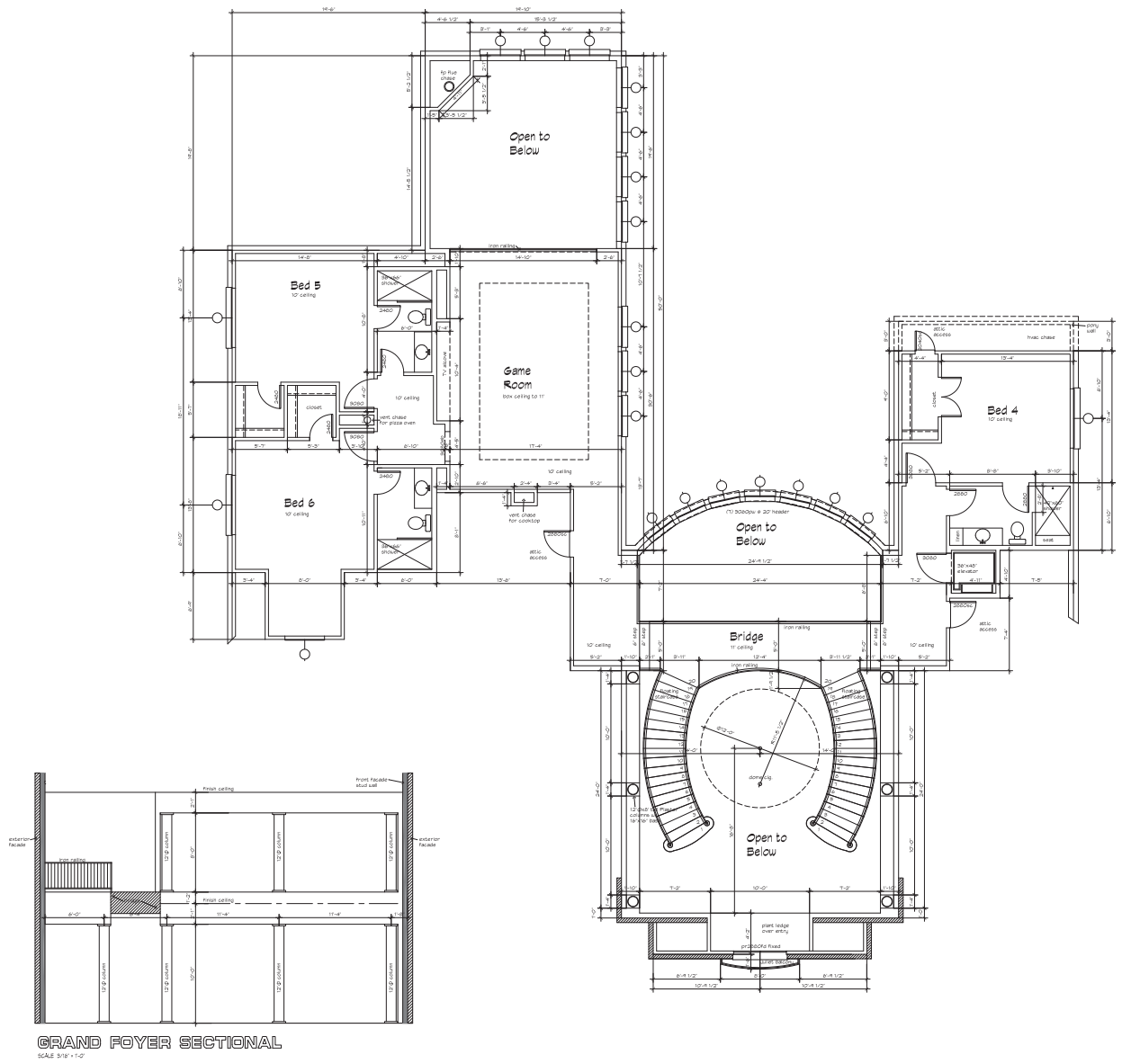
DRAWN BY: JK

copyright (c) 2010 J. Karlovich Home Design

Benjamins Court
Tract 6B03 & 6B3A
Abstract 328
City of Colleyville, Tarrant County, Texas

SHEET NO.
A2

Floor Plan



SECOND FLOOR PLAN
SCALE 3/16\"/>

REVISIONS:	
04/18/18	
05/01/18	
05/21/18	
DRAWN BY: JK	

These plans are intended to provide the basic construction information for the project. They are not to be used for construction without the supervision of a licensed architect or engineer. Like most home designs, this firm, J. Karovich Home Design, LLC, is not responsible for the construction of the project. Every effort has been made to ensure all dimensions are correct and governmental regulations have been met. It is the responsibility of the contractor and/or the owner to correct the error of the design and not the responsibility of J. Karovich Home Design.

copyright (c) 2018 J. Karovich Home Design

A Custom Residence for :
Vankawala Residence
Behrens Court
Tract 8803 & 883A
Abstract 328
City of Colleyville, Tarrant County, Texas

P Custom Homes, LLC
817.503.1031

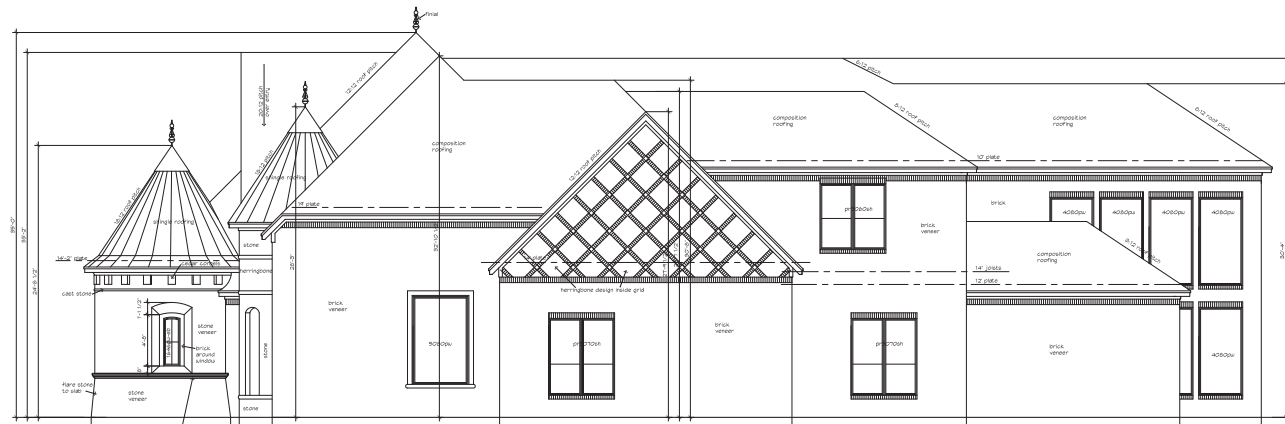
A Custom Residence for : Vankawala Residence Behrens Court Tract 8803 & 883A Abstract 328 City of Colleyville, Tarrant County, Texas	
SHEET NO. A3	

Building Elevations



FRONT ELEVATION

SCALE 3/16" = 1'-0"



RIGHT ELEVATION

SCALE 3/16" = 1'-0"

REVISIONS:

04/18/18

05/21/18

RAWN BY: JK

These plans are intended to provide the basic construction information necessary to substantially complete this structure. Like most home designers, this firm, J. Karlovich Home Design, Inc., does not assume any liability for structural or architectural design integrity. Every effort has been made to ensure all dimensions, materials and governmental regulations have been met. If any error or omission does occur it is the sole responsibility of the architect. The architect does not assume any liability or omission at his own expense and not the responsibility of J. Karlovich Home Design.

J. Karlovich Home Design
Karlovich, Inc. 301 N. Karlovich Home Design

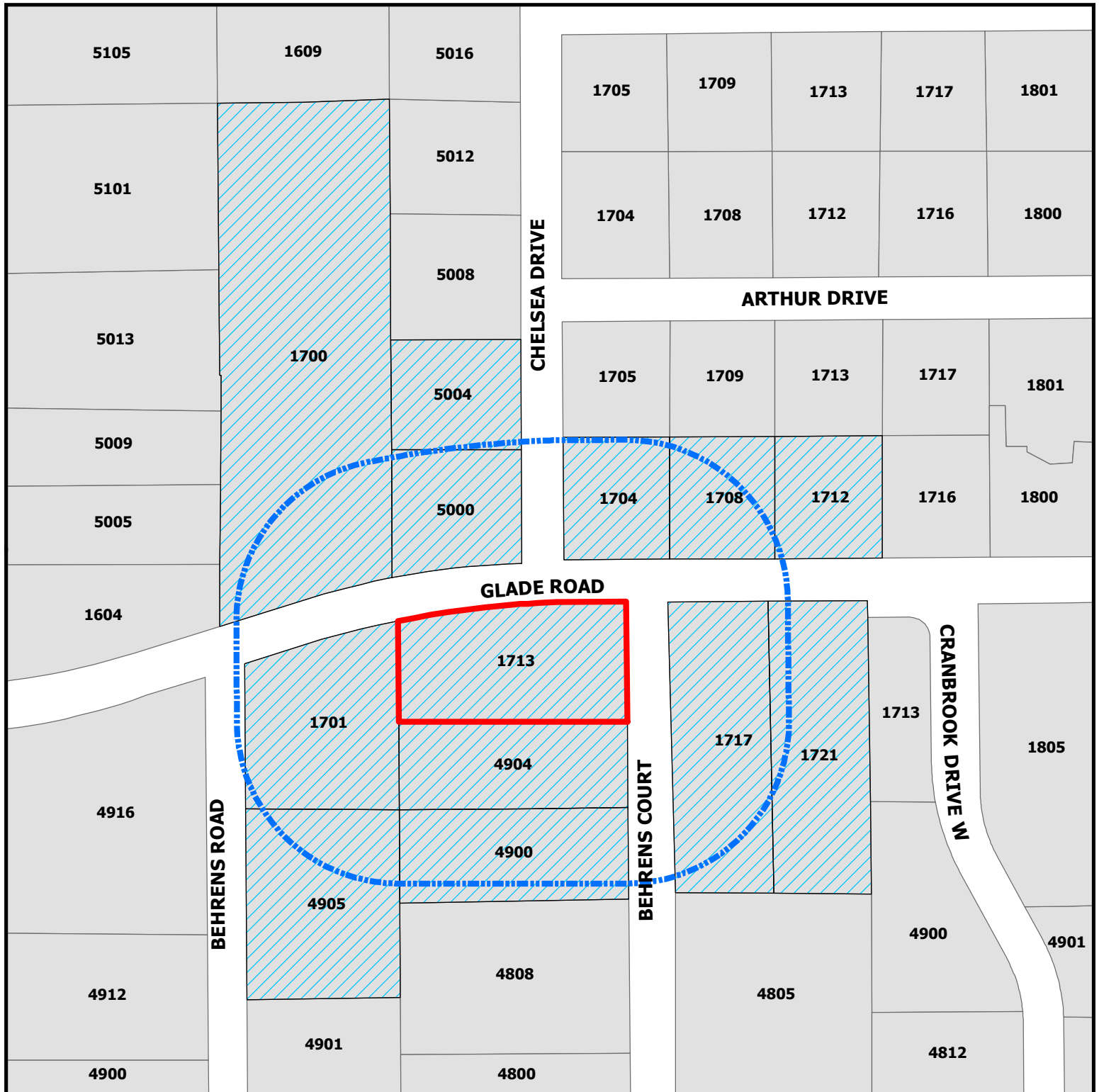
P Custom Homes, LLC
817.503.1031

A Custom Residence for :
Vankawala Residence
Bakruwala Court

Behrens Court
Tract 6B03 & 6B3A
Abstract 328
City of Colleyville, Ta

SHEET NO.
A6

Notification Map

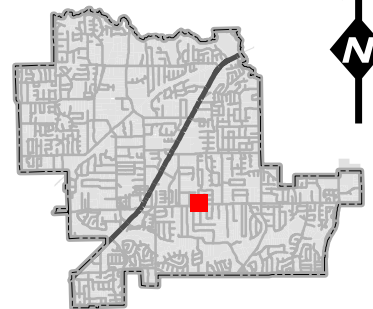


ZC18-018

1713 Glade Road

DISCLAIMER:
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-  Subject Property
-  200ft Buffer
-  Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
PEAK, CAROLYN J	1708 GLADE RD	COLLEYVILLE, TX	76034	1708 GLADE RD
TANG, YUAN	1717 GLADE RD	COLLEYVILLE, TX	76034	1717 GLADE RD
LY, DU Y	4900 BEHRENS CT	COLLEYVILLE, TX	76034	4900 BEHRENS CT
BEHRENS, ROBERT	4904 BEHRENS CT	COLLEYVILLE, TX	76034	4904 BEHRENS CT
OLENGUE, INNOCENT	5000 CHELSEA DR	COLLEYVILLE, TX	76034	5000 CHELSEA DR
DIDIER, RICHARD	1712 GLADE RD	COLLEYVILLE, TX	76034	1712 GLADE RD
VOLOSEN, MIRCEA	5604 MONTCLAIR DR	COLLEYVILLE, TX	76034	1721 GLADE RD
MOSS, PAUL	PO BOX 171676	ARLINGTON, TX	76003	1713 GLADE RD
HOOKS, DURAN	5004 CHELSEA DR	COLLEYVILLE, TX	76034	5004 CHELSEA DR
COPLON, MAHLON	4905 BEHRENS RD	COLLEYVILLE, TX	76034	4905 BEHRENS RD
BEHRENS, CHRISTOPHER	1701 GLADE RD	COLLEYVILLE, TX	76034	1701 GLADE RD
DUCIC, YADRANKO	1700 GLADE RD	COLLEYVILLE, TX	76034	1700 GLADE RD
STANLEY, REBECCA S	1704 GLADE RD	COLLEYVILLE, TX	76034	1704 GLADE RD
CHELSEA PARK ADDITION	1816 Avondale Drive	COLLEYVILLE, TX	76034	COURTESY NOTICE
CRANBROOK ESTATES	P.O. Box 372	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED
PACKER, WARREN	1680 PRINCE WILLIAM LN	FRISCO, TX	75034	APPLICANT

Public hearing notices were mailed Friday, June 22, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-018
Applicant: Warren Packer
Owner: Rajendra Vankawala
Location: 1713 Glade Road
Property Description: Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey
Present Zoning: R-40 Single Family Residential District
Request: Consideration of a zoning change from the R-40 Single Family Residential zoning district to the R-30 Single Family Residential zoning district. The purpose is to allow for the development of a single-family residential home.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, July 9, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, August 7, 2018 & Tuesday, August 21, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

Letter of Opposition

June 28, 2018

Zoning Case Number: ZC18-018

Dear Ms Botello,

As owners of lot 4904 on Behrens Ct., my husband Steve Banta and I received notification for a consideration of a zoning change from R-40 to R-30 for the property at 1713 Glade Rd.

We respectfully and categorically object to the consideration for rezoning of 1713 Glade Rd. Our opposition to rezoning is passionately absolute!! Our family of seven children, both birth children and internationally adopted have lived in Colleyville for the past 20 years attending GCISD and where I was employed as a special education teacher.

My husband and I began work on the building of our new house over a year ago. All but two of our children are living independent lives and it was finally time for us to build a smaller home. This has been a dream of ours for years and is now being realized.

We were obviously very disheartened to hear that the owners of 1713 Glade Rd. were proposing to encroach on our property with a rezoning of R-40 to R-30. It was necessary for our architect to redesign our house plans to fit in the Commission's required R-40 zoning and it was not easy because our lot is only 100 feet wide. The property at 1713 Glade Rd. should be held to the same compliance.

It is our hope that our voice will be heard and seriously considered when the case is presented to the Commission.

Thank you,

Julia and Steve Banta

Letter of Opposition

TO: Community Development Department

RE: 1709 Glade Road; Zoning case ZC18-018

Please accept the below signatures of homeowners on Behrens Court that oppose the approval of the above zoning case.

The basis of the opposition is R-30 zoning is inconsistent with the R-40 zoning of the adjacent properties and the neighborhood. R-40 zoning is the ONLY zoning classification from Stafford Road to the west, Behrens Court to the east, Glade Road to the north and Little Bear Creek to the south. Numerous lots in this area have been redeveloped with a new single family residence without a zoning change required. If necessary, we would respectfully request that these types of cases be done through variances and not zoning changes. We don't want to create a precedent for this neighborhood for R-30 zoning.

Name

Address

Position

 4709 BEHRENS CT. OPPOSE

 4708 Behrens Ct oppose

 4712 Behrens oppose

 4713 Behrens Ct. oppose

ORDINANCE O-18-xxxx

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.86 ACRES, BEING TRACTS 6B03 & 6B3A, ABSTRACT 328, IN THE SIMON COTRAIL SURVEY, LOCATED AT 1713 GLADE ROAD, FROM THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R-30 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC18-018; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; and to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 0.86 acres, being Tracts 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, located at 1713 Glade Road, from the R-40 Single Family Residential district to the R-30 Single Family Residential district, as depicted in the attached Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations

of this ordinance.

Sec. 7. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of August 2018.

The second reading and public hearing being conducted on the 21st day of August 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 21ST DAY OF AUGUST 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

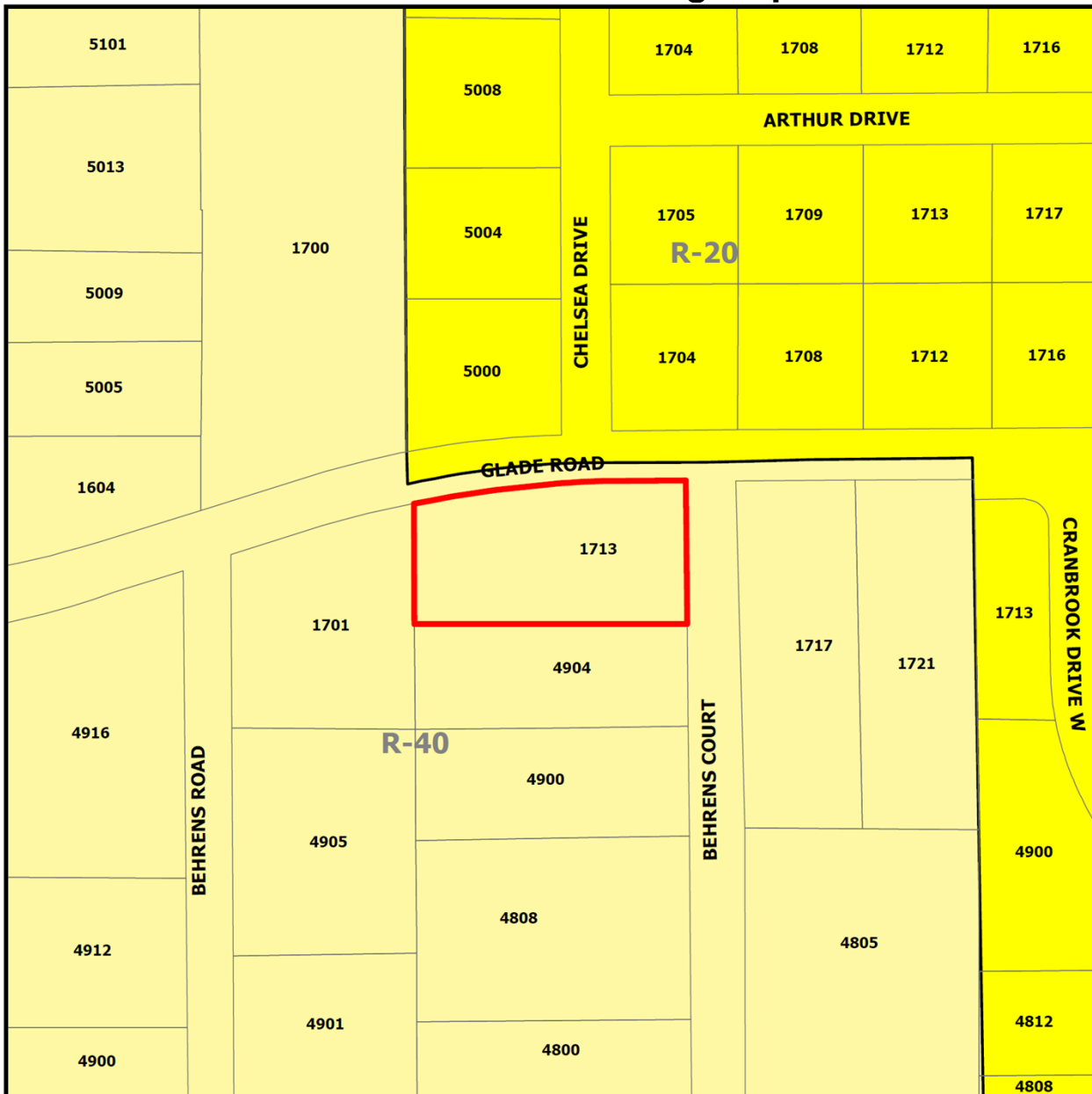
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whit Wyatt
City Attorney

Exhibit "A"- Zoning Map



ZC18-018
1713 Glade Road

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 Subject Property



Exhibit "B"- Metes & Bounds Description

STATE OF TEXAS §
COUNTY OF TARRANT §

WHEREAS, Rajendra C. Vankawala and Ina R. Vankawala are the owners of a 0.860 acre tract of land situated in the S. Cotrail Survey, Abstract Number 328, City of Colleyville, Tarrant County, Texas, and being a part of Block 7 of Edinburgh-American-Land and Mortgage Co. Subdivision, an addition to Tarrant County, Texas, according to the plat thereof recorded in Volume 114, Page 240 of the Deed Records of Tarrant County, Texas, and being all of that tract of land described by deed to Rajendra C. Vankawala and Ina R. Vankawala, as recorded under Instrument Number D218057826, Deed Records of Tarrant County, Texas; said 0.860 acre tract being more particularly described by metes and bounds as follows;

BEGINNING, at a 3/8-inch iron rod found for the southeast corner of said 0.860 acre tract; said point also being the northeast corner of a tract of land described by deed to Steven M. Banta and Julie K. Banta as recorded under Instrument Number D217112842, Deed Records of Tarrant County, Texas; said point also being in the west right-of-way line of Behrens Court (60 feet wide);

THENCE, South 89 degrees 27 minutes 09 seconds West, leaving said west right-of-way line and with the north line of said Banta tract, a distance of 267.96 feet to a 1/2-inch iron rod found at the southwest corner of said 0.860 acre tract; said point also being the northwest corner of said Banta tract; said point also being in the east line of a tract of land described by deed to Christopher R. Behrens and Jayne Behrens as recorded under Document Number D210164311, Deed Records of Tarrant County, Texas;

THENCE, North 00 degrees 12 minutes 09 seconds East, with the east line of said Behrens tract, a distance of 123.31 feet to a 5/8-inch iron rod with yellow plastic cap stamped, "GSES, INC., RPLS 4804" found at the northwest corner of said 0.860 acre tract (from which a 5/8-inch iron rod with plastic cap found North 00 degrees 12 minutes 09 seconds East, a distance of 18.65 feet for the northwest corner of said City of Colleyville tract); said point also being the southwest corner of a tract of land described by deed to the City of Colleyville as recorded under Instrument Number D218009745, Deed Records of Tarrant County, Texas; said point also being in the south right-of-way line of Glade Road (variable width); said point also being the beginning of a curve to the right having a radius of 800.00 feet;

THENCE, with said south line of said Glade Road, the following metes and bounds;

Northeasterly, with said curve to the right through a central angle of 13 degrees 37 minutes 16 seconds, an arc distance of 190.19 feet (chord bears North 82 degrees 45 minutes 12 seconds East, 189.74 feet) to a 5/8-inch iron rod with yellow plastic cap stamped, "GSES, INC., RPLS 4804" set at the end of said curve;

North 89 degrees 33 minutes 50 seconds East, a distance of 77.90 feet to a 5/8-inch iron rod with yellow plastic cap stamped, "GSES, INC., RPLS 4804" set at the northeast corner of said 0.860 acre tract (from which a 1/2-inch iron rod found North 00 degrees 32 minutes 51 seconds West, a distance of 16.72 feet for the northeast corner of said City of Colleyville tract); said point also being the northeast corner of said 0.860 acre tract; said point also being at the intersection of said south right-of-way line of Glade Road and the said west right-of-way line of Behrens Court;

THENCE, South 00 degrees 32 minutes 51 seconds East, with the said west line of said Behrens Court, a distance of 145.28 feet to THE POINT OF BEGINNING;

CONTAINING, 37,458 square feet or 0.860 acres of land, more or less



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3c	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Minor Plat for Tract 6B03 & 6B3A, Abstract 328, in the Simon Cotrail Survey, located at 1713 Glade Road, Case PC18-007

Explanation

Warren Packer, the applicant, has submitted a request for a Minor Plat of Lot 1, Block 1, of the Vankawala Residence Addition, being approximately 0.86 acres, and zoned R-40 Single Family Residential. The purpose is to plat the property to allow for the construction of a new single-family residence. The applicant has also submitted for a zoning change to the R-30 Single Family Residential district as the property does not comply with the minimum lot area and minimum lot width regulations of the R-40 district. If the zoning is not approved the submitted plat document requests approval with plat waivers to the minimum lot size and minimum lot width regulations.

Existing Conditions/Background: The subject property, 1713 Glade Road, resides on the southwest corner of the Glade Road and Behrens Court intersection. The subject property has R-40 zoning and is currently undeveloped.

Lot Dimensions and Setbacks: Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-40 zoning regulations require the following standards:

Minimum Lot Area:	40,000 square feet
Minimum Lot Width:	150 feet
Minimum Lot Depth:	150 feet
Minimum Front Yard Setback:	40 feet
Minimum Side Yard Setbacks:	15 feet
Minimum Rear Yard Setback:	25 feet
Maximum Lot Coverage:	20 percent

As submitted, the proposed plat does not meet the minimum lot area or the minimum lot width requirements of the R-40 zoning as described in the Land Development Code.

Surrounding Development: The properties to the south, east, and west are zoned R-40 Single-Family Residential zoning. The properties to the north across Glade Road are zoned R-30 Single Family Residential zoning. The surrounding lots have developed with single family residences. Several of the lots with R-40 zoning do not meet the

minimum requirements for that district and exist as legal non-conforming lots.

Analysis: The current size of the property does not comply with the minimum lot size or minimum lot width requirements of the existing R-40 district. The R-30 zoning is the next available district that would allow the property to be platted in conformance with the minimum district standards. If the change of zoning request is not approved, this Minor Plat request can be approved with plat waivers to the minimum lot size and minimum lot width regulations.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Staff Recommendation: Staff recommends approval. The R-30 zoning is the next available district that would allow the property to be platted in conformance with the minimum district standards. If the change of zoning is not approved, the Minor Plat can be approved with plat waivers to the minimum lot size and minimum lot width regulations of the R-40 district.

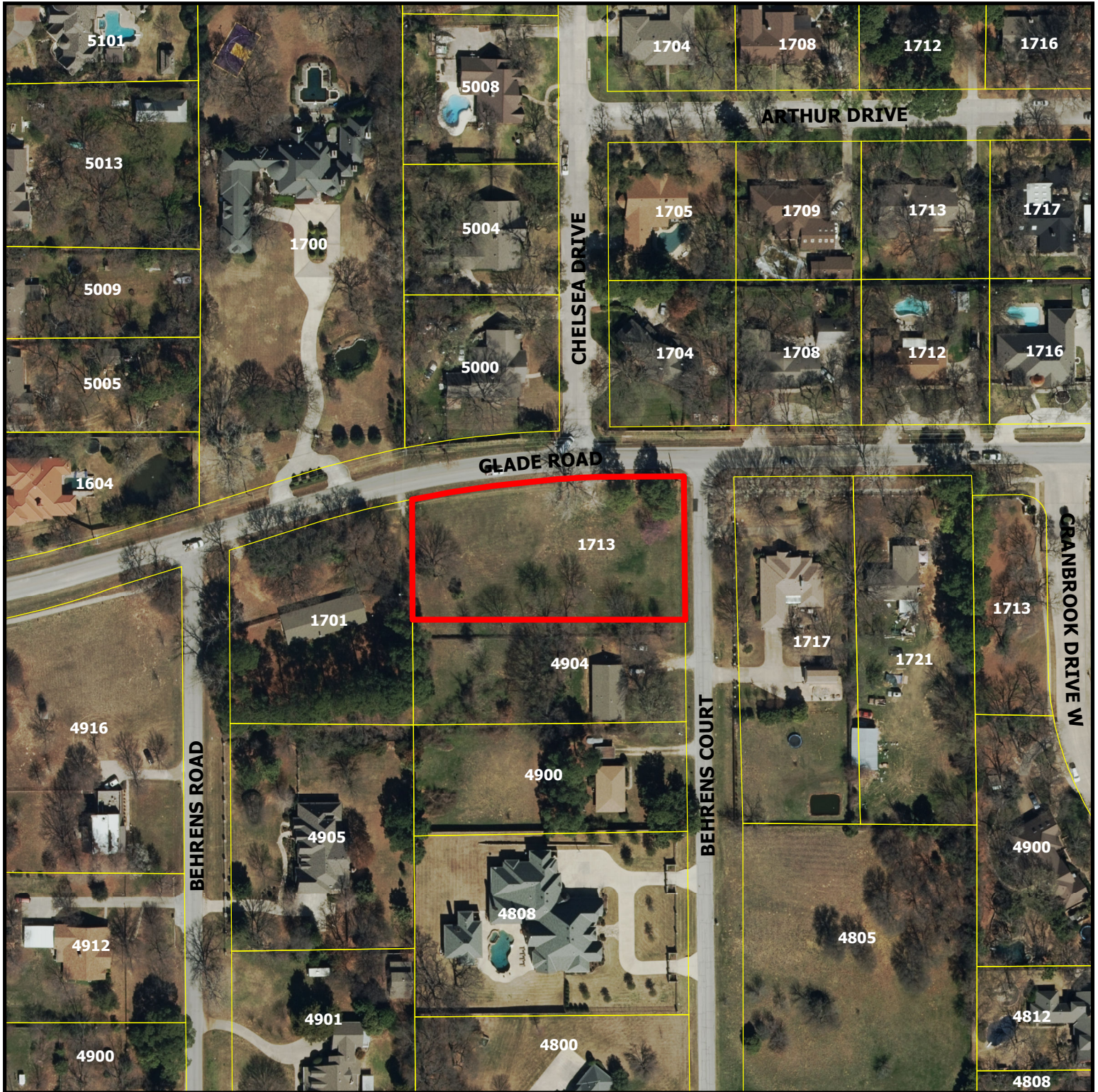
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Draft Resolution PC18-007

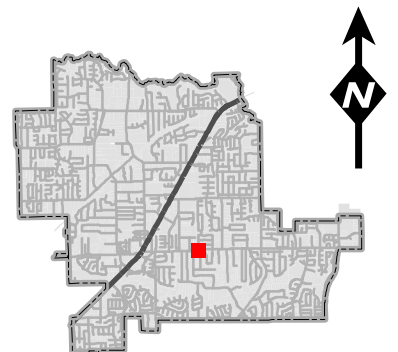
Aerial Map



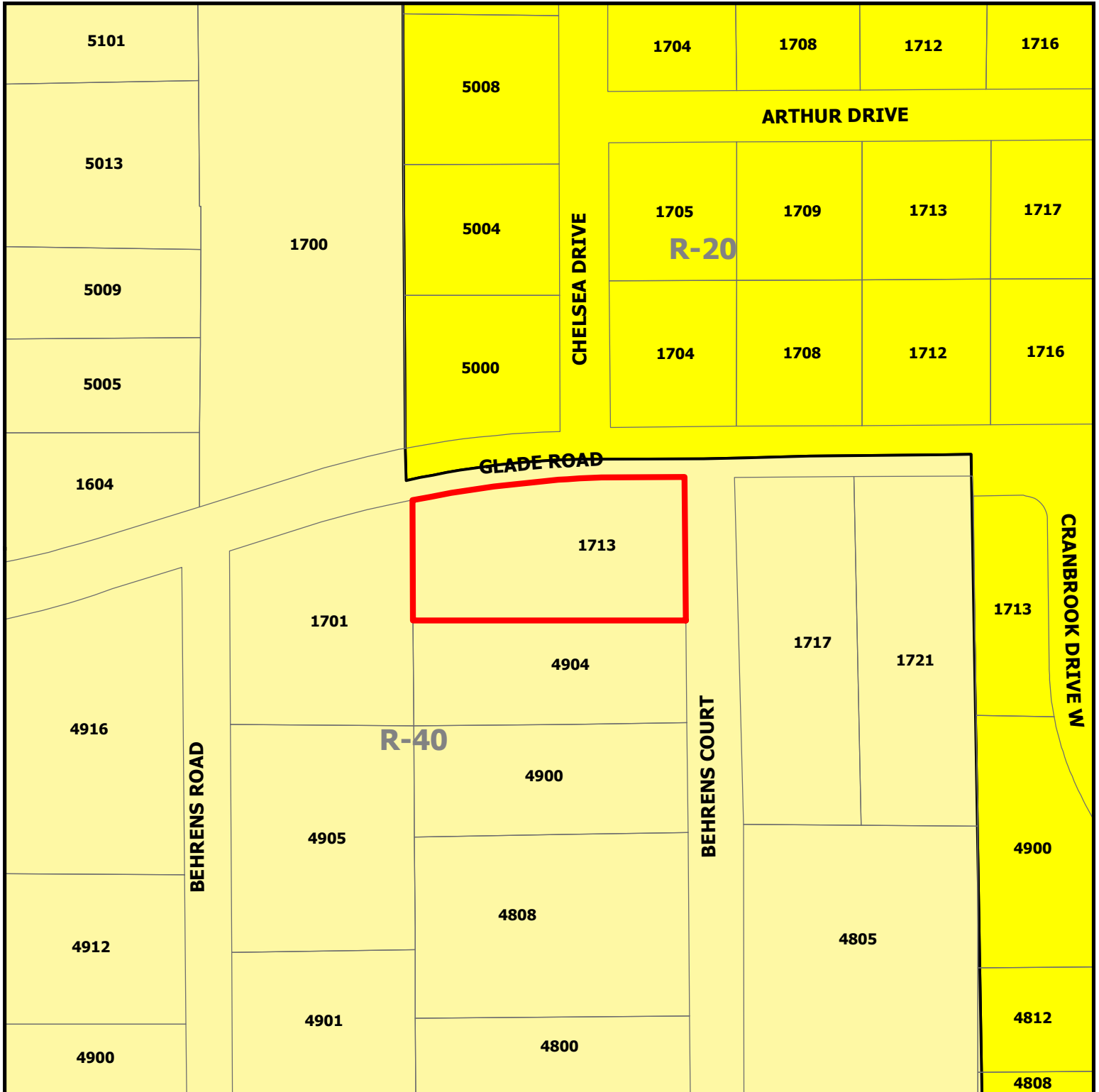
PC18-007
1713 Glade Road

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 Subject Property



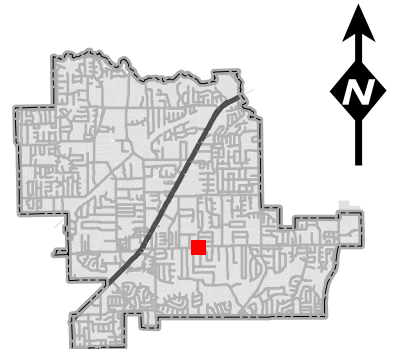
Zoning Map



PC18-007
1713 Glade Road

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 Subject Property



Future Land Use Map



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PC18-007

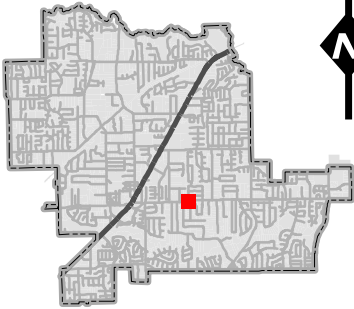
1713 Glade Road



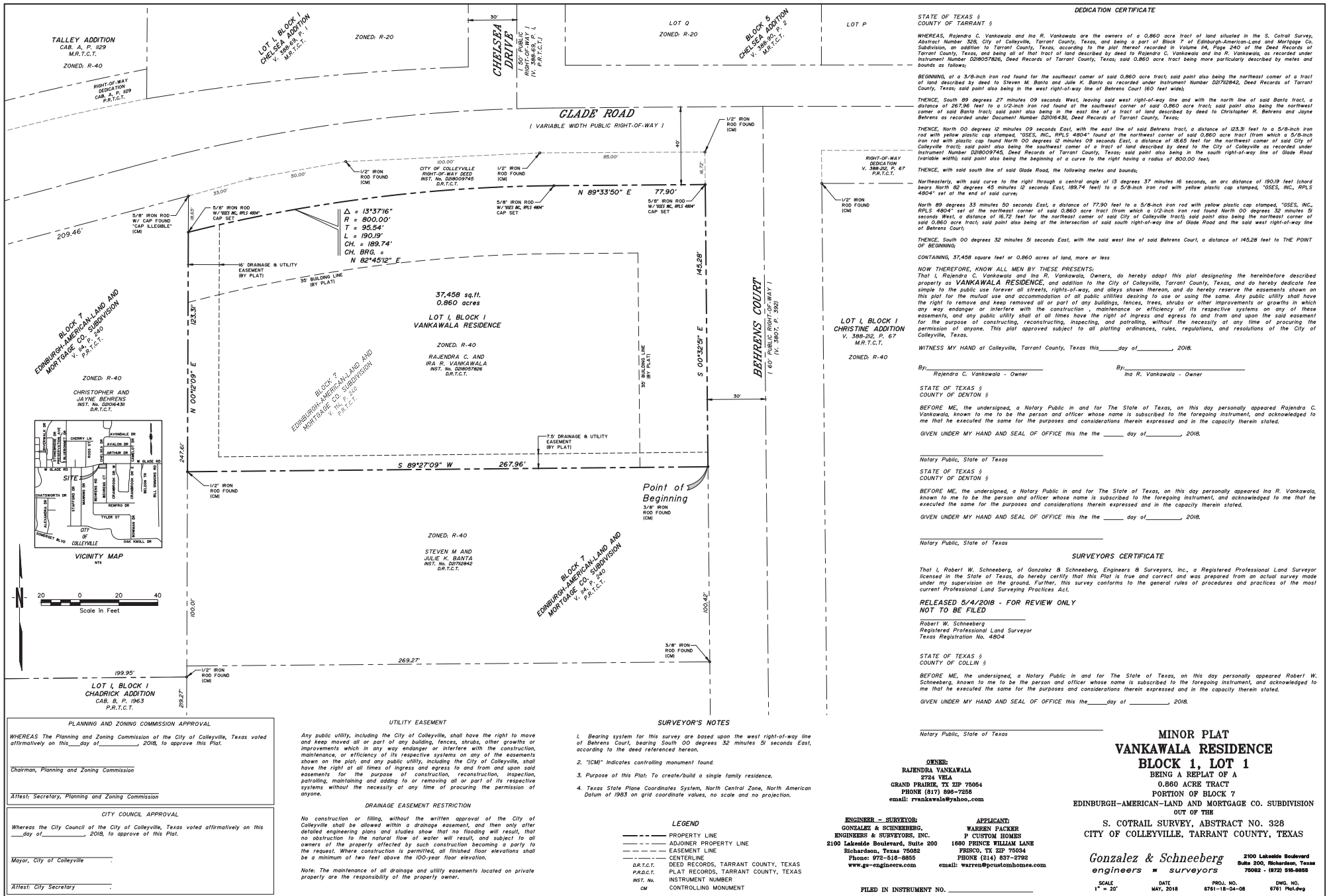
Subject Property



Residential



Plat Exhibit



RESOLUTION R-18-XXXX

**A RESOLUTION APPROVING A MINOR PLAT FOR LOT 1, BLOCK 1, OF
THE VANKAWALA RESIDENCE ADDITION**

WHEREAS, the Planning and Zoning Commission recommended approval of the Minor Plat for Lot 1, Block 1, of the Vankawala Residence Addition on July 9, 2018.

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

Sec. 1. THAT the Minor Plat for Lot 1, Block 1, of the Vankawala Residence Addition on approximately 0.86 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved with the following plat waivers:

1. Lot Area: A lot area of approximately 37,458 square feet shall be allowed.
2. Lot Width: A lot width of approximately 145 feet shall be allowed.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 7th DAY OF AUGUST 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

[illegible]



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3d	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 & 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019

Explanation

Curtis Young, the applicant, has submitted a request to rezone Lots 1R1 & 1R2, Block 1, of the Bear Creek Plantation, being approximately 43.54 acres, and zoned AG Agricultural & R-40 Single Family Residential districts. The purpose of the request is to rezone to the PUD-R Planned Unit Development – Residential district to allow for single-family residential development of 36 lots and 9 common area/open space lots.

Existing Conditions/Background: The subject property, 1312 John McCain Road, resides on the north side of John McCain Road and extends north to Big Bear Creek. The portion of the property with Agriculture zoning currently maintains a single residence. The portion of the property with R-40 zoning also maintains a single residence. Many local residents will recognize the property by its long, tree-lined drive.

Proposed Zoning:

Request – The applicant requests to create a single-family residential subdivision. The proposed development consists of 36 lots, ranging from 26,000 square feet (0.597 acres) to 1.31 acres in area, and a large amount of open space (approximately 21% of the project area). The project will also preserve the tree lined drive by converting it into a median area along the primary street through the neighborhood. The applicant also states that through the proposed PUD and development restrictions the home values should average approximately \$2.5 million dollars per lot.

The applicant proposes the following development standards for the PUD-R subdivision:

Minimum Lot Area:	26,000 square feet
Minimum Lot Width:	100 feet, except 67 feet for cul-de-sac lots
Front Setback:	30 feet
Side Setback:	10 feet
Street Facing Side Setback:	20 feet, except "key" lots
Rear Setback:	25 feet

Minimum House Size: 3,500 square feet for a single-story home; 4,000 square feet for a two-story home

Additional regulations are proposed pertain to screening, architectural features, landscaping, and street design.

Analysis: The requested PUD-R zoning would establish a single-family residential neighborhood similar in character to surrounding neighborhoods. The design of the neighborhood allows for the preservation of a large amount of open space which a standard zoning classification would not likely achieve. It also preserves the well-known double row of oak trees lining both sides of the existing drive. While some of the lot sizes vary more widely than many existing neighborhoods, they maintain a comparable average lot size and create a density below the target density stated in the Comprehensive Plan of 1.8 units per net acre, with the open space included in the calculation.

Surrounding Development: All of the surrounding properties have developed with single-family residential uses and maintain a variety of zoning classifications including R-20, R-30, R-40, AG, and various PUD-R districts. Big Bear Creek borders the subject property to the north which is also the city limit line with the City of Southlake.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed PUD-R ordinance does not conflict with any portion of the comprehensive plan. The plan does also identify the preservation of the character of existing neighborhoods as a priority objective.

Drainage Analysis: Citizens have expressed and staff is aware of concerns with the existing drainage system in the vicinity. The Developer has provided a preliminary drainage analysis which indicates that the storm drain system in Tanglewood Estates was designed and built to accommodate the developed watershed. Additionally, the proposed drainage plan is to not fully detain post-developed runoff rates to existing runoff rates for the development. Staff has additional concerns and have made the developer aware of those, however they have indicated they want to address these concerns after the zoning process and during the Preliminary Plat process. The final drainage system of the development must meet all requirements of the Land Development Code.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, a response from the Tanglewood Estates neighborhood to the east has been received and 1 letter in opposition to the case.

Staff Recommendation: The proposed PUD-R ordinance offers a good opportunity to ensure orderly and complementary development to the existing adjacent residential development and in the area. Staff recommends approval of the requested PUD zoning.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Zoning Exhibit
6. Drainage Exhibit
7. Utility Plan
8. Landscape Plan
9. Entry Plan
10. Screening and Fencing Plan
11. Notification Map
12. Notification List
13. Property Owner Notification
14. Tanglewood Estates Response to Proposed Development
15. Letter of Opposition
16. Draft Ordinance

Aerial Map

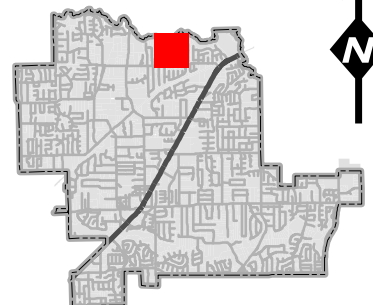


ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

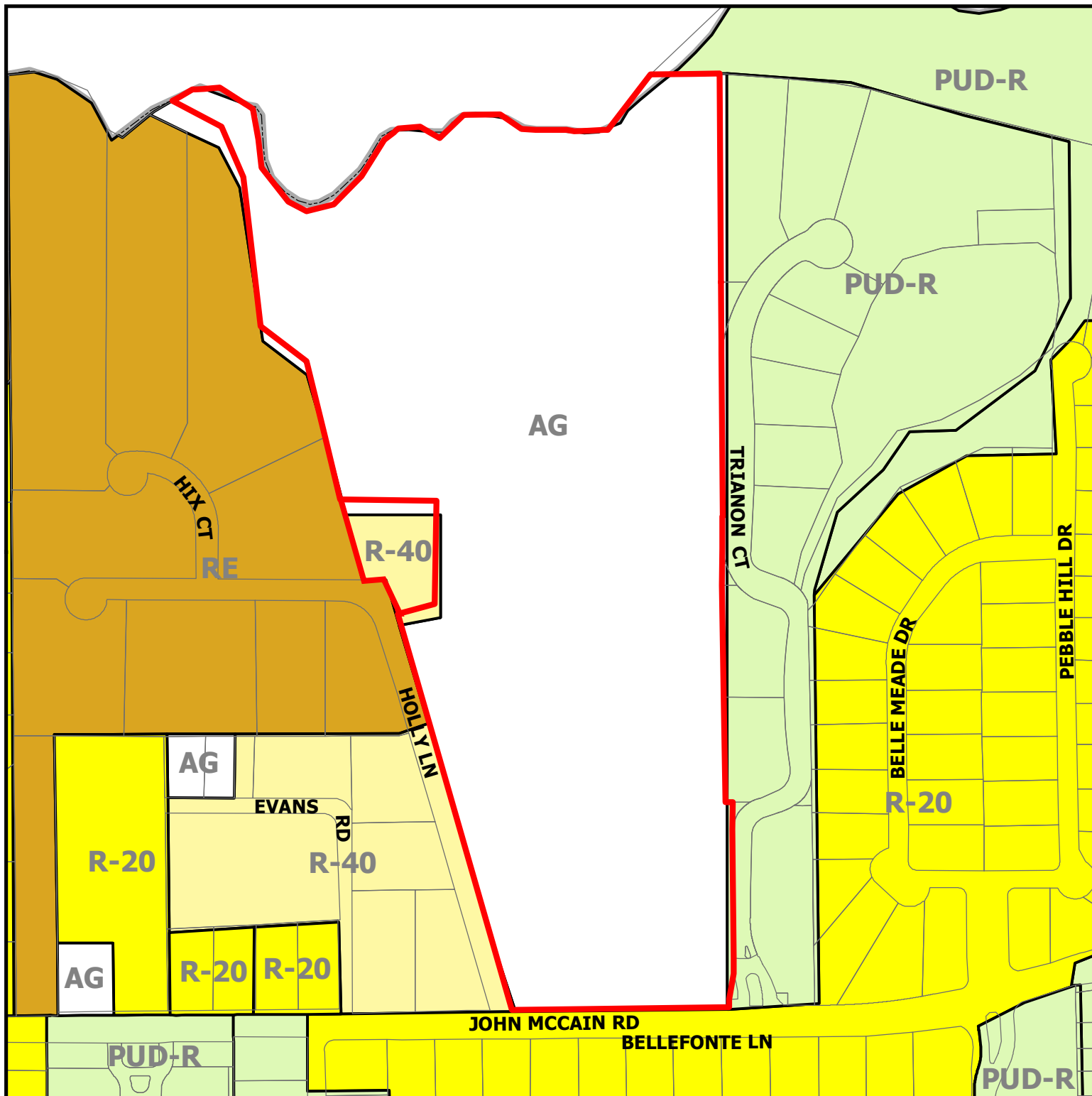


Subject Property



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Zoning Map

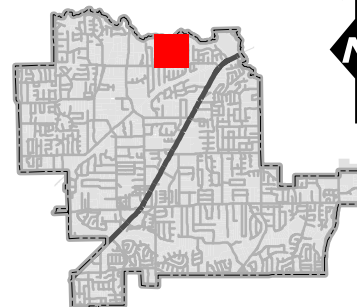


ZC18-019

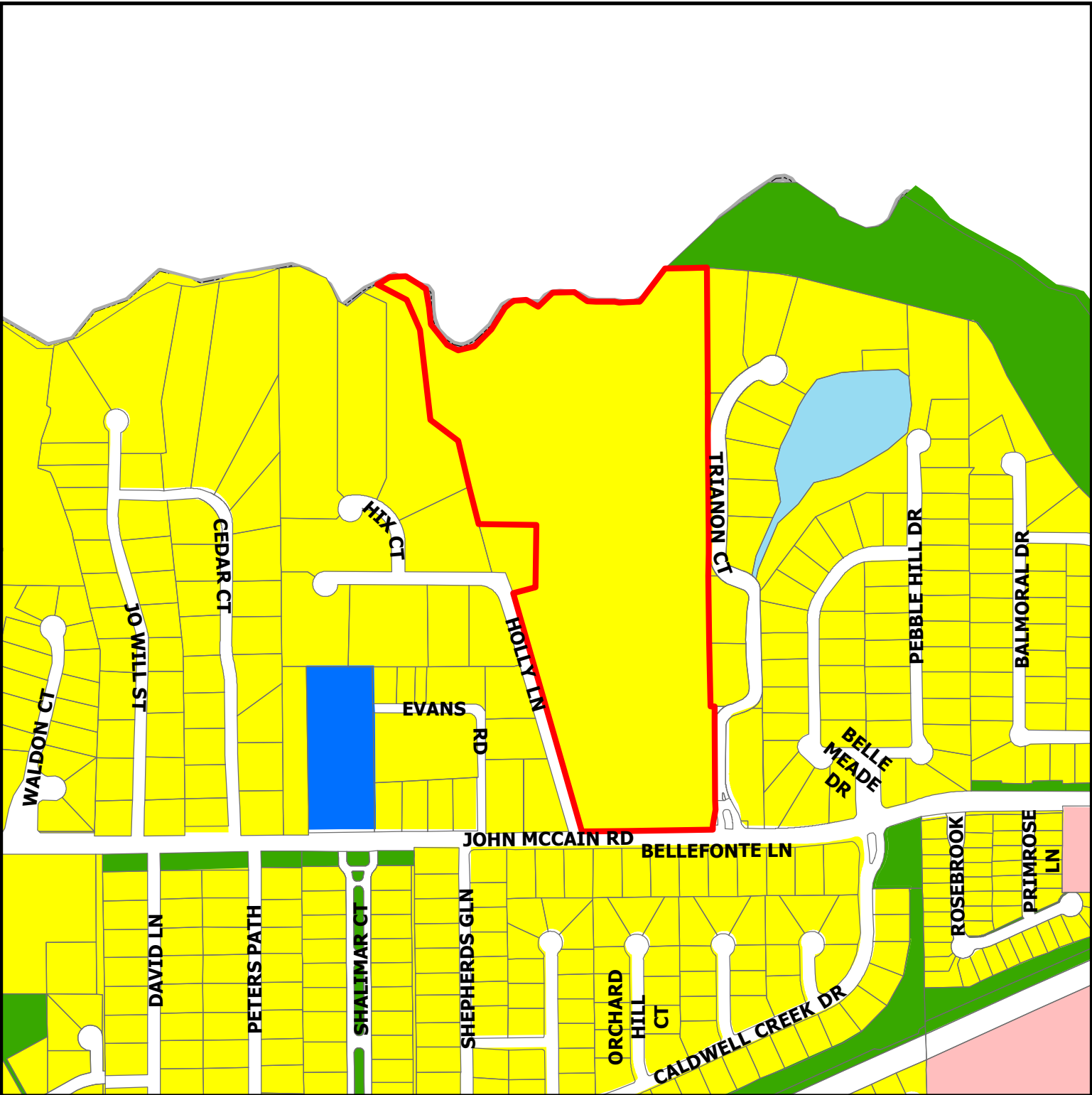
**1312 John McCain Road
and 7309 Holly Lane N**

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 Subject Property



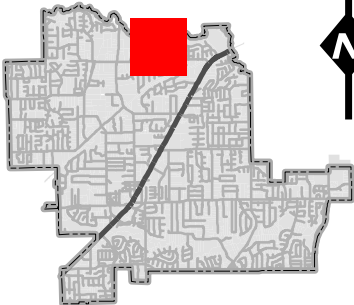
Future Land Use Map



ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

 Subject Property



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Statement of Planning Objectives

Oak Alley

Colleyville, Texas

Zoning Narrative –23 May 2018

Burk Collins & Co. LTD, Developer

Sage Group, Inc., Land Planner

Statement of Planning Objectives

Oak Alley is a proposed residential neighborhood to be developed by Burk Collins & Co, LTD, under the PUD-R Residential District regulations for residential development in the City of Colleyville. The 43.54 acre property is located on the north side of John McCain Road, just east of Holly Lane and west of, and adjacent to, the Tanglewood gated neighborhood. The property is currently zoned R-40 and AG. The intent here is to rezone the entire property to PUD-R, unifying the property into one cohesive, master planned residential development of the highest quality.

There are currently two occupied single-family homes on the two platted properties that make up this proposal, both of which will be worked into the plan; most of the remaining structures will be removed.

The surrounding area is, for the most part, fully developed with a combination of PUD-R lots ranging from 15,000 s.f. and half acre lots, 30,000 s.f. lots, as well as acre plus sized lots. There are existing subdivisions bordering the subject tract on the entire western, eastern and southern boundaries. The northern boundary is Bear Creek, and is the city limit line. Across the creek is the Timarron Golf Course, and the City of Southlake.

The proposed plan, primarily consisting of 30,000 s.f. lots, has a range of lot sizes from 26,000 sf minimum, up to several acre plus lots (and one 3.3 acre lot for the existing large home) and open space, would fit in well with the neighborhood, as well as be consistent with the city's Future Land Use Plan.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for Oak Alley will be very upscale, with selling prices estimated to start at around \$2.0 million. The development will center upon, and feature, the existing double row of Live Oaks, installed some years ago by the property owner along either side of the drive, the defining feature of the property. This will continue to enhance the vista toward the "plantation house" at the far end by placing a boulevard (divided) road along either side of it. An expanded greenbelt setback will be dedicated along the John McCain frontage, and will be fully landscaped, as will the other open space areas within the project. Open Space will make up over 21% of the project area.

Oak Alley will be proposed as a gated community with private streets. A double road, divided entry from John McCain Road, positioned to line up with and take advantage of the central double row of Live Oaks, will provide a distinctive and quality main entry. This divided road will serve as a loop road through the development, with the two entries from

Statement of Planning Objectives

John McCain meeting the minimum 100' centerline spacing for two points of emergency access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 50' R.O.W., throughout the project, except for the main divided central entry road.

There will be a requirement of at least two street trees for every residential lot to be installed by the home builders, adjacent to the street rights of way, unless there are already existing trees there that are saved. We have worked extensively, in conjunction with our neighbors to the east and west, to provide landscape buffers between the existing homes and the future home sites within Oak Alley. All perimeter boundaries will have 25', fully landscaped buffer easements, as shown on the Development Plan.

The existing and fully developed storm drainage has been carefully analyzed, and will be designed to meet all city regulations and not adversely affect any neighboring properties. There will be a pond constructed along the Holly Lane frontage- in a landscaped setting, which will double as a storm detention facility, to the extent it is necessary.

To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and a connection will be made to the large greenbelt area along Bear Creek, and an amenity for the residents.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Oak Alley will most likely be developed in two phases with first phase development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Oak Alley will have a total of thirty six (36) homes, each with an estimated average value upon completion of \$2,500,000, resulting in an overall tax base of over \$90,000,000. At the current tax rate of 2.339023%, the total taxes generated from the development are projected to be \$2,105,120, with over \$300,000 generated directly for the City at buildout.

Statement of Planning Objectives

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	3,500 square feet for a single story home, 4,000 square feet for a two story home
Minimum Lot Area:	26,000 s.f. (Average over 35,000 s.f.)
Minimum Lot Width:	One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line.
Front Yard Setbacks:	Thirty feet (30') back of the property line
Rear Yard Setbacks:	Twenty Five feet (25')
Side Yard Setbacks:	Ten feet (10').
Street-facing Side Yard:	Side yard setbacks on the street side of a corner lot, fronting on another street, shall be 20', except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan.
Street Standards:	The streets within Oak Alley are proposed to be private streets with restricted access (gated). All undivided sections will be built to the standard street section of 31' b/b paving, in a 50' Private Street ROW. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 23'b/b, in separate 42' Private Street ROW's.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch, unless architecturally required to vary, based on home style.
Garage Standard:	Minimum of a three car garage with wood-like, architecturally enhanced doors.
Masonry Requirement:	One hundred percent (100%) brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.

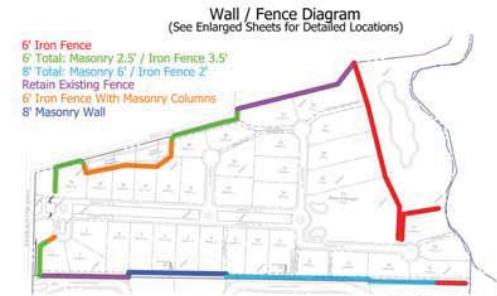
Statement of Planning Objectives

- Additional Elevation Requirements: All plans will be reviewed by the Oak Alley Architectural Review Committee, and will comply with a set of Design Guidelines which will be developed to assure structures and site features of the highest quality. Elevations will have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. The elevations on all “four sides” shall be addressed in the design to present a finished appearance. Roofing will match the architectural style, and at a minimum, be either 50 lb. Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation should add interest to the entire streetscape.
- Windows: No aluminum widows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a “low-e” specification.
- Fencing: Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.
- Where lots back to existing residential lots with fences, the existing fence shall be kept, maintained or improved in coordination with each owner, as shown in the diagram on the Development Plan. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative masonry or metal fence will be installed, all in cooperation with the adjacent property owner.
- Streetscape Standards: Minimum of two (2) three-inch (3”) caliper trees per front yard, unless quality existing trees are present and saved. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.
- Open Space Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Oak Alley Homeowners Association through dues collected from the individual homeowners. Membership in the Homeowner’s Association is mandatory.
- Street Design Standards:
- Right of Way: Fifty feet (50’)
 - Travel Lane Width: Thirty-one foot (31’), back of curb to back of curb
 - Turning Radii: Fifteen feet (15’)

Statement of Planning Objectives

- Open Space Standards: Except for the natural tree preservation areas, the Common Open Space shall be fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned, operated and maintained by Oak Alley Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.
- Signage: A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.

Zoning Exhibit



Site Data - Development Plan

Single Family Residential Lots		36
Common Areas		9
Residential Lots	68.22%	29.70 ac.
Open Space	8.45%	3.68 ac.
Open Space Floodway	12.93%	5.63 ac.
R.O.W.	10.40%	4.53 ac.
Gross Acreage	100.00%	43.54 ac.
Density Data		
Gross Residential Acreage		43.54
Gross Residential Density		0.83
Residential Density Net R.O.W. (R.O.W. = 4.53 ac.)		0.92
Summary		
Residential Lots		36
Minimum Building Lot Area		26,000 s.f.
Average Building Lot Area		35,937 s.f.
Common Areas		9
Existing Zoning		AG & R-40
Proposed Zoning		PUD-R

Owner:

Burk & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:

Miller Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:

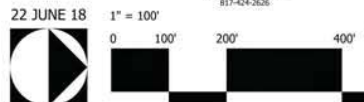
Deotte, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8899
Contact: Clayton Redinger

Applicant:

Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

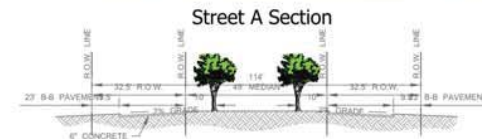
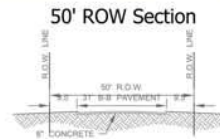
Planner:

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R

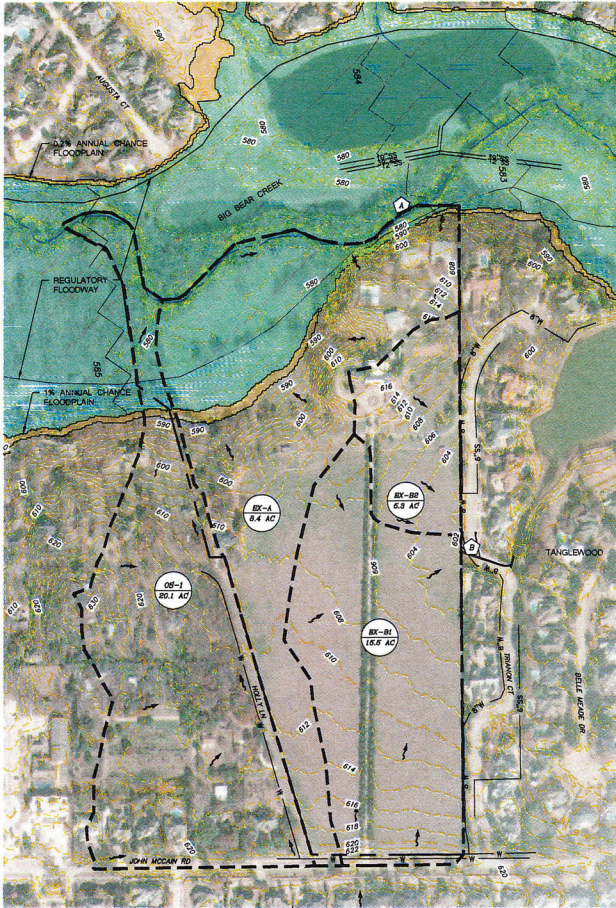
Case #ZC18-019

Oak Alley

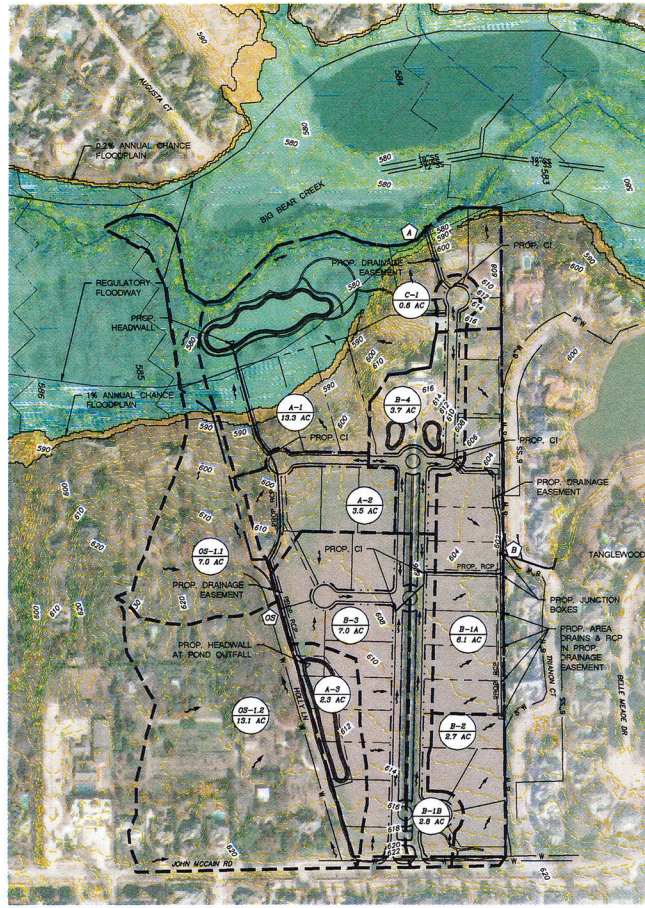
Colleyville, Tarrant County, Texas

Drainage Exhibit

EXISTING CONDITION



POST-PROJECT CONDITION



Rational Method Runoff Calculations - Existing Condition

		Rational Method Runoff Calculations - Existing Condition															
DESIGN POINT	AREA DESIGNATION	AREA (ACRES)	RUNOFF COEFF	T ₁ (MIN)	T ₂ (MIN)	Q ₁ (CFS)	Q ₂ (CFS)	I ₁ (CFS)	I ₂ (CFS)	Q ₃ (CFS)	I ₃ (CFS)	Q ₄ (CFS)	I ₄ (CFS)	Q ₅ (CFS)	I ₅ (CFS)	Q ₆ (CFS)	I ₆ (CFS)
	OS- 21.1	0.60	15	3.90	47.0	4.86	58.6	5.53	66.7	6.46	77.9	7.20	86.8	7.58	96.2		
	EXA- 21.1	0.30	21	3.25	26.6	4.13	26.1	4.71	29.8	5.54	35.1	6.19	39.2	6.80	45.6		
	EXB- 15.5	0.20	15	3.25	18.3	2.66	16.6	3.57	18.6	4.57	22.6	5.23	26.6	5.78	32.6		
	EXR- 3.3	0.30	15	3.25	1.96	0.86	2.77	5.53	8.4	6.46	10.3	12.0	11.4	13.8	12.7		
	EXA- 21.1	0.30	21	3.25	26.6	4.13	26.1	4.71	29.8	5.54	35.1	6.19	39.2	6.80	45.6		
B	ALL-B	20.8	0.30	15	3.90	24.3	4.86	30.3	5.53	34.5	4.64	38.3	7.20	44.9	7.89	49.8	

Rational Method Runoff Calculations - Post-Project Condition

Rational Method Runoff Calculations - Post-Project Condition														
DISCH. POINT	AREA (ACRES)	AREA (SQ. FT.)	RUNOFF COEFFICIENT	Q ₁ (MG)	Q ₂ (MG)	Q ₃ (MG)	Q ₄ (MG)	Q ₅ (MG)	Q ₆ (MG)	Q ₇ (MG)	Q ₈ (MG)	Q ₉ (MG)	Q ₁₀ (MG)	Q ₁₁ (MG)
DISCH. POINT	DESIGNATION	Q ₁ (MG)	Q ₂ (MG)	Q ₃ (MG)	Q ₄ (MG)	Q ₅ (MG)	Q ₆ (MG)	Q ₇ (MG)	Q ₈ (MG)	Q ₉ (MG)	Q ₁₀ (MG)	Q ₁₁ (MG)	Q ₁₂ (MG)	Q ₁₃ (MG)
	CS-11	7.00	0.60	1.50	3.00	16.4	4.06	20.4	5.50	25.2	6.46	27.1	7.20	30.2
	CS-12	151	0.60	1.50	3.00	207	4.86	38.2	5.50	43.3	6.46	30.0	7.20	30.6
	A-1	133	0.60	1.50	3.00	31.1	4.86	38.8	5.50	44.6	6.46	31.6	7.20	37.5
	A-2	135	0.60	1.50	3.00	38.2	4.86	46.2	5.50	51.6	6.46	34.6	7.20	40.5
	A-3	23.0	0.60	1.50	3.00	5.4	4.86	6.7	5.50	7.6	6.46	8.9	7.20	9.8
	B-1A	6.1	0.60	1.50	3.00	14.3	4.86	17.8	5.50	20.2	6.46	23.6	7.20	26.9
	B-1B	7.8	0.60	1.50	3.00	18.0	4.86	22.5	5.50	25.5	6.46	29.4	7.20	33.3
	B-2	27.0	0.60	1.50	3.00	63.3	4.86	79.9	5.50	90.9	6.46	105.8	7.20	118.7
	B-3	17.0	0.60	1.50	3.00	18.4	4.86	20.4	5.50	23.2	6.46	27.1	7.20	30.2
	B-4	37.0	0.60	1.50	3.00	41.8	4.86	47.5	5.50	53.2	6.46	61.2	7.20	69.2
	C-1	0.6	0.60	1.50	3.00	1.4	4.86	1.7	5.50	2.0	6.46	2.3	7.20	2.6
	CS	151.1	0.60	1.50	3.00	181	4.86	38.2	5.50	43.3	6.46	30.0	7.20	30.6
	CS-11	181.1	0.60	1.50	3.00	207	4.86	46.2	5.50	51.6	6.46	34.6	7.20	40.5
	A-1	223.0	0.60	1.50	3.00	32.7	4.86	63.0	5.50	74.0	6.46	86.4	7.20	96.3

OWNER:

BURK & GLORIA COLLINS TRUST

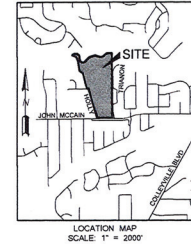
420 JOHNSON RD, SUITE 303
KELLER, TEXAS 76248
(817) 337-8899
CONTACT: CLAYTON REDINGER

ENGINEER:

DEOTTE, INC.
420 JOHNSON RD, SUITE 303
KELLER, TEXAS 76248
(817) 337-8899
CONTACT: CLAYTON REDINGER

APPLICANT:

SAGE GROUP, INC.
1130 N. CARROLL AVE., SUITE 200
SOUTHLAKE, TEXAS 76092
(817) 424-2626
CONTACT: CURTIS YOUNG



DEOTTE, INC.
CIVIL ENGINEERING | TAPE No. P-003116
420 Johnson Road, Suite 303 | Keller, Texas 76248
817-330-8999 (office) | 817-330-5313 (fax)

PREPARED FOR: BURK & GLORIA COLLINS TRUST

PRELIMINARY DRAINAGE
AREA MAP
OAK ALLEY
COLLEYVILLE, TX

BENCHMARKS:

```

M1
XX
LEV = XXX

M2
XX
LEV = XXX

```

XU

△ _____
△ _____
△ _____

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AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.

BY: Clayton T. Redinger
Reg. No.: 9749
Firm No.: F-3116(Tx)
Date: 5/23/2018

Printed by
donmotherne
May 23, 2018 - 12:33pm

DOI No. 201712100

1

DOI No. 201712100 - OAK ALLEY - WATER, SEWER, DRAINAGE AND PAVING IMPROVEMENTS - COLLEYVILLE, TX

LEGEND

	DRAINAGE AREA LABEL
	FLOW ARROW
	DRAINAGE DIVIDE
	EXISTING CONTOUR MINOR
	EXISTING CONTOUR MAJOR
	DESIGN POINT

NOTES:

1. PROPOSED GRADING IMPROVEMENTS WITHIN THE REGULATORY FLOODWAY OF BIG BEAR CREEK WILL LIKELY REQUIRE A CLOMR SUBMITTAL THROUGH FEMA AT THE COUNTY LEVEL TO AVOID HYDRAULIC IMPACT DUE TO DEVELOPMENT.
2. ULTIMATE CONFIGURATION AND SIZING OF PROPOSED IMPROVEMENTS MAY CHANGE SLIGHTLY IN FINAL DESIGN.
3. TOPOGRAPHY OBTAINED THROUGH TEXAS NATURAL RESOURCE INFORMATION SERVICE (NTRIS), 2009, NAUD 88 VERTICAL DATUM.
4. REF. TANGLEWOOD RECORD DRAWINGS (STAMPED 05-23-02) FOR DOWNSTREAM STORM DRAINAGE CAPACITY & CONFIGURATION.
5. BIG BEAR CREEK SPECIAL FLOOD HAZARD AREA OBTAINED THROUGH TARRANT COUNTY GIS. REFERENCE TO NAD 83 TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, US FEET.

Time of Concentration or Travel Time Worksheet

Project: Oak Alley
By: DAC
Date: 5/23/2018
Location: Colleyville, TX
Condition (Present/Proposed): **Current Conditions**

SHEET FLOW (Applicable to T_c only)

SEGMENT ID	OS-1				EX-A				EX-B1				EX-B2			
	Pavement		D. Grass		Pavement		D. Grass		Pavement		D. Grass		Pavement		D. Grass	
1. Surface Description	0.011		0.240		0.240		0.240		0.011		0.240		0.240		0.240	
2. Manning's Roughness Coefficient	100		100		100		100		100		100		100		100	
3. Flow Length, L (total L <= 300ft) --(ft)	4		4		4		4		4		4		4		4	
4. Two-yr 24 hr rainfall, P ₂₄ --(in)	0.021		0.05		0.05		0.05		0.021		0.05		0.05		0.03	
5. Land Slope, S _L --(ft/ft)	0.02		0.15		0.15		0.15		0.02		0.15		0.15		0.18	
6. T _r --(0.07*(n ₁ ^{0.85})/(P ₂₄ ^{0.48} *S _L ^{0.4}) --(hr)	1.06		8.85		8.85		8.85		1.06		8.85		8.85		10.85	
7. T _r --(0.07*(n ₁ ^{0.85})/(P ₂₄ ^{0.48} *S _L ^{0.4}) --(min)	1.06		8.85		8.85		8.85		1.06		8.85		8.85		10.85	

SHALLOW CONCENTRATED FLOW

SEGMENT ID	OS-1	EX-A	EX-B1	EX-B2
7. Surface description (paved or unpaved)	UNPAVED	UNPAVED	UNPAVED	UNPAVED
8. Flow Length, L, -(ft)	200	200	200	200
9. Watercourse slope, S, -(ft/ft)	0.022	0.02	0.024	0.02
10. Average velocity, V, -(ft/sec)	2.4	2.25	2.5	2.25
11. T _p = L/(3600*V) _-(hr)	0.02	0.02	0.02	0.02
11. T _p = L/(3600*V) _-(min)	1.39	1.48	1.33	1.48

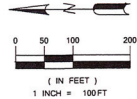
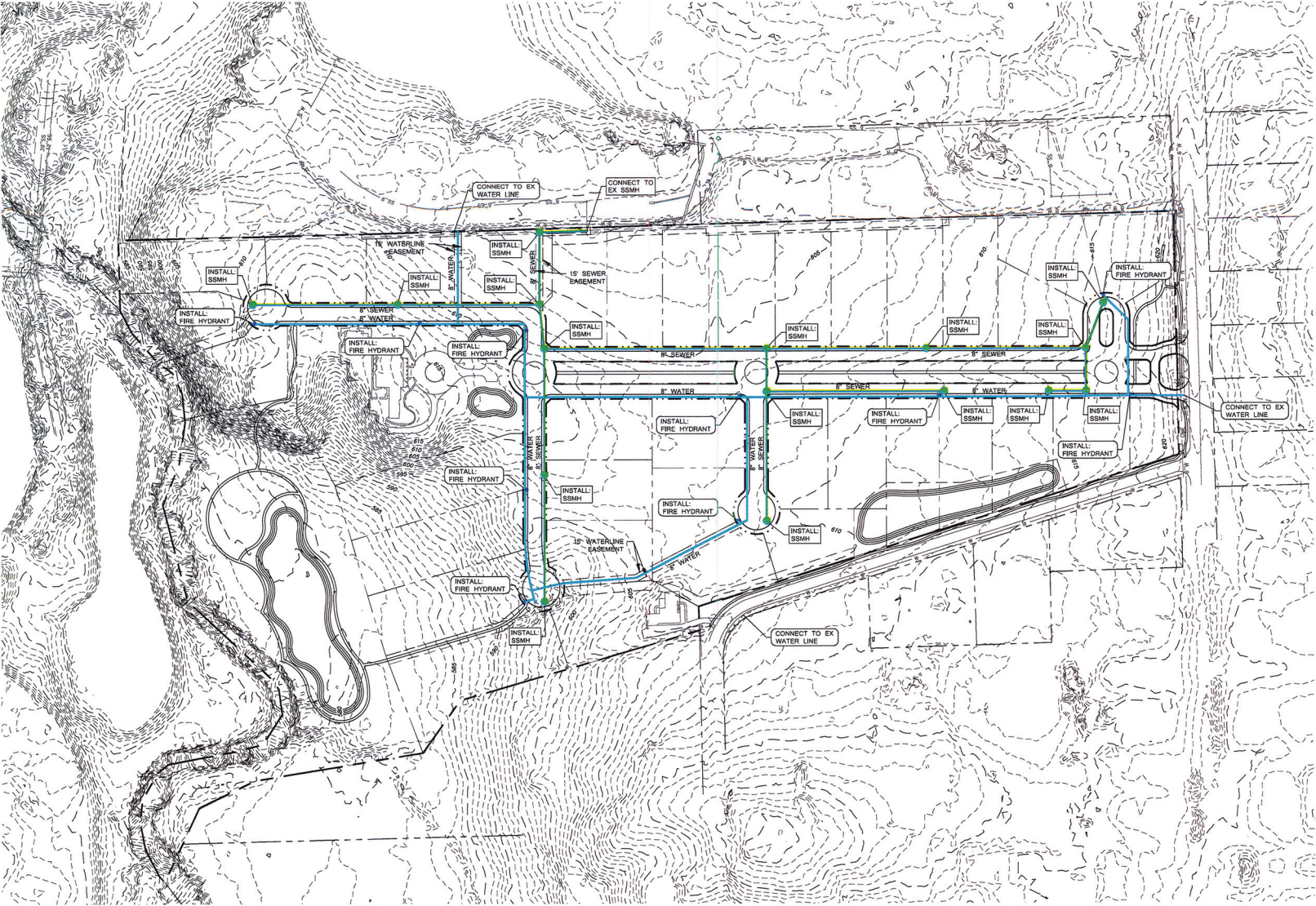
CHANNEL FLOW

SEGMENT ID	OS-1	EX-A	EX-B1	EX-B2
12. Cross section flow area, a_c (ft ²)				
13. Wetted perimeter, P_w (ft)				
14. Hydraulic radius, r_w (P_w/a_c) (ft)				
15. Channel slope, s (ft/ft)				
16. Manning's Roughness Coefficient, n				
17. $V = (1.49 K^{1/3} P_w^{2/3} s^{1/2})/n$ (ft/sec)	4	4	4	4
18. Flow length, L (ft)	2760	2595	872	393
19. $T_p = L/(3600V)$ (hr)	0.12	0.18	0.06	0.03
20. $T_p = L/(3600V)$ (min)	7.33	10.81	3.63	1.64

Watershed Area (ac.)

20. Total Watershed or subarea T_c or $T_{c...}$ (hr)20. Total Watershed or subarea T_c or $T_{c...}$ (min) T_e , ROUNDED (MIN 1)

Utility Plan



- LEGEND
- 8" WATER LINE
 - FIRE HYDRANT
 - 8" SANITARY SEWER LINE
 - SANITARY SEWER MANHOLE

DEOTTE, INC.
1111 E. 11TH STREET, SUITE 200
DALLAS, TEXAS 75202
TEL: (214) 741-1111
FAX: (214) 741-1112
WWW.DEOTTE.COM

PRELIMINARY UTILITY PLAN
OAK ALLEY
COLLEYVILLE, TX

BENCHMARKS:

BM1	XXX
BM2	XXX
BM3	XXX

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DOI No. 201712100

Landscape Plan



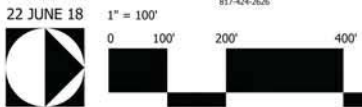
Owner:
Burk & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:
Miller Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Deotte, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8899
Contact: Clayton Redinger

Applicant:
Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
 **SAGE GROUP, INC.**
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



Tree Locations

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R

Case #ZC18-019

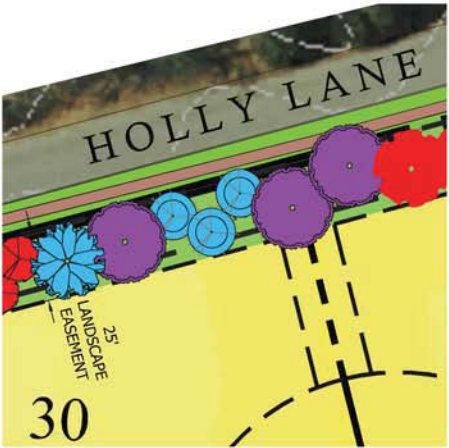
Oak Alley

Colleyville, Tarrant County, Texas

Landscape Plan

Holly Lane / Western Boundary Landscape Easement -
Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak <i>Quercus virginiana</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Red Oak <i>Quercus shumardii</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Cedar Elm <i>Ulmus crassifolia</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia speciosa</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Refrs. S. Shrevea Holly <i>Ilex x 'Teller & Shrevea'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Chaste Tree <i>Yucca glauca</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth

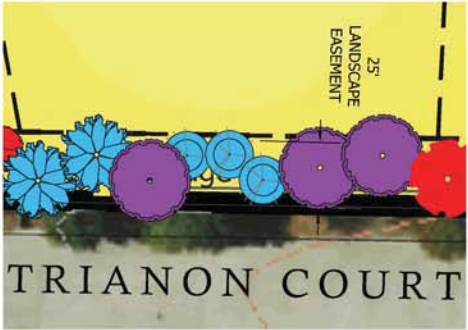


25' LANDSCAPE EASEMENT

3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT, CREDIT GIVEN FOR PRESERVING EXISTING TREES.

Eastern Boundary Landscape Easement -
Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak <i>Quercus virginiana</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Red Oak <i>Quercus shumardii</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Cedar Elm <i>Ulmus crassifolia</i>	3"	14'-18" HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia speciosa</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Refrs. S. Shrevea Holly <i>Ilex x 'Teller & Shrevea'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Chaste Tree <i>Yucca glauca</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth



25' LANDSCAPE EASEMENT

3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



25' LANDSCAPE EASEMENT
(15' PLANTING AREA)

2 SHADE, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT

22 JUNE 18



1" = 20'



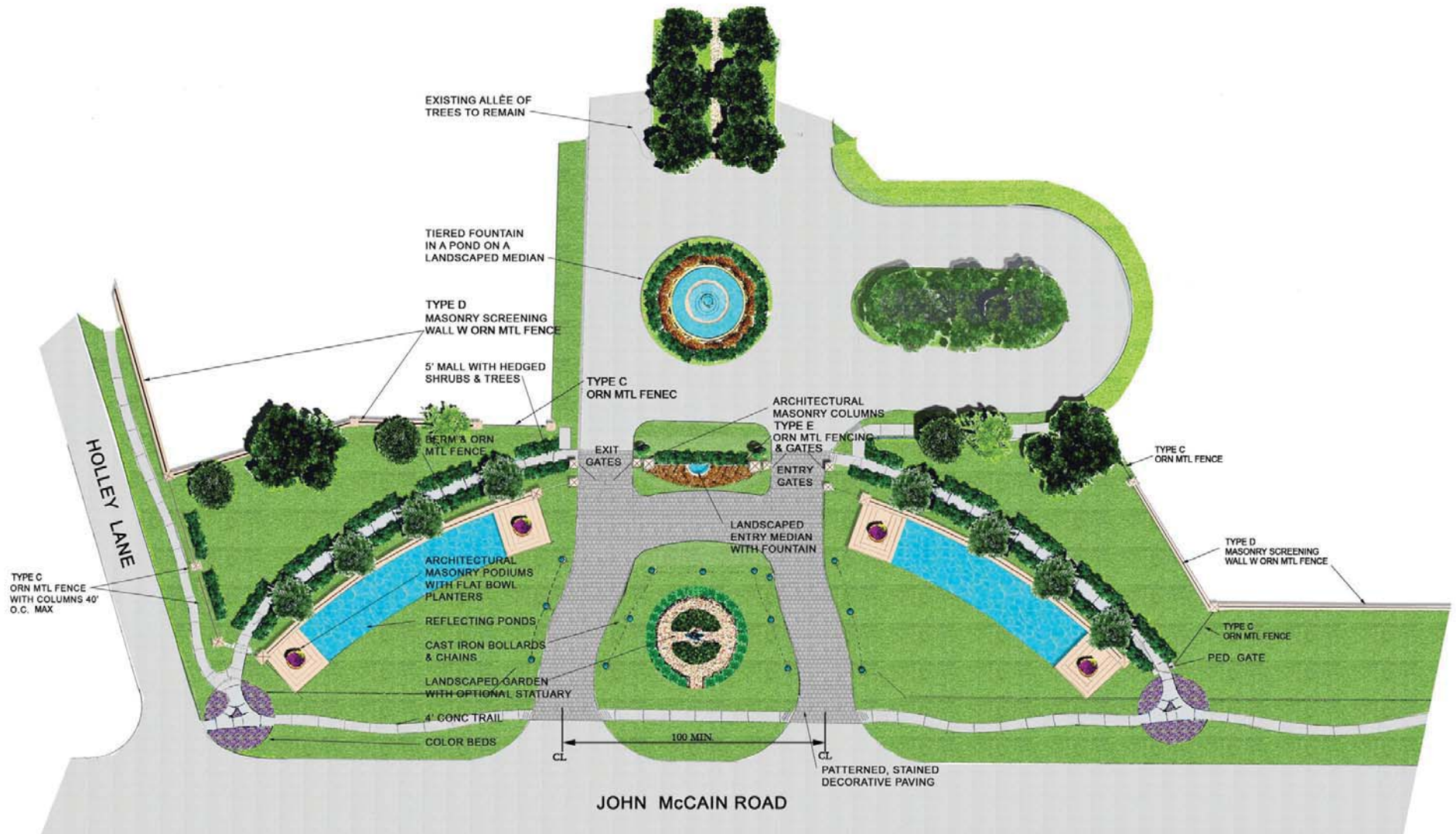
Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

Entry Plan



THE ENTRY

OAK ALLEY

Entry Plan

STONE



PAVERS



INSPIRATION



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1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2606

THE ENTRY

OAK ALLEY

Entry Elevations

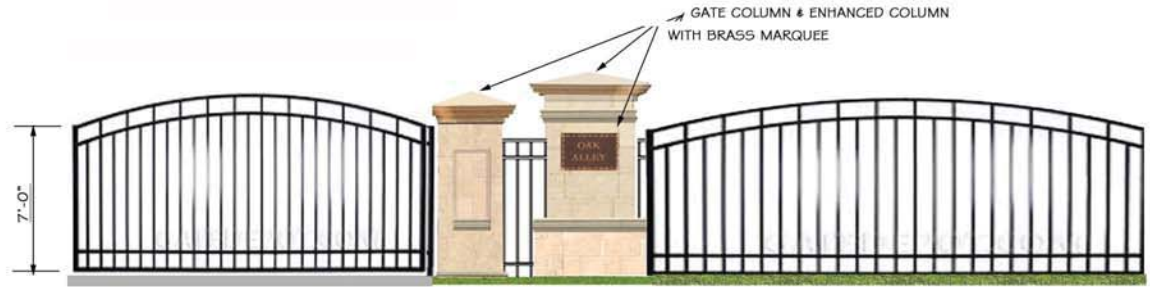
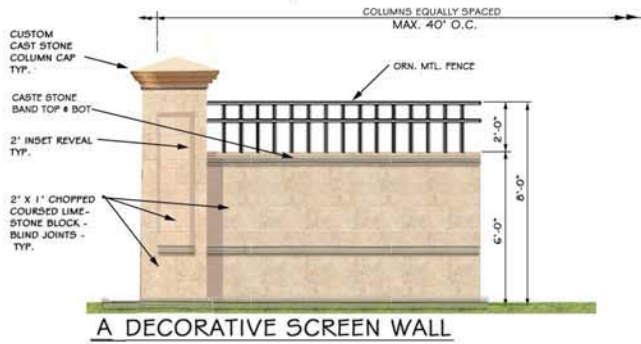


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Landscape Architecture
1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2626

ELEVATION OF THE ENTRY

OAK ALLEY

Screening and Fencing Plan



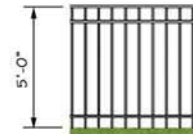
B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



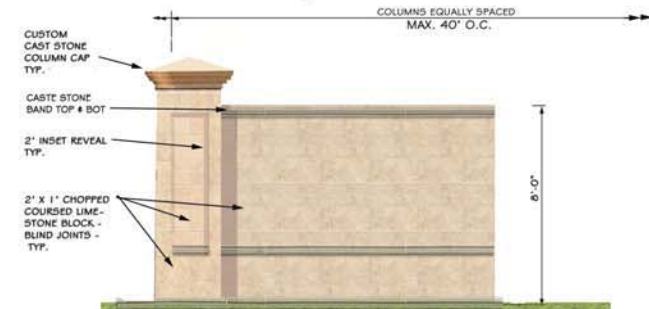
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL
METAL FENCE



F DECORATIVE SCREEN WALL



SAGE GROUP, INC.
Polar Planning
Urban Design
Landscape Architecture
1101 N. Grand Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-9526

SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

OAK ALLEY

This aerial map shows a residential development with lots 18 through 36. The lots are arranged in a grid-like fashion, with some irregular shapes. Lot 35 is highlighted in blue with an orange border and labeled "Landscaped & Drainage Easmt." Other lots are labeled with their lot numbers and square footages. For example, Lot 36 is 30,012 s.f., Lot 34 is 30,504 s.f., Lot 33 is 34,713 s.f., Lot 32 is 30,026 s.f., Lot 31 is 30,047 s.f., Lot 29 is 30,021 s.f., Lot 28 is 30,597 s.f., Lot 27 is 36,000 s.f., Lot 26 is 30,055 s.f., Lot 25 is 30,048 s.f., Lot 24 is 30,092 s.f., Lot 23 is 41,838 s.f., Lot 22 is 1.31 ac., Lot 21 is 1.00 ac., Lot 20 is 1.05 ac., Lot 19 is 1.16 ac., and Lot 18 is labeled "Home to Remain". The map also shows "CREEK PLANTATION 62nd C.T." and "COMBINE TRACT 2 LOT 1R2 BLOCK 4 1.6000 ACRE". Streets "C" and "D" are shown, along with "HOLLY LANE". A purple line runs along the top right, and a green line runs along the bottom left. A blue area is labeled "Landscaped & Drainage Easmt." and an orange line is labeled "20' Drainage Easmt.". Other labels include "Existing Zoning: RE L.U.D. = Residential", "Existing Zoning: R-40 L.U.D. = Residential", "20' Drainage Easmt.", "15' Water-line Easmt.", "20' Drainage & Pedestrian Access Easmt.", and "Home to Remain".



22 JUNE 18

0 1

0 1

[illegible][illegible]

Retain Existing Wall / Fence

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



TYPE C - 6' Ornamental Metal Fence WITH Masonry Columns
TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE F - 8' Masonry Wall
Retain Existing Wall / Fence

Eastern Boundary Detail (Sheet 1 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

22 JUNE 18

1" = 60'

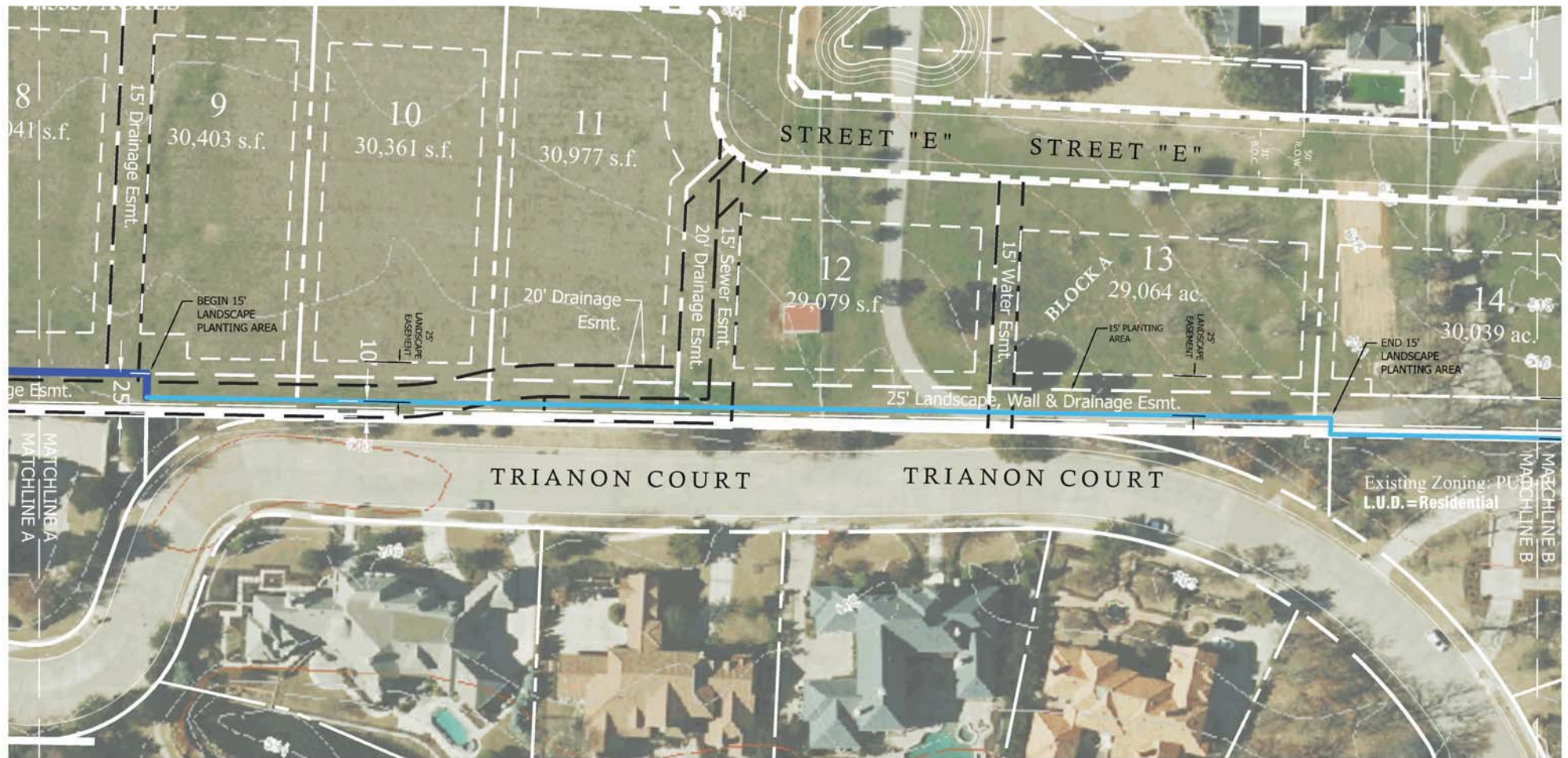


Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'
TYPE F - 8' Masonry Wall

Case #ZC18-002

22 JUNE 18

 $1'' = 60'$  $1'' = 60'$

0

11

Table 1

1

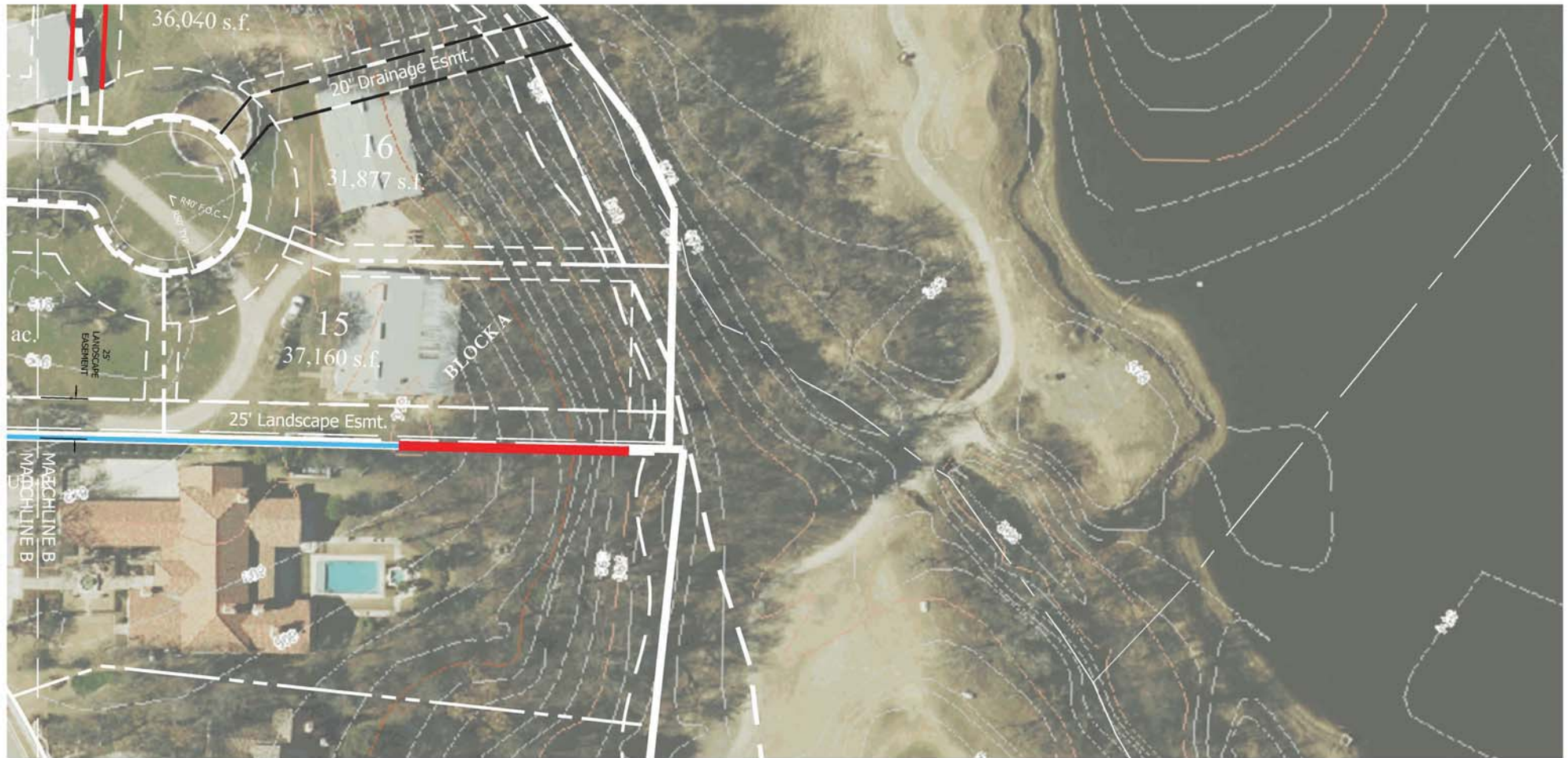
Eastern Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

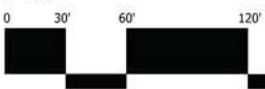
TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'

TYPE E - 6' Ornamental Metal Fence

Case #ZC18-002

22 JUNE 18

1" = 60'



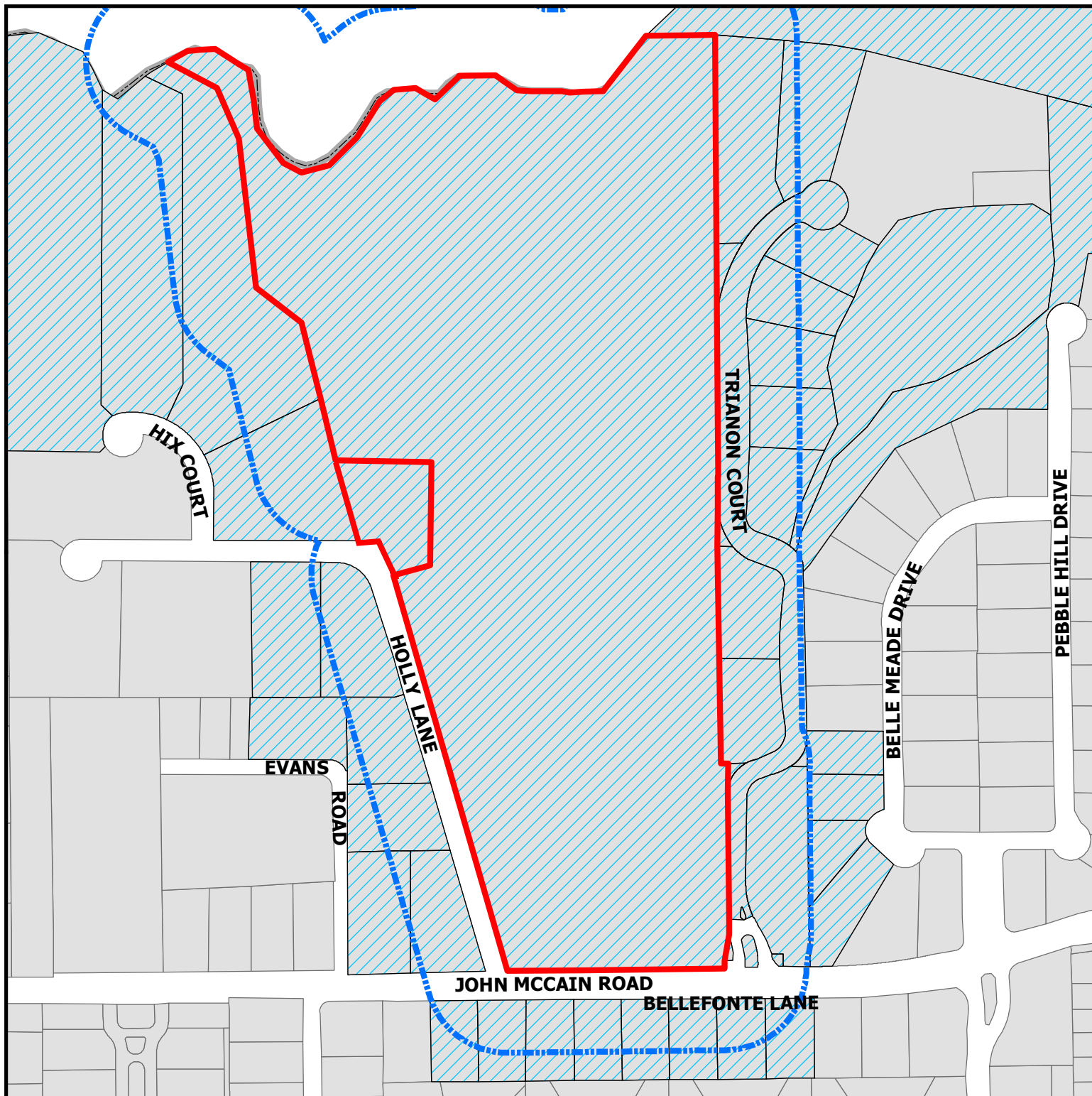
Eastern Boundary Detail (Sheet 3 of 3)

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

Notification Map

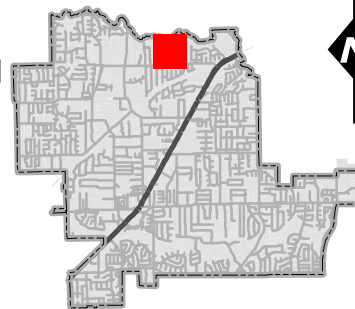


ZC18-019

1312 John McCain Road and 7309 Holly Lane N

DISCLAIMER:
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-  Subject Property
-  200ft Buffer
-  Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
MOON, KENNETH W	1305 BELLEFONTE LN	COLLEYVILLE, TX	76034	1305 BELLEFONTE LN
COLE, HENRY TR	7206 BELLE MEADE DR	COLLEYVILLE, TX	76034	7206 BELLE MEADE DR
PEARCE, CHARLES A	7212 HOLLY LN	COLLEYVILLE, TX	76034	7212 HOLLY LN N
BRADEN, KENNETH A	1307 BELLEFONTE LN	COLLEYVILLE, TX	76034	1307 BELLEFONTE LN
ALLEN, MARK C	7305 TRIANON CT	COLLEYVILLE, TX	76034	7305 TRIANON CT
BRUNKEN, JOHN	7204 BELLE MEADE DR	COLLEYVILLE, TX	76034	7204 BELLE MEADE DR
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7107 TRIANON CT
FONVILLE, EARL R	1403 BELLEFONTE LN	COLLEYVILLE, TX	76034	1403 BELLEFONTE LN
HEFLIN, JUD	1407 BELLEFONTE LN	COLLEYVILLE, TX	76034	1407 BELLEFONTE LN
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7101 JOHN MCCAIN RD
HUFFMAN, JERRY M	7309 TRIANON CT	COLLEYVILLE, TX	76034	7309 TRIANON CT
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7300 TRIANON CT
DAVIDSON, RICHARD	7304 HIX CT	COLLEYVILLE, TX	76034	7304 HIX CT
FLEMING, BRYAN A	7312 HIX CT	COLLEYVILLE, TX	76034	7312 HIX CT
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1216 HOLLY LN N
ST CLAIR, DAVID J	1401 BELLEFONTE LN	COLLEYVILLE, TX	76034	1401 BELLEFONTE LN
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7215 TRIANON CT
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7217 TRIANON CT
MADY, CONSTANCE E	7301 TRIANON CT	COLLEYVILLE, TX	76034	7301 TRIANON CT
BOTIK, DON	7208 TRIANON CT	COLLEYVILLE, TX	76034	7208 TRIANON CT
SPENCER, MARC	1309 BELLEFONTE LN	COLLEYVILLE, TX	76034	1309 BELLEFONTE LN
COLLINS, BURK	1840 NORWOOD PLZ STE 101	HURST, TX	76054	7309 HOLLY LN N
VENNEMEYER, MICHAEL	7212 TRIANON CT	COLLEYVILLE, TX	76034	7212 TRIANON CT
NOWOTNIK, DAVID	1405 BELLEFONTE LN	COLLEYVILLE, TX	76034	1405 BELLEFONTE LN
PISTOR, ELISE A	7200 HOLLY LN	COLLEYVILLE, TX	76034	7200 HOLLY LN N
RIGNEY, THOMAS	7308 HIX CT	COLLEYVILLE, TX	76034	7308 HIX CT
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1220 HOLLY LN N
COLLINS, BURK	1840 NORWOOD PLZ STE 101	HURST, TX	76054	1312 JOHN MCCAIN RD
TANGLEWOOD ESTATES MAINT ASSOC	7321 TRIANON CT	COLLEYVILLE, TX	76034	7105 JOHN MCCAIN RD
JEANES, FREDRIC M	7200 BELLE MEADE DR	COLLEYVILLE, TX	76034	7200 BELLE MEADE DR
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7103 TRIANON CT
URRUTIA, MICHAEL	1311 BELLEFONTE LN	COLLEYVILLE, TX	76034	1311 BELLEFONTE LN
GRANT, RICHARD	1304 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1304 JOHN MCCAIN RD
ST MARY'S COPTIC ORTHODOX CHUR	1110 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1300 JOHN MCCAIN RD
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7109 TRIANON CT
FONNER, ALAN D	7320 TRIANON CT	COLLEYVILLE, TX	76034	7320 TRIANON CT
GOTTFREDSON, MARK ALAN	7321 TRIANON CT	COLLEYVILLE, TX	76034	7317 TRIANON CT
WASHINGTON, DAVID	7300 HIX CT	COLLEYVILLE, TX	76034	7300 HIX CT
SMITH, NANCY BURSCH	7202 BELLE MEADE DR	COLLEYVILLE, TX	76034	7202 BELLE MEADE DR
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7150 EVANS RD
TIMARRON GOLF CLUB INC	3030 L B J FWY STE 600	DALLAS, TX	75234	201 E CONTINENTAL BLVD
CHEATWOOD, CHRIS	7313 TRIANON CT	COLLEYVILLE, TX	76034	7313 TRIANON CT
BRADSHAW, F THOMAS	7316 TRIANON CT	COLLEYVILLE, TX	76034	7316 TRIANON CT
HUDSON, LEONARD	7201 TRIANON CT	COLLEYVILLE, TX	76034	7201 TRIANON CT
CALDWELL'S CREEK ADDITION	P.O. BOX 682	COLLEYVILLE, TX	76034	COURTESY NOTICE
PEBBLE HILL PLANTATION ESTATES	P.O. BOX 911	COLLEYVILLE, TX	76034	COURTESY NOTICE
CARROLL ISD	2400 NORTH CARROLL AVE	SOUTHLAKE, TX	76092	STATE REQUIRED
GRAPEVINE COLLEYVILLE ISD	3051 IRA E. WOODS AVENUE	GRAPEVINE, TX	76051	STATE REQUIRED
YOUNG, CURTIS	1130 N. CARROLL AVE, SUITE 200	SOUTHLAKE, TX	76092	APPLICANT

Public hearing notices were mailed June 22, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-019
Applicant: Curtis Young
Owner: Burk and Gloria Collins
Location: 1312 John McCain Road and 7309 Holly Lane N
Property Description: Lots 1R1 & 1R2, Block 1, of the Bear Creek Plantation
Present Zoning: R-40 Single Family Residential District and AG Agricultural
Request: Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district. The purpose is to allow for the development of 36 single-family residential lots and 9 open space lots.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, July 9, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, August 7, 2018 & Tuesday, August 21, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

Tanglewood Estates Response to the Proposed Development

June 1, 2018

To: Colleyville Planning and Zoning Commission and City Council
Burk Collins and Curtis Young

From: Tanglewood Estates Maintenance Association

We have had many meetings with Burk Collins, and Curtis Young of Sage Associates who have developed the plat concepts for the proposed development, Oak Alley. We would much prefer a plan that doesn't have all of their homes backing up to the fronts of our homes, which we believe would be possible without the constraints of retaining the plantation home and the ability to relocate the entry oaks. However, if the agreements outlined below are **included in the zoning filings and approval and strictly enforced and non-changeable**, we can be supportive of the development plan submitted.

This letter and list of agreements, with attachments, is designed to lay out, in layman's terms our understanding of the agreement which must be formalized in the zoning filings and approvals and which we expect any developer of the property currently being referred to as Oak Alley to honor.

The plan we understand has been filed is shown as "Attachment A" which is a 36 lot concept with a 25 foot landscape easement on the east side. If any changes in the plat plan are made, we reserve the right to change our support or lack thereof for the plan and the associated agreements.

Attachments B, C, and D show the detail of how the wall will be configured along the East side. Beginning at the Botik property (behind lot #5), a wall will attach to the existing wall that is 6' of stone masonry (examples, shown as Exhibit E, F, and G are of Texas limestone, and expected finish is not smooth), and 2 feet of wrought iron. As the wall passes the Botik and Venemeyer properties (behind lots 5 - 9), the wall will follow the west boundary of the landscape easement. In other words, the landscape easement will be on the Tanglewood side of the wall. (Attachment B) Once reaching the end of the Venemeyer property line (after lot 9), the wall will move over so that 15' of the 25' will be on the Oak Alley side of the wall, and 10' will be on the Tanglewood side of the wall (Attachment C). The wall will continue in that manner until reaching the boundary of the Bradshaw property where the wall will move to the boundary of Tanglewood and Oak Alley and extend until the steep slope which leads into Bear Creek where it will then become an iron fence to the end of the property (exact location to be determined and marked) (Attachment D). All property on the Tanglewood side of the wall will be considered landscape easement to be deeded to Tanglewood HOA.

Both parties also have the following agreements:

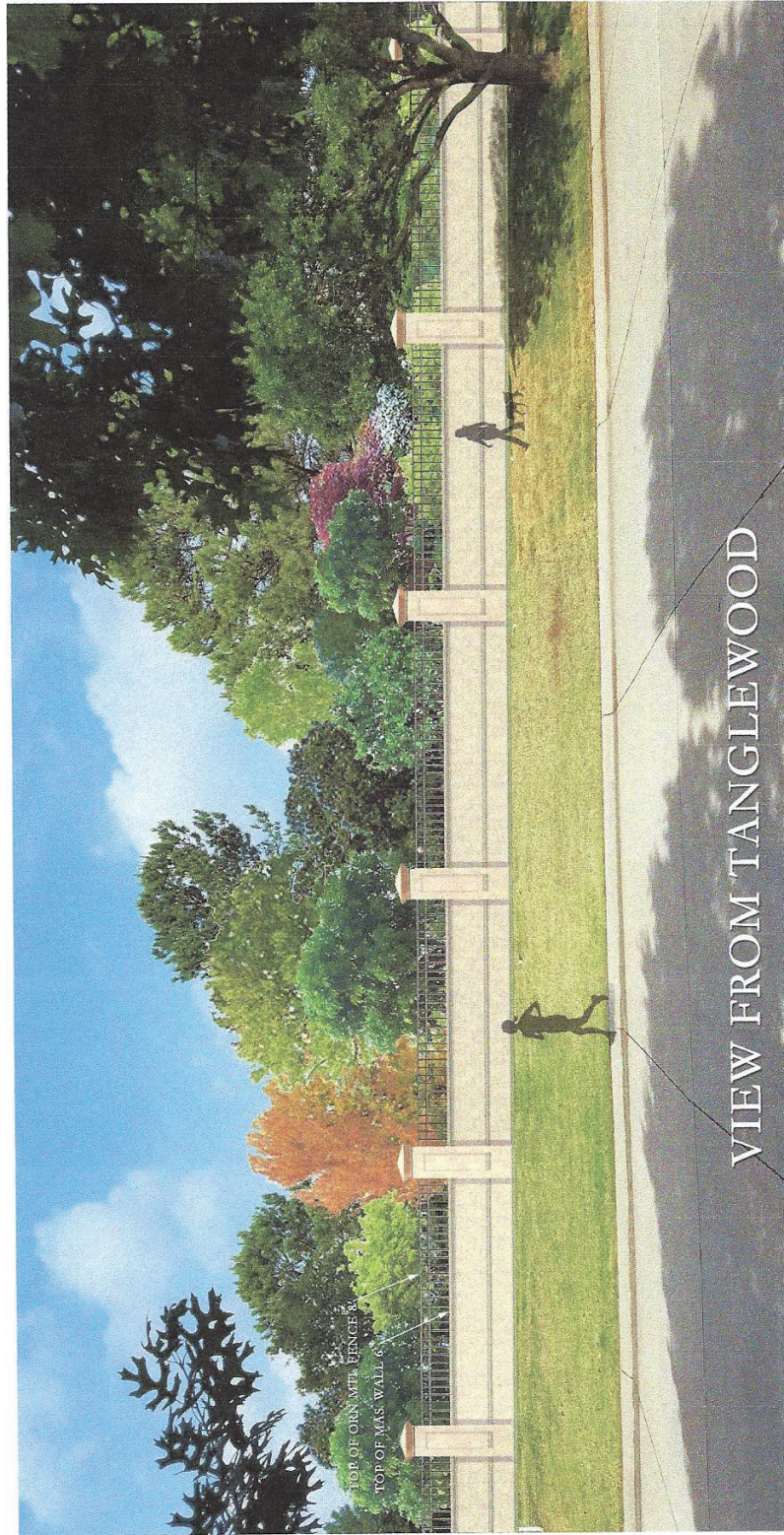
1. The wall along the boundary will be built by Oak Alley developers prior to any homes being built. The wall will be paid for and maintained in perpetuity by the Oak Alley HOA.
2. The portion of the landscape easement that will be on the Tanglewood side will be deeded as common area to the Tanglewood Maintenance Association (Tanglewood Maintenance Association will in turn deed the section in the yards of the Botiks and Venemeyers to them to plant and care for). This deeding shall be legally binding and

Tanglewood Estates Response to the Proposed Development

executed within 30 days of zoning change that has the above-mentioned plat attached to it.

3. The landscape easement (including the areas on both sides of the wall) will be graded and prepared for easy planting (for example, on part of the easement there is currently a hard top road that will be removed and the land graded so that no other work is required to plant and landscape the area). This shall occur prior to the wall installation, which will be before any homes being built.
4. An agreed upon (by Tanglewood Homeowner's Association) specific landscape plan for planting the landscape easement on the Oak Alley side of the wall **must be included in the plat submission to the city for zoning approval** for Oak Alley that will specify tree and shrub plant specimens, caliper and size, and spacing. This will include the area behind lots 1, 2 & 4 near the front of the development as well as behind lots 9 - 15.
5. The green space plantings on the Oak Alley side will take place immediately after the wall is installed, prior to construction of homes and will be irrigated with temporary irrigation. Replacements of any plant materials that die or seem to be failing will be made in a timely manner based on the next seasonal opportunity to replace.
6. CC&R's will specify that homeowners who have these green space plantings in their yards will be required to maintain such plantings and not remove them and also replace any that die or are failing in a timely manner based on the next seasonal opportunity to replace.
7. The CC&R's for Oak Alley will be similar to those for Quail Hollow in Westlake, TX and will require the highest architectural standards for the home, including the same architectural standards for the front, side and rear of each of the homes and must be included specifically in the plans for zoning approval and must be reviewed by and approved by Tanglewood Maintenance Association.
8. An engineering drainage study will be done by the city and Oak Alley developers will abide by recommendations of the study, conforming to the City Master Plan and Texas Water Code. Oak Alley agrees that they will not cause any impact to water runoff into the Tanglewood Estates HOA pond which increases the volume or velocity of water or potentially causes the pond to flood or be overwhelmed in handling the water during heavy rains. If such an impact is expected or occurs, Oak Alley developers agree to make necessary changes to the output area of the Tanglewood HOA pond to allow faster exit of the water from the pond. Precautions and provisions should be made to assure the lake depth remains the same as its current state and Oak Alley developers commit to remediate if any significant silt enters the pond during the construction process. Please see attachment of original drainage study for reference.

Tanglewood Estates Response to the Proposed Development



OAK ALLEY

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Schaumburg, IL 60196
TEL: 817-484-5026



Tanglewood Estates Response to the Proposed Development



**OAK ALLEY - BRUHN SMOOTH SPLIT
FACE LIMESTONE, COURSED
RUNNING BOND, CUT JOINT**

 **SAGE GROUP, INC.**
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2626

Tanglewood Estates Response to the Proposed Development

Site Data - Development Plan
Single Family Residential Lots : 36



Owner:
Buck & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:
Buck & Gloria Collins Trust
430 Red Circle Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Dodge, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8899
Contact: Clayton Redinger

Applicant:
Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
SAGE GROUP, INC.
Master Planning
Landscape Architecture
Interior Architecture
1130 N. Carroll Ave., Suite 200
Southlake, Texas 76092
817-424-2626



Concept Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Tanglewood Estates Response to the Proposed Development



6' Total: Masonry Wall 2.5' / Iron Fence 3.5'
 8' Total: Masonry Wall 6' / Iron Fence 2'
 Retain Existing Wall / Fence

Planner: SAGE GROUP, INC.
 Master Planning
 Landscape Architecture
 1114 N. Main Street, Suite 200
 Fort Worth, Texas 76102
 817-424-2625



Case #ZC18-002

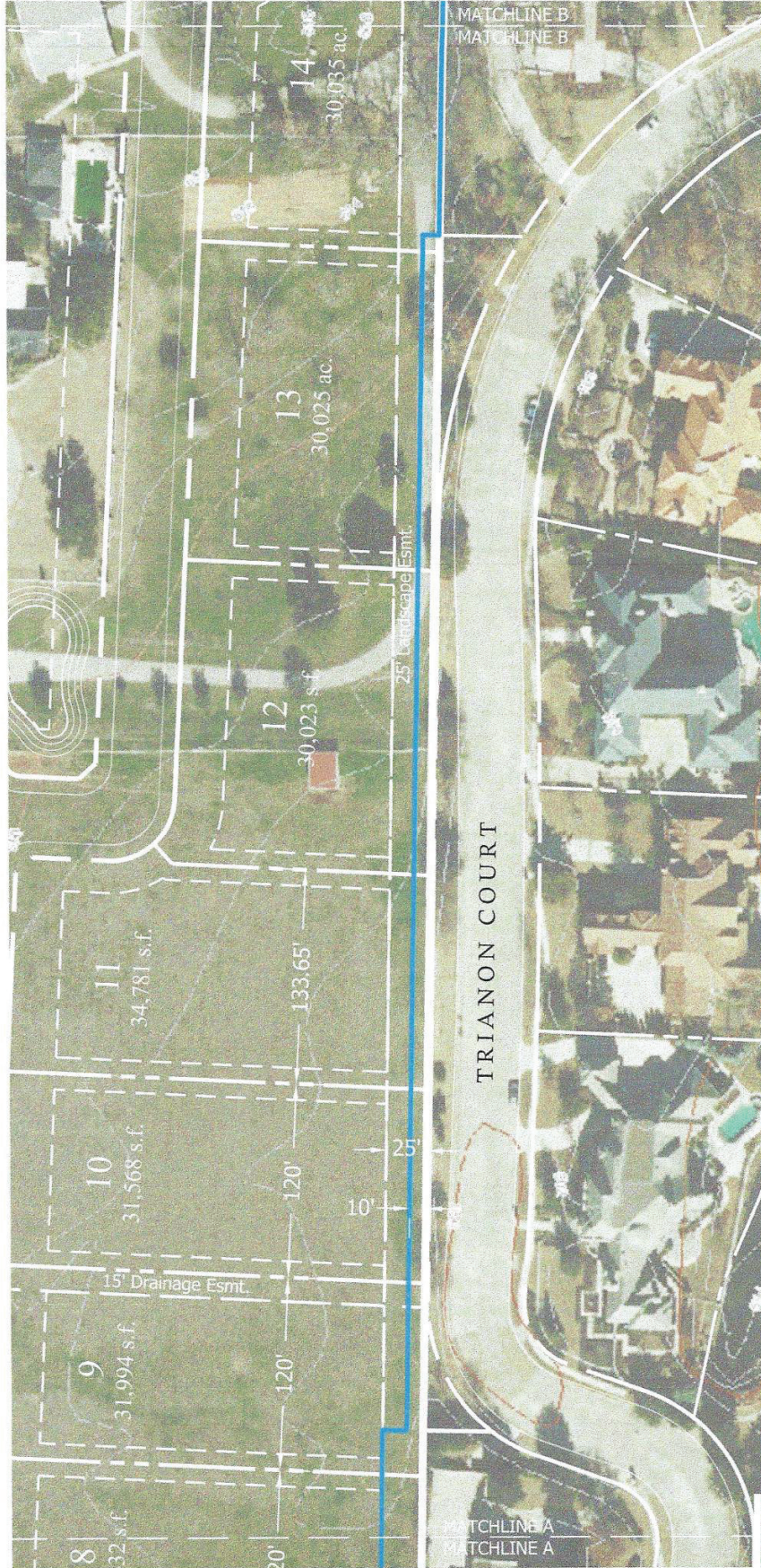
Oak Alley

Colleyville, Tarrant County, Texas

Eastern Boundary Detail (Sheet 1 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Tanglewood Estates Response to the Proposed Development



8' Total: Masonry Wall 6' / Iron Fence 2'

Planner: SAGE GROUP, INC.
17 MAY 18
1" = 60'



Case #ZC18-002

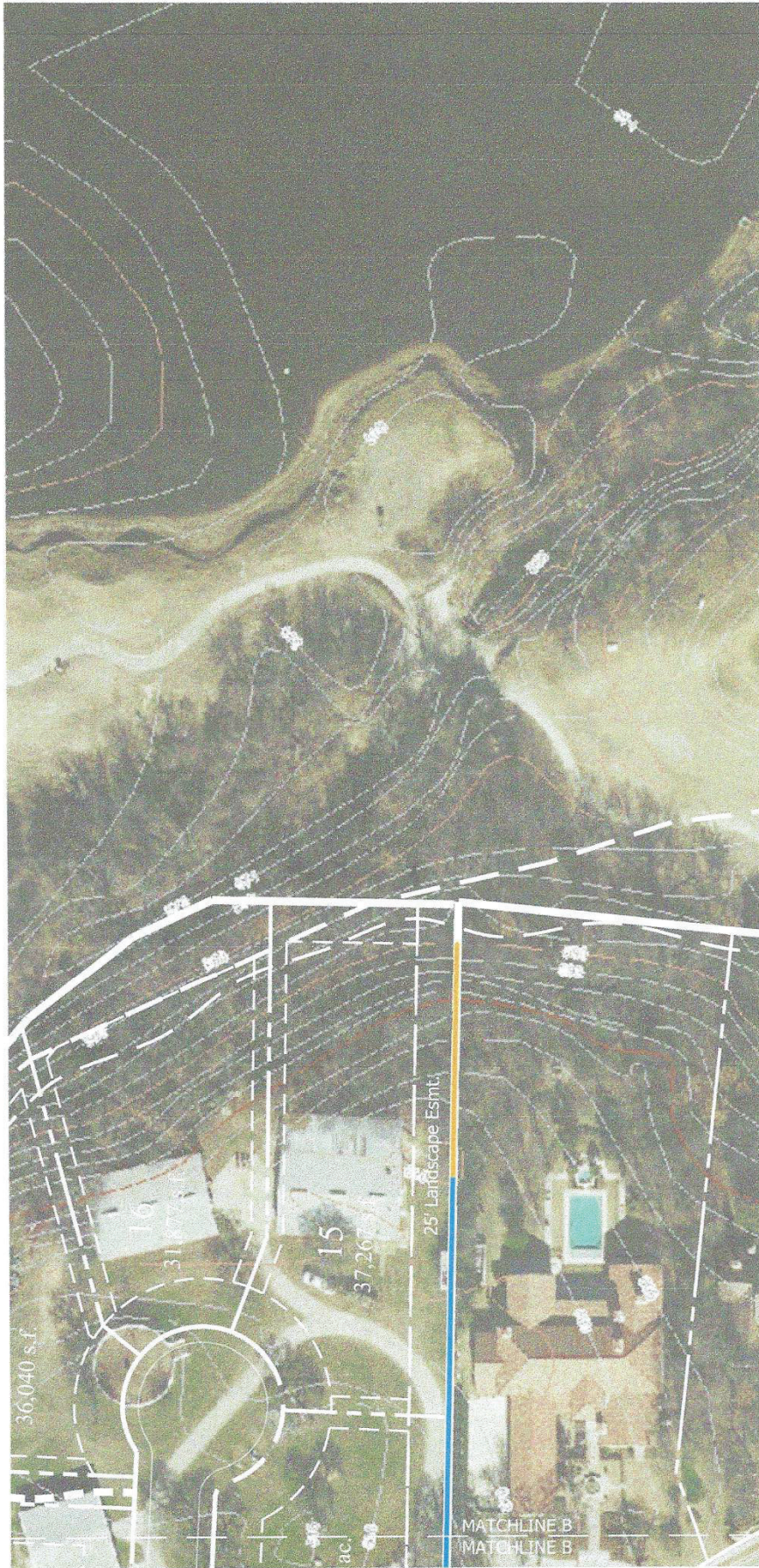
Oak Alley

Eastern Boundary Detail (Sheet 2 of 3)

Colleyville, Tarrant County, Texas

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Tanglewood Estates Response to the Proposed Development



8' Total: Masonry Wall 6' / Iron Fence 2'
Retain or Construct Iron Fence

Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Central Ave., Ste. 200
Southfield, Texas 75082
311-44-1416



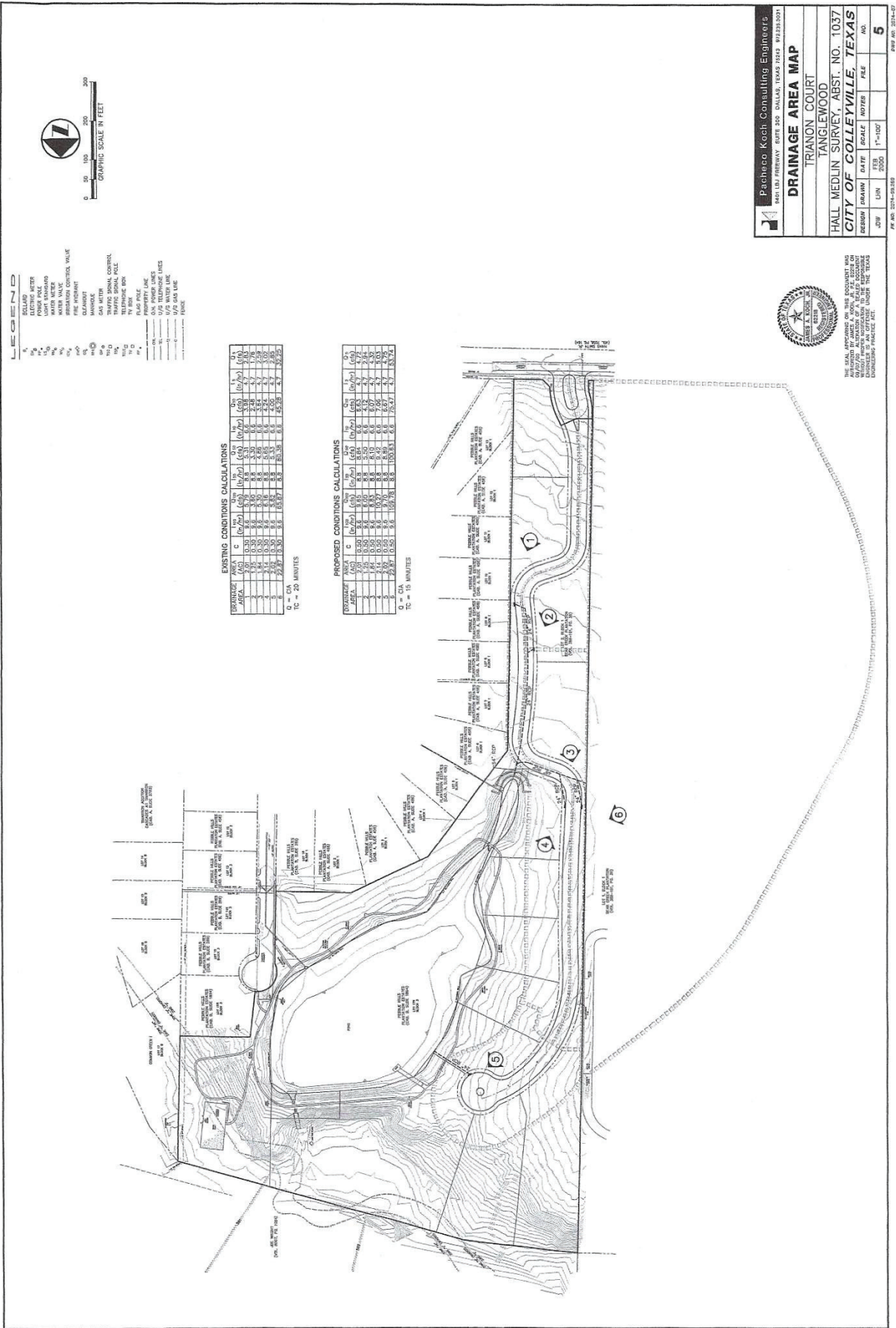
Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Eastern Boundary Detail (Sheet 3 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



Letter of Opposition

1

John & Susan Perone
1216 Holly Lane
Colleyville, TX 76034
July 1, 2018

Planning & Zoning Commission
City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Planning and Zoning Commission Board Members:

We reside at 1216 Holly Lane immediately to the West within 200 feet of the Oak Alley proposed development.

We are writing in response to the Notice of Public Hearing for Zoning case # ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the City of Colleyville Community Development Department, without modification, we are opposed to the proposal.

Our objections to the rezoning request include but are not limited to the following areas of concern:

- Lot sizes are not compatible and the proposal fails to protect the integrity of the adjacent neighborhood.
- The use of Holly Lane as a construction entry point, construction thoroughfare, or construction parking, staging would be unacceptable and would present a safety hazard.

The first reason for our lingering concerns is that the **Lot sizes** in the proposed Oak Alley development are not compatible with the adjacent Hidden Acres neighborhood. Specifically the Hidden Acres homes, many of which are within the 200 ft, on Holly Lane and Hix Court are zoned Residential Estate (RE) and as a result, the plan fails to protect the integrity of the neighborhood.

We realize that the rezoning request is for a PUD-R so to be specific our objection is that most of the lots are R-30 equivalent size lots with two immediately adjacent to our property which is zoned RE.

Furthermore, as the same property owners at 1216 Holly Lane for the last 25 years, approximately 18 years ago, I, John Perone, participated at the Rezoning Hearing when Bear Creek Plantation owner, Mr. Burk Collins requested and was approved to Rezone a parcel of the Bear Creek Plantation for his Foreman's house which is located on Holly Lane.

Letter of Opposition

2

We believe Mr. Collins established a R-40 equivalent size precedent when he wisely chose to rezone that parcel as R-40 Single Family Residential in order to be more compatible with the immediate neighborhood which included Hidden Acres RE homes as well as the two remaining R-40 homes on Holly Lane at that time.

The second reason for our lingering concerns pertains to potential construction traffic activity on Holly Lane with related safety issues.

We haven't seen any PUD-R contractual language that addresses this issue so we want to bring this to your attention.

We **strongly object** to the use of Holly Lane as a construction entry point, construction thoroughfare, or construction / contractor parking or staging area.

Considering the magnitude of the Oak Alley development, if any of the above mentioned were to occur, it would severely compromise the integrity and safety of our neighborhood with a major impact for years to come.

Holly Lane characteristics as follows:

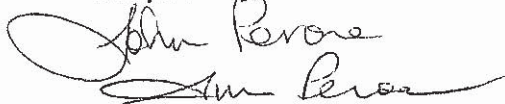
- Not a standard city sized street, as it is narrow in width.
- In order to facilitate two way traffic, any parking on the street has to be on the grass in the right of way. Therefore residents don't park on Holly Lane.
- Hazardous 70 degree curve near Foreman's house.
- No Outlet
- Children Playing

We want to thank you for your attention to our concerns and objections to the Oak Alley zoning change request.

It is our hopeful expectation that City Officials will preserve the Colleyville Comprehensive Plan, adhere to the Land Use Code, and facilitate citizen input.

Thank you for serving our community.

Respectfully,



John & Susan Perone
1216 Holly Lane
Colleyville, TX 76034
(H) 817-421-3057

ORDINANCE O-18-xxxx

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 43.54 ACRES ON LOTS 1R1 AND 1R2, BLOCK 1, BEAR CREEK PLANTATION ADDITION, LOCATED AT 1312 JOHN MCCAIN ROAD AND 7309 HOLLY LANE FROM THE AG AGRICULTURAL AND R-40 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO THE PUD-R PLANNED UNIT DEVELOPMENT - RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC18-019; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 43.54 acres on Lots 1R1 and 1R2, Block 1, Bear Creek Plantation Addition, located at 1312 John McCain Road and 7309 Holly Lane from the AG Agricultural and R-40 Single Family Residential zoning districts to the PUD-R Planned Unit Development – Residential zoning district, as depicted in the attached Exhibit "A" and Exhibit "C", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of detached dwelling units.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan, labeled as Exhibit "C", which shall not

be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate topographic, drainage, engineering design limitations or other conditions.

- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions:

- a. Minimum Lot Size: 26,000 square feet
- b. Minimum Lot Width: 100 feet, except for cul-de-sac lots which shall be a minimum of 67 feet wide, measured at the building setback line
- c. Front Yard Setback: 30 feet
- d. Side Yard Setback: 10 feet
- e. Street Side Setback: 20 feet
- f. Rear Yard Setback: 25 feet
- g. Minimum House Size: 3,500 square feet for a single-story home; 4,000 square feet for a two-story home.

5. OPEN SPACE

- a. This development shall provide not less than approximately 21% common open space, which shall generally be configured as shown in Exhibit "C". All open space areas shall be landscaped and maintained by the Homeowner's Association as described in Exhibit "B".
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association.

6. SCREENING

- a. Perimeter fencing and screening shall be in compliance with the Wall/Fence Diagram included and shown on the Conceptual Site Plan and associated exhibits, labeled as Exhibit "C".
- b. Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry.
- c. All lots backing to the Common Open Space lots shall be open style fencing of decorative metal, and/or masonry.

7. ARCHITECTURAL FEATURES

- a. Masonry Requirement – 100% brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.
- b. Garage Standard – Minimum of a three car garage with wood-like, architecturally enhanced doors.
- d. Minimum Roof Pitch – Minimum of a 10:12 roof pitch unless architecturally required to vary, based on home style.
- e. Windows – No aluminum windows allowed in the subdivision, only windows of higher quality and every efficiency will be allowed. All windows will be insulated glass with a "low-e" specification.

8. OTHER

- a. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the homebuilder upon construction of a new home, unless quality existing trees are present and saved.
- b. Within 60 days of the certificate of occupancy being issued, all lots must be fully landscaped and irrigated, both front and rear yards.
- c. Street Design Standards:
 - Right-Of-Way: Fifty feet (50')
 - Travel Lane Width: Thirty-one feet (31'), back of curb to back of curb

- Turning Radii: Fifteen feet (15')
 - d. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 23' b/b, in separate 42' Private Street ROW's.
 - e. All residences within the subdivision shall contain automatic fire-sprinkler systems.
- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of August 2018.

The second reading and public hearing being conducted on the 21st day of August 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 21st day of August 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map

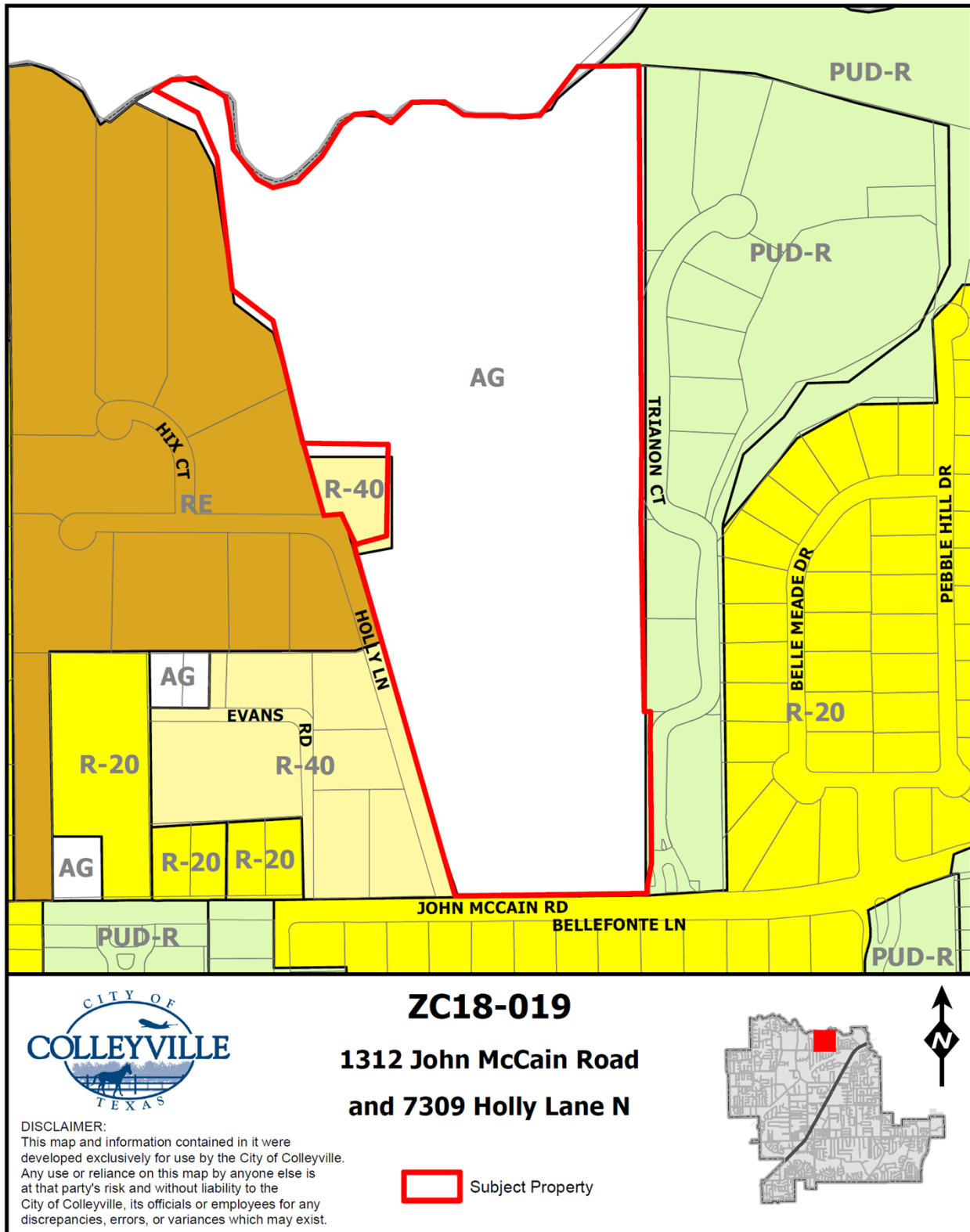


Exhibit “B” – Statement of Planning Objectives

Oak Alley

Colleyville, Texas

Zoning Narrative –23 May 2018

Burk Collins & Co. LTD, Developer

Sage Group, Inc., Land Planner

Statement of Planning Objectives

Oak Alley is a proposed residential neighborhood to be developed by Burk Collins & Co, LTD, under the PUD-R Residential District regulations for residential development in the City of Colleyville. The 43.54 acre property is located on the north side of John McCain Road, just east of Holly Lane and west of, and adjacent to, the Tanglewood gated neighborhood. The property is currently zoned R-40 and AG. The intent here is to rezone the entire property to PUD-R, unifying the property into one cohesive, master planned residential development of the highest quality.

There are currently two occupied single-family homes on the two platted properties that make up this proposal, both of which will be worked into the plan; most of the remaining structures will be removed.

The surrounding area is, for the most part, fully developed with a combination of PUD-R lots ranging from 15,000 s.f. and half acre lots, 30,000 s.f. lots, as well as acre plus sized lots. There are existing subdivisions bordering the subject tract on the entire western, eastern and southern boundaries. The northern boundary is Bear Creek, and is the city limit line. Across the creek is the Timarron Golf Course, and the City of Southlake.

The proposed plan, primarily consisting of 30,000 s.f. lots, has a range of lot sizes from 26,000 sf minimum, up to several acre plus lots (and one 3.3 acre lot for the existing large home) and open space, would fit in well with the neighborhood, as well as be consistent with the city’s Future Land Use Plan.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for Oak Alley will be very upscale, with selling prices estimated to start at around \$2.0 million. The development will center upon, and feature, the existing double row of Live Oaks, installed some years ago by the property owner along either side of the drive, the defining feature of the property. This will continue to enhance the vista toward the “plantation house” at the far end by placing a boulevard (divided) road along either side of it. An expanded greenbelt setback will be dedicated along the John McCain frontage, and will be fully landscaped, as will the other open space areas within the project. Open Space will make up over 21% of the project area.

Oak Alley will be proposed as a gated community with private streets. A double road, divided entry from John McCain Road, positioned to line up with and take advantage of the central double row of Live Oaks, will provide a distinctive and quality main entry. This divided road will serve as a loop road through the development, with the two entries from

John McCain meeting the minimum 100' centerline spacing for two points of emergency access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 50' R.O.W., throughout the project, except for the main divided central entry road.

There will be a requirement of at least two street trees for every residential lot to be installed by the home builders, adjacent to the street rights of way, unless there are already existing trees there that are saved. We have worked extensively, in conjunction with our neighbors to the east and west, to provide landscape buffers between the existing homes and the future home sites within Oak Alley. All perimeter boundaries will have 25', fully landscaped buffer easements, as shown on the Development Plan.

The existing and fully developed storm drainage has been carefully analyzed, and will be designed to meet all city regulations and not adversely affect any neighboring properties. There will be a pond constructed along the Holly Lane frontage- in a landscaped setting, which will double as a storm detention facility, to the extent it is necessary.

To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and a connection will be made to the large greenbelt area along Bear Creek, and an amenity for the residents.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Oak Alley will most likely be developed in two phases with first phase development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Oak Alley will have a total of thirty six (36) homes, each with an estimated average value upon completion of \$2,500,000, resulting in an overall tax base of over \$90,000,000. At the current tax rate of 2.339023%, the total taxes generated from the development are projected to be \$2,105,120, with over \$300,000 generated directly for the City at buildout.

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	3,500 square feet for a single story home, 4,000 square feet for a two story home
Minimum Lot Area:	26,000 s.f. (Average over 35,000 s.f.)
Minimum Lot Width:	One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line.
Front Yard Setbacks:	Thirty feet (30') back of the property line
Rear Yard Setbacks:	Twenty Five feet (25')
Side Yard Setbacks:	Ten feet (10').
Street-facing Side Yard:	Side yard setbacks on the street side of a corner lot, fronting on another street, shall be 20', except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan.
Street Standards:	The streets within Oak Alley are proposed to be private streets with restricted access (gated). All undivided sections will be built to the standard street section of 31' b/b paving, in a 50' Private Street ROW. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 23'b/b, in separate 42' Private Street ROW's.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch, unless architecturally required to vary, based on home style.
Garage Standard:	Minimum of a three car garage with wood-like, architecturally enhanced doors.
Masonry Requirement:	One hundred percent (100%) brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.

Additional Elevation Requirements: All plans will be reviewed by the Oak Alley Architectural Review Committee, and will comply with a set of Design Guidelines which will be developed to assure structures and site features of the highest quality. Elevations will have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. The elevations on all “four sides” shall be addressed in the design to present a finished appearance. Roofing will match the architectural style, and at a minimum, be either 50 lb. Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation should add interest to the entire streetscape.

Windows: No aluminum windows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a “low-e” specification.

Fencing: Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.

Where lots back to existing residential lots with fences, the existing fence shall be kept, maintained or improved in coordination with each owner, as shown in the diagram on the Development Plan. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative masonry or metal fence will be installed, all in cooperation with the adjacent property owner.

Streetscape Standards: Minimum of two (2) three-inch (3”) caliper trees per front yard, unless quality existing trees are present and saved. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Open Space Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Oak Alley Homeowners Association through dues collected from the individual homeowners. Membership in the Homeowner’s Association is mandatory.

Street Design Standards:

Right of Way:	Fifty feet (50')
Travel Lane Width:	Thirty-one foot (31'), back of curb to back of curb
Turning Radii:	Fifteen feet (15')

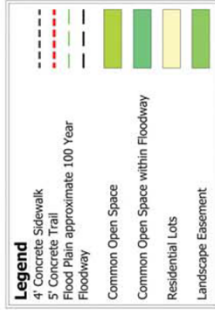
Open Space Standards:

Except for the natural tree preservation areas, the Common Open Space shall be fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned, operated and maintained by Oak Alley Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage:

A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.

Exhibit "C" – Conceptual Zoning Exhibit



Site Data - Development Plan

Single Family Residential Lots	36
Common Areas	9
Residential Lots	68.22%
Open Space Floodway	29.78 ac.
R.O.W.	12.93%
Gross Acreage	4.53 ac.
Density Data	100.00%
Residential Density	43.54
Residential Density	0.83
Residential Density	0.92
Summary	
Residential Lots	36
Minimum Building Lot Area	36,000 s.f.
Minimum Building Lot Area	36,000 s.f.
Common Areas	9
Existing Zoning	AG & R-40
Proposed Zoning	PUD-N

Owner:
Berk & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:
Miller Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Dorazio, Inc.
430 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-577-1052

Applicant:
Sage Group, Inc.
11111 West Loop South, Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Landscape Architecture
11111 West Loop South, Suite 200
Southlake, Texas 76092
Tel: 817-424-2626



Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R
Case #ZC18-019

Oak Alley

Colleyville, Tarrant County, Texas



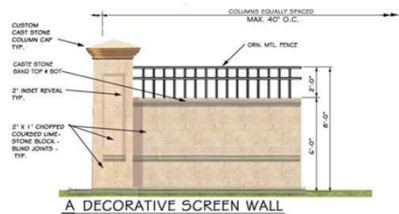
Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



THE ENTRY

OAK ALLEY



A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



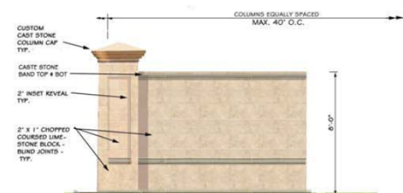
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL
METAL FENCE



F DECORATIVE SCREEN WALL

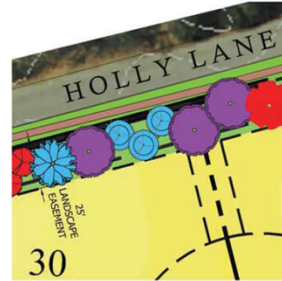


SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

OAK ALLEY

Holly Lane / Western Boundary Landscape Easement - Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Orange Mistle	30	12" DBH	condition: green, existing growth
	Orange Mistle	30	12" DBH	condition: green, existing growth
	Orange Mistle	30	12" DBH	condition: green, existing growth



25' LANDSCAPE EASEMENT
3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT, CREDIT GIVEN FOR PRESERVING EXISTING TREES.

Eastern Boundary Landscape Easement - Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
	Live Oak	1	12" DBH	single trunk (over 10' H), 10' DBH, existing growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Orange Mistle	30	12" DBH	condition: green, existing growth
	Orange Mistle	30	12" DBH	condition: green, existing growth
	Orange Mistle	30	12" DBH	condition: green, existing growth



25' LANDSCAPE EASEMENT
3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



25' LANDSCAPE EASEMENT
(15' PLANTING AREA)
2 SHADE, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



22 JUNE 18

1" = 20'

0 20' 50' 100'

Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

STONE



PAVERS



INSPIRATION



THE ENTRY

OAK ALLEY

DOE No. 2017111001

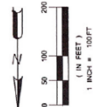
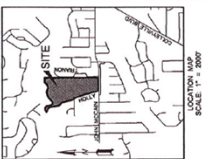
DATE: 5/23/2018

THIS DOCUMENT IS FOR REVIEW AND
NOT FOR CONSTRUCTION
AND NOT BE USED FOR CONSTRUCTION
OR FOR ANY OTHER PURPOSE
WITHOUT THE WRITTEN PERMISSION
OF THE ENGINEER
DATE: 5/23/2018
BY: [Signature]
FOR: [Signature]
PROJECT: [Signature]

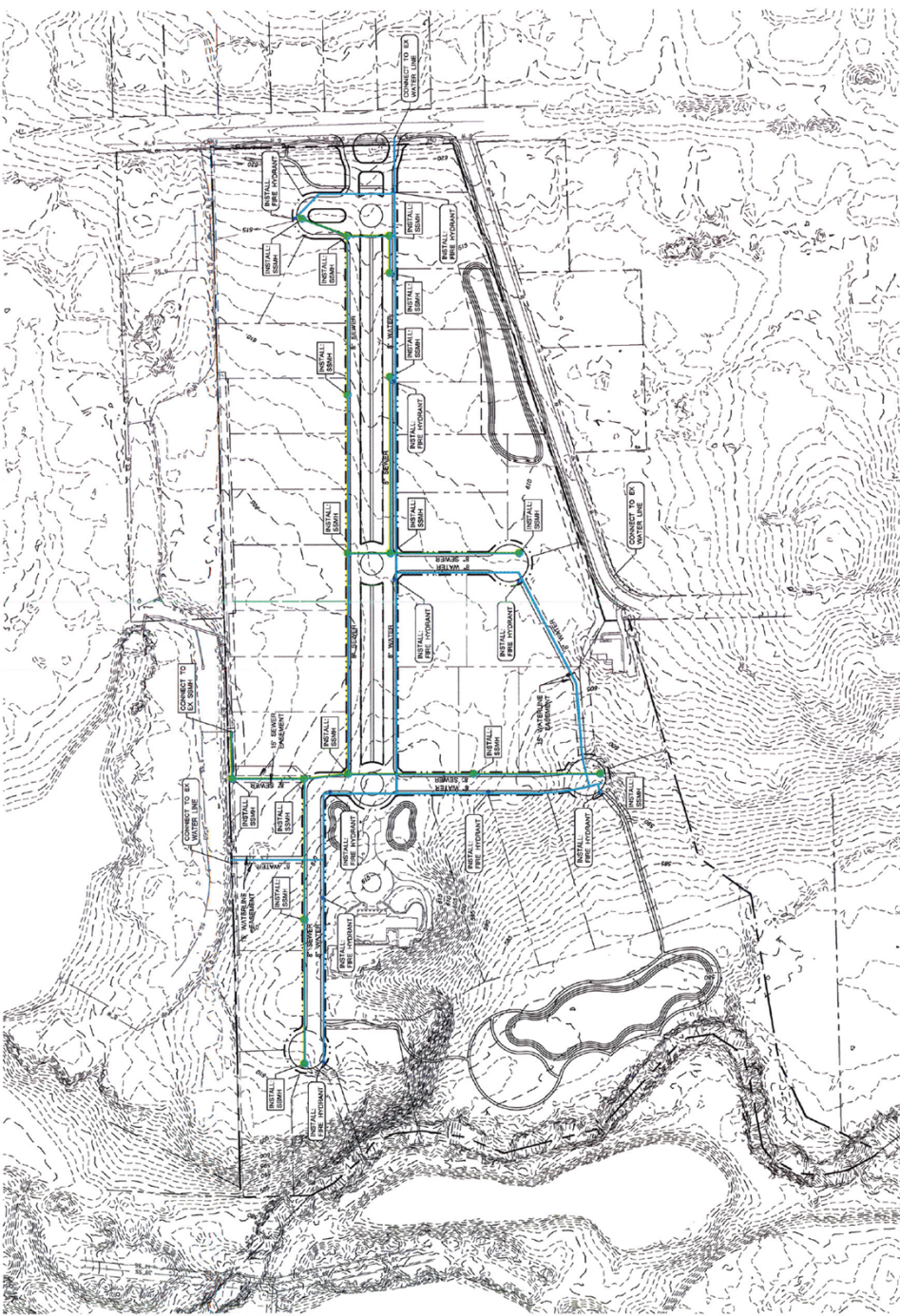
REVISIONS

NO.	DATE	DESCRIPTION
1	5/23/2018	ISSUED FOR REVIEW
2	5/23/2018	ISSUED FOR REVIEW
3	5/23/2018	ISSUED FOR REVIEW

PRELIMINARY UTILITY PLAN
OAK ALLEY
COLLEYVILLE, TX



- LEGEND
- 8" WATER LINE
 - FIRE HYDRANT
 - SEWER MAIN
 - SEWER BRANCH
 - SEWER MANHOLE





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3e	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004, TABLED FROM THE JUNE 11, 2018 MEETING

Explanation

Update: This item was Tabled to the July 9, 2018 Commission meeting. The applicant was in discussions with the adjacent property owners regarding the needed easement.

Item Summary: Kevin Kessler, the applicant, requests approval of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition on approximately 2.20 acres, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail. The applicant proposes to combine and redevelop 2 lots, an old right-of-way area, and an open space lot into 2 single-family residential lots and an open space lot. The old right-of-way area will be abandoned as part of the plat.

Existing Conditions/Background: The subject property is currently zoned PUD-R Planned Unit Development – Residential district and is a combination of Lots 1 & 2, Block 1, Neidholt Addition, and old right-of-way area, and Lot 2X, Block E, Old Grove Addition. The property is generally located east of Cast Iron Forest Trail and southwest of John McCain Road as it turns north. The property is currently undeveloped. The plat up for consideration proposes to combine and redevelop the property for future residential development on 2 lots and an open space lot.

Lot Dimensions and Setbacks:

Per Ordinances O-04-1475, Lot Requirements and Setbacks, the PUD zoning regulations require the following standards:

- Minimum Lot Area: 13,000 square feet
- Average Lot Area: 16,000 square feet
- Minimum Lot Width: 90 feet
- Minimum Lot Depth: 120 feet
- Minimum Front Yard Setback: 25 feet
- Minimum Side Yard Setbacks: 10 feet
- Minimum Rear Yard Setback: 25 feet

As submitted, the proposed plat meets all of the requirements of the PUD-R zoning and

the Land Development Code.

Surrounding Development: The properties to the north, south, and west are zoned PUD-R Planned Unit Development – Residential district and primarily developed with single family homes. The property to the east is zoned R-30 Single Family Residential district and developed with a single family home. There is a large retention/detention pond adjacent to the south.

Analysis: The property is located at the northeast side of the Old Grove neighborhood. The PUD-R zoning approved in 2004 originally planned for 4 lots. The proposal has reduced the lot number to 2 lots for single-family residential development.

The proposed Final Plat also includes a small open space lot adjacent to an existing Emergency Access Easement and drive lane.

Finally, an old right-of-way area is currently unused with no improvements existing. The approval of the Final Plat will include the abandonment of the right-of-way and the area incorporated into the lot area of the proposed area of Lot 1.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Public Notification: Staff mailed notices to all property owners within 200 feet of the subject property on Friday, March 23, 2018. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code on Saturday, March 24, 2018. To date, no correspondence has been received for this item.

Staff Recommendation: The proposed Final Plat meets the requirements of the Land Development Code, staff recommends approval.

Recommendation

Approve

Attachments

1. Request to Table
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Plat Exhibit
6. O-04-1475
7. Notification Map
8. Notification List
9. Property Owner Notification Letter
10. Draft Resolution

Ben Bryner

To: Mike Boswell
Subject: RE: Old Grove Phase 2

From: Mike Boswell [mailto:mboswell@tollbrothers.com]
Sent: Monday, June 11, 2018 11:10 AM
To: Ben Bryner <BBryner@colleyville.com>; Taylor Schauwecker <TSchauwecker@colleyville.com>
Cc: Manny Rios <mrios@tollbrothers.com>; Kessler, Kevin C. <Kevin.Kessler@jacobs.com>; Greg Powell <GPOWELL@tollbrothers.com>; Ryan Bashaw <RBASHAW@tollbrothers.com>
Subject: Old Grove Phase 2

Ben/Taylor:

Attached are the revised final plat and construction plans for Old Grove Phase 2. Since we are pushing a deadline here, I believe it is appropriate to continue to table the matter to the July 9th Planning and Zoning hearing date to allow time for engineering staff to fully review the changes to confirm the plans meet the Land Development Code for the City of Colleyville.

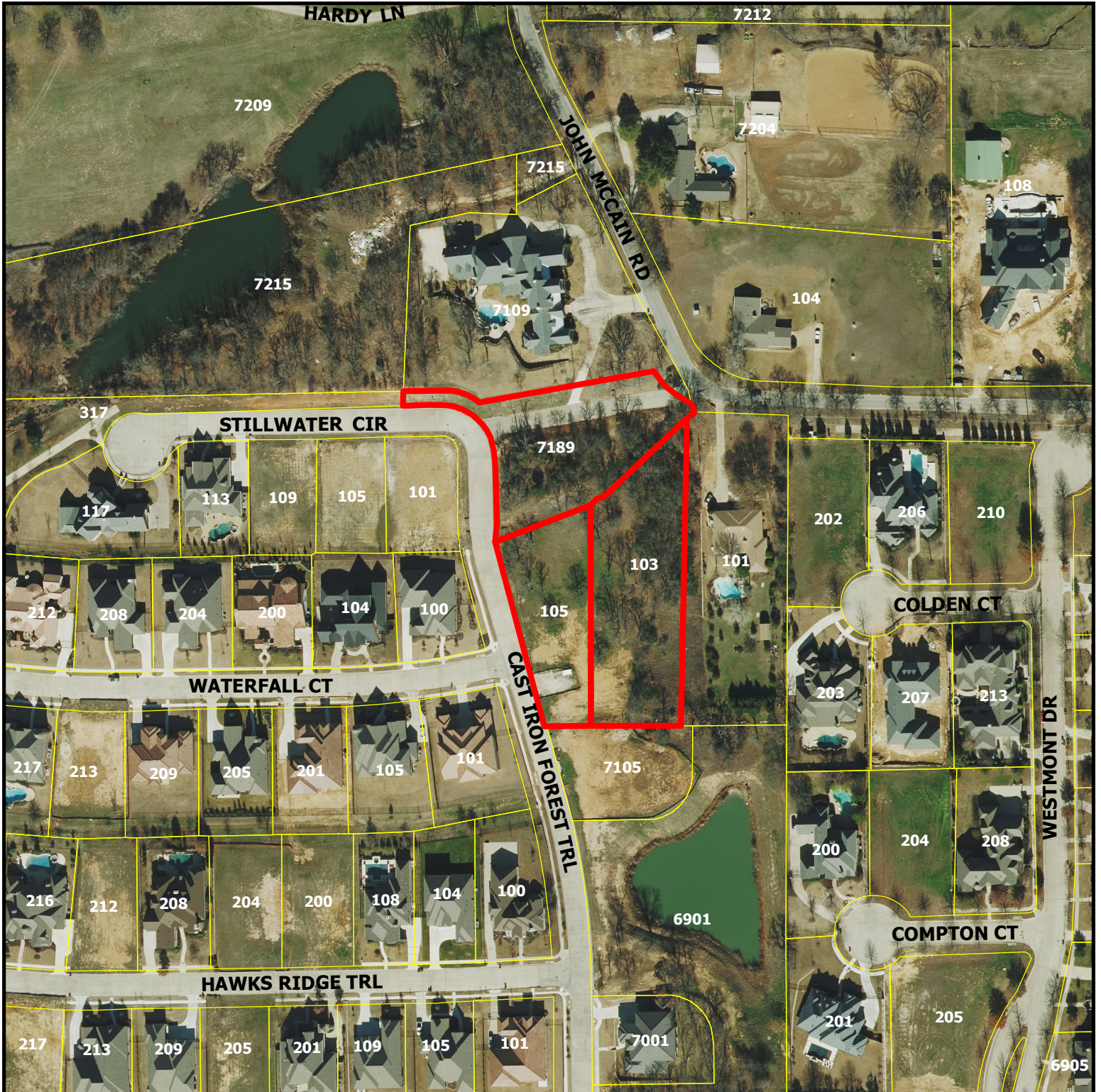
Please do not hesitate to contact me if you have questions or require additional information.

Thank you,

Mike Boswell
Director of Land Development

Toll Brothers, Inc. – Dallas / Fort Worth
2555 SW Grapevine Parkway, Suite 100
Grapevine, Texas 76051
Direct: (817) 329-7973
Cell: (972) 672-5228
Email: mboswell@tollbrothersinc.com

Aerial Map

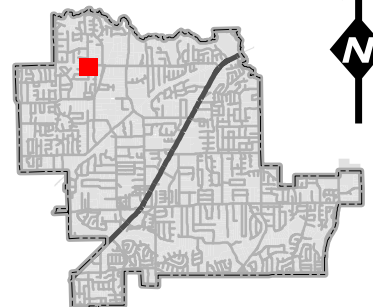


PC17-004

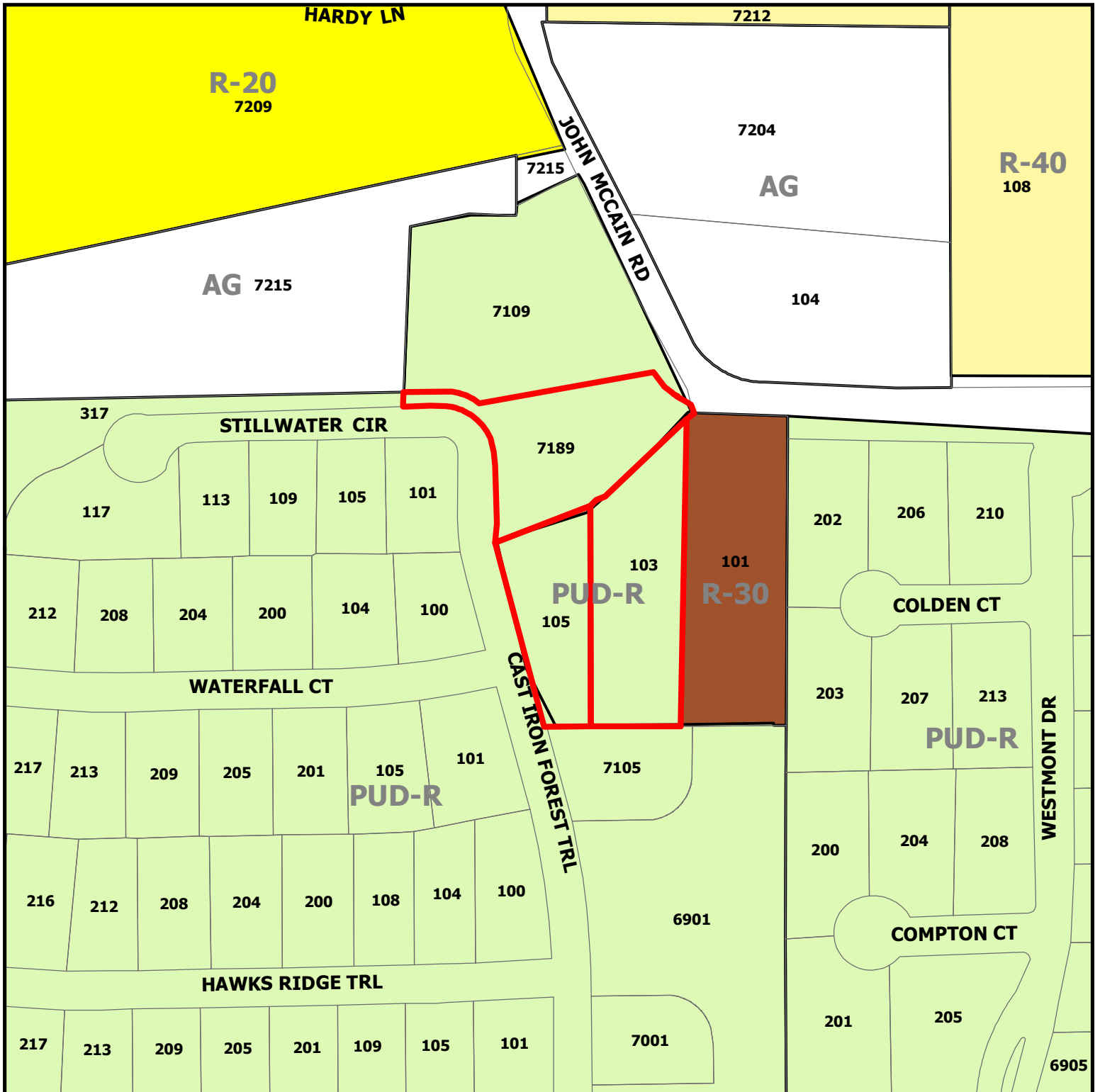
**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

 Subject Property



Zoning Map

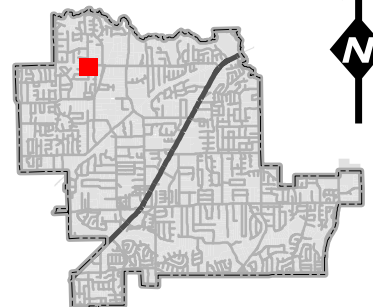


PC17-004

**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

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 Subject Property



Future Land Use Map



PC17-004

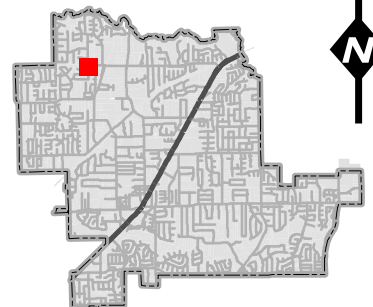
**105 & 103 John McCain Rd and
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Subject Property



OLD GROVE ADDITION, PHASE II



ORDINANCE O-04-1475

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOTS 1 AND 2, BLOCK 1, NEIDHOLT ADDITION, FROM THE R30 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE PUD-R PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Old Grove Limited Partnership on July 6, 2004, under Case No. Z-04-026; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the R30 Single Family Residential district to the PUD-R Planned Unit Development Residential district, as shown on the attached Exhibit "C", including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Sec. 2. THAT the PUD-R shall be subject to the following conditions:

1. GENERAL

- a. The purpose of the PUD-R area is for single-family residential development.

- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

- a. Single family residences, detached
- b. Open space

3. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:

(1) Minimum Lot Size	13,000 square feet
(2) Minimum Lot Width	90 feet
(3) Minimum Lot Depth	120 feet
(4) Front Building Line	25 feet
(5) Side Building Line	10 feet
(6) Rear Building Line	25 feet

- b. The average lot size 16,000 square feet and shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

4. OPEN SPACE

- a. The PUD-R area shall provide a minimum of twenty percent (20%) of the residential project area as common open space for the leisure and recreational use of the development's residents. The open space shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II. The open space shall comply with the provisions contained in the Land Development Code.
- b. The common open space may be utilized for storm water detention purposes.

5. CONCEPTUAL SITE PLANS AND PLATTING

- a. The residential lot layout of the PUD-R area shall be generally consistent with the conceptual site plan attached as Exhibit "C", which shall be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate physical, topographic, drainage or other conditions.

- b. Prior to the issuance of any development permits on the subject property and as a condition to the development of the subject property, the developer shall obtain approval of a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code. In approving the final plat, the approving body shall exercise reasonable discretion with respect to changes from the Preliminary Plat in roadway design, lot sizes, lot shape, building line, setback lines, open space and all other aspects of the plat.
- c. The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

6. STREETS AND SIDEWALKS

- a. Each homebuilder shall construct sidewalks along lot frontages. All sidewalks shall be constructed in accordance with the requirements of the Colleyville Land Development Code.

7. OTHER

- a. This development shall be subject to all impact fees as of the date of approval of the final plat.
- b. No water or sewer extensions are required to be made to adjacent property.
- c. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer.

- Sec. 3. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 4. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Sec. 6. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of August 2004.

The second reading and public hearing being conducted on the 7th day of September 2004.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:



Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

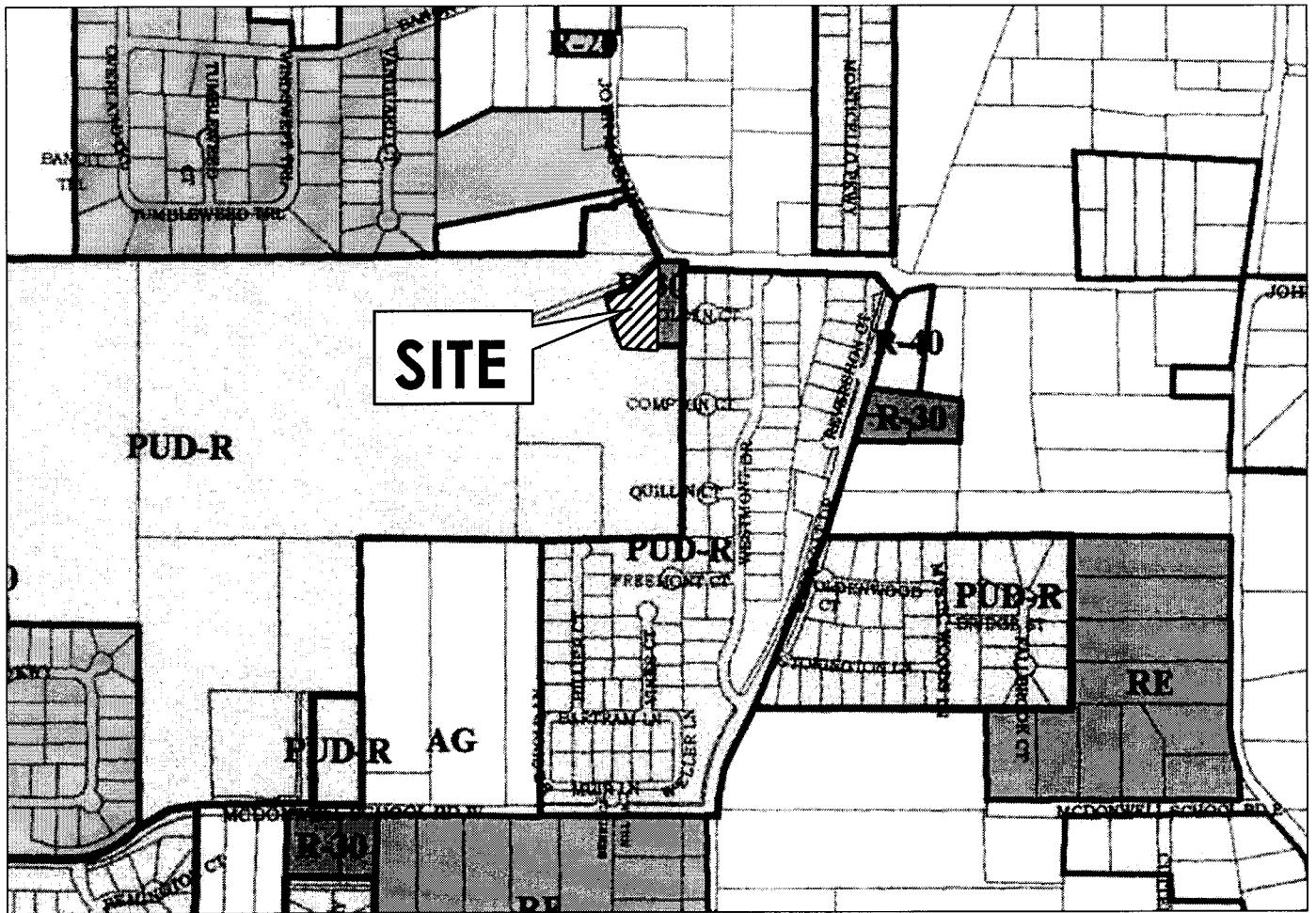


EXHIBIT B – METES AND BOUNDS DESCRIPTION

BEING a tract of land in the D.J. Beddo Survey, Abstract No. 232, situated in the City of Colleyville, Tarrant County, Texas and being all of Lot 1 and Lot 1, Block 1, of the final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64, Plat Records, Tarrant County, Texas (PRTCT), and being a portion of an unnamed right-of-way dedication as set out by aforesaid plat, and being a portion of that tract of land as described in deed to Old Grove Limited Partnership, recorded in Volume 1469, Page 37, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a ½-inch rebar found at the southeast corner of Lot 3, Block 1, the said final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, being an angle point in the west line of Westmont, an addition to the City of Colleyville, Tarrant County, Texas, as recorded in Cabinet A, Slide 6060, PRTCT, being the most easterly northeast corner of said Old Grove tract;

THENCE South 89 degrees 54 minutes 50 seconds West, departing the west line of said Westmont, along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, a distance of 105.60 feet to southwest corner of said Lot 3 and the southeast corner of said Lot 2, being the POINT OF BEGINNING of the herein described tract of land;

THENCE South 89 degrees 54 minutes 50 seconds West, continuing along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, at a distance of 116.83 feet passing a 5/8 inch rebar found, said point being 0.25 feet to the south of line, at a distance of 194.00 feet passing a ½ inch rebar capped set at the southwest corner of said Neidholt Addition and a reentrant corner of said Old Grove tract, thereafter traversing said Old Grove tract, continuing a total distance of 199.18 feet to a ½ inch rebar capped set at the southwest corner of the herein described tract of land;

THENCE traversing said Old Grove tract, as follows:

North 15 degrees 12 minutes 36 seconds West, a distance of 220.16 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the right, having a radius of 250.00 feet;

Northwesterly, along said curve, having a central angle of 15 degrees 05 minutes 37 seconds, an arc distance of 65.86 feet and a chord that bears North 07 degrees 39 minutes 47 seconds West, 65.6 feet to a ½ inch rebar capped set;

North 89 degrees 53 minutes 01 seconds East, non tangent to said curve, a distance of 5.00 feet to a ½ inch rebar capped set;

North 00 degrees 06 minutes 59 seconds West, a distance of 71.04 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the left having a radius of 75.00 feet;

Northwesterly, along said curve, having a central angle of 22 degrees 32 minutes 37 seconds, an arc distance of 29.51 feet and a chord that bears North 11 degrees 23 minutes 17 seconds West, 29.32 feet to a ½ inch rebar capped set at the northwest corner of the herein described tract;

North 81 degrees 17 minutes 06 seconds East, non tangent to said curve, a distance of 267.80 feet to a ½ inch rebar found in the southwesterly line of John McCain Road (County Road No. 3036, variable width right-of-way), from which a 3/8 inch rebar found bears South 76 degrees 32 minutes 02 seconds West, 6.00 feet;

THENCE South 78 degrees 29 minutes 15 seconds East, along the southwesterly line of said John McCain Road, a distance of 2.40 feet to the northeast corner of the herein described tract;

THENCE South 00 degrees 30 minutes 30 seconds West, departing the southwesterly line of said John McCain Road, at a distance of 27.55 feet passing the northwest corner of said Lot 3 and the northeast corner of said Lot 2, continuing along the west line of said Lot 3 and the east line of said Lot 2, a total distance of 417.12 feet to the POINT OF BEGINNING and containing 97,138 square feet or 2.230 acres of land, more or less.

Notification Map

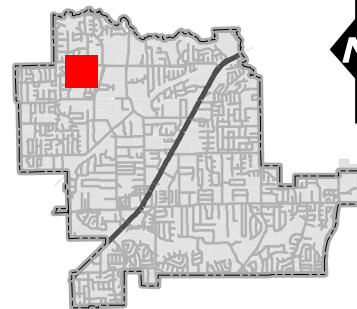


PC17-004

**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

-  Subject Property
-  200ft Buffer
-  Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JOHNSON, MARK	203 COLDEN CT	COLLEYVILLE, TX	76034	203 COLDEN CT
BATTLES, BRANDON	101 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	101 JOHN MCCAIN RD
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 STILLWATER CIR
ALLEN, LEROY	101 STILLWATER CIR	COLLEYVILLE, TX	76034	101 STILLWATER CIR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 JOHN MCCAIN RD
FREIG, JOSE	104 HAWKS RIDGE TRL	COLLEYVILLE, TX	76034	104 HAWKS RIDGE TR
BOLTON, JONATHON	202 COLDEN CT	COLLEYVILLE, TX	76034	202 COLDEN CT
HA, THANH THUC	100 HAWKS RIDGE TR	COLLEYVILLE, TX	76034	100 HAWKS RIDGE TR
LAW, JAMES	109 STILLWATER CIR	COLLEYVILLE, TX	76034	109 STILLWATER CIR
RAU, SUSAN	7105 CAST IRON FOREST TRL	COLLEYVILLE, TX	76034	7105 CAST IRON FOREST TR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	103 JOHN MCCAIN RD
ALLEN, CARL E	200 COMPTON CT	COLLEYVILLE, TX	76034	200 COMPTON CT
KELLY, JOHN	105 WATERFALL CT	COLLEYVILLE, TX	76034	105 WATERFALL CT
CLARK, EDWARD D	104 WATERFALL CT	COLLEYVILLE, TX	76034	104 WATERFALL CT
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	7189 CAST IRON FOREST TR
HIGHTOWER, ROXANNE S	104 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	104 JOHN MCCAIN RD
ETTA, ANITA B	101 WATERFALL CT	COLLEYVILLE, TX	76034	101 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	6901 CAST IRON FOREST TR
RIACH, STEVEN E	7109 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7109 JOHN MCCAIN RD
DAWSON, WESLEY	406 PECAN DR	IRVING, TX	75061	7215 JOHN MCCAIN RD
WESTMAN, GARY A	2812 COTSWOLD CT	KELLER, TX	76248	100 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	317 OLD GROVE RD
OLD GROVE ADDITION	P.O. Box 1481	COLLEYVILLE, TX	76034	COURTESY NOTICE
WESTMONT ADDITION	5751 KROGER DRIVE	KELLER, TX	76244	COURTESY NOTICE
KELLER ISD	350 KELLER PARKWAY	KELLER, TX	76248	STATE REQUIRED
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
KESSLER, KEVIN	1999 BRYAN STREET, SUITE 1200	DALLAS, TX	75201	APPLICANT



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC17-004

Owner: Toll Dallas TX LLC

Applicant: Kevin Kessler

Location: 105 & 103 John McCain and 7189 Cast Iron Forest Trail

Property Description: Lots 1 and 2, Block 1, of the Neidholt Addition, Lot 2X, Block E, of the Old Grove Addition, and existing dedicated Right of Way

Present Zoning: PUD-R Planned Unit Development Residential District

Request: Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail. The purpose of the plat is to combine the 3 properties into 2 Single Family Residential lots and 1 open space lot.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, April 9, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, May 1, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Felix Landry
Principal Planner
flandry@colleyville.com

RESOLUTION R-18-XXXX

**A RESOLUTION APPROVING A FINAL PLAT FOR LOTS 1, 2, AND 3X,
BLOCK 1, OF THE OLD GROVE ADDITION, PHASE II**

WHEREAS, the Planning and Zoning Commission recommended approval of the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on July 9, 2018.

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

Sec. 1. THAT the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on approximately 2.20 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 2ND DAY OF JUNE 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kathy Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
Assistant City Secretary

Richard Newton
Mayor



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3f	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of amendments to the Land Development Code, specifically Chapter 6 – Commercial Design Standards

Explanation

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). City staff has already reviewed the attached chapters with the City Council at their recent worksession meetings. The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission followed by formal review and approval by the City Council.

The attached chapters are the beginning of the formal adoption process. The remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Recommendation

Approve

Attachments

1. Ch. 06 Commercial Design Standards - Redline v2 (05.25.18)

Chapter 6 Commercial Design Standards

Amended 12/13/2011

Section 6.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for development of commercial and institutional properties and for the exterior design and exterior building materials of commercial and institutional buildings in all zoning districts.

Section 6.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
2. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 6.3 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 6.4 Building Design Standards

1. Applicability: For any new commercial and institutional buildings, or additions or alterations exceeding 50% of the building improvement value based on the current certified tax roll, the following standards apply. For institutional buildings, if no relevant appraisal data exists on the certified tax roll, the building improvement value shall be obtained through an independent third party appraiser, paid by the building permit applicant, and provided to the City.
2. Facade Articulation - All large commercial buildings shall have facades which comply with the following requirements:
 - a. Horizontal Articulation – No building façade visible from a public street or parking area 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 visible from a public street or parking area 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:

Commented [BB1]: These standards taken from the Large Commercial Building standards found in Chapter 3.

- (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 are not visible from a public street or parking area, 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.

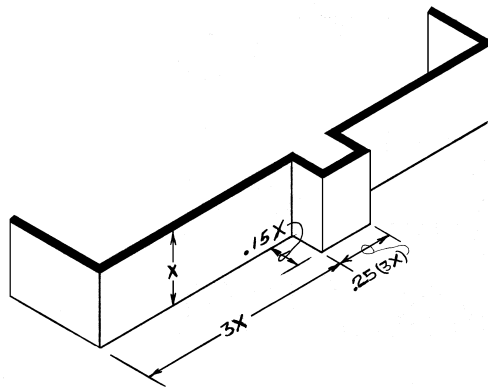


Exhibit "A"
Façade Articulation

6.4. REQUIREMENTS

For any new commercial and institutional buildings or, additions, or alterations exceeding 50% of the building improvement value based on the current certified tax roll, it shall be the duty of the administrative official responsible for review of site plans to calculate the design score for all commercial and institutional buildings as part of the building permit and site planning process. For institutional buildings, if no relevant appraisal data exists on the certified tax roll, the building improvement value shall be obtained through an independent third party appraiser, paid by the building permit applicant and provided to the City. Paragraphs A through G are the basis for the design calculation to meet the requirements of the design standards. The provided worksheet shall be attached to all commercial and institutional building plan submissions for review. The final design will be evaluated by the staff on a pass/fail basis.

Commercial/Institutional Building Design Factors Work Sheet

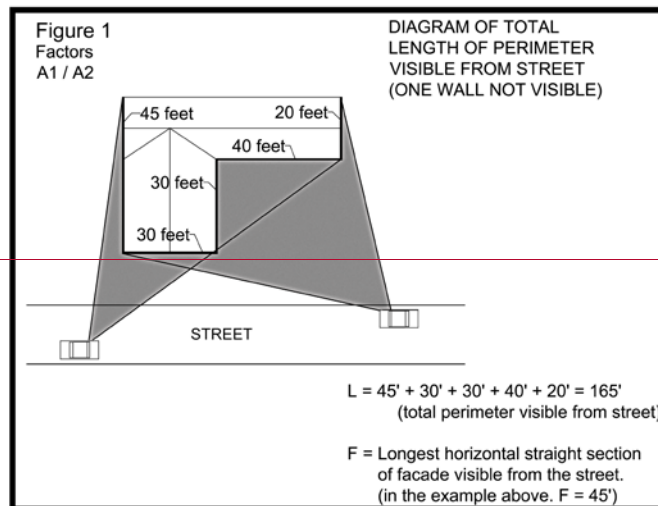
A. – Façade Articulation Variables (10 total possible points – See Figure 1 and 2 below)

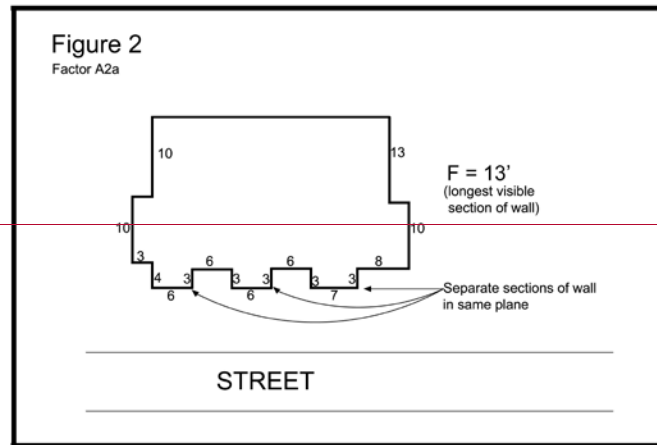
Commented [BB2]: The calculations for building score are very complicated and very hard to understand.

1. ~~L = Length in feet of building perimeter visible from the street. _____ ft.~~
2. ~~F = Length of the longest horizontal straight section of the exterior façade visible from the street. _____ ft.~~

~~In order to determine that any two horizontal straight sections of wall in the same plane are separate walls:~~

- ~~a. There shall be an intervening physical separation of space or other wall sections which separate the two subject walls by not less than three feet.~~
 - ~~b. The average offset distance of the intervening space and/or wall section shall be not less than one foot from the subject plane.~~
 - ~~c. The total perimeter beam length of the intervening space and/or wall section shall not be less than five feet.~~
 - ~~d. Materials used within the intervening separation may not be identical to materials used in more than one of the two same plane test sections~~
 - ~~e. Any two or more same plane wall sections which do not meet all of the requirements of Paragraphs a, b and c above shall be determined to be part of one complete wall section.~~
3. ~~A = Articulation ratio or L/F = _____~~
 4. ~~Ka = Articulation Score = $A \times 2$ = _____ (Sum)~~





B. Vertical Departure Variables (10 total possible points — See Figure 3 below)

1. **P** = Total surface area of a projection of all surfaces visible from the street and which are relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.

2. **R** = Total surface area of a projection of all sloping or vertical surfaces visible from the street of the building relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.

For the purpose of the calculation of "R";

a. Buildings with principal wall sections which are generally rectangular must be aligned so that principal wall sections are parallel to a face of the test cube.

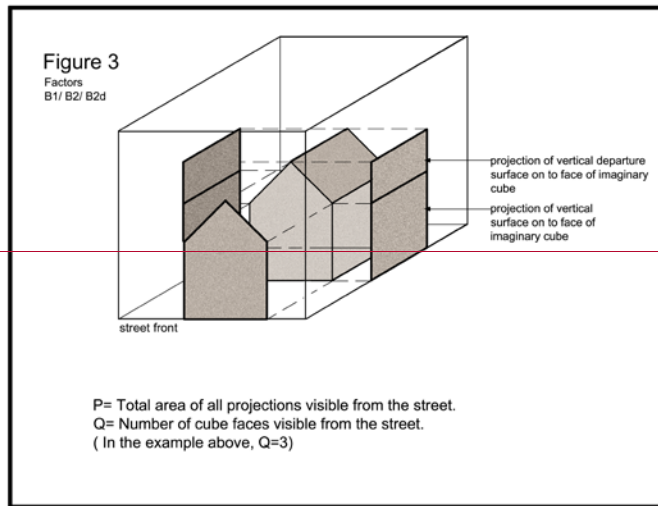
b. Only those surfaces which slope at an angle of not less than 15 degrees nor more than 75 degrees from the vertical plane may be included in this area calculation.

c. Circular, convex or concave regular surfaces which are offset at the central point of the curve by not less than one foot from the vertical surface and have a central angle of not less than 60 degrees may also be included.

d. **Q** = Number of test cube vertical surface projections (1,2,3 or 4) visible from the street. _____

3. **V** = Vertical departure ratio or $R/P =$ _____

4. **Kv** = Vertical Departure Score = $10 \times V =$ _____ (Sum)



C. ~~Shade Coverage Variables (10 total possible points – See Figure 4 below)~~

1. ~~S = Total covered but unenclosed structural exterior area attached to the building as measured in square feet on a horizontal plane. _____ s.f.~~
 - a. ~~The floor area of covered exterior balconies may be included. Attached canopies, porches, verandas, and other shade oriented structural design features may also be included.~~
 - b. ~~The area under detached canopies shall be excluded.~~
2. ~~G = Total area of the interior ground floor of the building. _____ s.f.~~
3. ~~C = Shade coverage ratio or S/G = _____~~
4. ~~Kc = Shade Score = 100 x C = _____ (Sum)~~



D. Horizontal and Diagonal Roof Planes Variables (10 total possible points— See Figure 5 below)

1. ~~F = "F" as previously calculated in Paragraph A(2) above. _____~~
~~5% of F = _____~~

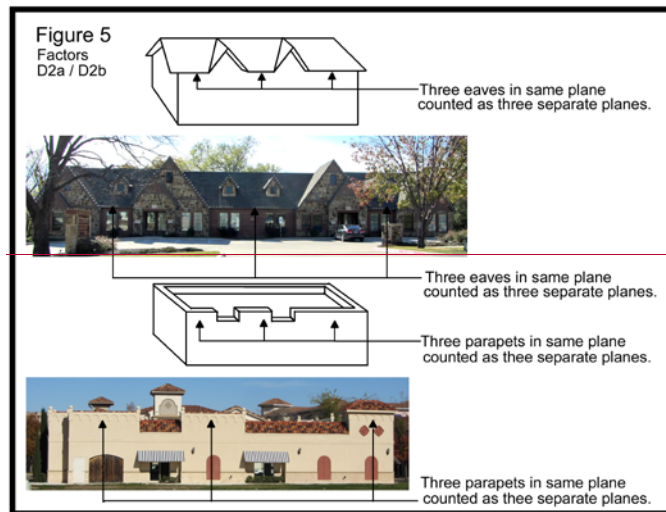
2. ~~E = Total visible horizontal and diagonal eave planes, ridge planes and/or parapet top planes on the building. _____~~

~~For the purpose of this paragraph:~~

- ~~a. Two eaves in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.~~
- ~~b. Two parapets in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.~~
- ~~c. A parapet with a wall length of less than 5 percent of "F" shall be considered a crenellation and shall not be counted as a parapet.~~
- ~~d. For every five crenellations, regardless of elevation, one equivalent plane may be added to the calculation of total planes. In like manner, one crenellation shall equal 0.2 horizontal / diagonal planes.~~
- ~~e. For an eave, canopy or mansard which overhangs the vertical surface of the building by not less than 18 inches, one plane shall be counted for the outer edge of the eave and one plane shall be counted at the intersection of the eave and the wall.~~

- f. ~~One plane shall be counted for each diagonal ridge or edge of a sloped roof and, if the edge is also an eave which overhangs the wall by not less than eighteen (18") inches it shall be counted as two planes.~~
- g. ~~For mansards which wrap around a building corner, planes shall not be counted as separate unless there are actual changes in elevation.~~
- h. ~~Two parapet tops which intersect at 90 degrees in the same horizontal plane shall be counted as separate planes.~~
3. ~~Q = Total # of surfaces visible from the street as identified in Paragraph B(2)(d) above.~~

4. ~~H = Horizontal / Diagonal Planes Ratio or E/Q = _____ (Sum)~~



E. Fenestration Variables (10 total possible points)

1. ~~W = Total number of windows, doors, and other openings into the structure through which light may pass. _____~~

~~For the purpose of this paragraph each opening must be framed on the sides, top and/or bottom by structural building materials with a surface area equal in the aggregate to not less than 50 percent of the surface area of the opening.~~

2. ~~Q = As previously calculated in Paragraph B(2)(d) above. _____~~
3. ~~N = Fenestration Ratio = W/Q = _____ (Sum)~~

F. Total Design Score: ~~Add all sum scores above to reach a total design score. The submission will be evaluated by the reviewer and a score provided. The reviewer will review as part of your submission your scoring provided based upon your design submission.~~

G. Minimum Design Score Requirement: Notwithstanding any variance per Section 6.6 below, the minimum design score for all commercial and institutional buildings constructed as provided for by this chapter shall be 30 in all zoning districts, except that the design score may require a higher or lower value as a condition of a Special Use Permit or Planned Unit Development zoning district as authorized by the City Council.

Zone—	CN	CPO	CC1	CC2	CC3	ML
Score—	30	30	30	30	30	30

Section 6.5 Exterior Building Color and Material Requirements

1. 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. Proposals for surface materials with similar durability and appearance of clay-fired brick, native stone, or cast stone may be considered. Materials: The exterior walls of all commercial and institutional buildings constructed as provided for in this chapter shall be composed of 100% percent masonry, glass, or other equivalent material. However, building accents such as wood, EIFS, Hardie Plank or decorative metal trim are permitted such they do not exceed 15 percent of the total exterior wall surface area. Mixing of more than one type of masonry material for exterior walls is encouraged. For the purposes of this chapter, approved non-glass, masonry materials may include brick, finished concrete, stone (natural and man-made), and cementitious stucco. Unfinished concrete masonry unit products such as cinder block or tilt-wall sections are permitted but must have an architecturally finished surface such as split-face, rusticated, natural stone, etc.
2. 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. Color: Primary exterior wall colors shall contain natural colors that reflect the natural environment of the cross-timbers prairie including soils and vegetation. Fluorescent colors are prohibited. Building elevations showing the proposed exterior wall color shall be submitted with the site plan application at the time of new construction as provided for by this chapter. Any applicant for a building that does not meet the requirement of this section as determined by the Community Development Director may request a variance to the Director's interpretation per Section 6.6 below.
 - a. For commercial and institutional buildings that exist as of the passage of this section, upon the repainting and/or alteration of any structure, the paint and material color shall comply with section 2 above.
3. Exposed Columns – Exposed structural support columns shall be constructed of, or clad in, the same material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.

Commented [BB3]: Taken from the Large Commercial Building standards in Chapter 3

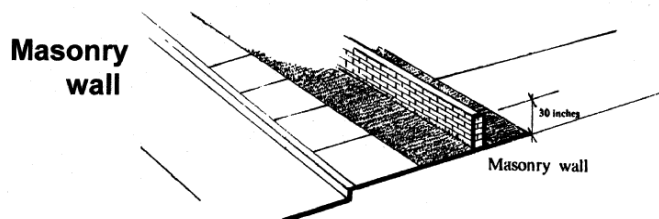
Commented [BB4]: Corrected reference due to new sections

Section 6.6 Additional Development Regulations

1. 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 "B" shall be provided where parking is provided adjacent to a street right-of-way. Said wall shall be constructed generally parallel to and twenty (20) feet from the street right-of-way.

Commented [BB5]: Taken from the Large Commercial Building standards in Chapter 3

2. Delivery / Loading Spaces – 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 evergreen 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 (evergreen) 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.
3. Outdoor Display Areas – Outside display of merchandise shall not be allowed unless allowed by a Special Use Permit (SUP) approved by the City Council, 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. When allowed by SUP, 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.
4. 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.
5. 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 the temporary enclosures shall be ornate and appropriately designed and that the carts are removed to within the primary building on a frequent basis.



Solid Wall
Exhibit "B"

Section 6.7 Non-Residential Outdoor Lighting Requirements

A. Purpose

Efficient and effective outdoor night lighting benefits everyone and enhances the City's nighttime character. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare and light trespass that reduce residents' privacy. Excessive glare can be annoying and may cause safety problems. There is a need for lighting requirements that recognize the benefits of efficient and effective outdoor lighting and provides clear guidelines for its installation so as to help

Commented [BB6]: New proposed Outdoor Lighting Standards

maintain and complement the City's character and which strives to provide linkage between the built and natural environment and acknowledges and sustains the unique nature of the City's corporate-commercial, suburban and rural lifestyles. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the City.

B. Objectives

Outdoor lighting for nonresidential uses and multifamily uses has the following objectives:

1. It is intended to reduce the problems created by improperly designed and installed outdoor lighting in those areas zoned for nonresidential uses and multifamily uses;
2. It is intended to eliminate problems of glare and minimize light trespass by establishing regulations which limit the area that certain types of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the town;
3. All lighting installed in nonresidential uses and multifamily uses should be designed with the idea of being a good neighbor, thereby eliminating or reducing unnecessary direct light from shining onto abutting properties or streets;
4. It is the declared purpose of this subdivision that nonconforming luminaries be eliminated and be required to conform to the regulations of this subdivision within a reasonable time.

C. Applicability

1. New fixtures or additional lighting. This subdivision shall apply to all installations of new fixtures or additional lighting to any new or existing nonresidential or multifamily use or structure.
2. Nonconforming Lighting. Luminaries installed prior to the adoption of the ordinance from which this subdivision is derived shall immediately be re-aimed or shielded such that the fixture no longer creates a nuisance as defined in section xx. Shielding may be accomplished by louvers, baffles, visors, or shields placed on the luminaries, or any other method whereby the light therefrom does not constitute a nuisance as defined in section xx
3. Exemptions:
 - (a) Street lighting installed by a governmental agency for public benefit on public rights-of-way; or
 - (b) Public outdoor recreational sport fields and sport courts complex.

D. Enforcement

The enforcement of the rules and the provisions of this subdivision shall be by the Administrative Official, or his duly appointed representative.

E. Measurement

1. Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
2. Method of footcandle measurement. The meter sensor shall be not more than six inches above ground level in a horizontal position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

F. Prohibited Lighting

The following lighting is prohibited. No owner or occupant of land shall permit any of the following conditions to exist:

1. An unshielded light source, including bare bulbs, above 15 watts, except for temporary seasonal lighting;
2. The operation of searchlights, strobes, or pulsating lights;
3. The use of low pressure sodium bulbs as a light source;

4. The use of a partial cutoff light source;
5. The use of a drop lens;
6. Luminaires located within the compatibility buffer between dissimilar uses;
7. Any luminaire that produces a disability glare;
8. Any light or combination of lighting that creates a nuisance as defined in section xx;
9. Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceeds requirements set forth in this statute without an approved variance, as set forth in this statute.

G. Height for light pole standards

Maximum height for light pole standards shall be as follows:

1. In parking areas containing zero to 150 parking spaces, maximum height of lighting pole standards shall not exceed 25 feet.
2. In parking areas containing 151 or more parking spaces, maximum height of lighting pole standards shall not exceed 35 feet.

H. Building mounted lighting

All building mounted luminaires exceeding 15 watts shall be directed down with a full cutoff fixture.

I. Floodlighting

1. Luminaires used for floodlighting shall not direct the luminance above the facade of the object being lighted.
2. Spotlights and floodlights mounted overhead on poles or building walls and used for area lighting, including but not limited to residential areas, shall be installed so that the fixture is full cutoff as defined herein, with no light above 90 degree nadir.

J. Building Entry Points

At all building entry points average projected footcandle readings as determined by the point method photometrics shall not exceed a measurement of five footcandles.

K. Canopy lighting

All canopy lighting shall be fully recessed fixtures with full cutoff lens and shall not exceed 45 footcandles at any point under the canopy.

L. Spacing

1. In parking areas containing zero to 150 parking spaces, minimum spacing of lighting pole standards shall be no less than two times the height of the standard.
2. In parking areas containing 151 or more parking spaces, minimum spacing of lighting pole standards shall be no less than four times the height of the light standard, a ratio of 4 to 1.

M. Parking area lighting

Parking area lighting shall not exceed a measurement of 15 footcandles at any point in the parking area. The average projected footcandle reading as determined by the point method photometrics shall not exceed two footcandles.

N. Residential Adjacency

Where properties with a residential use or zoning, other than Agricultural, are adjacent to a commercial site, the maximum lighting intensity shall not exceed 0.5 footcandles.

Q. Penalty

1. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine as provided in section 1-13. A separate offense shall be deemed committed of each day during or on which a violation or failure to comply occurs or continues to occur.
2. A footcandle reading, as performed in accordance with section 98-1124, in excess of those amounts defined as a nuisance in section 74-3, shall be prima facie evidence of a violation of this subdivision.

O. Variance

1. A variance as to the height restriction may be permitted by the town council for the replacement of luminaires installed prior to the adoption of the ordinance from which this subdivision is derived if such luminaires are damaged, destroyed, or otherwise become inoperable.
2. A variance is permissible for such replacement luminaires only in those situations where more than one luminaire existed prior to the adoption of the ordinance from which this subdivision is derived. The town council may grant a variance, upon application by the property owner or his designee, if the town council determines that the replacement of a damaged, destroyed, or otherwise inoperable luminaire with a luminaire conforming to the height requirement set forth in this subdivision would:
 - (a) Create a nuisance as defined in section 74-3; or
 - (b) Be aesthetically inconsistent with the remaining luminaires in determining whether a replacement luminaire would be aesthetically inconsistent, the City Council may consider the following factors:
 - The location of the replacement luminaire on the subject property;
 - The type of construction material of the replacement luminaire;
 - The location of the subject property; and
 - The outdoor lighting used on adjacent and surrounding property.
3. Notwithstanding these provisions, under no circumstances may the replacement luminaire exceed 35 feet in height.

Q. Architectural lighting of buildings and structures

For spotlights and floodlights mounted at or near ground level and used to light a building wall, sign, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.

R. Architectural lighting of landscaping

Landscape lighting installed for nonresidential uses and multifamily uses shall be installed according to the following:

1. Any lighting that is to be placed in the canopy of a tree shall be directed in a downward position to simulate natural light received by the area.
2. The fixture shall be shielded so that all of the light is directed downward and shall not be directed toward the tree, to reduce light intrusion.
3. All proposed lighting that is to be placed in a tree shall be affixed to the trunk or branch through the use of an adjustable bracketing system that will allow for the continued growth of the tree.

4. The mounting height of landscape lighting shall not exceed 25 feet.

5. No lighting shall be bolted, nailed, or glued to the trunk or any appendages of the tree, and such unauthorized attachment will be treated as a violation of chapter 94, Vegetation, of the town's Code of Ordinances.

Section 6.6 6.8 Variances; Architectural Review Commission City Council

A. A person may request a variance from a requirement contained in *Chapter 6 – Commercial Design Standards* by filing said request with the administrative official. A request for a variance shall be accompanied by a non-refundable application fee. A request for variance shall be referred for consideration to the Architectural Review Commission (ARC) for a recommendation to the City Council. The variance procedure shall proceed as follows:

1. Submit a variance application and pay applicable fee. No action shall be taken on any application submitted to the ARC 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 Commission and City Council.
2. Not later than 30 days from date of the application, a quorum of the Architectural Review Commission (ARC) shall convene a meeting to review the variance request;
3. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Commission has held a public hearing and received comment, and only after written notice of the public 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 hundred (200) 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 ten fifteen (1015) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office
4. Appeal to Final Action by City Council – The decision recommendation by the ARC shall be forwarded to the City Council for final decision at the next available agenda for consideration by the City Council., unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The administrative official shall re-notify all property owners lying within two hundred (200) feet of the area being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.

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Section 6.7 6.9 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-11-1818	12/13/2011	Amendments to design standards; addition of exterior material and color requirements; amendments to variance procedures and addition of architectural review committee

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City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3g	Agenda Date 07/09/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of amendments to the Land Development Code, specifically Chapter 3 – Land Use, Chapter 8 – Plat Review Procedures, and Chapter 9 – Subdivision Design & Public Facilities

Explanation

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). City staff has already reviewed the attached chapters with the City Council at a recent worksession meeting. The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission followed by formal review and approval by the City Council.

The attached chapters are a continuation of the formal adoption process. Any remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Recommendation

Approve

Attachments

1. Ch. 03 Land Use - Redline v3 (06.21.18)
2. Ch. 08 Plat Review Procedures - Redline v2 (06.28.18)
3. Ch. 09 Subdivision Design & Public Facilities - Redline v2 (6.28.18)

Chapter 3 Land Use

Rev. 04/15/2014

Section 3.1 – Purpose of This Chapter

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities. The zoning districts have been created with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 3.2 – Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. This Chapter is also adopted under the authority of the *Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.3 – Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.4 – Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 - Definitions* of this Land Development Code.

Section 3.5 – Establishment of Districts

- A. Official Zoning Map – The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this Chapter.
1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

2. The Official Zoning Map is not intended to control the procedural prerequisites applicable and the ordinances should be looked to as the authoritative source for all zoning. The Official Zoning Map shall be located and displayed in the Colleyville City Hall.
- B. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.
- C. Rules for Interpretation of District Boundaries – Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following City Limits shall be construed as following City Limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 6. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by paragraphs 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.
 8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the original zoning ordinance, the Zoning Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot to either side of said district line.

Section 3.6 – Application of District Regulations; Classification of New and Unlisted Uses; and Platting of Property Not Properly Zoned

- A. Application – The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:
 1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, 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

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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 [EW2]: Recommendation that the pool not extend past the front of the house

Commented [EW3]: Pool barrier requirements are codified in the adopted building codes

Commented [BB4]: New standards for Accessory Dwellings

Commented [BB5]: Deleted per Council direction

~~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.~~

GE. 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."

HG. 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*.

H. 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 [EW6]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW7]: 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.
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.

Commented [BB8]: New standards for Accessory Dwellings

~~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.~~

GF. 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.”

HG. 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*.

H. 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 [EW9]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW10]: 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.F. 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.G. 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*.~~

H. 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."

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 [EW11]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW12]: 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.~~

~~GE. 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."~~

~~HG. 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."~~

~~JH. 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."~~

~~JL. 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~~ 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.~~

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-20 zoning district.

Commented [EW13]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW14]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

Commented [BB15]: This will address the existing R-10 properties

- 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 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. {At the worksession this was moved to the R-20 district}

~~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.~~

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the regulations for the "Classification of New and Unlisted Uses."
- H. Density; Area; Yard; Height; and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 "Schedule of District Regulations"* and other applicable provisions of *Section 3.28 - "Supplementary District Regulations."*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.14 RD – Two-Family Residential District

- A. ~~RD — Two-Family Residential District~~ – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RD — Two-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the RD — Two-Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium-low density two-family residential purposes, open space usage, and selected community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, plus as a transitional element between low density, single family districts and higher density multiple family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Dwellings containing two-family dwelling units, plus the aforescribed uses, comprise the principal elements of the district. ~~The intent of this district is not to allow single-family detached dwellings.~~
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in Section 3.24 - *Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of Section 3.28 - *Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above-grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard.~~ 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.

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

~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, can not be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in Section 2.24 – “Schedule of Permitted Principal Uses.” The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

F. Single-Family Residential Uses – When a property with RD zoning is developed with a single-family residential use, the property shall conform to the standards of the R-20 Single Family Residential zoning district.

Commented [BB23]: Added per Council direction to address single-family residential development

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.
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~~

Commented [EW24]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW25]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

~~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.~~

F. Single-Family Residential Uses – When a property with MF zoning is developed with a single-family residential use, the property shall conform with the standards of the R-20 Single Family Residential zoning district.

Commented [BB26]: Added per Council direction to address single-family residential development

G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the - "Classification of New and Unlisted Uses."

H. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 - "Schedule of District Regulations" and other applicable provisions of Section 3.28 - "Supplementary District Regulations."

I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements," and ~~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-Family Use in RMF Zoning Districts by Special Use Permit

Commented [BB27]: Not needed; single-family residential development to be allowed by right

~~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.

Commented [EW28]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW29]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.
10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.

~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 – "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

~~GE. 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."~~

~~HG. 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."~~

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

~~J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.~~

Section 3.17 CPO - Professional Office Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential 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

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

Colleyville, Texas, Land Development Code

Minimum lot size: — 7, 200 s.f.	Minimum setbacks:	Max. Building height in stories: — 2 st.
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. side abutting non-residential: 15 ft.	Max. building height adj. to residential district: see Sec. 24
Minimum lot depth: 120 ft.	rear abutting residential: 25 ft.	
Maximum lot coverage: 40%	rear abutting non-residential: 10 ft.	

E. Supplementary Requirements

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 3.26	Commercial Bldg. Design Stds.	Site Plans:
- may be operated in daytime only	- each site must have a minimum of 25 points as per Chapter 56	- plans must be submitted in accordance with Sec. 3.31

Section 3.18 CN - Neighborhood Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size: 10,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.2827
Maximum lot size: 1 acre	front: 40 ft.	
Minimum lot width at front setback line: 100 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage: 40%	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential district: see Sec. 24	

E. Supplementary Requirements

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 24	Commercial Bldg. Design Stds.	Site Plans:
- may be operated in daytime only	- each site must have a minimum of 25 points per Chapter 65	- plans must be submitted in accordance with Sec. 3.31

Section 3.19 CC1 - Village Retail District

A. **Purpose** – This district is oriented to general commercial retail goods and services as well as some office, entertainment and community facility uses. While the district is designed to encourage “clustering” stores, the site requirements allow for a smaller scale than a shopping center type development. It is likely that Village Retail centers will be built without a major anchor store and be located near but not at major street intersections.

B. **Permitted Uses**

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. **Special Uses**

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. **Site Requirements**

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
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**

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

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

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Std. - each site must have a minimum of 25 points as defined by Chapter 56	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.21 CC3 - Highway Commercial District

A. Purpose – This district would permit uses that do not fit within the retail or manufacturing categories. Service and retail uses associated with outdoor storage, noise, especially auto repair and service and others would be permitted. The minimum lot size is less than the Shopping Center District to allow for more flexibility of uses. It is anticipated that most of these districts would not be located near residential districts.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		<u>PRIMARY USE & STRUCTURE:</u>	<u>Accessory Use & Structure:</u>
Minimum lot size:	10,000 s.f.	Minimum setbacks:	Permitted as per Sec. 3.24 & 3.2827
Maximum lot size:	none	front: 40 ft.	
Minimum lot width at front setback line:	150 ft.	side abutting residential: 25 ft.	
Minimum lot depth	120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage	70%	rear abutting residential: 25 ft.	
		rear abutting non-residential: 10 ft.	
		Max. Building height in stories: 2 st.	
		Max. building height in feet: 35 ft.	
		Max. building height adj. to residential district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General: - outdoor storage is permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: - each site must have a minimum of 20 points as defined by Chapter 56	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.22 ML - Light Manufacturing District

A. Purpose – This district would permit uses that involve the fabrication of products or have outdoor storage, noise, odors or other objectionable aspects that would not be compatible in retail or service areas. This district is limited to those uses that are not retail in nature or in some cases those that need outdoor space.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements: Minimum lot size: 10,000 s.f. Maximum lot size: none Minimum lot width at front Setback line: 100 ft. Minimum lot depth: 120 ft. Maximum lot coverage: 60%	PRIMARY USE & STRUCTURE: Minimum setbacks: front: 40 ft. side abutting residential: 25 ft. side abutting non-residential: 15 ft. rear abutting residential: 25 ft. rear abutting non-residential: 10 ft. Max. Building height in stories: 2 st. Max. building height in feet: 35 ft. Max. building height adj. To residential district: see Sec. 3.24 (A&B)	Accessory Use & Structure: Permitted per Sec. 3.24 & 3.2927
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E. Supplementary Requirements

General: - outdoor storage is permitted - uses adjacent to single family uses Must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: - each site must have a minimum of 30 points as defined by Chapter 56	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.23 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 [BB30]: No density bonus desired

- I. ~~Minimum Residential Lot Size – Notwithstanding Paragraph C above regarding maximum density, the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.~~
- J. **Open Space Requirements** – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:
1. **Residential Areas** – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area, shall be provided for the primary use of the occupants of the residential units.
 2. **Non-Residential Areas** – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.
 3. **Definition of Common Open Space.** For the purpose of this section, common open space is defined as follows:
 - a. Common Open Space may include:
 - i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
 - ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
 - iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or
 - iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.
 - b. Common Open Space shall not include:
 - i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
 - ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
 - iii. religious institutions or private school sites, or
 - iv. street medians or islands.
2. **Open Space Design Requirements.**
- a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.
 - b. The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.
 - c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.
3. **Guarantee of Common Open Space.** In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:
- a. **Public Open Space** – Common open space may be conveyed to the City or other public agency,

Commented [BB31]: The PUD ordinance will determine minimum lot standards for area dimension (size, width & depth)

Commented [BB32]: Should the 20% standard be a recommendation? Should Council be able to reduce this standard as part of the PUD approval?

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

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	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									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 [BB33]: Only applies to AG & RE districts

Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District										Non-Residential Districts					Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Solid Waste Disposal Sites															Ø		24
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3	21
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		n.a.
E. PUBLIC AND INSTITUTIONAL USES																	
Colleges or Universities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		12
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Libraries										P	P	P	P	P	P		9
Museums										P	P	P	P	P	P		8
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18
F. OFFICE USES																	

Commented [BB34]: Not a desired use

Commented [BB35]: 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	S		8	
Attorney Offices										P	P	P	P	P	S		8	
Chiropractic Clinics										P	P	P	P	P	S		8	
Emergency Clinic (24 hrs.)												S	P	P	S	10	6	
Engineering, Architect's, and Surveyor's Offices										P	P	P	P	P	S		8	
General Business Offices not elsewhere listed										P	P	P	P	P	S		8	
Insurance Agencies										P	P	P	P	P	S		8	
Management and Public Relations Services Offices										P	P	P	P	P	S		8	
Optometrist Office										P	P	P	P	P	S		8	
Psychologist Offices										P	P	P	P	P	S		8	
Physician's or Dentist's Offices										P	P	P	P	P	S	5	7	
Real Estate Agency Offices										P	P	P	P	P	S		8	
Security Broker Offices										P	P	P	P	P	S		8	
Telemarketing Offices												P	P	P	S		5	
Title Abstract Offices										P	P	P	P	P	S		8	
Trade or Business Schools												S	S	S	P		15	
Travel Agency / Airline Ticket Offices										P	P	P	P	P	S		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 [BB36]: 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	<u>P</u>							7
Food Catering													<u>P</u>	<u>S</u>	<u>P</u>	<u>P</u>					8
Funeral Homes												S	S	S							24
Furniture and Appliance Stores												P	P	P							9
<u>General Retail Store (not listed elsewhere)</u>												<u>S</u>	<u>S</u>	<u>S</u>							<u>7</u>

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	<u>P</u>		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												<u>S</u>	P	P			19
<u>Interior-Home</u> Decoration Stores										P	P	P	P	<u>P</u>			7
Jewelry Stores											P	P	P	<u>P</u>			7
Locksmiths											S	S	<u>S</u>	<u>S</u>	<u>P</u>		8
Mailing and Shipping Stores											P	P	P	P	<u>P</u>		7
Meat or Fish Market												P	P	P			7
Nurseries and Greenhouses with outside display													S	P	P		16
Pawn Shops															<u>P</u> <u>S</u>		7
Pet Stores												P	P	<u>P</u>			7
Pharmacy											S	P	P	P			7
Photography Studios										P	P	P	P	P	P		8

Commented [BB37]: 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															\$	\$	\$	<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

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		
<u>Sporting Goods Store</u>												P	P	P			
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

Commented [BB38]: New use

Commented [BB39]: New use

Billiard Parlors														S	S	<u>S</u>		17	23
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	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
I. AUTOMOTIVE AND TRANSPORTATION USES														<u>S</u>	<u>S</u>			<u>17</u>	<u>23</u>
Airports and Heliports	S	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
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		24
Recreational Vehicle Sales and Service																		S	S	13	8
Tire and Battery Stores																		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
Contractor Office without storage yard															P	P			8
Electronic Assembly or Manufacturing																P			25
Exterminator Shop															S	S			24

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Food Packaging and Manufacturing																	S		24
Furniture and Cabinet Manufacturing																	P		25
Office Showroom																	P		25
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1		24
Plumbing, HVAC and Electrical Trades Shops																	P	P	8
Printing and Publishing - Commercial																	P		8
Plumbing, HVAC and Electrical Trades Shops																	P	P	8
Printing and Publishing - Commercial																	P		8
Research and Development Labs																	P		8
Scientific Instrument Assembly and Manufacturing																	P		8
Self Storage Facilities (mini-warehouse)																	S		24
Upholstery and Furniture Repair Shops																	P	P	8
Warehouse and Distribution Facilities																	S		24
Wood, Paper or Leather Products																	P		25
Manufacturing not elsewhere listed																	S		24
Welding or Machine Shop																	P		25
<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 [BB40]: Duplicate listings

Commented [BB41]: 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.
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 [BB42]: Move to Ch. 2 - Definitions

7. Movie Theater Uses: A movie theater shall not contain more than six primary projection screens and two secondary executive viewing rooms and shall not exceed 28,500 square feet in total building size. For purpose of this regulation, a secondary executive viewing room shall not exceed a maximum of fifty (50) seats. (O-04-1454 / 4-16-04) (O-05-1538 / 09/06/05)
8. Home Occupation Uses:
- No person other than members of the family residing on the premises shall be engaged in such occupation;
 - 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;
 - 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.
 - 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;
 - 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.
 - 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.
 - 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.
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.
- All repairs and servicing shall be conducted within an enclosed building.
 - A business that conducts vehicle repair and is located on property adjacent to a residential use shall provide an sixeight-foot tall solid screen along the property line adjacent to the residential use.

Commented [BB43]: Regulations deemed not needed

Commented [BB44]: Clarification of uses, permitted & non-permitted

Commented [EW45]: Recommended language for clarity of activities allowed

Commented [BB46]: New proposed regulation

Commented [BB47]: Move to Ch. 2 - Definitions

Commented [BB48]: A review of Ch. 6 needed to modify the alcohol to food ratio for total receipts

- 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~~eight~~-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 [EW49]: Recommended provisions

Commented [EW50]: Recommend change in heading for this section

Commented [EW51]: Same language but relocated to beginning of paragraph

Commented [BB52]: New standards for Accessory Dwellings

Commented [BB53]: 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 [BB54]: Revised 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 twothree (23) 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. There shall be no more than four (4) special events allowed per location per calendar year. There shall be at least thirty (30) calendar days between events before another permit can be obtained for the location.~~

Commented [BB55]: Revised per Council direction

Commented [BB56]: Revised per Council direction

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	30-25 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	30-25 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	30-25 pts.
CC3	Highway Commercial	Yes	8'	24 hours	30-20 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	30 pts.

Commented [BB57]: 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 [BB58]: These notes not needed, not included on the chart

Commented [BB59]: Not needed with removal of PUD lined from chart

Commented [BB60]: Not needed with removal of PUD lined from chart

Commented [BB61]: Not needed with removal of PUD lined from chart

Commented [BB62]: 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. [*] Res. Density	Minimum Lot Size Requirements					Minimum Yard Requirements				Max. Building Height		Max. Lot Coverage
Classification	DU/AC		Area (sq. ft.)		Min. Width in feet	Min. Depth in feet	Max. Lot Size	Front (feet)	Each Side (feet)	Rear (feet)	Stories	Feet	Percent	
			Per Family	Total										
AG	Agricultural	0.3	130,680	130,680	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%	
RE	S. F. "Estate" Residential	0.5	80,000	80,000	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%	
R-40	Single Family Residential	1.25	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	
R-30	Single Family Residential	1.5	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	
R-20	Single Family Residential	2.1	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	
R-15	Single Family Residential	3	15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	
R-D	Two Family Residential	8	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	
R-MF	Multi-Family Residential (zoned after June 16, 1981)	8	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	
R-MF	Multi-Family Residential (zoned before June 16, 1981)	18	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	
MH	Mobile Home (Minimum size of mobile home park - 40 spaces)	2.1	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	30'	30%	
C-PO	Professional Office Commercial	n.a.	n.a.	7,200	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%	
CN	Neighborhood Commercial	n.a.	n.a.	10,000	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%	
CC1	Village Retail	n.a.	n.a.	15,000	150'	120'	5 acres	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	50%	
CC2	Shopping Center	n.a.	n.a.	20,000	150'	120'	none	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	60%	
CC3	Highway Commercial	n.a.	n.a.	10,000	150'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	70%	
ML	Light Manufacturing	n.a.	n.a.	10,000	100'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	60%	
POD-R	Planned Unit Dev. - Residential	n.a.	n.a.	10,000	100'	120'	n.a.	30'	10' (H)	25' (J)	3.0	30'	30%	
POD-C	Planned Unit Dev. - Commercial	n.a.	n.a.	7,200	70'	115'	n.a.	40'	10' (S)	10'	3.0 (S)	35'	50%	
POD-I	Planned Unit Dev. - Industrial	n.a.	n.a.	10,000	70'	115'	n.a.	40'	10' (S)	10'	3.0	30'	30%	

^{*} 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 [BB63]: Section to be moved to Chapter 6: Commercial Design Standards

- 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. ~~B~~ 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 material 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 [EW64]: New Section 6.6 in Chapter 6 addresses exterior lighting in all commercial districts

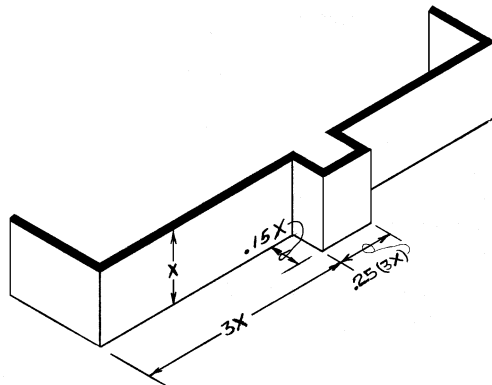
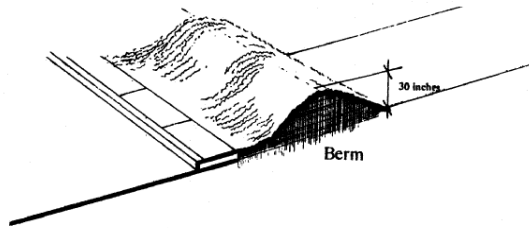


Exhibit "A"

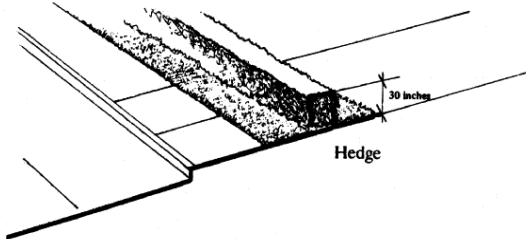
Façade Articulation

Berm



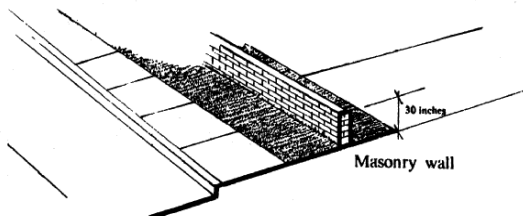
**Landscape Berm
Exhibit "B"**

Hedge

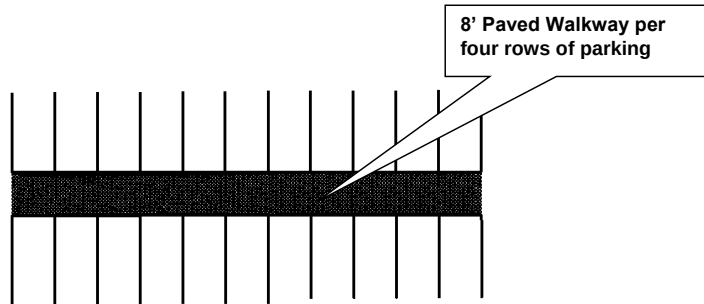


**Landscape Shrubs
Exhibit "C"**

**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 [EW65]: 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 [BB66]: Move to Ch. 2 - Definitions

Commented [EW67]: 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.

9-8. 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 [BB68]: 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 complements the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks.
 - ~~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 [BB69]: Separated into 2 regulations

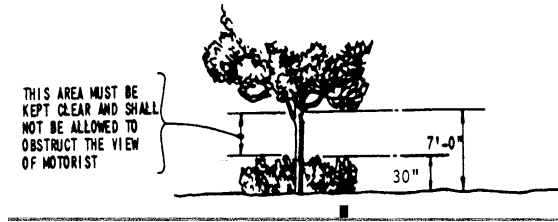


Exhibit "3-1"
Obstructions Prohibited

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".

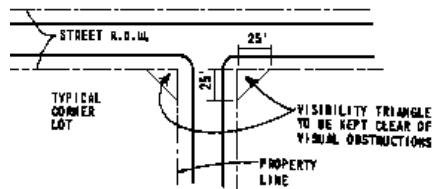


Exhibit "3-2"
Visibility Triangle

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".

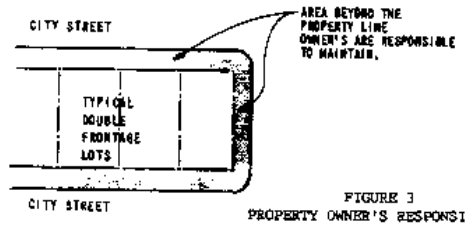


Exhibit "3-3"
Property Owner's Responsibility

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.

Commented [EW70]: "storm water" is two separate words

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. Materials along Street Frontage: The perimeter subdivision fence shall be decorative in nature and constructed of stone, brick, wrought-iron, or a combination of these materials for any portion along a perimeter street. The use of wood and composite materials shall be prohibited along the street frontage.

Commented [BB71]: Codified standards for perimeter subdivision fences

Commented [BB72R71]: After review, staff recommends approval of these standards. Revision was made to material standards along street frontages.

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

Commented [EW73]: Provides consistency for term used throughout Subsection E

Commented [EW74]: Specifies that the section applies to vehicle gates – not pedestrian gates

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 be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**

Commented [EW75]: Provides consistency for term used throughout Subsection E

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 that is~~ 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:

Commented [BB76]: This would allow for a fence that is not opaque (i.e. wrought iron) to be located along the property/ROW line and within the setback.

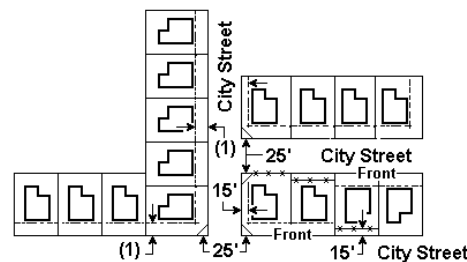
Commented [BB77R76]: Per City Council, all fences must meet setback. Waiver requests require SUP approval.

- 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
- 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
- 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
- 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 [EW78]: 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 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".

Commented [EW79]: Uniform codes are obsolete

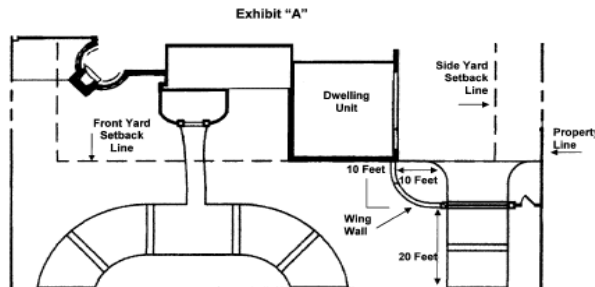
5. Twenty-five Percent Opaque Construction: The intent of this provision in Subsection E is to discourage barriers that resemble a compound or fortress and the calculation shall be as follows: Every eight (8) linear feet of fencing shall be at least 75% open to view from the street or public way. The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

Commented [EW80]: 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 [BB81]: 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), accessory 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 [EW82]: 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. Exemption: Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.

Commented [BB83]: Four percent (4%) is more in-line with current size allowances

Commented [EW84]: Allows for building sizes based on land area, not category

Commented [BB85]: Exemption added for large properties per Council direction

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~~

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.

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 an accessory dwelling~~ employed for the premises, where permitted by the district regulations.

6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. No accessory building shall be erected in any required yard area except as set forth by this section.
2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.
3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.

Commented [BB86]: Size limitations for accessory dwellings

Commented [EW87]: Large accessory structures and extensions from accessory buildings should be accounted for.

Commented [EW88]: Non-compliance should be addressed in new Section 7 below - Variances

Commented [BB89R88]: Need to keep per City Council direction

Commented [EW90]: Provision that does not “grandfather” buildings that were constructed without permits or otherwise authorized

Commented [EW91]: Matches definitions

- 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.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
- c. *Setbacks:*
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
- d. *Maximum Number Per Lot:* one
- e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.
- f. *Design Criteria:*

Commented [EW92]: Recommended for protections of residentially zoned properties

Commented [BB93R92]: Needed?

- i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
 - ii. Posts - Posts shall be ~~constructed clad or finished~~ 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-eight~~ inches (128") 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 Cedar~~ posts shall be ~~prohibited wrapped using masonry stone or brick from the base to at least 50% of the post height~~. ~~The exposed portion of the cedar post shall be a minimum of 8 inches.~~
- 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.

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

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.
- 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 [EW95]: Ag zoning district allows for a secondary dwelling

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, HMAC, brick or paving stone approved by the city building official. All ten (10) foot buffer areas shall be landscaped and maintained to enhance esthetic qualities.
3. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential use, unless a current state vehicle inspection sticker is displayed thereon.

J. Front Yard Adjustments – Front yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - a. —Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 - b. —Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.
3. Interior lots abutting on two streets shall provide the required front yard on both streets.
4. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in this Chapter.
5. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

K. Side Yard Adjustments – Side yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards not less than five (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard.
2. Whenever a lot of record at the time of the effective date of this Chapter has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width not less than ten (10) percent of the width of the lot, but in no instance shall such width be less than four (4) feet.
3. On corner lots of record the yard adjacent to the side street shall not be less than fifteen (15) feet.
4. For commercial or industrial lots abutting a lot zoned CC1, CC2, CC3, CN, CPO or ML, subject to the approval of the city building official, a zero lot line is permitted on one side, provided a four hour fire wall is constructed at said zero lot line.

L. Rear Yard Adjustments – Rear yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following case:

1. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.
- M. Lot Area Per Family Adjustments – Lot area per family (dwelling unit) requirements as established in *Section 3.24. - Schedule of District Regulations* shall be adjusted in the following cases:
1. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City Council have officially approved and agreed to accept at the time of the effective date of this Chapter has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or nonresidential use, whichever is applicable, in the district in which it is located.

Section 3.29 – Parking Requirements

- A. Purpose – The purpose of this section is to require off-street parking and loading facilities proportional to the need created by each use. Where the minimum number of required parking spaces can not be calculated in accordance with the parking group schedule, the Building Official shall be authorized to determine the minimum number of required parking spaces using acceptable industry comparables.
- B. General Provision – In all zoning districts, there shall be provided in connection with the appropriate permitted use, off-street parking spaces in accordance with the provision of this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Existing facilities being used for off-street parking shall not be reduced in capacity to less than the minimum number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
- C. Location of Parking – All required parking spaces shall be provided on the same lot or tract occupied by the use being served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use, the additional required parking spaces may be located off-premises in accordance with the shared parking requirements contained in this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Required parking spaces for a residential use shall be provided on the lot or tract occupied by the use being served.
- D. Parking Space Locations Prohibited – No off-street parking space shall be located, either in whole or in part, within any fire lane, driveway, driving lane, or maneuvering area. Furthermore, no required off-street parking space shall be located, either in whole or in part, in a public street, sidewalk, parkway, alley or other public right of way.
- E. Parking Space Dimensions – No required off-street parking space shall be less than nine (9) feet in width by eighteen (18) feet in length.
- F. Mixed Use Parking – The parking requirements for a lot or building containing a mixture of uses shall be the sum of the requirements for each type of use. No parking space provided for one type of use or building shall be included in the calculation of the parking requirements for any other use or building. For multi-tenant developments containing greater than 30,000 square feet of floor area, the sum of the total number of required parking spaces may be reduced by ten percent (10%).
- G. Shared Parking – Where an increase in the number of off-street parking spaces is required by a change or enlargement of use, the additional required spaces may be located on another property that is located on 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 Official, assuring their retention for such purposes.

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

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 the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be 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 Parking Group Schedule	
Parking Group	Minimum Number of Off-Street Parking Spaces
1	1 per unit
2	2 per unit
3	2 per unit, exclusive of "in-garage" parking
4	1 per unit plus 1 guest space per every 5 units
5	1 per 100 sq. ft. of gross floor area
6	1 per 150 sq. ft. of gross floor area
7	1 per 200 sq. ft. of gross floor area

8	1 per 300 sq. ft. of gross floor area
9	1 per 400 sq. ft. of gross floor area
10	1 per 500 sq. ft. of gross floor area
11	1 per 5 pupils plus drop-off and pick-up areas
12	1 per classroom plus 1 per each 2 students
13	1 per classroom plus 1 per 400 sq. ft. of office space
14	1 per 1.5 students and staff, based on capacity
15	1 per 3 students
16	1 per 200 sq. ft. of gross floor area plus 1 per 5,000 sq. ft. of exterior nursery area
17	1 per living unit
18	1 per 3 seats in primary seating area
19	1 per guest room plus 1 per 300 sq. ft. of office area – parking for restaurant additional
20	2 per hole
21	1 space
22	5 per hole (one per tee area for driving ranges)
23	5 per alley or table
24	As set by the SUP or PUD approved ordinance
25	Determined by the Building Official using acceptable industry comparables

Section 3.29.1 –Parking Space Construction Standards

- A. Dimensions – No parking space shall be less than nine (9) feet in width by eighteen (18) feet in length. The design and dimensions of off-street parking areas shall be in accordance with the following Table 3.29.1 – *Table of Parking Space Dimensions*.

Table 3.29.1 Table of Parking Space Dimensions					
Angles (Degrees)	0	30	45	60	90
Stall, Parallel to Aisle	23.0	18.0	12.7	11.4	9.0
Stall, Perpendicular to Aisle	9.0	16.5	19.0	20.0	18.0
Aisle Width, One-Way (1)	12.0	12.0	12.0	16.0	22.0
Aisle Width, Two-Way	24.0	24.0	24.0	24.0	24.0

(1) Aisle width shall comply with the requirements of the fire code when the aisle serves as a fire lane

- B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.
- C. Striping – For all non-residential uses and multi-tenant residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, as determined by the Building Official.
- D. Curbs, Wheel Stops and Islands – Parking spaces abutting on adjoining property lines or street right-of-way lines shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line.

Section 3.30 Off-Street Loading Requirements

- A. Purpose and Intent – The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most

appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.

- B. Location of Loading Spaces – Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces shall be marked with painted outline and may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way. (O-00-1261 / 12/19/00)
- C. Computation of Off-street Loading Space Sizes – At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of ten (10) feet by fifty (50) feet each and the remaining required spaces or berths shall have a minimum dimension of ten (10) feet by twenty-five (25) feet each - exclusive of turnaround and maneuvering space.
- D. Type of Parking Surface Required for Loading Space – All surface areas upon which vehicles and trucks are parked during unloading operations shall consist of a paved surface, i.e., concrete, HMAc, brick, paving stone, approved by the city building official.
- E. Rules for the Computation of Off-street Loading Spaces
1. No building, structure or part thereof used for nonresidential purposes on any "CN" or "CC" district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.
 2. No building, structure or part thereof used for nonresidential purposes in any "ML" district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.
- F. Number of Off-street Spaces Required – The minimum number of off-street loading spaces required shall be in conformance with the following schedules:
1. Retail, Service (except personal service), Commercial and Industrial Uses

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

2. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

Section 3.31 Duties of Administrative Official

- A. Administration and Enforcement – An Administrative Official designated by the City Manager shall administer and enforce this Chapter. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the Administrative Official finds that any of the provisions of this Chapter are being violated, he ~~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~~
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Commented [EW105]: The adopted building codes already codify the requirements for expired permits

~~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.~~

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

- f. Construction and Use to be Provided in Applications, Plans, Permits and Certificate of Occupancy – Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Chapter, and punishable as provided by Chapter 1 – General Provisions of this Land Development Code.

Section 3.32 Comprehensive Zoning Ordinance – Zoning Map

This Chapter when read together with the official Zoning Map of the City of Colleyville, Texas, shall constitute the comprehensive zoning ordinance for the City of Colleyville, Texas.

The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's office shall remain the official Zoning Map of the City of Colleyville, until a new map is established in accordance with the provisions contained in this Chapter.

Section 3.33 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

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

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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

Chapter 8

Plat Review Procedures

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

- A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
- B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- C. encourage appropriate protection to environmentally sensitive areas;
- D. ensure that public facilities and services are available; and
- E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

- A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
- B. *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.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
- C. All plats and subdivisions shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

- A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the expansion does not exceed twenty-five (25%) percent of the square footage of the existing structure and the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.
- D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City, has been made by the developer for such public facilities.

Commented [BB1]: An expansion over 25% of the existing square footage will trigger the need for platting

Section 8 – 130 Approval Authority Over Subdivision Plats

- A. Approval of Plats Required –The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Combination Preliminary/Final Plat	no	yes	yes
Preliminary Plats	no	yes	yes
Final Plats	no	yes	yes
Minor Plats	yes	no *	no*
Replat	no	yes	yes
Amending Plats	yes	no *	no*

* The Planning and Zoning Commission and City Council shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

- B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission and City Council - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve these plats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.
- C. Replat Approval by the Planning and Zoning Commission and City Council - The Planning and Zoning Commission shall approve or disapprove a Replat. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve replats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.
- D. Minor Plat Approval by Staff – The Community Development Director shall be authorized to approve a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission and City Council. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall approve or disapprove the request. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve the request. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail. The Community Development Director may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.
- E. Amending Plat Approval by Staff – The Community Development Director shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the application includes a request for a waiver from the subdivision requirements, the Planning and Zoning Commission shall approve or disapprove the request. In addition to the requirement of approval by the Planning and Zoning Commission, the City Council shall also be required to approve the request. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail. The Community Development Director may not disapprove an Amending Plat, but shall refer any Amending Plat which he/she refuses to approve to the Planning and Zoning Commission

within thirty (30) days after the date the plat is filed.

- F. ~~Appeal Procedure~~ – ~~A subdivision plat that has been denied by the Planning and Zoning Commission may be appealed to the City Council for consideration at the next available public meeting. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.~~

Commented [BB2]: Not needed as plats are approved by the City Council

Section 8 – 135 Procedure for Approval of Subdivisions

- A. Time Period for Taking Action – The approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the approving body, provided said request is submitted in writing.
- B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.
- C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the Community Development Director, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
- D. Authorization to Sign Plats – The approval of a plat by the approving body, shall constitute authority for the, Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
- E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.
- F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.
1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
 2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.
 3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing.
 4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.
- G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to

have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.

- H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.
- I. Official Plat Submittal Date – The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.
- J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the City Council and Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.
- K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.

The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.

- L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.
- M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.
- N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:
1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
 2. Water System – All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements

shall be consistent with the Master Water System Plan.

3. Wastewater Collection System - All lots shall be served by an approved means of wastewater collection and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.
 4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
- O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.
- P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.
1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.
 2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.
- Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.
- R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.
- S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the approving body shall require written approval from the adjacent city.
- T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.
- U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Section 8 – 140 Preliminary Plats

- A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two-step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.
- B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in "common ownership" as defined in this Chapter, with an indication of the portion which is proposed for subdivision.
- C. Preliminary Plat Phasing – The Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.
- D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.
- E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.
- F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
1. Preliminary Plat Application – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Preliminary Plat Drawing – The plat drawing shall contain the information listed in *Section 8 - 180 Required Plat Information*, where applicable.
 3. Preliminary Drainage Information – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. Preliminary Utility Plan – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless

the Director of Public Works has determined that no public utility improvements are necessary. The size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

5. Preliminary Topographic/Grading Plan – The subdivider shall submit a plan showing the existing 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.

Commented [BB3]: Requested by the City Council, applied to all types of plats

6. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

67. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

78. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

- H. Grading Site Prior to Final Approval – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

- A. Final Plat Classification – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.

- B. Final Plat Prerequisites – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.

- C. Final Plat Exhibits – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. Final Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. Final Plat Drawing – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
3. Drainage Information – The subdivider ~~should discuss with the Director of Public Works the need to~~ shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design*

Commented [BB4]: Required for all plats

Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. Preliminary Topographic/Grading Plan – The subdivider shall submit a plan showing the existing 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.
6. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.
67. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
78. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

- A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.
- B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. Combination Preliminary/Final Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Plat Drawing – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. Drainage Information – The subdivider ~~should discuss with the Director of Public Works the need to~~ shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. Preliminary Topographic/Grading Plan – The subdivider shall submit a plan showing the existing 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.
 6. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

~~67.~~ *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

~~78.~~ *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

A. *Minor Plats*: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.

B. *Minor Plat Exhibits* – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Minor Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 – 180 Required Plat Information* of this Land Development Code.

3. *Drainage Information* – The subdivider ~~should discuss with the Director of Public Works the need to~~ shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. ~~*Preliminary Topographic/Grading Plan* – The subdivider shall submit a plan showing the existing 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.~~

~~6.~~ *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

~~67.~~ *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

~~78.~~ *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

A. *Replats*: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion

does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

B. *Additional Criteria for Replats:* The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:
 - a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.

C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Replat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
3. *Drainage Information* – The subdivider ~~should discuss with the Director of Public Works the need to~~ *shall* submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction

drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

5. Preliminary Topographic/Grading Plan – The subdivider shall submit a plan showing the existing 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.

6. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.

67. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 165 Amending Plats

- A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.

- B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:

1. Correct an error in any course or distance shown on the prior plat;
2. Add any course or distance that was omitted on the prior plat;
3. Correct an error in the description of the real property shown on the prior plat;
4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or

- b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
- a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
11. To replat one or more lots fronting on an existing street if:
- a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
- 1. *Amending Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - 2. *Amending Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.
 - 3. *Drainage Information* – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code
 - 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 - 5. *Preliminary Topographic/Grading Plan* – As determined by the Director of Public Works, the subdivider shall submit a plan showing the existing 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.
 - 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.
 - 67. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 170 Official Plat Recording

- A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:
1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and
 2. All applicable fees have been received.
- B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.
- C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.
- D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - 175 Vacation of Plats

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed ~~for the original plat~~ by this chapter.

Section 8 - 180 Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.

- g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
- h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
- j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.
- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side

of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.

- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.
- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* - For Preliminary plats, the plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.
- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* - All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20____, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development Director

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Signature

(Affix Seal)

Date

Dedication Certificate

WHEREAS, (owners name), are the owners of a tract of land situated in the (name) Survey, Abstract N. (#), Tarrant County, Texas, and being out of a (#) acre tract conveyed to them by (deed reference), and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20_____.

Owners Name

STATE OF TEXAS }{
COUNTY OF TARRANT }{

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20_____.

Notary Public in and for Tarrant County

(affix seal)

My printed name

My commission expires:

Section 8 – 185 Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.

2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.
3. The application must include written documentation signed by all public utility companies, including the City of Colleyville Public Works Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.
4. No notification of adjacent properties is required unless the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.
5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.
6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.
7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – 190 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
O-14-1906	01/21/2014	Revisions to Approval Authority and Plat Classifications
O-17-2004	01/17/2017	Revisions to Approval Authority

Chapter 9

Subdivision Design & Public Facilities

Rev. 08/15/2017

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and
2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 9.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 9.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

2. Whenever a developer can demonstrate an alternative method of meeting the requirements of this Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

- A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.
- B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

- A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.
- B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:
 1. Special Lot Width Requirement - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.
 2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.
- C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.
- D. Access from Major Thoroughfares
 1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:
 - a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;
 - b. The Director of Public Works or designee has provided favorable recommendation; and.
 - c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.
 2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which comply with the spacing requirements established elsewhere in Chapter 14 – Engineering Design Standards of this Land Development Code.

- E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.
- F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.
- G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.
- H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- I. Lot Drainage and Grading
1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12-19-00)
 2. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12-19-00)
 3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12-19-00)
 4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Section 9.11 Double Frontage Lots

Double frontage ~~and reversed frontage~~ lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City ~~may~~ shall require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street ~~or arterial street as shown on the Master Thoroughfare Plan~~.

Commented [BB1]: Clarification to the language

Section 9.12 General Infrastructure Policy

(03-03-09 / 0-09-1712)

- A. General Requirement – The developer of a subdivision shall install all water, sewer, street, sidewalk and drainage improvements, and any other facilities required by this Land Development Code, which are necessary for the proper development of the subdivision. The design, construction and inspection of any public facilities shall be a cost to the developer, unless the City has entered into an agreement for cost sharing. All such facilities shall be designed and constructed in accordance with the criteria contained in this Land Development Code and be in conformance with the general layout of the City of Colleyville Master Land Use Plan and Capital Improvements Plan. The public facility requirement of this section shall be applicable to the upgrading of any existing facilities which do not meet current standards.
- B. Apportionment of Infrastructure Costs – As a condition of the approval of a development, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville.
1. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for delivery of emergency services.
 2. The professional engineer making the proportionality determination may rely on categorical findings from comparable public improvement projects for establishing a cost basis. The basis used for determining estimated costs shall be revised annually on July 1 by the Colleyville Engineering Department.
 3. A developer who disputes the determination by said professional engineer may appeal to the City Council and present testimony and evidence in support of the appeal. The appeal shall be written and filed with the City Secretary within ten (10) days after the date action taken by the Planning and Zoning Commission on the development proposal. The developer shall not be required to waive the right to appeal as a condition of approval of the development project.
- C. Optional Escrow Provision – Where, in the opinion of the City, construction of a required public improvement should be deferred to a future date, the developer shall place in escrow with the City via Letter of Credit or cash, an amount equal to the estimated cost of the improvements, as determined by the the Director of Public Works or designee. The Planning and Zoning Commission or City Council may consider an alternate arrangement when appropriate. Any escrow related to the construction of sidewalks shall adhere to the requirements set forth in Section F.
- D. City Participation in Over-Sizing – Where over-sizing of a public improvement is required by the Comprehensive Master Plan, Thoroughfare Plan, Water or Sewer Capital Improvements Plan or other planning document adopted by the City, City participation shall be in accordance with the provisions of any applicable Impact Fee Ordinance or City-Developer Agreement, which has been approved by the City Council.
- E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.
- F. Escrow Policy for Sidewalks

1. Request for Escrow

Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or designee shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement. If an escrow request is denied, then the applicant may appeal that denial to the City Council if a written request for appeal is received by the Director of Public Works or designee within ten (10) days of the denial.

2. Deposit with the City

Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. This amount shall be paid prior to release of construction plans by the Director of Public Works. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, heirs, successors, and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount

The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months for sidewalk design and construction or, if none exist, then current market value of the design and construction of a sidewalk in the City, to be determined by the Director of Public Works. The determination shall be based on reasonable current market value made as of the time the escrow is due.

4. ~~Use of Escrow Funds~~

Six (6) Sidewalk Districts are hereby established throughout the City. These districts shall share the same boundaries as the six (6) neighborhoods depicted on the Neighborhood Boundary Map in the 2004 – 2025 Colleyville Plan. The Sidewalk Districts are established so that sidewalk escrow funds will be expended within sufficient proximity to the dwelling unit that deposited the sidewalk escrow fee so as to reasonably benefit that dwelling unit. Funds escrowed pursuant to this Land Development Code shall be expended on design and construction of sidewalks located at any place within the same Sidewalk District as the dwelling unit depositing the sidewalk escrow fee.

Commented [BB2]: To be updated in near future

5. ~~Existing Escrow Funds~~

- ~~i. All funds currently escrowed in lieu of sidewalk construction before the effective date of this Ordinance are subject to expenditure under this Ordinance unless a written objection is filed by the owner of the lot for which the funds are escrowed, with the Director of Community Development within thirty (30) days after notice of this Ordinance is received. Notice of this Ordinance shall be sent to the current owner of the lot for which the funds are escrowed at the address listed in the most recent tax rolls of the City. If the person receiving notice under this subsection is not the current owner, then they must immediately notify the City of the person who purchased the property and provide the City with the address of that person.~~
- ~~ii. If an objection is filed pursuant to the previous subsection, the Director of Community Development shall decide, within thirty (30) days, if the circumstances involving the particular lot and surrounding Sidewalk District reasonably require a return of the escrowed funds. The owner of the lot may appeal the decision of the Director of Community Development by filing a written objection, explaining the owner's argument and requesting for a hearing before the City Council, with the City Secretary not later than ten (10) days after the Director of Community Development's decision. After hearing the lot owner's objections, City Council may either refund the escrowed money or deny the refund and order the funds to be used for future sidewalk construction on that lot or in that sidewalk district.~~

Commented [BB3]: No longer needed

~~iii. This Ordinance shall apply to any and all funds paid into the sidewalk escrow fund in lieu of sidewalk construction after the effective date of this Ordinance.~~

Section 9.13 Water System Requirements

- A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. (O-00-1261 / 12-19-00)

Section 9.14 Sewage System Requirements

- A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Private Sewage Treatment Systems – Private sewage treatment systems, including septic tanks, shall be prohibited except where approved by the Director of Public Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

- A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.
- B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

- C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the

construction of specific improvements proposed by the developer can be expected to yield a usable building site. Thereafter, the Planning and Zoning Commission and City Council may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Director of Public Works or designee.
2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.

E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.
2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.

B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. (O-06-1562 / 02-07-06)

1. Improvements Required – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. Escrow – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow, via Letter of Credit or cash, of the estimated costs of the

adjacent unimproved street and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.

3. **One and Two Lot Residential Subdivisions** – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *"Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting."*

Section 9.17 Street Design Criteria

- A. **Street Functional Classification** – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	Functions - Uses
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from one urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

- B. **Street Design**

1. **In-General** – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee..
2. **Street Continuity** – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.

3. *Curvilinear Streets Encouraged* - The developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular street pattern.
4. *Right-of-way Widths* - Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.
5. *Cul-de-sac Lengths* - No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. (O-00-1261 / 12-19-00)
 - a. *Diameter* - A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). (O-00-1261 / 12-19-00)
 - b. *Length* - No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. (O-00-1261 / 12-19-00)
 - c. *Width* - A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. (O-00-1261 / 12-19-00)
 - d. *Maximum Number of Lots* - The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: (O-00-1261 / 12-19-00)

Maximum SF Residences Served on Cul-de-sac	
District	Max. Number of Lots Served
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

- e. *Temporary Turn-Around* - A temporary turn-around is required when a street is temporarily dead-ended and is longer than one hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete. (O-00-1261 / 12-19-00)
6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.
7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation, unless 1) prevented by topography or other physical conditions, or 2) unless, the Planning and Zoning Commission-City Council determines that the extension is neither

not necessary for future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.

8. **Pavement Required** - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.
9. **Frontage Access Road** - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.
10. **Half Streets** - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the ~~Planning and Zoning Commission~~ **City Council** finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
11. **Number of Subdivision Entryways** – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. (O-01-1280 / 08-08-01)
 - a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:
 - i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.
 - b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:
 - i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.
 - c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body

may approve the alternate design if it finds that the above-stated requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.

12. **Reverse Curves** - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. **Intersections**

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.
3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.
4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.
5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The Director of Public Works or designee may approve comparable cut-offs or cords in place of rounded corners.
6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.

- D. **Alleys** – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;
2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

Section 9.18 Easements

- A. **Easements** – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

- B. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.
- C. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)
- D. Mutual Access Easements (O-02-1336 / 04-16-02)
 1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
 2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.
 3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
 4. *Easement Dimensions* – Easements for shared driveway shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.19 Private Utilities

- A. Newly Installed Utilities Required to be Underground (O-17-2015 / 08-15-17)
 1. All newly installed gas, electric, telephone utilities, street lighting, cable television, and fiber lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.

2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.
4. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.
5. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.
8. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

Section 9.20 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Works or designee. 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. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Section 9.21 Sidewalks

A. General Sidewalk Requirement

1. Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) are required as part of a Planned Unit Development or Special Use Permit; or, (2) front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.
2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.

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3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.
4. The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.22 Street Lighting

A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.23 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways
O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements
O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19
O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
O-14-1907	02/18/14	Amendment to Sidewalk Regulations & General Update
O-17-2015	08/15/17	Underground Utility Requirement