

# City of Temple, Texas



**Appendix A of the City Code**

**Ordinance No. 2010-4413**

**Adopted 12/16/2010**

**(Repealed: Appendix to Chapter 32, Streets; Chapter 33, Subdivisions; and Appendix A, Zoning Ordinance, of the City Code)**

**Effective 12/16/2010**

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# Unified Development Code

*Note: If you are viewing a digital version of this UDC, you may click on any cross-reference or asterisk (as in the dimensional tables in Sec. 4.5 or Sec. 4.6) and you will be taken automatically to the appropriate Section.*

# Table of Contents

<b>Article 1</b>	<b>General Provisions.....</b>	<b>1-1</b>
Sec. 1.1.	Title .....	1-1
Sec. 1.2.	Purpose.....	1-1
Sec. 1.3.	Compliance .....	1-1
Sec. 1.4.	Enforcement.....	1-1
Sec. 1.5.	Violations and Penalties.....	1-2
Sec. 1.6.	Authority.....	1-2
Sec. 1.7.	Jurisdiction.....	1-2
Sec. 1.8.	Definition Reference .....	1-2
Sec. 1.9.	Rules of Language and Statutory Construction.....	1-2
Sec. 1.10.	Completion of Building Under Construction .....	1-4
Sec. 1.11.	Vested Rights.....	1-4
Sec. 1.12.	Severability .....	1-7
<b>Article 2</b>	<b>Development Review Bodies .....</b>	<b>2-1</b>
Sec. 2.1.	General .....	2-1
Sec. 2.2.	City Council.....	2-1
Sec. 2.3.	Zoning Board of Adjustment.....	2-1
Sec. 2.4.	Planning and Zoning Commission.....	2-3
Sec. 2.5.	Development Review Committee.....	2-4
Sec. 2.6.	TMED Review Committee .....	2-5
Sec. 2.7.	Chief Building Official.....	2-6
Sec. 2.8.	Director of Planning .....	2-6
<b>Article 3</b>	<b>Development Review Procedures.....</b>	<b>3-1</b>
Sec. 3.1.	Common Review Procedures.....	3-1
Sec. 3.2.	UDC Text Amendment.....	3-3
Sec. 3.3.	Zoning District Map Amendment (Rezoning).....	3-5
Sec. 3.4.	Planned Development.....	3-7
Sec. 3.5.	Conditional Use Permit .....	3-10
Sec. 3.6.	Subdivision Plat Review .....	3-13
Sec. 3.7.	Replat Without Plat Vacation .....	3-23
Sec. 3.8.	Minor or Amending Plat.....	3-26
Sec. 3.9.	Plat Vacation .....	3-29
Sec. 3.10.	Sidewalk Waiver .....	3-30
Sec. 3.11.	TMED Site Plan Review .....	3-32
Sec. 3.12.	Administrative Adjustment.....	3-36
Sec. 3.13.	Building Permit .....	3-37

Sec. 3.14.	Sign Permit .....	3-40
Sec. 3.15.	Variance.....	3-42
Sec. 3.16.	Appeal of Administrative Decision.....	3-45
<b>Article 4</b>	<b>Zoning Districts .....</b>	<b>4-1</b>
Sec. 4.1.	General .....	4-1
Sec. 4.2.	Newly Annexed Territory .....	4-3
Sec. 4.3.	Zoning District Purpose Statements .....	4-4
Sec. 4.4.	Measurements and Special Cases.....	4-13
Sec. 4.5.	Residential Dimensional Standards .....	4-21
Sec. 4.6.	Nonresidential Dimensional Standards.....	4-30
<b>Article 5</b>	<b>Use Standards .....</b>	<b>5-1</b>
Sec. 5.1.	Use Table .....	5-1
Sec. 5.2.	Classification of New and Unlisted Uses.....	5-12
Sec. 5.3.	Specific Use Standards.....	5-13
Sec. 5.4.	Personal Wireless Service Facilities.....	5-32
Sec. 5.5.	Accessory Uses and Structures .....	5-37
Sec. 5.6.	Temporary Uses .....	5-44
<b>Article 6</b>	<b>Special Purpose and Overlay Zoning Districts .....</b>	<b>6-1</b>
Sec. 6.1.	MH, Manufactured Home .....	6-1
Sec. 6.2.	MU, Mixed Use .....	6-4
Sec. 6.3.	TMED, Temple Medical and Educational .....	6-10
Sec. 6.4.	PD, Planned Development Overlay .....	6-45
Sec. 6.5.	H, North Central Temple Historic Overlay .....	6-46
Sec. 6.6.	FP, Floodplain Overlay .....	6-47
Sec. 6.7.	I35, Interstate 35 Corridor Overlay .....	6-49
Sec. 6.8.	1st and 3rd Overlay District.....	6-97
<b>Article 7</b>	<b>General Development Standards.....</b>	<b>7-1</b>
Sec. 7.1.	Performance Standards.....	7-1
Sec. 7.2.	Access and Circulation .....	7-5
Sec. 7.3.	Sidewalks .....	7-9
Sec. 7.4.	Landscaping .....	7-10
Sec. 7.5.	Off-Street Parking and Loading .....	7-18
Sec. 7.6.	Signs .....	7-26
Sec. 7.7.	Screening and Buffering .....	7-73
Sec. 7.8.	Building Exterior Materials.....	7-82
<b>Article 8</b>	<b>Subdivision Design and Improvements .....</b>	<b>8-1</b>

Sec. 8.1.	General Provisions .....	8-1
Sec. 8.2.	Design Standards .....	8-5
Sec. 8.3.	Park Land Dedication.....	8-23
Sec. 8.4.	Improvement Guarantees .....	8-29
Sec. 8.5.	City Participation .....	8-30
<b>Article 9</b>	<b>Nonconformities .....</b>	<b>9-1</b>
Sec. 9.1.	General .....	9-1
Sec. 9.2.	Nonconforming Uses and Structures.....	9-1
Sec. 9.3.	Nonconforming Signs .....	9-3
<b>Article 10</b>	<b>Enforcement, Violations and Penalties .....</b>	<b>10-1</b>
Sec. 10.1.	Enforcement .....	10-1
Sec. 10.2.	Violations .....	10-1
Sec. 10.3.	Penalties .....	10-1
<b>Article 11</b>	<b>Definitions.....</b>	<b>11-1</b>
Sec. 11.1.	Abbreviations.....	11-1
Sec. 11.2.	Defined Terms .....	11-2
<b>Index</b>		

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**Article 1 – General Provisions**  
**Table of Contents**

Sec. 1.1. Title ..... 1-1

Sec. 1.2. Purpose ..... 1-1

Sec. 1.3. Compliance ..... 1-1

Sec. 1.4. Enforcement ..... 1-1

Sec. 1.5. Violations and Penalties ..... 1-2

Sec. 1.6. Authority ..... 1-2

Sec. 1.7. Jurisdiction ..... 1-2

Sec. 1.8. Definition Reference ..... 1-2

Sec. 1.9. Rules of Language and Statutory Construction ..... 1-2

Sec. 1.10. Completion of Building Under Construction ..... 1-4

Sec. 1.11. Vested Rights ..... 1-4

Sec. 1.12. Severability ..... 1-7

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# Article 1 General Provisions

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## Sec. 1.1. Title

This Ordinance is known as the Unified Development Code. References to “this Code” or “this UDC” are interpreted as references to this Unified Development Code.

## Sec. 1.2. Purpose

1.2.1 This UDC is established in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety and general welfare of the City. It is designed to:

- A. Lessen the congestion in the streets;
- B. Secure safety from fire, panic and other dangers;
- C. Provide adequate light and air;
- D. Prevent the overcrowding of land and avoid undue concentration of population; and
- E. Facilitate the adequate provision of transportation, water, wastewater, schools, parks and other public requirements.

## Sec. 1.3. Compliance

1.3.1 No land may be hereafter used or occupied and no structure may be hereafter designed, erected, altered, used, or occupied except in compliance with all standards established in this UDC.

1.3.2 No land may be used or occupied and no structure may be designed, erected, altered, used, or occupied except in compliance with all conditions set forth and approved by City Council through ordinance or resolution.

## Sec. 1.4. Enforcement

1.4.1 The Director of Planning, in coordination with the Chief Building Official and the Director of Public Works, will be responsible for the administration, interpretation, and enforcement of this UDC. The City Manager may make a final staff ruling, if necessary, concerning any administration, interpretation or enforcement of this UDC.

1.4.2 The City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC with respect to any

applicable violation that occurs within any area subject to the provisions of this UDC.

## **Sec. 1.5. Violations and Penalties**

**1.5.1** All violations are subject to the enforcement and penalties established in Chapter 1, Sec. 1–9 of the City Code of Ordinances.

## **Sec. 1.6. Authority**

**1.6.1** This UDC is adopted under authority of the constitution and laws of the State of Texas, including particularly Chapters 211, 212, 213, 216 and 242 of the Local Government Code, and pursuant to the provisions of the Charter of the City.

**1.6.2** Wherever this UDC cites a local, state or federal statute that is later amended or superseded, the citation is deemed to refer to the amended statute or the statute that most closely corresponds to the superseded statute.

## **Sec. 1.7. Jurisdiction**

### **1.7.1 Within City Limits**

The provisions of this UDC apply to all land within the City Limits.

### **1.7.2 Within the City’s Extraterritorial Jurisdiction**

Under the authority of Chapter 242 of the Local Government Code and the Interlocal Agreement between the City and Bell County (Resolution 2002–32–68–R), the City applies the subdivision provisions of this UDC to the City’s extraterritorial jurisdiction (ETJ).

## **Sec. 1.8. Definition Reference**

Article 11 contains the definitions used throughout this UDC. Definitions related to Signs are contained in [Sec. 7.6.2.](#)

[Ord. 2013–4580]

## **Sec. 1.9. Rules of Language and Statutory Construction**

**1.9.1** The following general rules of statutory construction apply when interpreting this UDC.

**A.** Words in the present tense include the future. The reverse is also true.

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**Article 1: General Provisions**

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Sec. 1.9. Rules of Language and Statutory Construction

- B. Words in the singular number include the plural number. The reverse is also true.
- C. The word "building" includes the word "structure."
- D. The word "lot" includes the words "plot" or "tract."
- E. The words "must" and "may not" are mandatory and the word "may" is permissive.
- F. The word "district" means zoning district.
- G. The word "City" means the City of Temple, Texas.
- H. The text material of this UDC controls over illustrative material.
- I. Unless the context clearly requires otherwise, the use of terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- J. Commentaries are sometimes included in this UDC as a means of clarifying certain provisions or providing supplemental information thought to be useful for UDC users. Text marked as "commentary" has no regulatory effect. It is intended solely as a guide for administrative officials and the public.

**COMMENTARY:** *When commentaries are provided, they will appear in this manner.*

- K. All references to other city, county, state or federal regulations in this UDC refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- L. All references to "days" are to be deemed working days unless otherwise expressly stated. The time in which an act must be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the City, that day is excluded. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.

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**Article 1: General Provisions**

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Sec. 1.10. Completion of Building Under Construction

- M.** Wherever a provision appears requiring the head of a department or another official or employee of the City to perform an act or duty, that provision is construed as authorizing the department head or official to delegate that responsibility to a designee.

**1.9.2** In construing this UDC, all provisions are given equal weight, unless the context clearly demands otherwise.

**Sec. 1.10. Completion of Building Under Construction**

This UDC does not require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this UDC if the entire building is completed within one year from the date of the passage of this UDC.

**Sec. 1.11. Vested Rights**

**1.11.1 Adoption of Chapter 245**

The City adopts Chapter 245 of the Texas Local Government Code by reference, including any future amendments to Chapter 245 that the Texas Legislature adopts, and declares Chapter 245 a part of this UDC as fully as if the Chapter was incorporated into this UDC in its entirety. Should Chapter 245 be repealed by the Texas Legislature, this Section remains in effect for one year from the date of such repeal. During such time, the City Council may take action it deems appropriate to provide vested rights protection of ongoing projects.

**1.11.2 Purpose**

- A.** It is the intent of the City to consider approval of all development permits, except as provided in this UDC or by State law, on the basis of those standards and regulations that are in effect on the date that original application or a master plan for a development was filed. This Section applies to projects that were in progress on, or commenced after, September 1, 1997. As provided in this Section, those “vested rights” accrue on the date of the original application for a development permit for a developmental project or a master plan for real property that gives the City reasonable notice of the project and the nature of the permit being sought. When a particular developmental project requires a series of permits, the City will regard each permit in that project as part of a single series of permits, and subject to the standards and

regulations in effect when the first development permit application or a master plan for real property was filed.

- B. While the City provides for the expiration of development permits under certain terms and conditions as provided in Sec. 1.11.3, the City will not shorten the normal life of any permit in the series of permits needed for a developmental project, after the application for the initial permit for that project is accepted as administratively complete by the City, except for those permits specifically excluded from the application of this Section by State law. Regardless of the granting of any vested rights to an applicant as provided in this Section, an applicant may still take advantage of subsequently adopted changes in standards and regulations that benefit the applicant's project without forfeiting the applicant's vested rights.

### **1.11.3 Expiration of Permit Applications**

- A. The intent of this Section is to provide an expiration date for applications for development permits which otherwise lack an expiration date, in accordance with Local Government Code Section 245.002(e).
- B. Whenever the City requires the filing of an application for a development permit, no rights shall accrue to the applicant until an administratively complete application, in terms of form and content, is filed with the City. An application for a development permit expires 45 calendar days after filed with the City, if:
  - 1. The applicant fails to provide documents or other information necessary to comply with the City's technical standards related to the form and content of the permit application;
  - 2. The City provides written notice to the applicant within 10 business days after the application is filed that specifies what documents or information is missing from the application, and provides the date that the application will expire; and
  - 3. The applicant fails to provide the document or additional information by the date specified in the City's written notice to the applicant.

#### 1.11.4 Dormant Projects

- A.** In accordance with Section 245.005, “Dormant Projects,” of Chapter 245 of the Local Government Code, the City adopts an expiration date of two years from the date of issue of any development permit issued by the City if no progress has been made towards completion of the project, provided that the expiration date of any permit, including the first permit and the preliminary plat for a project, in a series of permits required for a project shall not be earlier than the fifth anniversary date of the date that the first permit application for the project. Nothing in this Section may be deemed to affect the timing or expiration of a permit that the Texas Commission on Environment Quality or its authorized agents have issued solely under the authority of Chapter 366 of the Texas Health and Safety Code.
- B.** For purposes of this Section, “progress towards completion of the project,” includes any one of the following:
1. The applicant submits an application for a Final Plat to the Planning & Zoning Commission;
  2. The applicant makes a good faith attempt to file with the Planning & Zoning Commission an administratively complete application for a permit necessary to begin or continue towards completion of the applicant’s project,
  3. The applicant has incurred costs towards developing the infrastructure needed for the development including but not limited to roadways, utilities or other infrastructure needed to serve, in whole or part, the project;
  4. The applicant posts fiscal security with the City to ensure the applicant’s performance of an obligation required by the City; or
  5. The applicant has paid utility connection fees to the City.

#### 1.11.5 Process for Certifying Vested Rights Associated with a Project

An applicant may request a letter certifying that a project is subject to vested rights, and the Director of Planning must issue such a letter, if the applicant has demonstrated compliance with the following criteria for vested rights under this Section or Chapter 245:

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**Article 1: General Provisions**

Sec. 1.12. Severability

- A. The applicant used its property or filed an application as provided in Texas Local Government Code Section 43.002 prior to annexation of that property, and that the regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 43.002(c); or
- B. The applicant filed an application as provided in Texas Local Government Code Chapter 245 prior to adoption of the regulations against which vested rights are claimed, that regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 245.004, and that the project has not become dormant as defined in Texas Local Government Code Section 245.005 or Sec. 1.11.4 of this ordinance.

[Ord. 2011-4451]

**Sec. 1.12. Severability**

If any provision or application of this UDC is judged invalid, such judgment does not affect the validity of other provisions or applications of this UDC not related to the provision or application judged invalid.

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**Article 1: General Provisions**

Sec. 1.12. Severability

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**Article 2 – Development Review Bodies**  
**Table of Contents**

Sec. 2.1.	General .....	2-1
Sec. 2.2.	City Council.....	2-1
Sec. 2.3.	Zoning Board of Adjustment.....	2-1
Sec. 2.4.	Planning and Zoning Commission.....	2-3
Sec. 2.5.	Development Review Committee.....	2-4
Sec. 2.6.	TMED Review Committee .....	2-5
Sec. 2.7.	Chief Building Official .....	2-6
Sec. 2.8.	Director of Planning .....	2-6

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## **Article 2 Development Review Bodies**

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### **Sec. 2.1. General**

This Article establishes or describes the development review bodies that pertain to this UDC and that are not established elsewhere in the City Code.

### **Sec. 2.2. City Council**

#### **2.2.1 Establishment, Membership and Procedure**

Information regarding the establishment, membership and rules of procedure of the City Council is available in Article Four of the City Charter and in the City Council's policies and procedures for City Council meetings (Resolution 99-2288-R).

#### **2.2.2 Final Action**

The City Council hears and takes final action on the following development review procedures:

- A. UDC Text Amendment;
- B. I-35 Appeal;
- C. Zoning District Map Amendment;
- D. Planned Development;
- E. Conditional Use Permit;
- F. Approval of plats requiring exceptions; and
- G. Extension of time for completing plat review process.

### **Sec. 2.3. Zoning Board of Adjustment**

#### **2.3.1 Establishment**

A Zoning Board of Adjustment is established in accordance with and controlled by the provisions of Chapter 211 of the Local Government Code.

#### **2.3.2 Final Action**

The Zoning Board of Adjustment hears and takes final action on the following development review procedures:

- A. Variance; and
- B. Appeal of Administrative Decision.

### 2.3.3 Membership

#### A. Appointment and Term

1. For the purposes of this Section, except as otherwise indicated, the terms “member” and “alternate” are synonymous.
2. The Zoning Board of Adjustment consists of five members and four alternates, each to be appointed by resolution of the City Council for a term of two years. Vacancies are filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee must serve for a full term of two years unless removed as provided below.

#### B. Removal

Members are removable for cause by the City Council upon written charges and after public hearing.

### 2.3.4 Proceedings

#### A. Chair of the Board and Vice-Chair

The Chair of the Board, or in the absence of the Chair, the acting Chair, may administer oaths and compel the attendance of witnesses. The Chair must vote and meetings of the Zoning Board of Adjustment may be held at the call of the Chair and at such other times as members of the Zoning Board of Adjustment may determine.

#### B. Meetings

All meetings of the Board are open to the public.

#### C. Quorum and Vote Required

1. A minimum of 75 percent of the members of the Zoning Board of Adjustment must hear each case.
2. The concurring vote of 75 percent of the members of the Zoning Board of Adjustment is necessary to approve a Variance or an Appeal of Administrative Decision.

**D. Rules of Proceeding**

The Zoning Board of Adjustment must adopt rules to govern its proceedings provided that such rules are not inconsistent with this UDC or statutes of the State of Texas.

**E. Minutes**

The Zoning Board of Adjustment must keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact and must keep records of its examinations and other official actions, all of which must be immediately filed with the Board and are a public record. The Director of Planning is the permanent secretary and regular technical advisor to the Board and must prepare written staff reports on each case that the Board hears.

**Sec. 2.4. Planning and Zoning Commission**

**2.4.1 Establishment**

The Planning and Zoning Commission is established by the Planning Commission Ordinance in accordance with the City Charter Sec. 3.26 and in accordance with the provisions of Chapter 211 of the Local Government Code.

**2.4.2 Powers and Duties**

The following powers and duties are assigned to the Planning and Zoning Commission under this UDC.

**A. Review and Recommendation**

The Planning and Zoning Commission must review and make a recommendation on the following development review procedures:

1. UDC Text Amendment;
2. I-35 Appeal;
3. Zoning District Map Amendment;
4. Planned Development; and
5. Conditional Use Permit.

[Ord. 2013-4580]

**B. Final Action**

Unless otherwise provided in this Article, the Planning and Zoning Commission must take final action on the following development review procedures:

1. Preliminary Plat;
2. Final Plat;
3. Replat Without Plat Vacation; and
4. Plat Vacation.

**2.4.3 Policies and Procedures**

The City Council determines by ordinance or resolution the number of members, quorum, qualifications for appointment, appointment process, orientation of new members, attendance requirements, goal-setting, reporting, meeting schedule, meeting procedures and other policies and procedures for the Planning and Zoning Commission.

**2.4.4 Override of Planning & Zoning Commission Denial Recommendation**

A minimum 75 percent vote of all the members of the City Council is required to overrule a recommendation by the Planning & Zoning Commission that a proposed UDC Text Amendment, Zoning District Map Amendment, Planned Development or Conditional Use Permit be denied.

**Sec. 2.5. Development Review Committee**

**2.5.1 Establishment**

A Development Review Committee is established to provide a coordinated and centralized technical review body. The Development Review Committee is composed of persons from various City departments that have an interest in development review.

**2.5.2 Review and Recommendation**

The Development Review Committee must review and make a recommendation on the following development review procedures:

- A.** Planned Development;
- B.** Conditional Use Permit;
- C.** Preliminary Plat;

- D. Final Plat;
- E. Replat Without Plat Vacation;
- F. Minor or Amending Plat; and
- G. Plat Vacation.

### 2.5.3 Membership

#### A. Chair

The Director of Planning serves as Chair of the Development Review Committee and is responsible for all final actions of the Committee.

#### B. Other Members

In addition to the Chair, the Development Review Committee is composed of the following members:

1. Director or Construction Safety;
2. Director of Public Works;
3. Director of Parks and Leisure Services;
4. Director of Information Technology;
5. City Attorney;
6. Fire Chief; and
7. Any other City staff or external agencies the Chair deems necessary for the professional review of an application.

### 2.5.4 Proceedings

The Development Review Committee meets as often as necessary to fulfill its duties or upon call of the Chair of the committee to discuss and review the applications listed in Sec. 2.5.2 above. The meeting notes of each meeting must be filed with the Director of Planning and sent to the applicant.

## Sec. 2.6. TMED Review Committee

### 2.6.1 Establishment

A TMED Review Committee (TRC) is established that is comprised of the Development Review Committee membership, an at-large citizen representative located within the District and two TMED Coordinating Group

members, who will be appointed by the TMED Coordinating Group. These three representatives are appointed to two-year terms.

#### **2.6.2 Final Action**

The TRC reviews and takes final action on Warrant requests.

[Ord. 2010-4415]

### **Sec. 2.7. Chief Building Official**

The Chief Building Official must take final action on the following development review applications:

**2.7.1** Building Permits; and

**2.7.2** Sign Permits.

### **Sec. 2.8. Director of Planning**

#### **2.8.1 Powers and Duties**

The following powers and duties are assigned to the Director of Planning under this UDC.

##### **A. Review and Recommendation**

The Director of Planning must review and make a recommendation on the following development review procedures:

1. UDC Text Amendment;
2. Zoning District Map Amendment;
3. Planned Development;
4. Conditional Use Permit;
5. Preliminary Plat;
6. Final Plat;
7. Replat Without Plat Vacation;
8. Plat Vacation;
9. Building Permit;
10. Sign Permit; and
11. Variance.

**B. Final Action**

Unless otherwise provided in this Article, the Director of Planning must take final action on the following development review procedures:

1. Minor or Amending Plat;
2. Administrative Adjustment;
3. Sidewalk Waiver requests or may refer the request to the Planning and Zoning Commission and the City Council; and
4. Determination of Comparable Temporary Uses.

[Ord. 2011-4430], [Ord. 2015-4701]

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**02Article 2: Development Review Bodies**  
Sec. 2.8. Director of Planning

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## **Article 3 – Development Review Procedures**

### **Table of Contents**

Sec. 3.1.	Common Review Procedures.....	3-1
Sec. 3.2.	UDC Text Amendment.....	3-3
Sec. 3.3.	Zoning District Map Amendment (Rezoning).....	3-5
Sec. 3.4.	Planned Development.....	3-7
Sec. 3.5.	Conditional Use Permit .....	3-10
Sec. 3.6.	Subdivision Plat Review .....	3-13
Sec. 3.7.	Replat Without Plat Vacation .....	3-23
Sec. 3.8.	Minor or Amending Plat.....	3-26
Sec. 3.9.	Plat Vacation .....	3-29
Sec. 3.10.	Sidewalk Waiver .....	3-30
Sec. 3.11.	TMED Site Plan Review .....	3-32
Sec. 3.12.	Administrative Adjustment.....	3-36
Sec. 3.13.	Building Permit .....	3-37
Sec. 3.14.	Sign Permit .....	3-40
Sec. 3.15.	Variance.....	3-42
Sec. 3.16.	Appeal of Administrative Decision.....	3-45

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# Article 3 Development Review Procedures

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## Sec. 3.1. Common Review Procedures

### 3.1.1 Application Initiation

#### A. Who May Initiate

Any party having proprietary interest in any property may initiate a Development Review Application for a development review procedure described in this Article. The City Manager or Planning and Zoning Commission may, on its own motion or on request from the City Council, institute an amendment to the provisions of this UDC or the Zoning District Map in accordance with this Article.

#### B. Application Forms

Development review applications set forth in this UDC must be made upon a form provided by the Director of Planning, Chief Building Official or Director of Public Works, as appropriate. A development review application must be submitted to the Director who provides the applications.

#### C. Application Fees

The fees for processing a development review application must be set by resolution of the City Council.

### 3.1.2 Plats Approved Unless Disapproved Within 30 Days

The Planning and Zoning Commission must take final action on a plat within 30 days of the application being deemed administratively complete by the Development Review Committee. The City Council must take final action on a plat requiring an exception to the standards in Sec. 3.6.7 within 30 days of the application being reviewed by the Planning and Zoning Commission. A plat is deemed approved unless it is denied within that period or unless such time is extended by agreement with the applicant in writing.

### 3.1.3 Appeals

#### A. Administrative Decisions

With the exception of decisions related to building exterior material requirements set forth in Sec. 7.8, or the provisions of the I-35 Corridor Overlay zoning district, any party aggrieved by any final decision of any

administrative official regarding the provisions of this UDC may appeal to the Zoning Board of Adjustment in accordance with Sec. 3.16.

**B. Quasi-Judicial Decisions**

Any party aggrieved by any decision of the Zoning Board of Adjustment may present to the court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition must be presented to the court within 10 days after the filing of the decision by the Zoning Board of Adjustment.

**C. Building Exterior Materials**

Any party aggrieved by a decision of the Director of Planning on building exterior material requirements set forth in Sec. 7.8 may appeal to City Council. In deciding an appeal, the City Council will consider the same criteria applicable to exceptions found in subsection 7.8.4H.

**D. I-35 Corridor Overlay Zoning District**

Any party aggrieved by a decision of the Director of Planning on a development review application in the I-35 Corridor Overlay zoning district may appeal to the City Council for final action.

[Ord. 2012-4514]

**E. 1st and 3rd Street Overlay**

Any party aggrieved by a decision of the Director of Planning on an administrative exception in the 1st and 3rd Street Overlay District may appeal to the Planning and Zoning Commission and City Council.

**3.1.4 Revocation of Permit or Approval**

A development review body may revoke any permit or approval it has issued where there has been a violation of the provisions of this UDC or a misrepresentation of fact on the development review application.

**Sec. 3.2. UDC Text Amendment**

**3.2.1 Applicability**

The City Council may amend the text of this UDC.

**3.2.2 Review Process**

**A. Director of Planning Review**

The Director of Planning must review the submitted application and make a recommendation to the Planning and Zoning Commission and City Council.

**B. Planning and Zoning Commission Review**

Following notice in accordance with Sec. 3.2.3 below, the Planning and Zoning Commission must hold a public hearing and make a recommendation to the City Council.

**C. City Council Final Action**

Following notice in accordance with Sec. 3.2.3 below, the City Council must hold a public hearing and approve, approve with conditions or deny the UDC Text Amendment.

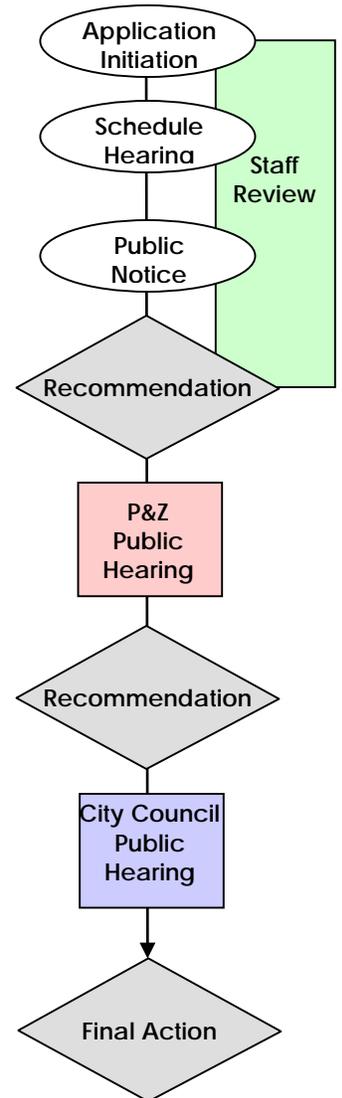
**3.2.3 Public Notice and Public Hearing**

**A. Planning and Zoning Commission**

A proposed UDC Text Amendment requires notice of the public hearing of the Planning and Zoning Commission by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published before the 10th day before the date of the public hearing.

**B. City Council**

A proposed UDC Text Amendment requires notice of the public hearing of the City Council by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published before the 15th day before the date of the public hearing.



**3.2.4 Limitation on Resubmittal**

A UDC Text Amendment application that has been denied by the City Council may not again be considered either by the City Council or the Planning and Zoning Commission prior to the expiration of six months from the date of the original action by the City Council.

### Sec. 3.3. Zoning District Map Amendment (Rezoning)

#### 3.3.1 Applicability

The City Council may amend the Zoning District Map.

#### 3.3.2 Review Process

##### A. Director of Planning Review

The Director of Planning must review the submitted application and make a recommendation to the Planning and Zoning Commission and City Council.

##### B. Planning and Zoning Commission Review

Following notice in accordance with Sec. 3.3.3 below, the Planning and Zoning Commission must hold a public hearing and make a recommendation to the City Council.

##### C. City Council Final Action

Following notice in accordance with Sec. 3.3.3 below, the City Council must hold a public hearing and approve, approve with conditions or deny the Zoning District Map Amendment.

#### 3.3.3 Public Notice and Public Hearing

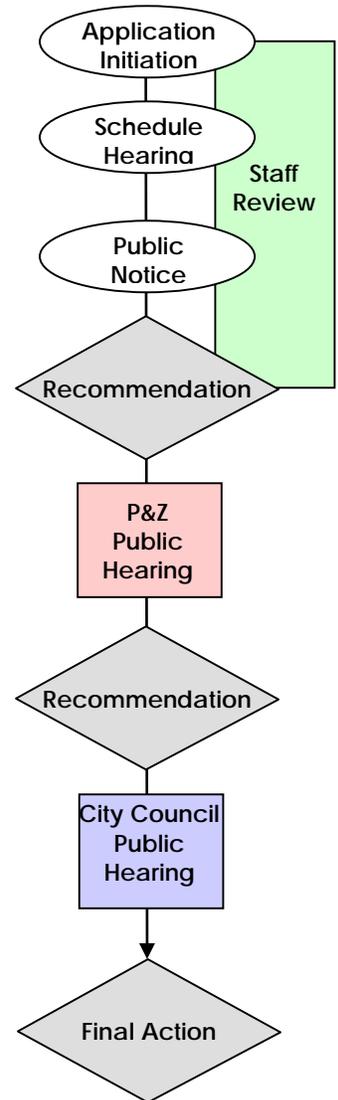
##### A. Planning and Zoning Commission

###### 1. Mailed Notice

A proposed Zoning District Map Amendment requires notice of the public hearing of the Planning and Zoning Commission by mail to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice must be mailed before the 10th day before the date of the public hearing.

###### 2. School District Notice

A proposed Zoning District Map Amendment affecting residential or multifamily zoning requires notice of the public hearing of the Planning and Zoning Commission by mail to each school district in which the property for which the change in classification is proposed is located. The notice must be



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**Article 3: Development Review Procedures**

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Sec. 3.3. Zoning District Map Amendment (Rezoning)

mailed before the 10th day before the date of the public hearing.

3. **Published Notice**

A proposed Zoning District Map Amendment requires notice of the public hearing of the Planning and Zoning Commission by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published before the 10th day before the date of the public hearing.

[Ord. 2014-4631]

**B. City Council**

A proposed Zoning District Map Amendment requires notice of the public hearing of the City Council by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published a minimum of 15 days before the date of the public hearing.

**3.3.4 Protest**

**A.** A Zoning District Map Amendment application requires a three-fourths vote of the City Council in order to be approved if a written protest has been signed and submitted by the owners of a minimum of 20 percent of either:

1. The area of the properties covered by the proposed change; or
2. The area of the properties immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

**B.** In computing the percentage of land area under Subsection A above, the area of streets and alleys must be included.

**3.3.5 Limitation on Resubmittal**

A Zoning District Map Amendment application that has been denied by the City Council may not again be considered either by the City Council or the Planning and Zoning Commission prior to the expiration of six months from the date of the original action by the City Council.

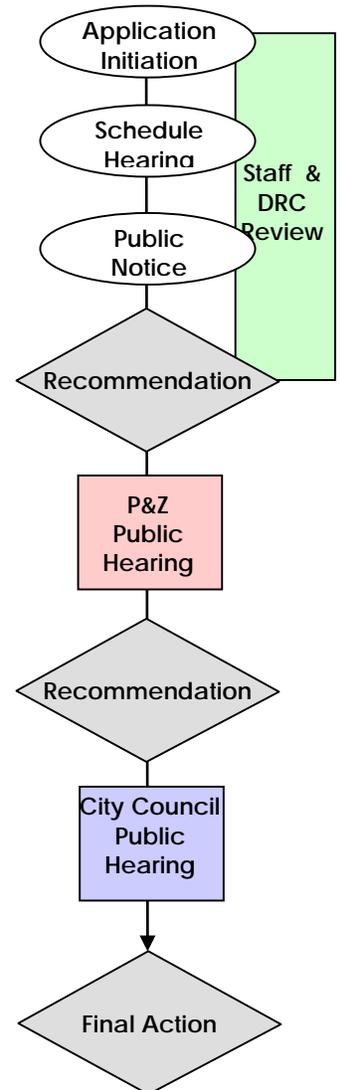
### Sec. 3.4. Planned Development

#### 3.4.1 Applicability

A Planned Development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

#### 3.4.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a Planned Development application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. The Director of Planning must review the Planned Development application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the design elements of the submitted Development Plan.
- C. In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.



#### 3.4.3 Development Plan

- A. A Development Plan of the entire property within the Planned Development must be submitted concurrently with a Planned Development application.

- B. A Development Plan may be approved for a portion of a Planned Development district where the district is divided by a major thoroughfare and the Development Plan includes all the property located on one side of the street.
- C. In approving a Planned Development district, a standard may not be modified unless this UDC expressly permits such modification, and in no case may a standard be modified if this UDC prohibits such modifications.
- D. Approval of a Development Plan will determine the design elements listed in 3.4.2C above.

#### **3.4.4 Binding Nature of Approved Development Plan**

Development Plan conditions must be complied with before a Certificate of Occupancy is issued for the Planned Development.

#### **3.4.5 Review Criteria**

In determining whether to approve, approve with conditions or deny a Planned Development application, the review bodies in Sec. 3.4.2 above must consider the following criteria.

- A. The plan complies with all provisions of the Design and Development Standards Manual, this UDC and other ordinances of the City.
- B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood is mitigated.
- C. The development is in harmony with the character, use and design of the surrounding area.
- D. Safe and efficient vehicular and pedestrian circulation systems are provided.
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

- G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- H. Landscaping and screening are integrated into the overall site design:
  - 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and
  - 2. To complement the design and location of buildings.
- I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.
- J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.

#### **3.4.6 Modification of Approved Development Plan**

- A. Consideration of modification to an approved Development Plan must take into consideration the effect of the proposed modification on the remainder of the property. Amendments to the approved Development Plan or any Planned Development conditions which are substantive require public hearings in the routine manner required for a Zoning District Map Amendment.
- B. The Planning and Zoning Commission and City Council, in approving modifications to the Development Plan or Planned Development conditions, must be guided by the purpose intended by the base zoning district and general intent of this UDC.

#### **3.4.7 Expiration**

If no development has occurred on a Planned Development zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

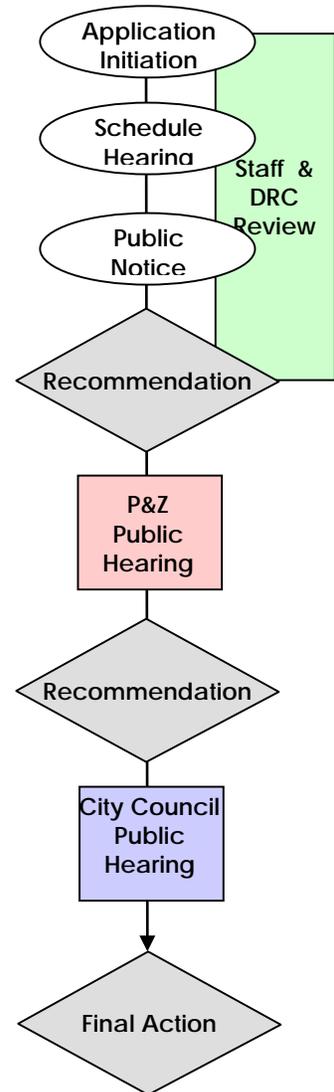
### Sec. 3.5. Conditional Use Permit

#### 3.5.1 Applicability

- A. The Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the conditional use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- B. Conditional uses are identified in the use table in Article 5.

#### 3.5.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a CUP application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. Application for a CUP must occur in conjunction with the submittal of a site plan.
- C. The Director of Planning must review the CUP application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the operational and design elements of the submitted CUP site plan.
- D. A Building Permit or Certificate of Occupancy may not be issued for any use that requires a CUP unless a CUP has first been approved in accordance with the provisions of this Section.



**3.5.3 Duration**

An approved CUP runs with the land and does not expire without City Council revocation as set forth in Sec. 3.5.6. At its discretion, the City Council may impose an expiration date on an approved CUP. The City Council may require that the property owner reapply for CUP approval prior to expiration in order for the conditional use to continue operation.

[Ord. 2012-4505]

**3.5.4 Review Criteria**

In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

**3.5.5 Additional Conditions**

In authorizing a CUP, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary

to protect the public interest and welfare of the community, including a time period for which a CUP is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

### **3.5.6 Revocation and Modification**

A CUP may be revoked or modified, after notice to the property owner and a hearing before the City Council, for any of the following reasons:

- A.** The CUP was obtained or extended by fraud or deception;
- B.** One or more of the conditions imposed by the permit has not been met or has been violated; or
- C.** The CUP previously authorized is determined to be detrimental to the public health, safety and/or welfare.

### **3.5.7 Modification of Approved CUP**

The procedure for amendment of a CUP is the same as for a new application. However, the Director of Planning may approve minor variations to the CUP Site Plan or conditions of the permit that do not increase density, change traffic patterns or result in any increase in external impact on adjacent properties or neighborhoods. Otherwise, variations require consideration of an amendment as required as described in Sec. 3.5.2.

### **3.5.8 Limitation on Resubmittal**

A Conditional Use Permit application that the City Council has denied may not again be considered either by the City Council or the Planning and Zoning Commission prior to the expiration of six months from the date of the original action by the City Council.

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## Sec. 3.6. Subdivision Plat Review

### 3.6.1 Applicability

- A. Pursuant to the authority granted in Chapter 212 of the Local Government Code, the owner of a tract of land located within the City limits or in the extraterritorial jurisdiction who divides the tract in two or more parts must have a plat prepared in order to lay out:
  - 1. A subdivision;
  - 2. Lots; or
  - 3. Streets, alleys, squares, parks 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.
- B. A division of a tract under this subsection includes a division regardless of whether it is made:
  - 1. Using a metes and bounds description in a deed of conveyance;
  - 2. In a contract for a deed, by using a contract of sale or other executory contract to convey; or
  - 3. Using any other method.

### 3.6.2 Exemptions from Required Plat

The following actions do not require development review under these subdivision provisions:

- A. A division of land into lots all of which are five acres or more in the City limits and 10 acres or more in the ETJ, where each lot has public street access and no public improvement is being dedicated;
- B. Establishment of a cemetery complying with all state and local laws and regulations;
- C. Acquisition of land for a governmental purpose by dedication, condemnation or easement; or
- D. Partitions of land among co-tenants by a court.

**3.6.3 Application Process**

A subdivision of land must generally proceed in accordance with the following steps:

- A. Pre-Application Conference;
- B. Preliminary Plat (where applicable per 3.6.5);
- C. Final Plat and Construction Plans;
- D. Acceptance of subdivision as complete; and
- E. Acceptance of public improvements for ownership and maintenance

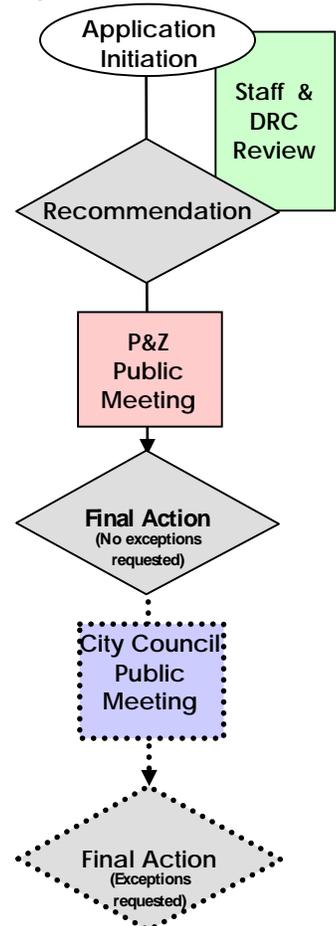
**3.6.4 Pre-Application Conference**

Prior to the submittal of a subdivision application, a pre-application conference must be held with the Director of Planning and Development and other assigned City staff to discuss the proposed subdivision unless determined otherwise by the Director of Planning and Development.

**3.6.5 Preliminary Plat**

Applicability.

- A. A preliminary plat is required for:
  - All development projects where the subdivision constitutes a unit of a larger tract or group of tracts that is 100 acres or larger under common ownership or control; and
  - All development projects where the subdivision is planned for multiple phases.
- B. Preliminary Plat Requirements
  - The Preliminary Plat must include all information needed to ensure compliance with Article 8 of this UDC, the Comprehensive Plan, other master plans, the Design and Development Service manual, and applicable State Laws as identified in the established Plat Application Checklist.



**C. Review Process**

The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Preliminary Plat's compliance with Article 8 of this UDC, the Comprehensive Plan, the Design and Development Service Manual, other master plans and applicable State Laws.

1. **Director of Planning Review**

The Director of Planning must review the submitted application and make a recommendation to the Planning and Zoning Commission. Such recommendation should include comments relative to the proposed Preliminary Plat's compliance with the Comprehensive Plan, other master plans, the Design and Development Standards Manual, and applicable state laws.

[Ord. 2013-4580]

2. **Planning and Zoning Commission Final Action**

a. If no exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, the Planning and Zoning Commission must hold a public meeting and approve, approve with conditions or deny the Preliminary Plat. A conditional approval can include the requirements and specific changes the Planning and Zoning Commission determines necessary for the Preliminary Plat to comply with this UDC, or the conditional approval can be specifically given by the Commission as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat.

b. If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, the Planning and Zoning Commission must

hold a public meeting and make a recommendation to the City Council.

- c. Approval of a Preliminary Plat does not constitute automatic approval of the Final Plat.

3. **City Council Final Action**

If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, or if the applicant wishes to appeal the decision of the Planning and Zoning Commission, then the City Council must hold a public meeting and approve, approve with conditions or deny the Preliminary Plat.

**D. Expiration**

Notwithstanding the provisions of Sec. 3.6.8, a Preliminary Plat for a subdivision that is not phased or not to be developed sequentially expires and is deemed null and void five years from the date of approval unless a Final Plat is filed and approved for all of the Preliminary Plat within that time or unless the term is extended as provided in paragraph E below. A new application must be filed to request approval for subdivision of land for which a Preliminary Plat has expired.

[Ord. 2011-4451]

**E. Extension of Plat Term**

The term of a Preliminary Plat may be extended by one of the following procedures before the initial term or an extension of the initial term expires.

1. **Final Platting and Construction**

- a. The Planning and Zoning Commission or City Council, as appropriate, must approve a Final Plat for a phase of the subdivision that is reasonable in size and layout and must find that the Final Plat substantially conforms to the Preliminary Plat.
- b. The developer must begin construction of the required subdivision improvements.

- c. Each Final Plat phase extends the term of the Preliminary Plat for two additional years from the date the last Final Plat phase was approved.

2. **Administrative Extension**

- a. The owner or the developer of property for which an unexpired Preliminary Plat has been approved may apply for, and the Director of Planning may approve, a two-year extension of the life of the Preliminary Plat. In making a decision as to whether to approve or deny an application for extension of the life of a Preliminary Plat, the Director of Planning may consider, among other factors, evidence that the owner, developer or City produces that shows for the prior two year period:
  - i. The state of the national and regional economy and housing market;
  - ii. The state of the local economy and housing market, including:
    - (A) The number of new lots platted within the City limits;
    - (B) The number of building permits for single-family residences issued within the City limits; and
    - (C) The inventory of platted single family lots within the City limits.
  - iii. The availability (or lack thereof) of financing for construction of subdivision improvements, home construction, or for end-purchasers of single-family residences during the previous two years;
  - iv. The inventory of unsold homes and lots in Temple; and
  - v. The owner's or developer's prior experience in completing multiphase subdivisions.

- b. An applicant denied a request for an extension of the life of a Preliminary Plat may appeal the Director of Planning’s decision to the City Manager whose decision is final.

[Ord. 2011-4451]

### 3.6.6 Final Plat

#### A. Review Process

##### 1. Development Review Committee Review

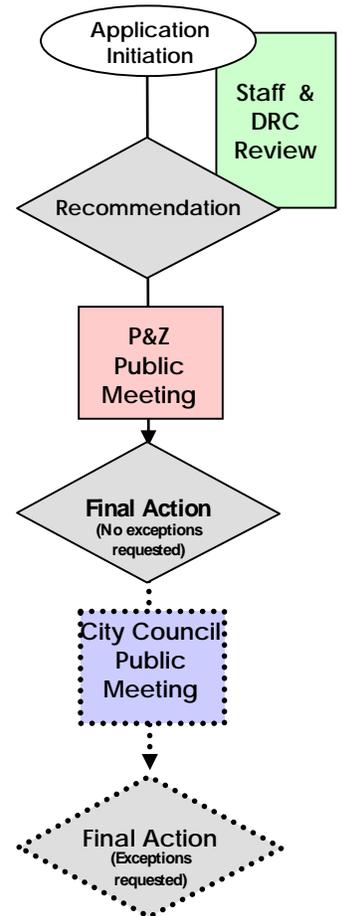
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Final Plat’s compliance with the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable state laws.

##### 2. Director of Planning Review

The Director of Planning must review the submitted application and make a recommendation to the Planning and Zoning Commission. Such recommendation should include comments relative to the proposed Final Plat’s compliance with the Comprehensive Plan and other master plans.

##### 3. Planning and Zoning Commission Final Action

- a. If no exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, the Planning and Zoning Commission must hold a public meeting and approve or deny the Final Plat.
- b. If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, the Planning and Zoning Commission must hold a public meeting and make a recommendation to the City Council.



4. **City Council Final Action**

If exceptions to the subdivision design and improvements standards found in Article 8 have been requested as set forth in Sec. 3.6.7 below, or if the applicant wishes to appeal the decision of the Planning and Zoning Commission, then the City Council must hold a public meeting and approve or deny the Final Plat.

**B. Conformance to Preliminary Plat**

A Final Plat must conform substantially to the approved Preliminary Plat.

**C. Construction Plans**

A Final Plat application for a subdivision that is not zoned or restricted for single-family dwellings may be submitted and approved without construction plans. The Final Plat application for a single-family subdivision must include the construction plans. The City Engineer must approve construction plans, regardless of when filed, before construction of the subdivision may begin and before the Chief Building Official approves Building Permits.

**D. Expiration**

An approved Final Plat must be recorded within 120 days after final approval. All approved Final Plats must be recorded in the deed records of Bell County before the City accepts the completed public improvements for the subdivision or issues Building Permits for construction of homes, unless the following conditions are satisfied:

1. Water and wastewater services are available to serve the property being permitted; and
2. A letter of credit, escrow account or other means suitable to the City Attorney to ensure funds are available for completion of the remaining subdivision improvements is filed with the Director of Public Works in accordance with paragraph 3.6.9D.2 below.

**3.6.7 Exceptions**

- A.** An applicant may request an exception to the subdivision design and improvement standards found in Article 8. The applicant must submit written justification for such exception along with the plat application. Exceptions may be granted only when in harmony with the general

purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

- B.** The City Council may approve, approve with conditions or deny the request after consideration of the following factors:
  - 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of Article 8 would have a substantial adverse impact on the applicant's reasonable use of the land;
  - 2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - 3. That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this Section.
- C.** In considering the above criteria, the Planning and Zoning Commission and the City Council must take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such exception upon traffic conditions.

### **3.6.8 Resubmission of Plats**

In the event that either or both of the following conditions occur during the processing of a subdivision plat, the Planning and Zoning Commission or City Council may require resubmission of the plat as a Preliminary or Final Plat.

#### **A. Significant Change or In Proposal**

Resubmittal of the plat is required when a proposal has undergone a significant change or changes during the process of plat review that make it desirable or necessary to review its impact on the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable state laws.

**B. Extended Delays in Processing by Applicant**

When the applicant does not complete the review process within 24 months from the date of filing, the City Council may grant extensions for good cause for additional six-month periods.

**3.6.9 Procedures Following Final Plat Approval**

**A. Certificate of Approval**

An approved Final Plat may be recorded after all required acknowledgments and certifications are complete. The Chair of the Planning and Zoning Commission is authorized to execute the certificate of approval on a Final Plat and duplicate originals of a plat that the Planning and Zoning Commission approved.

**B. Coordination with County**

The approved Final Plat for any subdivision located outside the City limits but within the ETJ must also be submitted to the Commissioner's Court of Bell County for approval before recording. After the Commissioner's Court action, a reproducible copy of the Final Plat must be returned to the City bearing all appropriate signatures and seals.

**C. Final Plat Copies**

After approval of the Final Plat, the applicant must file in the office of the Director of Planning, one Mylar reproducible print, complete with all necessary signatures, 13 copies or blue line prints and one digital drawing of the Final Plat. All figures and letters shown must be plain, distinct and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. The drawing must contain separate layers for features such as text, subdivision boundary, easements, lot lines, lot numbers, block numbers and edge of curbs or pavement, as appropriate for the type of drawing submitted. The format of the digital drawing must be the current or previous release of AutoCAD ADWG drawing format or a similar substitute that the Director of Public Works approves.

**D. Acceptance of Improvements**

Before the City accepts the subdivision improvements the applicant must submit the following:

1. One Mylar reproducible print of the subdivision construction plans, marked "drawings of work as built," and one copy of the as-built drawings in the same digital format required in subsection C above for the approved Final Plat.
2. The City Attorney may approve security for warranty of a subdivision, payable to the City, for one year in an amount of 35 percent of the total construction cost in one of the following forms:
  - a. Cash deposit to the city;
  - b. An irrevocable letter of credit issued by any bank duly chartered under the laws of the State of Texas.
  - c. A bond that will guarantee such funds to the city.

**3.6.10 Obligation by City for Maintenance of Improvements**

Approval of the Final Plat does not impose any duty upon the City concerning the maintenance of improvements of any such dedicated parts until the Director of Public Works has signed a statement for the acceptance of the improvements.

**3.6.11 No City Obligation**

The City's acceptance of a Final Plat does not in any manner obligate the City to finance or furnish any storm sewers, drainage structures, street, water or wastewater improvements or any other improvements within the approved subdivision, except under the provisions provided in this UDC.

### Sec. 3.7. Replat Without Plat Vacation

#### 3.7.1 Applicability

- A. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
  - 1. Is signed and acknowledged by only the owners of the property being replatted; and
  - 2. Does not attempt to amend or remove any covenants or restrictions.
- B. The subdivision standards imposed are those in effect at the time of original platting of the subdivision.

#### 3.7.2 Review Process

##### A. Development Review Committee Review

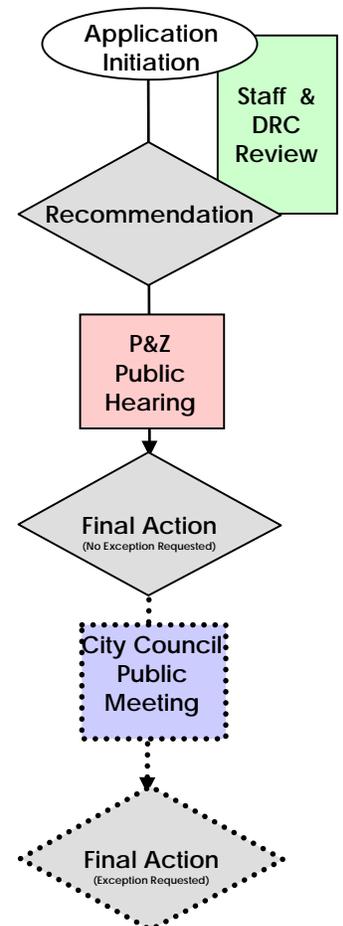
The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Replat Without Plat Vacation’s compliance with Article 8 of this UDC, the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable State Laws.

##### B. Director of Planning Review

The Director of Planning must review the submitted application and make a recommendation to the Planning and Zoning Commission. Such recommendation should include comments relative to the proposed Replat Without Plat Vacation’s compliance with Article 8 of this UDC, the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable State Laws.

##### C. Planning and Zoning Commission Final Action

If the criteria in subsection 3.7.3A below apply to the property, then following notice in accordance with subsections 3.7.3B and 3.7.3C



below, the Planning and Zoning Commission must hold a public hearing and approve or deny the Replat Without Plat Vacation. If the criteria in Sec. 3.7.3 do not apply to the property, then the public notice requirement in Sec. 3.7.3 below does not apply; however, a public hearing is still required.

### **3.7.3 Public Hearing and Public Notice**

#### **A. Criteria**

Public notice in accordance with subsections B and C below is required prior to approval of a Replat Without Plat Vacation if during the preceding five years:

1. Any of the area to be replatted was zoned UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2F, or TH; or
2. Deed restrictions limited any lot in the preceding plat to not more than two residential units per lot.

#### **B. Mailed Notice**

A proposed Replat Without Plat Vacation for property meeting the criteria listed in paragraph A above requires notice of the public hearing of the Planning and Zoning Commission by mail to all owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll of the property upon which the Replat Without Plat Vacation is requested. The notice must be mailed, with a copy of subsection Sec. 3.7.4 attached, before the 15th day before the date of the public hearing.

#### **C. Published Notice**

A proposed Replat Without Plat Vacation requires notice of the public hearing of the Planning and Zoning Commission to be given by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published before the 15th day before the date of the public hearing.

### **3.7.4 Protest**

- A. A Zoning District Map Amendment application requires a three-fourths vote of the City Council in order to be approved if a written protest has

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**Article 3: Development Review Procedures**

Sec. 3.7. Replat Without Plat Vacation

been signed and submitted by the owners of a minimum of 20 percent of either:

1. The area of the properties covered by the proposed change; or
  2. The area of the properties immediately adjoining the area covered by the proposed change and extending 200 feet from that area.
- B.** In computing the percentage of land area under subsection 3.3.4A above, the area of streets and alleys must be included.

**3.7.5 Expiration**

An approved Replat Without Plat Vacation must be recorded within 120 days after final approval. All approved Replats Without Vacation must be recorded in the deed records of Bell County before the City accepts the completed public improvements for the subdivision or issues Building Permits for construction of homes, unless the following conditions are satisfied:

- A.** Water and wastewater services are available to serve the property being permitted; and
- B.** A letter of credit, escrow account or other means suitable to the City Attorney to ensure funds are available for completion of the remaining subdivision improvements is filed with the Director of Public Works in accordance with paragraph 3.6.9D.2 above.

## **Sec. 3.8. Minor or Amending Plat**

### **3.8.1 Applicability**

Minor or Amending Plats may be approved in accordance with this Section.

#### **A. Minor Plat**

1. A Minor Plat is any plat for four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public facilities.
2. The Director of Planning may approve a Minor Plat involving extension of an existing City street or the addition of a turning lane to an existing street, provided that all other standards of Article 8 are met, including specifically the requirement that the applicant satisfy requirements for street improvement by escrowing funds with the City, or providing a letter of credit, in the amount of the requirement improvement.
3. Any plat that requires an exception from the subdivision design and improvement standards of Article 8, any public utility dedication or any public dedication of land may not be processed as a Minor Plat.

#### **B. Amending Plat**

The purpose of an Amending Plat is to:

1. Correct an error in a course or distance shown on the preceding plat;
2. Add a course or distance that was omitted on the preceding plat;
3. Correct an error in a real property description shown on the preceding plat;
4. Indicate monuments set after the death, disability or retirement from practice of the surveyor responsible for setting monuments;
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

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**Article 3: Development Review Procedures**

Sec. 3.8. Minor or Amending Plat

6. Correct any other type of scrivener or clerical error or omission on a previously approved plat, including lot 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 if:
  - a. Both lot owners join in the application for amending the plat;
  - b. Neither lot is abolished;
  - c. The amendment does not attempt to remove recorded covenants or restrictions; and
  - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvements on a lot line or easement;
9. Relocate one or more lot lines between one or more adjacent lots if:
  - a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions; and
  - c. The amendment does not increase the number of lots;
10. Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a 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 Planning and Zoning Commission or City Council has approved, after a public hearing, as a residential improvement area;

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Article 3: Development Review Procedures

Sec. 3.8. Minor or Amending Plat

11. Replat one or more lots fronting on an existing street if the:
  - a. Owners of all those lots join in the application for amending the plat;
  - b. Amendment does not attempt to remove recorded covenants or restrictions;
  - c. Amendment does not increase the number of lots; and
  - d. Amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

**3.8.2 Review Process**

**A. Development Review Committee Review**

The Development Review Committee must review the submitted application and determine whether the application is administratively complete or not. Such determination should include comments relative to the proposed Minor or Amending Plat’s compliance with Article 8 of this UDC, the Comprehensive Plan, the Design and Development Standards Manual, other master plans and applicable State Laws.



**B. Director of Planning Final Action**

1. The Director of Planning may approve a Minor or Amending Plat.
2. The Director of Planning may not deny a Minor or Amending Plat. Any such plat that does not meet the requirements of this UDC must be forwarded to the Planning and Zoning Commission for recommendation and to the City Council for final action.

**3.8.3 Expiration**

An approved Minor or Amending Plat must be recorded within 120 days after final approval. All approved Minor or Amending Plats must be recorded in the deed records of Bell County before the City accepts the completed public improvements for the subdivision or issues Building Permits.

## **Sec. 3.9. Plat Vacation**

### **3.9.1 Applicability and Review Process**

- A.** The proprietors of a tract covered by a plat may vacate the plat at any time before any lot in the plat is sold.
- B.** If lots in a plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of the lots in the plat with approval obtained in the manner prescribed for the original plat.
- C.** The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- D.** On the execution and recording of the vacated instrument, the vacated plat has no effect.

### **3.9.2 Expiration**

An approved Plat Vacation must be recorded within 120 days after final approval in the deed records of Bell County.

### Sec. 3.10. Sidewalk Waiver

#### 3.10.1 Applicability

As part of the platting procedures described in Sec. 3.6 through Sec. 3.8 above or the Building Permit procedure in Sec. 3.13, an applicant may request a waiver of the sidewalk requirements in Sec. 8.2.3.

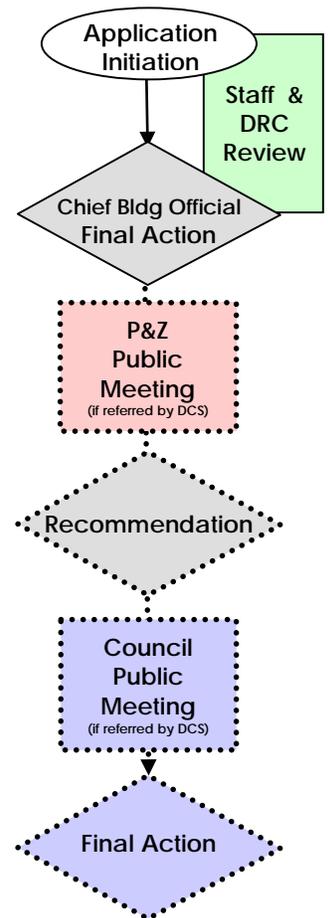
#### 3.10.2 Review Process

The Director of Planning must approve, approve with conditions or deny a written request for waiver of the sidewalk requirements in Sec. 8.2.3 or the Director of Planning may refer a request for waiver to the Planning and Zoning Commission and City Council.

#### 3.10.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Sidewalk Waiver application, the Director of Planning must consider the following criteria.

- A. Special topographical or other conditions exist on the property being platted, developed or redeveloped, such that a literal enforcement of this section would result in unnecessary hardship.
- B. The purpose of this UDC is observed and substantial justice is done.
- C. The waiver is in the public interest.
- D. The anticipated volume of vehicular and pedestrian traffic in the area based on the proposed development and the current or future uses of surrounding property as set forth in the Comprehensive Plan, Zoning District Map and Citywide Trails Master Plan.
- E. The likelihood that a proposed new sidewalk will connect to other sidewalks in the adjoining areas within five years.
- F. The likelihood of the area for which a waiver is being requested to serve as a pedestrian link between public or private facilities in adjoining areas.



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**Article 3: Development Review Procedures**

Sec. 3.10. Sidewalk Waiver

- G.** Whether due to the width or the anticipated reconstruction of adjoining roadways, construction of a sidewalk on the property under consideration makes economic sense.

[Ord. 2011-4430]

## **Sec. 3.11. TMED Site Plan Review**

### **3.11.1 Applicability**

Site plan review is required to ensure that all development within the entire TMED zoning district meets the requirements set forth in the TMED design standards in Sec. 6.3. The review covers site planning, architecture, landscaping, exterior lighting and signs, as well as any changes, additions or renovations to any development on the site.

### **3.11.2 Review Process**

#### **A. Subdivision Plat Required**

Prior to TMED Site Plan or Building Permit approval, any property to be developed in the TMED zoning district must undergo the subdivision review process required in Article 3.

#### **B. Director of Planning Determination of Completeness**

1. The Director of Planning must determine whether a TMED Site Plan application is complete and satisfies the initial submittal requirements within five working days of the application being properly submitted and received by the City.
2. If the application is determined incomplete, the Director of Planning must notify the applicant in writing. The notification must list all missing or incomplete items.
3. The Director of Planning may request additional information not specifically stated in the application submittal requirements if such information is required for the accurate review of the proposal.
4. Upon receipt of a complete application, the Director of Planning must distribute the application to the DRC, to review the site plan for compliance with the provisions of Sec. 6.3.

#### **C. Development Review Committee Review**

The Development Review Committee must review the submitted application and make a recommendation to the Director of Planning.

#### **D. Director of Planning Final Action**

The Director of Planning must approve, approve with conditions or deny a TMED Site Plan application based on the review criteria below in Sec.

3.11.3 below. Approval of a TMED Site Plan results in the issuance of a TMED Site Plan Permit.

### **3.11.3 Review Criteria**

The Director of Planning must approve, approve with conditions or deny a TMED Site Plan application based on the following criteria:

- A.** The application exhibits conformance with the standards of the TMED zoning district, the Comprehensive Plan and other adopted planning policies;
- B.** Utilities and services, including, but not limited to, sewer, water service, police and fire protection are available and adequate to serve the proposed use; and
- C.** The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

### **3.11.4 TMED Site Plan Application Life**

A TMED Site Plan application expires 180 days after submittal if the application is not approved. If an applicant wishes to continue, new plans must be resubmitted and current fees are required.

### **3.11.5 TMED Site Plan Permit Expiration and Extension**

- A.** All TMED Site Plan Permits are valid for two years from the date the permit is issued.
- B.** A modification to an approved TMED Site Plan Permit replaces the previous TMED Site Plan Permit and is valid two years from the date the latest permit modification is approved.
- C.** The Director of Planning may approve a one-time, 180-day extension application if the TMED Site Plan Permit remains valid under the existing TMED standards at the time of the request.
- D.** The Director of Planning may deny any extension request. If denied, the applicant may appeal the decision to City Council.
- E.** Any subsequent extension request requires a separate application to be forwarded to the City Council for consideration. At no time may an extension request be greater than 180-days.

**3.11.6 Warrants and Variances**

- A.** There are two types of deviations from the requirements of the TMED zoning district requirements: warrants and variances.
- B.** The request for a warrant or variance does not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.
- C.** Whether a deviation requires a warrant or variance shall be determined by the Director of Planning in accordance with the following standards:

1. **Warrants**

- a.** A warrant is a ruling that would permit a practice that is not consistent with a specific provision of the TMED standards in Sec. 6.3 but is justified by the purpose of the TMED zoning district. The TRC has the authority to approve, approve with conditions or deny a request for a warrant.
- b.** Warrant requests are permitted for the following:
  - i. Maximum residential density;
  - ii. Increase in maximum height;
  - iii. Alternative fence materials;
  - iv. Alternative materials for hike and bike trails;
  - v. Alternative building materials;
  - vi. Monument sign in T5-e;
  - vii. Multi-tenant sign in T5-e; and
  - viii. Signs for Recreational and Entertainment uses as listed in the use table in [Sec. 5.1.3](#).

2. **Variances**

- a.** Review of a Variance request in relation to a TMED Site Plan must be in accordance with Sec. 3.15. Such Section applies in its entirety with the exception of height, signage and landscaping.
- b.** Variance requests are permitted for the following:

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**Article 3: Development Review Procedures**

Sec. 3.11. TMED Site Plan Review

- i. Minimum yard and setbacks;
- ii. Minimum lot area;
- iii. Maximum lot coverage;
- iv. Secondary street frontage build out; and
- v. Permitted encroachment into setbacks.

3. **No Warrant or Variance Request Permitted**

Warrants and variances may not be requested for the following:

- a. Primary street frontage build out;
- b. Minimum residential density;
- c. Permitted uses in a district;
- d. Maximum dimensions of traffic lanes;
- e. Required provision of rear alleys;
- f. Maximum requirements for parking;
- g. Requirements of parking location;
- h. Public frontage requirements; and
- i. Type of sign permitted in T4 or T5-c.

[Ord. 2010-4415]

## Sec. 3.12. Administrative Adjustment

### 3.12.1 Applicability

- A. The Director of Planning has the authority to authorize minor building encroachments of up to 15 percent into the front, side or rear setbacks.
- B. The Director of Planning must refer to the Zoning Board of Adjustment as a Variance to be reviewed in accordance with Sec. 3.15 any request involving an encroachment exceeding 15 percent of the required setback.

### 3.12.2 Application Submittal

An Administrative Adjustment application must be submitted to the Director of Planning a minimum of five days before the date when the adjustment is needed. A copy of the survey of the property depicting the encroachment, to include readable dimensions, must accompany the request.

### 3.12.3 Review Process

- A. The Director of Planning must approve, approve with conditions or deny an Administrative Adjustment application.
- B. When an encroachment is between 10 percent and 15 percent of the required setback, the Director of Planning may notify adjacent property owners and consider their input in making a decision.



### 3.12.4 Review Criteria

In determining whether to approve, approve with conditions or deny an Administrative Adjustment, the Director of Planning must consider whether the encroachment is generally consistent with the purpose of this UDC as set forth in Sec. 1.2.

## Sec. 3.13. Building Permit

### 3.13.1 Applicability

A Building Permit may not be issued for any property until one of the following events has occurred.

#### A. Approved Plat

The lot appears on an approved plat of record filed in the plat records of Bell County.

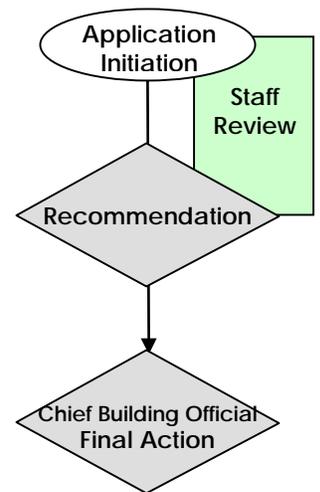
#### B. Development Plan Approval

The property is all or part of a Development Plan that the City Council has officially approved in a Planned Development district in accordance with Sec. 3.4.2. The Development Plan must provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas. Such easements, alleys and streets must have been properly dedicated and the necessary public improvements provided.

#### C. Unplatted Property

A Building Permit for only one principal building may be issued without requiring Final Plat approval in accordance with Sec. 3.6 where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

1. September 1<sup>st</sup>, 1983;
2. City annexation; or
3. Extension of the City's extraterritorial jurisdiction.



**3.13.2 Site Plan Required with Building Permit for Nonresidential or Multiple Family Uses**

**A. Applicability**

1. In addition to the above requirements, a Building Permit may not be issued for any nonresidential or multiple family property until a Site Plan has been submitted for review and approval by the Director of Planning.
2. Site Plan submission and review for projects in the Temple Medical and Educational (TMED) Overlay District will be conducted in accordance with Sec. [3.11](#).
3. Site Plan submission and review for projects in the I-35 Corridor Overlay District will be conducted in accordance with Sec 6.7.4.

**B. Site Plan Requirements**

1. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.
2. The Site Plan may be submitted in advance or concurrently with the building permit application.
3. The Site Plan must be drawn to scale, dimensioned and labeled and include all information needed to ensure compliance with Articles 7 and 8 of this UDC, the Comprehensive Plan, other master plans, the Design and Development Service Manual, and all requirements identified in the established Plat Application Checklist.

[Ord. 2013-4580]

**3.13.3 Review Process**

**A. Director of Planning Review**

The Director of Planning must review the submitted application and make a recommendation to the Chief Building Official.

1. The Director of Planning must determine whether a Site Plan is complete and satisfies the submittal requirements.

2. If the Site Plan is determined incomplete, the Director of Planning must notify the applicant in writing. The notification must list all missing or incomplete items.
3. The Director of Planning may request additional information that is required for the accurate review of the proposal.
4. Upon receipt of the complete Site Plan, the Director of Planning must review the Site Plan and the submitted Building Permit application for compliance with development standards and make a recommendation to the Chief Building Official.

**B. Chief Building Official Final Action**

1. The Chief Building Official must approve, approve with conditions or deny the Building Permit.

**3.13.4 Review Process**

**A. Director of Planning Review**

The Director of Planning must review the submitted application and make a recommendation to the Chief Building Official.

**B. Chief Building Official Final Action**

The Chief Building Official must approve, approve with conditions or deny the Building Permit.

**3.13.5 Construction Plans**

The City Engineer must approve or conditionally approve construction plans for a subdivision, regardless of when filed, before construction of the subdivision may begin or before the Chief Building Official may approve a Building Permit.

## Sec. 3.14. Sign Permit

### 3.14.1 Applicability

- A. It is unlawful for any person to erect, relocate structurally alter or change the face panel or copy of any sign requiring a Sign Permit within the City without first obtaining a Sign Permit.
- B. A Sign Permit is not required for repair, repainting or maintenance that does not entail structural change or for changing the copy on a permitted message board sign as described in Sec. 7.6.

[Ord. 2010-4440]

### 3.14.2 Review Process

#### A. Director of Planning Review

The Director of Planning must review the submitted application and make a recommendation to the Chief Building Official.

#### B. Chief Building Official Final Action

The Chief Building Official must approve, approve with conditions or deny the Sign Permit.

### 3.14.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Sign Permit, the review bodies listed in Sec. 3.14.2 above must consider whether the proposed sign complies with the sign standards in Sec. 7.6 and all other standards of the City.

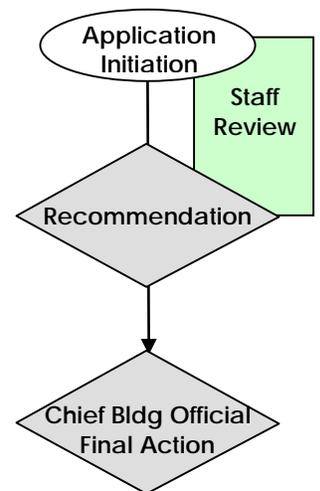
### 3.14.4 Expiration

If the work authorized under a Sign Permit is not completed within six months after the date of issuance, the permit becomes null and void.

### 3.14.5 Sign Permit Application Contents

Application for a Sign Permit must be made upon a form that the Chief Building Official provides and must contain the following information:

- A. Name, address and telephone number of the applicant and name and firm of person erecting sign;



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**Article 3: Development Review Procedures**

Sec. 3.14. Sign Permit

- B.** If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;
- C.** Location of building, structure, address or legal lot and block to which or upon which the sign or other advertising structure is to be attached or erected;
- D.** Site plan, indicating street frontage, property lines, sight visibility triangles, proposed and existing public street rights-of-way, location of sign on property, relationship of proposed sign to ingress and egress points and relationship of proposed sign to any other sign within 15 feet spacing of the proposed sign;
- E.** Copy of stress diagrams or plans containing information necessary for the Chief Building Official to determine safety and structural integrity of sign;
- F.** Indicate whether the sign will require electricity, and if so, obtain an electrical permit as required;
- G.** Copy of Texas Department of Transportation approved permit if state law requires a state permit; and
- H.** Such other information as the Chief Building Official may require to show full compliance with this Section and all other City standards.

### Sec. 3.15. Variance

#### 3.15.1 Applicability

- A. In accordance with the provisions of the Chapter 211 of the Local Government Code, the Zoning Board of Adjustment (ZBA) has the authority to hear and take final action on requests for a Variance from standards to the height, yard, area, coverage, sign, landscaping, and parking regulations in Article 6 and 7 as may be necessary to secure appropriate development of a parcel of land.
- B. Exceptions to the subdivision design and improvement standards in Article 8 are not Variances and must be requested in accordance with Sec. 3.6.7.
- C. Any Variance request less than or equal to 15 percent of any front, side or rear setback may be treated as an Administrative Adjustment in accordance with Sec. 3.12.

#### 3.15.2 Review Process

##### A. Director of Planning Review

The Director of Planning must review the submitted application and make a recommendation to the Zoning Board of Adjustment.

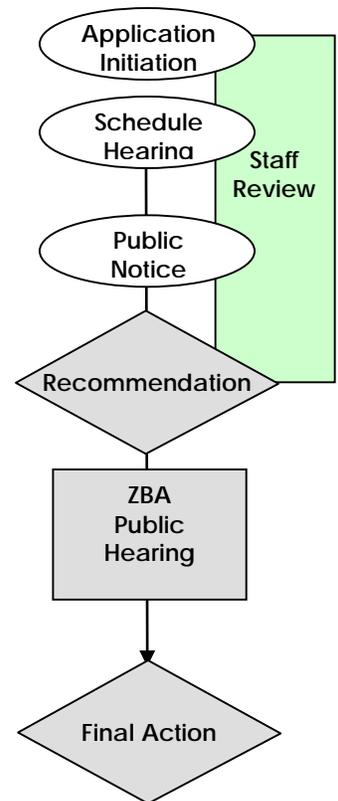
##### B. Zoning Board of Adjustment Final Action

Following notice in accordance with Sec. 3.15.3, the Zoning Board of Adjustment must hold a public hearing and approve, approve with conditions or deny the Variance.

#### 3.15.3 Public Notice and Public Hearing

##### A. Mailed Notice

A proposed Variance requires notice of the public hearing of the Zoning Board of Adjustment by mail to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice must be mailed a minimum of 15 days before the date of the public hearing



**B. Published Notice**

A proposed Variance requires notice of the public hearing of the Zoning Board of Adjustment by publication in a newspaper of general circulation in the City. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be published a minimum of 15 days before the date of the public hearing.

**3.15.4 Review Criteria**

**A. Required Findings**

The Zoning Board of Adjustment may authorize a Variance from the provisions of this UDC. In exercising its power to grant a Variance, the Zoning Board of Adjustment must make findings and show in its minutes that:

1. **Special Circumstances on Subject Property**

There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.

2. **Other Property in Vicinity**

A Variance is necessary to permit the applicant the same rights in the use of this property that other properties in the vicinity and zoning district presently enjoy under this UDC, but which rights are denied to the property on which the application is made.

3. **Comprehensive Plan**

Granting the Variance will not conflict with the Comprehensive Plan.

4. **No Material Detriment**

The Variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity.

5. **Purpose of UDC**

The Variance does not violate the purpose of this UDC as set forth in Sec. 1.2.

6. **Signs**

The unusual shape or topography of the property in question or some other significant factor prevents signs allowable under the provisions of this UDC from adequately identifying the business or other activity located on such property.

**B. Limitations**

The Zoning Board of Adjustment may not grant a Variance if the effect of the Variance would authorize a use other than a use permitted in the district for which the Variance is sought.

**3.15.5 Limitation on Resubmittal**

An applicant may not apply to the Zoning Board of Adjustment for the same Variance on the same piece of property prior to the expiration of two years from a previous ruling of the Board unless other property in the immediate vicinity within the two-year period has been changed or the Board or City Council has acted upon the property so as to alter the facts and conditions on which the previous Board action was based. Such change of circumstances permits the rehearing of a Variance request prior to the expiration of a two-year period, but such conditions in no way have any force in law to compel the Board, after a hearing, to grant a subsequent Variance. Such subsequent Variance request must be considered entirely on its merits and on the peculiar and specific conditions related to the property on which the appeal is brought.

## Sec. 3.16. Appeal of Administrative Decision

### 3.16.1 Applicability

- A. Pursuant to the authority granted to the City in Chapter 211 of the Local Government Code, the Zoning Board of Adjustment may hear and decide appeals where it is alleged there is error in any final order, requirement, decision or determination made by any administrative official responsible for administration, interpretation, or enforcement of this UDC. In exercising its authority under this subsection, the Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official.
- B. Appeal of a decision of the Director of Planning on building exterior material requirements set forth in Sec. 7.8 or the I-35 Corridor Overlay zoning district, must be in accordance with the procedure described in paragraph 3.1.3C and D.

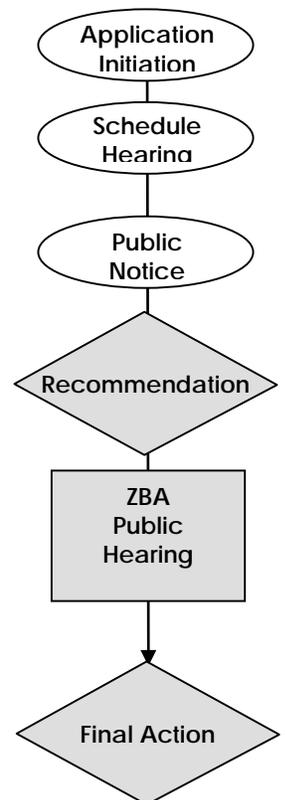
### 3.16.2 Review Process

#### A. Initiation

An Appeal of Administrative Decision must be taken within 15 days after the decision has been rendered by filing a notice of appeal specifying the grounds of the appeal with the Director of Planning. Following initiation of the appeal, the Director of Planning must immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action that is appealed was taken.

#### B. Effect of Appeal

An appeal stays all proceedings of the action that is appealed unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Adjustment in writing facts supporting the opinion that a stay would cause imminent peril to life or property. In such case, proceedings may only be stayed by a restraining order that the Zoning Board of Adjustment or a court of



record may grant after notice to the administrative official from whom the appeal is taken and on due cause shown.

**C. Zoning Board of Adjustment Final Action**

1. Following notice in accordance with Sec. 3.16.3, the Zoning Board of Adjustment must hold a public hearing and reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination of the administrative official.
2. The Zoning Board of Adjustment must take final action on the appeal within 15 days of initiation.
3. In exercising its final decision, the Zoning Board of Adjustment has the same authority as the administrative official.
4. At the public hearing any party may appear in person or by agent or by attorney.

**3.16.3 Public Notice and Public Hearing**

The Zoning Board of Adjustment must give notice of the public hearing for the Appeal of Administrative Decision, as well as due notice to the parties in interest.

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**Article 3: Development Review Procedures**

Sec. 3.16. Appeal of Administrative Decision

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**Article 4 – Zoning Districts**  
**Table of Contents**

Sec. 4.1. General ..... 4-1

Sec. 4.2. Newly Annexed Territory ..... 4-3

Sec. 4.3. Zoning District Purpose Statements ..... 4-4

Sec. 4.4. Measurements and Special Cases..... 4-13

Sec. 4.5. Residential Dimensional Standards ..... 4-21

Sec. 4.6. Nonresidential Dimensional Standards..... 4-30

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# Article 4 Zoning Districts

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## Sec. 4.1. General

### 4.1.1 Zoning Districts Established

- A. The following zoning districts are established under authority of Chapter 211 of the Local Government Code. The use and dimensional regulations as set forth in this Article are uniform in each district.
- B. Where the phrase “residential zoning district” is used in this UDC, it means the zoning districts listed under the “Residential Zoning Districts” heading on the table below.
- C. Where the phrase “nonresidential zoning district” is used in this UDC, it means the zoning districts listed under the “Nonresidential Zoning Districts” heading on the table below.

Abbreviated Designation	Zoning District Name
<b>Residential Zoning Districts</b>	
UE	Urban Estate
SF-1	Single-Family Dwelling 1
SF-2	Single-Family Dwelling 2
SF-3	Single-Family Dwelling 3
SFA	Single-Family Attached Dwelling 1
SFA-2	Single-Family Attached Dwelling 2
SFA-3	Single-Family Attached Dwelling 3
2F	Two-Family Dwelling
TH	Townhouse
MF-1	Multiple-Family Dwelling 1
MF-2	Multiple-Family Dwelling 2
MF-3	Multiple-Family Dwelling 3
<b>Nonresidential Zoning Districts</b>	
O-1	Office 1
O-2	Office 2
NS	Neighborhood Service
GR	General Retail
CA	Central Area
C	Commercial
LI	Light Industrial
HI	Heavy Industrial
<b>Special Purpose and Overlay Districts</b>	
AG	Agricultural
MH	Manufactured Home
MU	Mixed Use

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**Article 4: Zoning Districts**

Sec. 4.1. General

Abbreviated Designation	Zoning District Name
TMED	Temple Medical and Educational
PD	Planned Development Overlay
H	North Central Temple Historic Overlay
FP	Flood Plain Overlay
I35	Interstate 35 Corridor Overlay

**4.1.2 Zoning District Map**

- A.** The boundaries of the zoning districts established in Sec. 4.1 are delineated upon the official Zoning District Map of the City. The Zoning District Map is hereby adopted by reference and declared a part of this UDC as fully as if the map were set forth in detail.
- B.** The official Zoning District Map is available on the City’s website. The Director of Planning must post all amendments to the map as soon as possible after the effective date of the Zoning District Map amendment.
- C.** Reproductions for information purposes may, from time to time, be made of the official Zoning District Map.

**4.1.3 Zoning District Boundaries**

The district boundary lines shown on the Zoning District Map are usually along existing and proposed streets, alleys or property lines. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules apply.

- A.** Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such centerlines.
- B.** Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
- C.** Boundaries indicated as approximately following City limits are construed as following City limits.
- D.** Boundaries indicated as following railroad lines are construed to follow the centerline of the public street right-of-way or if no centerline is established, the boundary is interpreted to be midway between the public street right-of-way lines.

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## Article 4: Zoning Districts

### Sec. 4.2. Newly Annexed Territory

- E. Boundaries indicated as following shore lines are construed to follow such shore lines, and in the event of change in the shore line are construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water are construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in A through E above are so construed. The scale of the map determines distances not specifically indicated on the original Zoning District Map.
- G. Whenever the City Council vacates a street, alley or other public street right-of-way or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way is automatically extended to the centerline of such vacated public street right-of-way and all areas so involved become subject to all regulations of the extended districts.
- H. Where physical features on the ground vary from information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and the application of this Section cannot resolve such question the property must be considered as classified AG, Agricultural zoning district, temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning must be in accordance with the provisions provided in Sec. 4.2 for newly annexed territory.

### Sec. 4.2. Newly Annexed Territory

- A. All territory hereafter annexed to the City must be temporarily classified in the AG, Agricultural zoning district, until the City Council establishes a permanent zoning district for the property. The procedure for establishing permanent zoning on annexed territory must conform to the procedure established in Sec. 3.3.
- B. In an area temporarily classified as AG, Agricultural zoning district:
  - 1. A person may not erect, construct or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done in any newly

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## Article 4: Zoning Districts

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### Sec. 4.3. Zoning District Purpose Statements

annexed territory to the City without first applying for and obtaining a Building Permit or Certificate of Occupancy.

2. The Chief Building Official may only issue a Building Permit or Certificate of Occupancy for a structure or use permitted in the AG, Agricultural zoning district, unless and until the City Council rezones such territory to a zoning district other than the AG, Agricultural zoning district in accordance with the procedure in Sec. 3.3.
3. When annexation and permanent zoning of territory is under consideration, both annexation and zoning may be recommended and acted upon simultaneously.

### Sec. 4.3. Zoning District Purpose Statements

Zoning is used to achieve compatible land use arrangements in implementing the City's Comprehensive Plan. Summarized below are the purpose statements for the City's zoning districts with a brief explanation of the principal uses allowed in each.

#### 4.3.1 AG, Agricultural

- A. The Agricultural zoning district allows single-family detached residences and related accessory structures. The Agricultural zoning district is the typical zoning district assigned to property upon annexation.
- B. The Agricultural zoning district consists generally of areas containing rural land uses or undeveloped acreage that is not anticipated to be put to an urban use in the near future. This district is intended for areas that are farther from the City center and large enough that municipal wastewater facilities are not required. This district allows the continuation of general rural uses within the City with the intent that the area can be reassessed and classified as an appropriate urban district according to its characteristics and suitability as urban development occurs.

#### 4.3.2 UE, Urban Estate

The Urban Estate zoning district permits single-family detached residences and related accessory uses and accommodates large lot single family residential developments. This district is suitable for estate development or

areas in which it is desirable to permit only low-density development. Projects should typically be rural in character and well buffered from more intensely developed uses.

**4.3.3 SF-1, Single Family Dwelling 1**

The Single Family Dwelling 1 zoning district permits single-family detached residences and related accessory structures and provides standard single-family lots and should serve as a transition between larger and smaller lot single family districts.

**4.3.4 SF-2, Single Family Dwelling 2**

The Single Family Dwelling 2 zoning district permits single-family detached residences and related accessory structures and provides for smaller single-family lots. This district may also be used as a transition from the SF-1 district to less restrictive or denser residential zoning districts.

**4.3.5 SF-3, Single Family Dwelling 3**

The Single Family Dwelling 3 zoning district permits single-family detached residences and related accessory structures and provides single-family development at urban densities in locations well served by public utilities and roadways. This district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks and shopping areas and transit services.

**4.3.6 SFA, Single Family Attached Dwelling 1**

The Single-Family Attached Dwelling 1 zoning district permits single-family attached or detached residences, patio homes, and related accessory structures on smaller lots with higher densities. The application of this district should be in urban areas of the City where public facilities and services such as transit, schools, parks and shopping are available. This district should be located near collector thoroughfares to accommodate the higher density of population that can occur.

**4.3.7 SFA-2, Single Family Attached Dwelling 2**

The Single-Family Attached Dwelling 2 zoning district permits single-family attached or detached residences and related accessory structures and provides for smaller single family lots. This district may also be used as a

zone of transition from the more restrictive single family district to lesser restrictive or denser residential zoning districts.

**4.3.8 SFA-3, Single Family Attached Dwelling 3**

The Single-Family Attached Dwelling zoning district 3 permits single family attached or detached residences or patio homes and related accessory structures and provides for the development of single family homes on smaller lots and higher densities. The development in this district should be of higher intensity use that requires close proximity to services such as schools, parks, transit and shopping. This district should be located near collector thoroughfares to accommodate the higher density of population that can occur.

**4.3.9 2F, Two-Family Dwelling**

The Two-Family dwelling zoning district permits single-family to duplex housing, with approximately seven units per acre possible is designed to accommodate single-family and duplex dwellings as an intermediate classification allowing an orderly transition from single family neighborhoods to higher densities of residential use.

**4.3.10 TH, Townhouse Dwelling**

The Townhouse Dwelling zoning district permits townhouses with a maximum density of 13 units per acre and is used as a zone of transition between lower density residential and higher density residential or business use areas. This district should require nearby vehicle access to major thoroughfares.

**4.3.11 MF-1, Multiple Family Dwelling 1**

The Multiple Family Dwelling 1 zoning district permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near, and reasonably accessible to, collectors and arterials, due to the traffic generating capacity of medium density multiple family dwellings.

**4.3.12 MF-2, Multiple Family Dwelling 2**

- A. The Multiple Family Dwelling 2 zoning district permits more modest sized dwelling units and an increased number of units within the

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**Article 4: Zoning Districts**

Sec. 4.3. Zoning District Purpose Statements

multiple family complexes, allowing approximately 20 units per acre in buildings three to four stories.

- B. The Multiple Family Dwelling 2 zoning district should be designed for a higher density use of the land with amenities and facilities such as major thoroughfares, parks, transit and utilities close by and adequate for the volume of use.

**4.3.13 MF-3, Multiple Family Dwelling 3**

- A. The Multiple Family Dwelling 3 zoning district permits conventional and high density high rise apartment development (from five to 10 stories) allowing approximately 40 units per acre. Other permitted uses include boarding house, hotel or motel and home for the aged.
- B. The Multiple Family Dwelling 3 zoning district is utilized in areas intended for high intensity uses. Located along major arterials for direct vehicular access, this district is suitable near major employment centers, the downtown urban core and other high intensity areas.

**4.3.14 O-1, Office 1**

- A. The Office 1 zoning district permits low rise garden-type office development providing professional, financial, medical and other office services to residents in nearby neighborhoods.
- B. The Office 1 zoning district should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. This district is designed to be a transitional zone allowing low intensity administrative and professional offices. Permitted uses are not intended to be major traffic generators.

**4.3.15 O-2, Office 2**

- A. The Office 2 zoning district permits a variety of low, mid and high rise office development. Apartments are allowed. Buildings in the O-2 District may be built to any legal height. Office buildings over 40 feet in height must provide additional yard space.
- B. The Office 2 zoning district is intended to allow for office uses in an area that is primarily business or high density residential. This district provides for professional, financial, medical and other office services and may include corporate offices and major employment centers. Uses in

this district generally have low traffic generation characteristics and do not require high visibility to conduct business.

**4.3.16 NS, Neighborhood Service**

- A. The Neighborhood Service zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments.
- B. The Neighborhood Service zoning district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

**4.3.17 GR, General Retail**

- A. The General Retail zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery store, department store or offices and residential uses except apartments.
- B. The General Retail zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

**4.3.18 C, Commercial**

- A. The Commercial zoning district permits all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Also, residential uses are allowed, except apartments.
- B. The Commercial zoning district is intended to serve citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, queue for parking areas and park within the confines of the facility. This district

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**Article 4: Zoning Districts**

Sec. 4.3. Zoning District Purpose Statements

should also be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

**4.3.19 CA, Central Area**

The Central Area zoning district principally addresses development in the Central Business District of the City, allowing most commercial, retail and office uses. The maximum building height may be any legal limit that other laws and ordinances do not prohibit.

**4.3.20 LI, Light Industrial**

- A. The Light Industrial zoning district permits light industrial uses. Residential uses are not allowed except boarding or rooming houses.
- B. The Light Industrial zoning district acts as a transition from other commercial or retail uses to industrial uses. This district is intended to be located away from areas of low and medium density residential development. The location should be carefully selected to avoid or reduce environmental impacts to residential areas.

**4.3.21 HI, Heavy Industrial**

- A. The Heavy Industrial zoning district permits heavy industrial uses as defined by performance standards in Sec. 7.1. Residential uses are not allowed.
- B. The Heavy Industrial zoning district is intended for those industrial uses that may need to be buffered. Lots should be large enough to contain air, noise, odor, and vibration pollution to a reasonable amount. Location should include access to major thoroughfare or highway. This district is intended to be located away from all residential development.

**4.3.22 MH, Manufactured Home**

- A. The Manufactured Home zoning district allows HUD-Code manufactured home developments, HUD-Code manufactured home land lease communities, single family residences and family or group homes. Manufactured home land lease communities require a minimum of five acres and a maximum density of 10 units per acre.

- B. The Manufactured Home zoning district is intended to provide moderately priced housing opportunities in areas with less development. This district should serve as a buffer between single family residential development and retail and office uses.

**4.3.23 MU, Mixed Use**

- A. The Mixed Use zoning district permits the combination of different but compatible land uses within a single building, site or district to increase efficiency of land use and encourage neighborhood-enhancing economic activity. A variety of housing options are allowed, including multiple family dwellings up to three stories. The maximum density is 20 units per acre.
- B. The Mixed Use zoning district is utilized for an area encompassing a minimum of 25 contiguous acres of land. Redevelopment standards for the district accommodate infill.

**4.3.24 TMED, Temple Medical and Educational District**

The purpose of the TMED zoning district is to develop a unique community which requires multi-modal, pedestrian oriented development in the form of compact neighborhoods and mixed use centers. Attention is placed on providing a meaningful variety of housing options and distinct physical environments.

[Ord. 2010-4415]

**4.3.25 PD, Planned Development Overlay**

- A. The Planned Development Overlay zoning district is a flexible zoning district, designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval. The base zoning district or the ordinance that creates the Planned Development determines maximum building height for each Planned Development Overlay District.
- B. The City Council may apply the Planned Development Overlay zoning district to any tract of land. This district is intended to be either an extension of a particular district, or a transition between districts with different use intensities. Parking, screening, fences and open space

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**Article 4: Zoning Districts**

Sec. 4.3. Zoning District Purpose Statements

should create a protective transition between districts. If approved, the base zoning of the property does not change.

- C.** The Planned Development Overlay zoning district is established:
1. In order that the public health, safety and general welfare may be furthered in an era of increasing urbanization and to encourage innovations in residential and nonresidential development;
  2. So that the greater variety in type, design and layout of buildings and the conservation and more efficient use of open space meet the growing demands of the population;
  3. In order to encourage a more efficient use of land and of public services, and to reflect changes in the technology of land development so that resulting economies may result;
  4. To lessen the burden of traffic on streets and highways; and
  5. To encourage a procedure that can relate the type, design and layout of residential and nonresidential development to a particular site and the particular demand at the time of the development in a manner consistent with the preservation of the property values within established residential areas and to ensure that the increased flexibility of substantive regulations over land development is subject to such standards and procedures that encourages proposals for land development without undue delay.

**4.3.26 H, North Central Temple Historic Overlay**

- A.** The H, North Central Temple Historic Overlay zoning district is designed to protect, enhance and perpetuate historic areas, places and landmarks that represent or reflect distinctive and important elements of the City's cultural, social, economic, political, archeological and architectural history.
- B.** Development standards for property within the North Central Temple Historic Overlay zoning district must conform first, to the procedures and requirements contained in Chapter 17, Historic Preservation, of the Code of Ordinances; and secondly, to standards for the base zoning district.

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**Article 4: Zoning Districts**

Sec. 4.3. Zoning District Purpose Statements

**4.3.27 FP, Flood Plain Overlay**

The Flood Plain Overlay District provides flood protection for land that has a history of inundation or is determined to be subject to flood hazard.

**4.3.28 I35, I-35 Corridor Overlay**

The purpose of the I-35 Corridor Overlay zoning district is to exercise greater control over the aesthetic, functional and safety characteristics of development and redevelopment along Interstate 35 within the City where higher development standards can effectively enhance the City's image as a desirable place to live, work and shop. This overlay zoning district is limited to specified areas encompassing land that has already been assigned conventional base zoning district classifications. It supplements the standards of the base zoning districts with new or different standards that are more restrictive.

## Sec. 4.4. Measurements and Special Cases

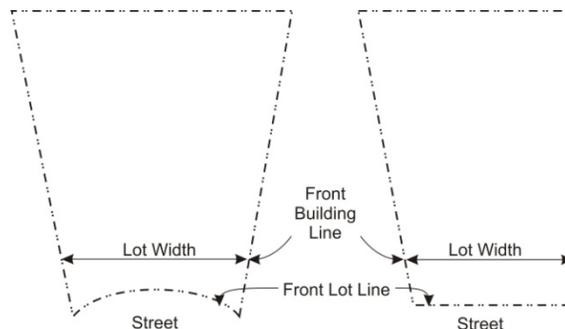
The provisions of this Section provide the method of measurement and set forth any special cases relative to the dimensional standards in Sec. 4.5 and Sec. 4.6 below.

### 4.4.1 Minimum Lot Area

- A. Minimum lot area standards are established in the tables in Sec. 4.5 and Sec. 4.6.
- B. Lot area is measured as the total area within the lot lines of the lot excluding any street rights-of-way. A lot existing on September 19, 1991, may not be reduced in area below the minimum lot area requirements.
- C. A nonconforming lot of record as defined in Article 11 having less area than required may solely be used for a single-family dwelling.

### 4.4.2 Minimum Lot Width

- A. Minimum lot area standards are established in the tables in Sec. 4.5 and Sec. 4.6.
- B. Lot width is measured as the distance between the side lot lines measured at the front building line parallel to the front property line or to the cord of the front property line. A lot existing on September 19<sup>th</sup>, 1991, may not be reduced in width below the minimum lot width requirements.



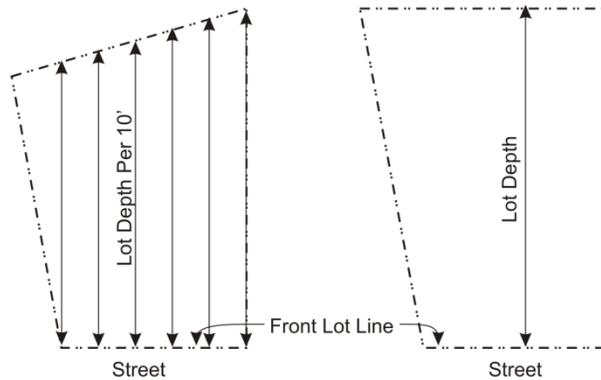
- C. A nonconforming lot of record as defined in Article 11 having less lot width than required may solely be used for a single-family dwelling.

Article 4: Zoning Districts

Sec. 4.4. Measurements and Special Cases

4.4.3 Minimum Lot Depth

- A. Minimum lot depth standards are established in the tables in Sec. 4.5 and Sec. 4.6.
- B. Lot depth is measured as the distance from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth is measured by drawing lines from the front to the rear lot lines, at right angles to the front lot line every 10 feet, and averaging the length of these lines.



- C. A lot existing on September 19<sup>th</sup>, 1991, may not be reduced in depth below the minimum lot depth requirements. A nonconforming lot of record as described in Article 11 having less lot depth than required may solely be used for a single-family dwelling.

4.4.4 Minimum Yards

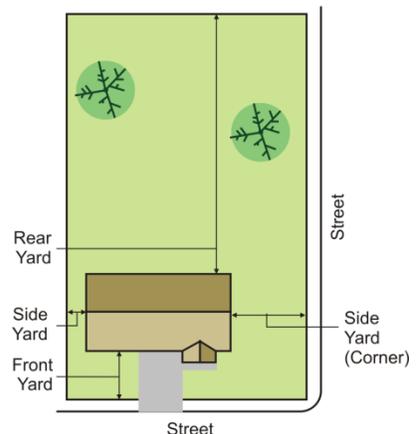
A. Open and Unobstructed

Every part of a required yard must be open and unobstructed except as authorized in this UDC.

B. Types of Yards

Required yard types are as follows

1. Front;
2. Side;
3. Side (corner); and
4. Rear.



**C. Measurement of Yards**

All required yards are measured from the front, side or rear property line to the nearest face of the building, covered porch, covered terrace or attached accessory building.

**D. Features Allowed Within Required Yards**

The following features may be located within a required yard:

1. Window sills, belt courses, cornices and other architectural features projecting a maximum of 12 inches into the required side yard; and
2. Roof eaves or canopies projecting a maximum of 24 inches into the required side yard and a maximum of 48 inches into the required front yard.
3. Window sills, belt courses, cornices, roof eaves or canopies and other architectural features projecting a maximum of 36 inches into the required rear yard.
4. Fences that comply with the standards in Sec. 7.7.

**E. Setback Averaging**

1. If buildings on a residential block face have observed an average setback which is greater or lesser than the minimum front yard required for the district in which the street frontage is located, then the average setback of all buildings fronting upon such block face establishes the minimum required front yard for a new residential structure.
2. All vacant lots are assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions may not be interpreted as requiring a front yard greater than 50 feet nor may they be interpreted as requiring any building to observe a front yard of more than 10 feet greater than the front setback of any building on a contiguous lot. These setback averaging provisions are superseded on any lot where a plat or ordinance establishes a minimum building line.

**F. Yard Requirements for Special Cases**

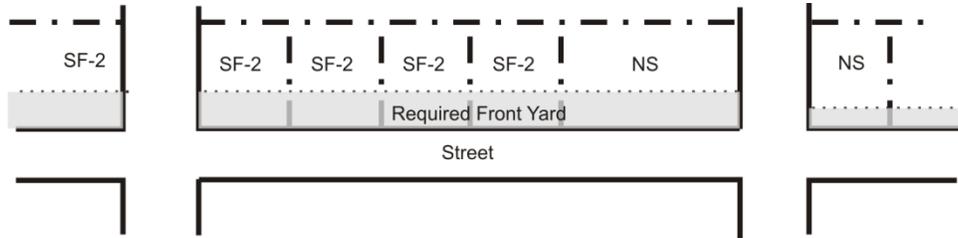
The following special cases apply to the yard requirements in Sec. 4.5.

Article 4: Zoning Districts

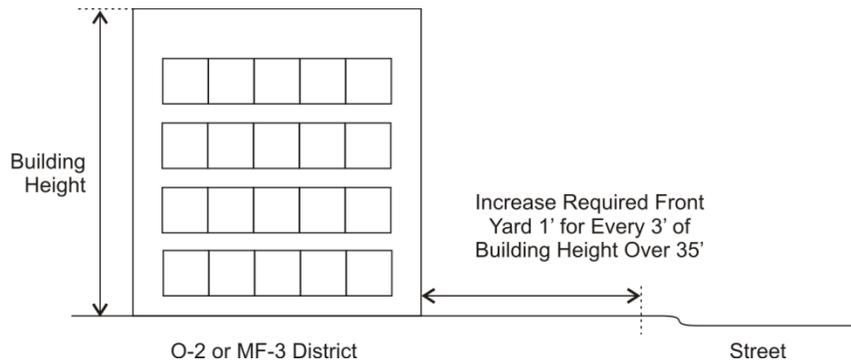
Sec. 4.4. Measurements and Special Cases

1. Required Front Yards

- a. In all districts except the Agricultural zoning district where the frontage on one block face is divided by two or more zoning districts, the front yard must comply with the requirements of the most restrictive district for the entire block face.



- b. Where a plat or ordinance establishes a building line and such line requires a front yard setback greater or lesser in depth than is prescribed in Sec. 4.5 for the district in which the building line is located, the required front yard must comply with the building line that the ordinance or plat established.
- c. The required front yard setback must be increased in the O-2 and MF-3 zoning districts one foot for every three feet of additional building height over 35 feet.



- d. In the C, CA, LI and HI districts a structure may not be erected nearer than 30 feet to the centerline of any street on which such structure fronts.
- e. Where a lot abuts the turnaround at the end of a cul-de-sac street, the front yard setback required in any of the residential zoning districts may be reduced by a maximum of 10 feet if the lesser setback is shown on the final plat recorded with the

**Article 4: Zoning Districts**

Sec. 4.4. Measurements and Special Cases

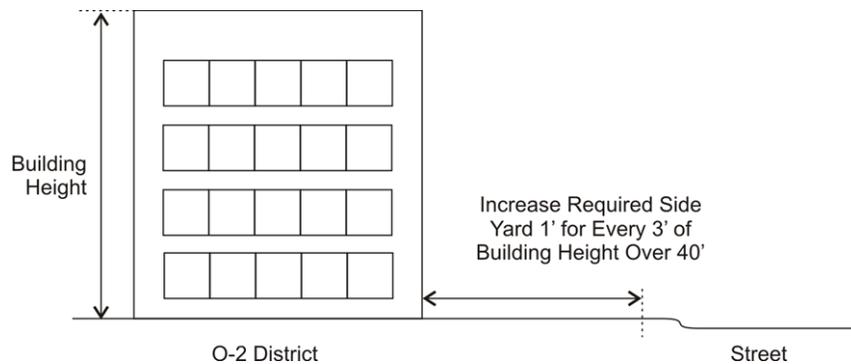
County Clerk of Bell County. Such resulting setback may not be less than 65 feet from the center of radius point of such turnaround.

- f. Where lots have double frontage, a required front yard is provided on both streets unless a building line for accessory buildings has been established along one street frontage on the plat or by ordinance, in which event only one required front yard need be observed.

2. **Required Side Yards**

a. **O-2 District**

In the O-2 zoning district, the required side yard setback must



be increased one foot for each three feet of additional building height over forty feet.

b. **CA, C, LI and HI Districts**

In the CA, C, LI and HI zoning districts, a side yard is not required for nonresidential uses except where a nonresidential use abuts upon a district boundary line dividing such districts from a residential zoning district, in which event, the following standards apply:

- i. In the CA zoning district, a minimum side yard of five feet must be provided on the side adjacent to a residential zoning district. If the building height exceeds 40 feet, the side yard setback must increase one foot for each three feet over 40 feet in building height.

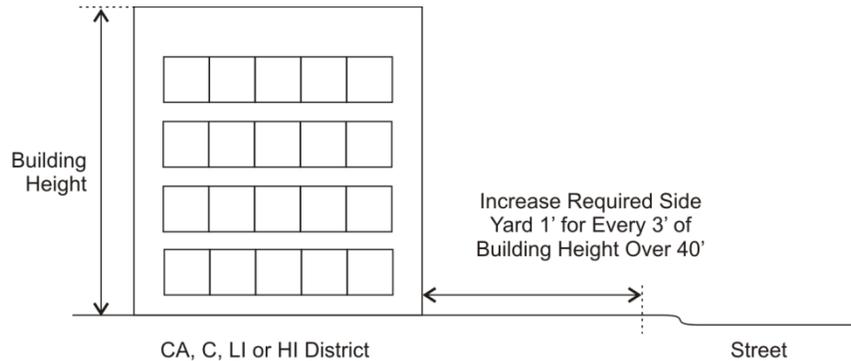
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**Article 4: Zoning Districts**

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Sec. 4.4. Measurements and Special Cases

- ii. In C, LI and HI zoning districts, a minimum side yard of 10 feet must be provided on the side adjacent to a residential zoning district. If the building height exceeds 40 feet, the



side yard setback must increase one foot for each three feet over 40 feet in building height.

3. **Required Rear Yards**

- a. In the O-1, O-2, NS, GR, CA, C, LI or HI districts a minimum rear yard of 10 feet is required adjacent where a nonresidential use is abuts a residential zoning district or use. Where an alley exists, a rear yard is not required.
- b. In the O-2 zoning district, where nonresidential uses back upon a common district line dividing the district from a single-family residential zoning district, a minimum rear yard of 40 feet is required.

**4.4.5 Maximum Building Coverage**

Building coverage is measured as the maximum percent of the rear half of a lot or tract that the roof or first floor of a building may cover. Roof eaves extending less than three feet from the walls of a building, swimming pools, uncovered porches, patios or decks may be excluded from the building coverage computations.

**4.4.6 Maximum Floor Area Ratio**

- A. Except as provided in this Section, a structure may not be erected, added to or altered to exceed the maximum floor area ratio (FAR) standards set forth in the table below.

**Article 4: Zoning Districts**

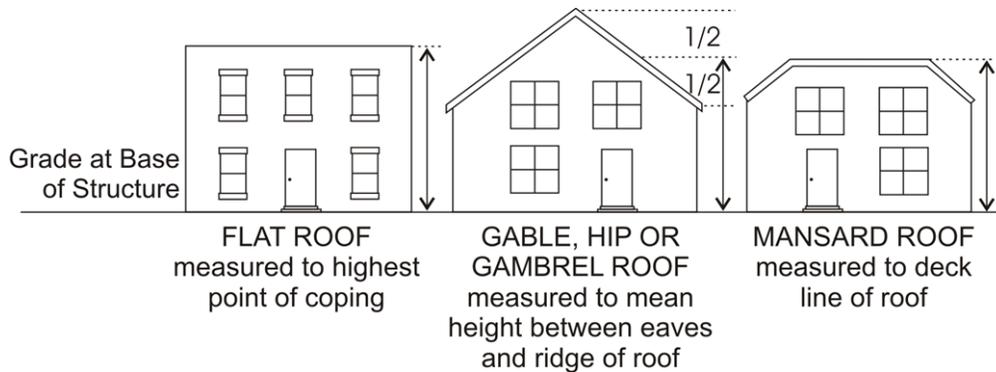
Sec. 4.4. Measurements and Special Cases

Zoning District	Maximum FAR
O-1, Office One	0.6:1
O-2, Office Two	0.4:1
GR, General Retail	0.6:1
CA, Central Area	20:1
C, Commercial	4:1
LI, Light Industrial	2:1
HI, Heavy Industrial	2:1

- B.** A structure used for off-street parking may not be computed as area subject to FAR standards.

**4.4.7 Maximum Height**

- A.** Height is measured as the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling



towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding 10 feet in height. If the street grade has not been officially established, the average front yard grade must be used for a base level.

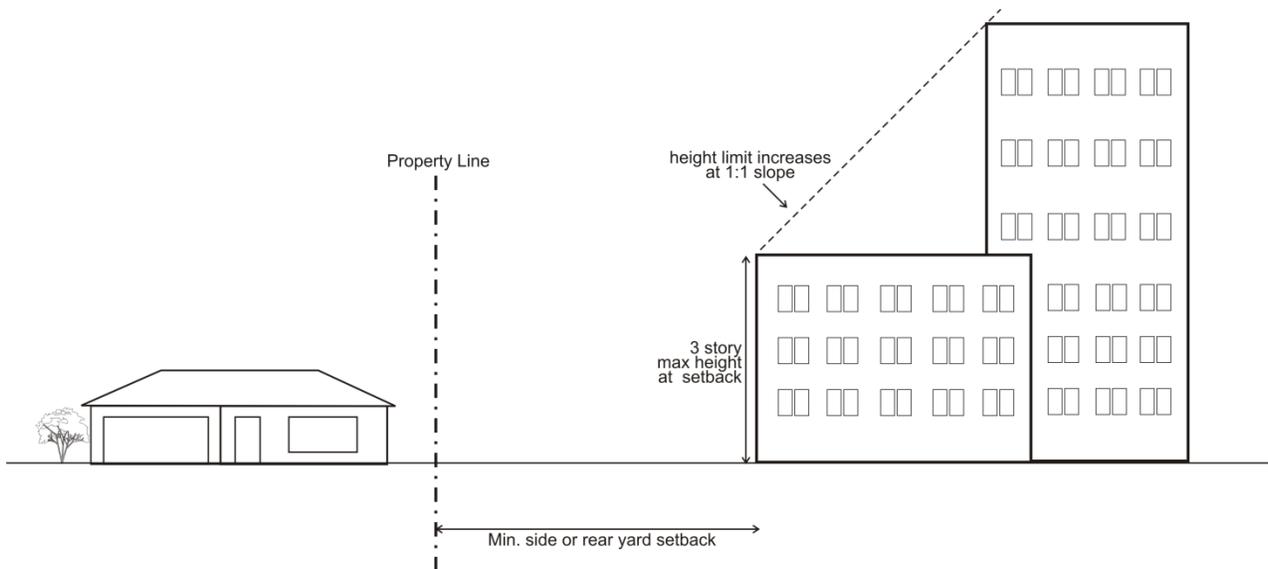
- B.** In the zoning districts where maximum building height is restricted to two or three stories, cooling towers, roof gables, chimneys and bent stacks may extend for an additional height not to exceed 40 feet above the average grade line of the building.

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**Article 4: Zoning Districts**

Sec. 4.4. Measurements and Special Cases

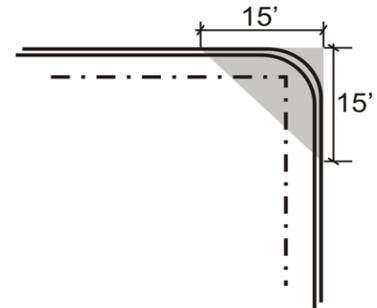
- C. A basement must be counted as a story in computing building height. A cellar may not be counted as a story in computing building height.
- D. Water stand pipes and tanks, steeples, domes and spires and school buildings and institutional buildings may be erected to exceed three stories in height in residential areas restricted to two or three stories in height, provided that one additional foot must be added to the width and depth of side and rear yards for each foot that such structures exceed three stories in height.



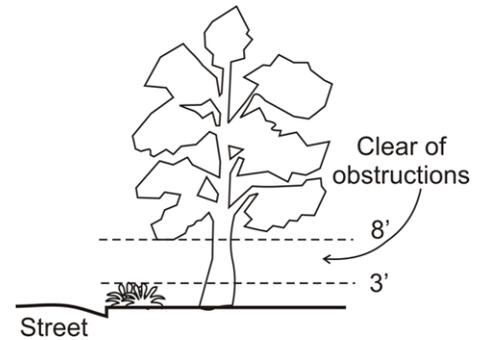
- E. Airport height zoning regulations in the vicinity of Draughon–Miller Municipal Airport act as an overlay district and may affect maximum allowable building heights. Any development within three miles of the existing runways must comply with airport height zoning regulations, a copy of which is available in the office of the City Secretary, in the office of the Airport Manager and in the office of the Director of Planning.

**4.4.8 Intersection Visibility Triangle**

**A.** An intersection visibility triangle is established at all intersections where the streets, alleys and driveways intersect. It includes that portion of public street right-of-way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back from this imaginary point of intersection 15 feet along the curb lines of the intersecting streets to establish the two remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area are formed by extending the pavement edges to the imaginary point of intersection of the streets and then proceeding in the same manner described above.



**B.** A vehicle, fence, wall, screen, view obstruction, or foliage is not allowed within the intersection visibility triangle at elevations between three feet and eight feet above the average street grade. Obstructions of this nature are a public traffic nuisance.



**C.** Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

**Sec. 4.5. Residential Dimensional Standards**

Unless otherwise specified in Sec. 4.4 or [5.3](#), the following residential uses must be developed in accordance with the tables below. Industrialized housing standards are identical to single-family detached dwelling standards.

**Article 4: Zoning Districts**

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Sec. 4.5. Residential Dimensional Standards

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**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.1 Single-Family Detached Dwelling**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	--	6,000	6,000	6,000	5,000	5,000	5,000	--	--
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	--	50	50	50	50	50	50	--	--
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	--	100	100	100	100	100	100	--	--
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25	--	25	25*	15	15	See 4.4.4F.1.d*		--	--
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min				--	--
Min. Side (Corner) Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	--	--
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	--	10	10	10	10	10	10	--	--
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	--	50	50	50	50	50	50	--	--
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH	2 ½	3	ALH	ALH	--	--

ALH = Any Legal Height not prohibited by other laws    -- = Use not permitted    NA = Use permitted but standard does not apply    \* = See Sec. 4.4, Measurements and Special Cases

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.2 Single-Family Attached Dwelling**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI	
Min. Lot Area (sq. ft.)	--	--	--	--	--	2,300	2,300	2,300	1,600	2,300	2,300	2,300	--	3,000	2,300	2,300	2,000	2,000	2,000	--	--	
Min. Lot Width (ft.)	--	--	--	--	--	20	20	20	30	20	20	20	--	20	20	20	20	20	20	20	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	100	100	100	100	100	100	100	--	100	100	100	100	100	100	100	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	25	15	15	15	25	25	25	--	25	25*	25	15	See 4.4.4F.1.d*		--	--	
Min. Side Yard Setback(ft.) (exterior lot line/interior lot line)	--	--	--	--	--	5/0	5/0	5/0	5/0	5/0	5/0	6/0	--	5/0	5/0*	5/0	5/0	5/0	5/0	5/0	--	--
Min. Side (Corner) Yard Setback(ft.)	--	--	--	--	--	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	15	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	10	10	5	10	10	10	10	--	10	10	10	10	10	10	10	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	50	50	50	50	50	50	50	--	50	50	50	50	50	50	50	--	--
Max. Height (stories)	--	--	--	--	--	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH*	2 ½	3	ALH	ALH	--	--	

ALH = Any Legal Height not prohibited by other laws    -- = Use not permitted    NA = Use permitted but standard does not apply    \* = See Sec. 4.4, Measurements and Special Cases

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.3 Patio Home**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	--	--	--	--	--	4,500	--	2,300	1,600	--	--	--	--	--	--	--	--	--	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	45	--	20	30	--	--	--	--	--	--	--	--	--	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	45	--	20	30	--	--	--	--	--	--	--	--	--	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	25	--	15	15	--	--	--	--	--	--	--	--	--	--	--	--
Min. Side Yard Setback(ft.)	--	--	--	--	--	5	--	5	5	--	--	--	--	--	--	--	--	--	--	--	--
Min. Side (Corner)Yard Setback(ft.)	--	--	--	--	--	15	--	15	15	--	--	--	--	--	--	--	--	--	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	10	--	10	10	--	--	--	--	--	--	--	--	--	--	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	50	--	50	50	--	--	--	--	--	--	--	--	--	--	--	--
Max. Height (stories)	--	--	--	--	--	2 ½	--	2 ½	2 ½	--	--	--	--	--	--	--	--	--	--	--	--

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Cases

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.4 Two-Family Dwelling**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI	
Min. Lot Area (sq. ft.)	--	--	--	--	--	--	--	--	--	4,000	4,000	3,500	--	3,500	3,500	--	3,500	3,500	3,500	--	--	
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	60	60	60	--	60	60	--	60	60	60	--	--	
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	100	100	100	--	100	100	--	100	100	100	--	--	
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	25	25	25	--	25	25*	--	15	See 4.4.4F.1.d*			--	--
Min. Side Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	--	10% of lot width 5 min			--	--	
Min. Side (Corner) Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	15	15	15	--	15	15*	--	15	15	15	--	--	
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	10	10	10	--	10	10	--	10	10	10	--	--	
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	--	--	--	--	50	50	50	--	50	50	--	50	50	50	--	--	
Max. Height (stories)	--	--	--	--	--	--	--	--	--	2 ½	3	4	--	ALH	ALH*	--	ALH	ALH	ALH	--	--	

ALH = Any Legal Height not prohibited by other laws    -- = Use not permitted    NA = Use permitted but standard does not apply    \* = See Sec. 4.4, Measurements and Special Cases

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.5 Multiple-Family Dwelling, 1-2 Stories**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	--	--	--	--	--	--	--	--	--	--	3,000	2,800	2,200	--	3,000	--	--	1,800	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	60	60	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	120	120	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	25	25	25*	--	25*	--	--	See 4.4.4F.1.d*	--	--	--
Min. Side Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	See 5.3.3			--	See 5.3.3	--	--	See 5.3.3	--	--	--
Min. Side (Corner)Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	15	15	15	--	15*	--	--	15	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	10	10	10	--	10	--	--	10	--	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	--	--	--	--	--	See 5.3.3			--	See 5.3.3	--	--	See 5.3.3	--	--	--
Max. Height (stories)											2	2	2*		2*			2			

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Case

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.6 Multiple-Family Dwelling, 3-4 Stories**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	--	--	--	--	--	--	--	--	--	--	--	2,500	2,000	--	2,000	--	--	600	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	--	60	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	--	120	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	25	25*	--	25*	--	--	See 4.4.4F.1.d*	--	--	--
Min. Side Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	See 5.3.3		--	See 5.3.3	--	--	See 5.3.3	--	--	--
Min. Side (Corner) Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	15	15	--	15*	--	--	15	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	10	10	--	10	--	--	10	--	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	--	--	--	--	--	--	See 5.3.3		--	See 5.3.3	--	--	See 5.3.3	--	--	--
Max. Height (stories)	--	--	--	--	--	--	--	--	--	--	--	4	4*	--	4*	--	--	4	--	--	--

ALH = Any Legal Height not prohibited by other laws    -- = Use not permitted    NA = Use permitted but standard does not apply    \* = See Sec. 4.4, Measurements and Special Case

**Article 4: Zoning Districts**

Sec. 4.5. Residential Dimensional Standards

**4.5.7 Multiple-Family Dwelling, 5-10 Stories**

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI
Min. Lot Area (sq. ft.)	--	--	--	--	--	--	--	--	--	--	--	--	1,700	--	1,700	--	--	1,700	--	--	--
Min. Lot Width (ft.)	--	--	--	--	--	--	--	--	--	--	--	--	60	--	60	--	--	60	--	--	--
Min. Lot Depth (ft.)	--	--	--	--	--	--	--	--	--	--	--	--	120	--	120	--	--	120	--	--	--
Min. Front Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	25*	--	25*	--	--	See 4.4.4F.1.d*	--	--	--
Min. Side Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	See 5.3.3	--	See 5.3.3	--	--	See 5.3.3	--	--	--
Min. Side (Corner)Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	15	--	15*	--	--	15	--	--	--
Min. Rear Yard Setback(ft.)	--	--	--	--	--	--	--	--	--	--	--	--	10	--	10	--	--	10	--	--	--
Max. Building Coverage (%) for Rear Half of Lot	--	--	--	--	--	--	--	--	--	--	--	--	See 5.3.3	--	See 5.3.3	--	--	See 5.3.3	--	--	--
Max. Height (stories)	--	--	--	--	--	--	--	--	--	--	--	--	10*	--	10*	--	--	10	--	--	--

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Case

**Article 4: Zoning Districts**

Sec. 4.6. Nonresidential Dimensional Standards

**Sec. 4.6. Nonresidential Dimensional Standards**

Unless otherwise specified in Sec. 4.4, nonresidential uses must be developed in accordance with the tables below.

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI	
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15	See 4.4.4F.1.d*				
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0*	
Min. Side (Corner)Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10	
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0*	
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	10	3	ALH	2 ½	3	ALH	ALH	ALH	ALH	

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Case

**Article 4: Zoning Districts**

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Sec. 4.6. Nonresidential Dimensional Standards

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**Article 5 – Use Standards**  
**Table of Contents**

Sec. 5.1. Use Table ..... 5-1

Sec. 5.2. Classification of New and Unlisted Uses..... 5-12

Sec. 5.3. Specific Use Standards..... 5-13

Sec. 5.4. Personal Wireless Service Facilities..... 5-32

Sec. 5.5. Accessory Uses and Structures ..... 5-37

Sec. 5.6. Temporary Uses ..... 5-44

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# Article 5 Use Standards

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## Sec. 5.1. Use Table

### 5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for below:
  - 1. Temporary uses identified in Section 5.6 Temporary Uses; and
  - 2. Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

### 5.1.2 Legend for Interpreting Use Table

P = Permitted by Right

L = Permitted by Right Subject to Limitation

Blank = Prohibited

C = Conditional Use Permit (CUP)

### 5.1.3 Use Table

**Article 5: Use Standards**

Sec. 5.1. Use Table

P= Permitted by Right    L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<b>RESIDENTIAL USES</b>																						
Boarding or rooming house											P	P		P			P	P	P	P		
Convent or monastery	C	C															P	P	P	P		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		5.3.1
Fraternity or sorority	C	C									C	C	C	P	P		P	P	P	P		
Home for the aged	C	C									C	P	P	C	P		P	P	P	P		
Industrialized housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
HUD-Code manufactured home land lease community	C																					5.3.2
HUD-Code manufactured home development	L																					5.3.2
Multiple-family dwelling (apartment)											L	L	L		L				L			5.3.3
Patio home						L		L	L													5.3.4
Recreational Vehicle Park	C																C			C		
Single-family attached dwelling						P	P	L	P	P	P	P		P	P	P	P	P	P	P		5.3.5
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Townhouse								L	L		L	L		L	L	L	L	L	L			5.3.6
Triplex										C	P	P			P					P		
Two-family dwelling (duplex)										P	P	P		P	P		P	P	P			
Zero lot line dwelling						P	L	P	P	P	P	P										5.3.7
<b>NONRESIDENTIAL USES</b>																						
<b>AGRICULTURAL USES</b>																						
Animal shelter (public or private)	C																	C		P	P	
Farm, ranch, orchard or garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse or nursery (wholesale)	P																	P	P	P	P	

**Article 5: Use Standards**

Sec. 5.1. Use Table

P= Permitted by Right    L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Hatchery, fish or shrimp or fish farm	C																	C		C	C	
Hatchery, poultry	C																	P		P	P	
Kennel without veterinary hospital	C																C	P		P	P	
Livestock auction	C																	C		C	P	
<b>COMMERCIAL USES</b>																						
Bakery or confectionary (wholesale)																		P	P	P	P	
Building material sales																		P	P	P	P	
Cabinet shop																		P	P	P	P	
Cleaning, dyeing or laundry plant																		P	P	P	P	
Contractor storage or equipment yard																		P	P	P	P	
Flea market (indoors)																	P	P	P	P	P	
Flea Market (outdoors)																			P	P	P	
Heavy machinery sales, storage and repair																		P		P	P	
Lithographic or print shop																	P	P	P	P	P	
Maintenance and repair service for building																		P	P	P	P	
Mini-storage warehouse																		L		L	L	5.3.8
Open storage of furniture, appliances or machinery																		P		P	P	
Paint shop																		P	P	P	P	
Plumbing shop																	P	P	P	P	P	
Upholstery shop																	P	P	P	P	P	
Welding or machine shop																		P	P	P	P	

**Article 5: Use Standards**

Sec. 5.1. Use Table

P= Permitted by Right    L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<b>EDUCATION AND INSTITUTIONAL USES</b>																						
Art gallery or museum														P	P	P	P	P	P	P	P	
Cemetery, crematorium or mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Child care: family home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			5.3.9
Child care: group day care home	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	5.3.9
Child care: day care center	C	C													L	L	L	L	L	L	L	5.3.10
College, university or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P		
Community center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Correctional facility																					C	C
Emergency Shelter																		C	C		C	
Fairgrounds or exhibition area	C	C									C	C	C	P	P		P	P	P	P		
Fraternal organization lodge or union hall	C	C										C	C	P	P		P	P	P	P	P	
Halfway house											C	C	C	C	C	C	C	C	C	C		
Hospital	C														P		P	P	P	P		
Military reserve, national guard center																		P		P	P	
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Pre-school	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	L	L	5.3.11
School, business														P	P	P	P	P	P	P	P	
School, commercial trade																		P	P	P	P	

**Article 5: Use Standards**

Sec. 5.1. Use Table

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School, elementary or secondary (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Social Service Shelter	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Substance Abuse Treatment Facility														C	C		C	C	C	C		
Transitional shelter																	C	C		C		5.3.12
<b>INDUSTRIAL USES</b>																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
Asphalt or concrete batching plant (temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Brick kiln or tile plant																						C
Cement or hydrated lime plant																						C
Compost operations																				C	C	5.3.13
Distribution Center																				P	P	
Laboratory Manufacturing																		P		P	P	
Laboratory Medical, dental, scientific or research	C													C	P	C	P	P	P	P	P	
Landfill																				C	C	
Light Manufacturing																				P	P	
Industrial uses other than listed																						C
Recycling collection location	C																L	L		L	L	5.3.14
Recycling operation inside a building																				C	L	5.3.14
Recycling operation outside a building																					L	5.3.14
Slaughterhouse or meat packing plant																				C	C	
Smelter, refinery or chemical plant																						C

**Article 5: Use Standards**

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Storage Warehouse																		P		P	P		
Wholesale Storage and Sales																		P		P	P		
Wrecking or Salvage Yard																				C	C	5.3.24	
<b>NATURAL RESOURCE STORAGE AND EXTRACTION USES</b>																							
Caliche pit and caliche storage	C																	C		C	P		
Mining and storage of mining waste	C																				C	C	
Petroleum or gas well	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Petroleum storage and collection facilities	C																	C		C	P		
Sand or gravel extraction or storage	C																	C		C	P		
Top soil, earth, clay or stone extraction or storage	C																	C		C	P		
<b>OFFICE USES</b>																							
Office														P	P	P	P	P	P	P	P		
Warehouse office																		C	P	P	P		
<b>OVERNIGHT ACCOMMODATIONS</b>																							
Hotel or motel											P	P						P	P	P	P		
Recreational vehicle park	C																	C			C		
<b>RECREATIONAL &amp; ENTERTAINMENT USES</b>																							
Alcoholic beverage sales for on-premise consumption:																							
a) beer and wine only less than 75% revenue from alcohol																		C	P	P	P	P	5.3.15
b) all alcoholic beverages 75% or more revenue from alcohol																		C	C	C	C	C	5.3.15
c) all alcoholic beverages >50% & <75%																		C	C	C	C	C	5.3.15

**Article 5: Use Standards**

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revenue from alcohol																							
d) all alcoholic beverages 50% or less revenue from alcohol															C	C	C	C	P	C	C		5.3.15
Amusement, commercial (indoor)																	P	P	P	P	P		
Amusement, commercial (outdoor)	C																	P	P	P	P		
Country club	C														P		P	P	P	P	P		
Dance hall																	C	P	P	P	P		
Day camp for children	P	P												C	C		C	C		C			
Drag strip or commercial racing	C																	C		C	P		
Golf course	C																	P		P	P		
Park or playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Playfield or stadium	P		C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
Rodeo grounds	C																	P		P	P		
Roller or Ice Rink	C																P	P	P	P	P		
Sexually oriented business																						P	Ordinance No. 99-2633
Shooting range (outdoor)	C																				C	C	5.3.16
Swimming pool, commercial	C																C	P	P	P	P		
Theater or playhouse (indoor)															P	P	P	P	P	P	P		
Theater or playhouse (open or drive-in)																		P		P	P		
Zoo	P																C	C	C	P	P		
<b>RESTAURANT USES</b>																							
Restaurant (not drive-in)															P	P	P	P	P	P	P		
Restaurant (drive-in)															P		P	P	P	P	P		
<b>RETAIL SALES AND SERVICE USES</b>																							
Alcohol beverage sales, off-premise																C	P	P	P	P	P		

**Article 5: Use Standards**

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consumption, beer and wine store																							
Alcohol beverage sales, off-premise consumption, package store																		C	C	C	C	C	5.3.17
Antique shop															P	P	P	P	P	P	P	P	
Art supply store															P	P	P	P	P	P	P	P	
Bakery or confectionary shop (retail)															P	P	P	P	P	P	P	P	
Bank or savings and loan														P	P	P	P	P	P	P	P	P	
Barber shop or beauty shop															P	P	P	P	P	P	P	P	
Body Piercing Studio																	L	L		L	L		5.3.27
Credit Access Business														P	P		P	P		P	P		5.3.26
Cleaning, pressing and pick up shop															L	L	L	L	L	L	L	L	5.3.18
Cleaning plant (commercial)																		P	P				
Discount or department store																	P	P	P	P	P	P	
Drug store or pharmacy															P	P	P	P	P	P	P	P	
Exercise gym	C										C	C	C		P	C	P	P	P	P	P	P	
Fabric store																	P	P	P	P	P	P	
Florist or garden shop															P	P	P	P	P	P	P	P	
Food or beverage sales store without fuel sales																P	P	P	P	P	P	P	
Furniture and appliance sales and service																	P	P	P	P	P	P	
Greenhouse or nursery (retail)																P	P	P	P	P	P	P	
Handcraft and art objects shop															P	P	P	P	P	P	P	P	
Hardware store or hobby shop																	P	P	P	P	P	P	
Key shop															P	P	P	P	P	P	P	P	
Kiosk														L	L	L	L	L	L	L	L	L	Sec. <a href="#">5.3.25</a>
Laundry and cleaning (self-service)															P	P	P	P	P	P	P	P	

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Medical appliances, fitting, sales or rental															P	P	P	P	P	P	P	
Mixed media store or newsstand															P	P	P	P	P	P	P	
Mortuary or funeral home															P		P	P	P	P	P	
Office supply store															P	P	P	P	P	P	P	
Pawn shop																	P	P	P	P	P	
Pet shop																	P	P	P	P	P	
Retail shop, gift, apparel, accessory and similar items															P	P	P	P	P	P	P	
Retail Sales and Service uses other than listed																P	P	P	P	P	P	
Studio: decorator, artist, photographer, music, dance or drama														P	P	P	P	P	P	P	P	
Tattoo Studio																	L	L		L	L	5.3.27
Tool rental (indoors)																	P	P	P	P	P	
Tool rental (outside equipment storage)																		P		P	P	
Travel agency														P	P	P	P	P	P	P	P	
Upholstery shop																	P	P	P	P	P	
Veterinary office (no animal hospital)														P	P	P	P	P	P	P	P	
Veterinary hospital (no kennels)																	P	P	P	P	P	
Veterinary hospital (kennels)	C																	C		P	P	
<b>TRANSPORTATION AND RELATED USES</b>																						
Airport or landing field	C	C																C		P	P	
Bus station or terminal																		P	P	P	P	
Emergency vehicle service														C	P		P	P	P	P	P	
Hauling or storage company																		P	P	P	P	
Heliport	C	C													C			C	C	P	P	

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Helistop	C	C												C	C	C	C		C	P	P		
Motor freight terminal																		P	P	P	P		
Railroad freight terminal																		P	P	P	P		
Railroad passenger station																		P	P	P	P		
Railroad track right-of-way or team track	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Railroad yard or roundhouse																		P	P	P	P		
Parking lot, trucks, trailers and moving vans or trucks																		P	P	P	P		
Parking lot or structure (commercial autos)														C	P		C	P	P	P	P		
<b>UTILITY AND SERVICE USES</b>																							
Electrical energy generating plant	C																	C	C	P	P		
Electrical substation (high voltage bulk power)	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
Electrical transmission line (high voltage)	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
Fire station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Gas line and regulating station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Personal wireless facility	See <a href="#">Sec. 5.4</a> Personal Wireless Service Facilities																						
Radio or television tower or transmitting station	C	C												P	P	P	P	P	P	P	P		
Shop yard of local, state or federal government	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
Sewage pumping station	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Sewage treatment plant	C																			C	P		
Utility and Service uses other than listed	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Telephone exchange-switching-relay or	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

**Article 5: Use Standards**

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Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards	
transmitting equipment																							
Utility shop, storage yard or building																		P	P	P	P		
Utilities other than listed	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P
Water stand pipe or elevated storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water reservoir well or pumping station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water treatment plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P
<b>VEHICLE SALES AND SERVICE USES</b>																							
Auto leasing, rental																		P	P	P	P	P	
Auto parts sales (outdoors)																		C		P	P		
Auto storage or auto auction																		C		P	P		
Auto sales, new or used outdoor lot																		L	L	L	L	L	5.3.19
Auto sales facility, new or used																			L	L	L	L	5.3.20
Car wash																		P	P	P	P	P	
Boat sales and service																			P	P	P	P	
Fuel sales																C		L	L	L	L	L	5.3.21
Motorcycle or scooter sales and service																		P	P	P	P	P	
Trailer, recreational vehicle, portable building or manufactured home sales or rental																			P		P	P	
Truck sales																			P	P	P	P	
Truck stop																			P		P	P	
Vehicle repair, major																			L	L	L	L	5.3.22
Vehicle servicing, minor																		L	L	L	L	L	5.3.23

[Ord. 2012-4505]; [Ord. 2012-4516]; [Ord. 2015-4701]; [Ord. 2015-4707]; [Ords. 2016-4768 & 2016-4769]

## **Sec. 5.2. Classification of New and Unlisted Uses**

In order to evaluate a proposal for a land use not contained in the use table in Sec. 5.1, a determination of the appropriate classification of any new or unlisted land use must occur as follows.

- 5.2.1** The Director of Planning may refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation of the appropriate zoning classification for such a use.
- 5.2.2** The Director of Planning must submit to the Planning and Zoning Commission a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product produced, amount and nature of storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and wastewater.
- 5.2.3** The Planning and Zoning Commission must consider the nature and described performance of the proposed use; its compatibility with the uses permitted in the various districts, and amend the use table in accordance with the UDC Text Amendment procedures set forth in Sec. 3.2.

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## Sec. 5.3. Specific Use Standards

### 5.3.1 Family or Group Home

A family or group home may be permitted in accordance with the use table in Sec. 5.1 provided that no more than one vehicle per bedroom may be allowed on the premises of a family or group home for use of the residents of the home.

### 5.3.2 HUD-Code Manufactured Home Development or Land Lease Community

A HUD-Code manufactured home development or land lease community may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

#### A. Minimum Area, Density and Setbacks

1. The minimum lot area for a HUD-Code manufactured home development or land lease community is one acre.
2. For a HUD-Code manufactured home development, only one HUD-Code manufactured home is allowed per lot or unplatted property.
3. A HUD-Code manufactured home development or land lease community must observe a minimum front yard setback of 50 feet.
4. A HUD-Code manufactured home development or land lease community must observe a minimum side yard setback of 20 feet.
5. A HUD-Code manufactured home development or land lease community must observe a minimum rear yard setback of 10 feet, unless adjacent to property zoned AG, UE, SF-1, SF-2 or SF-3, in which case a minimum rear yard setback of 20 feet is required.

#### B. Perimeter Screening

1. HUD-Code Manufactured Home Land Lease Community

For HUD-Code manufactured home land lease communities screening must be provided at the perimeter of the entire development, excluding drive approaches. Screening must consist of walls/fences or landscaping in accordance with the following provisions:

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

- a. Walls and Fences.** Fences and walls must be constructed of wood, masonry, stone or pre-cast concrete with integrated color, texture and pattern. Structural screening must be a minimum 6 feet in height above the adjacent grade. Fences or walls used for buffering must not contain openings of more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall in order to create a visual barrier.
  - b. Landscaping and Berming.** Landscaping must include canopy trees and shrubs or a combination of canopy trees, shrubs and berms. Landscape screening must consist of a minimum of one canopy tree and six shrubs for every 40 linear feet of boundary, including street frontage. Berms from 24 inches to 48 inches in height at no more than a four to one slope may be substituted for a maximum of 50% of the required perimeter landscaping.
  - c. Landscaping must be in conformance with Section 7.4.5– General Planting Criteria.**
- 2. HUD–Code Manufactured Home Development**

For a HUD–Code manufactured home development, screening must be provided on all sides of the HUD–Code manufactured home. Screening must consist of landscaping or some combination of both fencing and landscaping in accordance with the following provisions:

  - a. Landscaping.** Landscape screening must consist of a minimum of one canopy tree and five shrubs for every 30 linear feet along all sides of the manufactured home.
  - b. Fencing and Landscaping Combination.** The required number of trees may be reduced by 30% when used in a combination with a decorative fence that is a minimum of 4 feet in height; constructed of wood, wrought iron or galvanized ornamental steel; and located behind a continuous landscaped area.

- c. Landscaping must be in conformance with Section 7.4.5– General Planting Criteria.

**C. Dimensions**

1. HUD–Code manufactured homes placed in a new or expanded manufactured home development or land lease community must be “double–wide” units a minimum of 24 feet in width with no structure more than 15 years of age when installed.
2. HUD–Code manufactured homes placed on an existing lot or pad in a manufactured home development or land lease community must be single–wide or double–wide units with no structure more than 15 years of age when installed.

[Ord. 2015–4707]

**D. Transport Equipment**

Running gear, tongues, axles and wheels must be removed at the time of installation.

**E. Roof**

The roof must be predominately double pitched and have a minimum rise of three inches for every 12 inches of vertical run (3:12 roof pitch). The roof must be covered with material that is commonly used on site–built single–family dwellings within the City, including but not limited to wood, asphalt composition shingles, fiberglass or architectural metal panels and excluding corrugated aluminum, corrugated fiberglass or corrugated metal. The roof must have a minimum eave projection and roof overhang of eight inches.

**F. Siding**

Exterior siding must be of a material that is commonly used on site–built single–family dwellings within the City that does not have a high–gloss finish. It may include wood, cementitious board, composition, clapboard, conventional vinyl or metal siding, brick, stucco or similar materials, but exclude smooth, ribbed or corrugated metal or plastic panels.

**G. Foundation**

All units not located in land lease communities must be installed on a permanent foundation in accordance with the Texas Department of Housing and Community Affairs rules.

**H. Skirting**

The perimeter of the crawl space must be skirted, with openings only for crawl space ventilation, access and equipment operation. Skirting must be constructed of brick, masonry, concrete, stucco or the same material as the siding on the unit. Shrubs must be placed along a minimum of 50 percent of the skirting around each unit.

**I. Storage Building**

A storage building must be provided at each site and must be installed on a concrete foundation prior to issuance of a Certificate of Occupancy. The storage building must be placed in the rear or side yard, constructed of low maintenance materials, and if painted, must match the color of the unit.

**5.3.3 Multiple-Family Dwelling**

A multiple-family dwelling may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A.** A minimum side yard setback of 15 feet must be provided for multiple-family dwellings between any building wall containing openings for windows, light and air and any side lot line except that any such building face or wall not exceeding 35 feet in length may provide a minimum side yard setback of 10 feet.
- B.** Where a building wall contains no openings for windows, light or air, a minimum side yard setback of 10 feet must be provided between such wall and the side lot line.
- C.** Where a multiple-family dwelling exceeding three stories in height is erected, the side yard must be increased one foot for each two feet the structure exceeds three stories but no side yard need exceed 50 feet as a result of this provision.
- D.** Where multiple-family dwellings exceed three stories in height, a rear yard setback equal to one foot for each two feet in height is required,

**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

except that such rear yard setback need not exceed 50 feet as a result of this provision, and except further that in the MF-2 district, a rear yard setback exceeding 10 feet is not required where the rear wall of a multiple-family residential structure contains no openings or windows for light or air.

- E.** In the following zoning districts, the maximum building coverage for multiple-family dwellings must conform to the following schedule. Open off-street parking or loading areas may not be computed as area subject to building coverage standards.

District	Max. Building Coverage, Principal Building (%)	Max. Building Coverage, Main & Accessory Buildings (%)
MF-1	40	50
MF-2	40	50
MF-3	50	60
MU	65	75
O-2	50	60
CA	100	100

**5.3.4 Patio Home**

A patio home may be permitted in accordance with the use table in Sec. 5.1 provided that the patio home observes a minimum rear yard setback of 10 feet.

**5.3.5 Single-Family Attached Dwelling**

A single-family attached dwelling may be permitted in accordance with the use table in Sec. 5.1 provided that a single-family attached dwelling observes a minimum rear yard setback of five feet, with required parking spaces, whether covered or uncovered, to be contained outside of the rear setback line.

**5.3.6 Townhouse**

A townhouse may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A.** A complex of townhouses may not exceed 300 feet in length.

- B. A minimum side yard setback of five feet must be provided at the end of each complex of townhouses so that the end of any two adjacent complexes are a minimum 10 feet apart.

**5.3.7 Zero Lot Line Dwelling**

A zero lot line dwelling may be permitted in accordance with the use table in Sec. 5.1 provided that in the SFA-2 and MU zoning districts, the first house built on each block in the subdivision determines the side on which the zero lot line may be utilized. The minimum side yard setback on the street corner for a zero lot line dwelling in SFA-2 and MU is five feet.

**5.3.8 Mini-Storage Warehouse**

A mini-storage warehouse may be permitted in accordance with the use table in Sec. 5.1 provided that the size of each individual storage unit of a mini-storage warehouse is limited to a maximum of 2,000 cubic feet.

**5.3.9 Child Care Facility: Family Home or Group Day Care Home**

A family home or group day care home child care facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The residence or structure containing the family home or group day care child care facility must contain a minimum of 150 square feet of gross floor area for each child. This use excludes a foster home and group home.
- B. For a family home childcare facility, a safe off-street loading and unloading location must be provided. Off-street parking in addition to normally required parking for the residence is not required.
- C. For a group day care home child care facility, a paved off-street location, such as a circle drive or another suitable location, must be provided for safe loading and unloading. Maneuvering room must be provided on the property for parking and loading so as to preclude the necessity of backing out into public streets.
- D. The home occupation standards in Sec. 5.5.4 apply to a family home child care facility and a group day care home that takes place in a residence.

- E. In the LI and HI zoning districts, a group day care home child care facility may be allowed only when provided in conjunction with service to employees of the principal use.

**5.3.10 Child Care Facility: Day Care Center**

A day care center child care facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

**A. Location**

Each facility must be located in an area that is free from conditions dangerous to the physical and moral well-being of the children.

**B. Construction Codes**

The building is subject to all other applicable laws, ordinances and regulations of the City including, but not limited to, building, electrical, fire and health requirements and is subject to Chief Building Official enforcement.

**C. Play Area**

The play area must be separated and fenced from the vehicle circulation and parking areas.

**D. TDHS Standards**

The fenced outdoor play area, the indoor play area and all other pertinent standards as required must conform to Texas Department of Human Services standards, and the applicant must document this conformity to the Chief Building Official.

**E. Accessory Use**

In the LI and HI zoning districts, a day care center child care facility may be permitted only when provided in conjunction with service to employees of the principal use.

**5.3.11 Pre-School**

A pre-school may be permitted in accordance with the use table in Sec. 5.1 provided that such use is permitted only when provided in conjunction with service to employees of the principal use.

**5.3.12 Transitional, Emergency, or Social Service Shelter**

**A.** A transitional, emergency, or social service shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following considerations.

1. The transitional, emergency, or social service shelter must be a minimum of 1,000 feet from the following uses:
  - a. Alcoholic beverage sales (on-premise or off-premise consumption);
  - b. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3;
  - c. Child care uses;
  - d. Elementary or secondary schools (public or private); and
  - e. Other transitional, emergency, or social service shelters.

The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency, or social service shelter, and in a direct line across intersections.

**B.** A transitional, emergency, or social service shelter may be permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards.

1. Space must be provided inside the transitional, emergency, or social service shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
2. The transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
3. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements.

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

4. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
5. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days.
6. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year.
7. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

[Ord. 2012-4505]

**5.3.13 Compost Operation**

A compost operation may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A.** Compost operations classified as Exempt, Notification or Registration facilities under Title 30, Part I, Chapter 332, Composting, of the Texas Administrative Code are subject to the requirements in Chapter 332 for Registration facilities.
- B.** The owner of a compost operation classified in Chapter 332 as Permit facilities must present and maintain a current Texas Commission on Environment Quality (TCEQ) permit.
- C.** Chapter 332, excluding Subchapter D—Operations Requiring a Permit and Subchapter F—Household Hazardous Waste Collection, and the TCEQ current Quality Assurance Program Plan are adopted by reference.
- D.** For purposes of the City’s administration of registration requirements, the following definitions are substituted for terms defined in Title 30 Texas Administrative Code § 332.2, except where provisions refer to the Commission’s administration of Air Quality, Water Quality, Solid Waste, and Consolidated authorizations, permits and requirements:

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

1. Commission means the City of Temple.
2. Executive Director and Chief Clerk means the Director of Public Works.
3. Permit, when referring to City’s administration of Registration requirements, means Conditional Use Permit.

**5.3.14 Recycling Collection Location or Operation**

A recycling operation inside a building, recycling operation outside a building and recycling collection location may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The buying and receiving area must be set back a minimum of 50 feet from the public street right-of-way.
- B. A minimum separation of 75 feet is required between any processing operation and the property line of any adjacent property zoned for residential purposes.
- C. The internal circulation area within a tract used for a recycling collection location must consist of a non-permeable surface of either asphalt or concrete.

**5.3.15 Alcoholic Beverage Sales for On-Premise Consumption**

An establishment with alcoholic beverage sales for on-premise consumption may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The following standards apply to all establishments with on-premise consumption of alcoholic beverages.
  1. The permittee must design and operate the establishment in such a manner that the use of the premises does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
  2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its Conditional Use Permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.
6. The establishment must provide adequate parking spaces in accordance with the standards in Sec. 7.5.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a Conditional Use Permit in accordance with Sec. 3.5 if it affirmatively determines that the issuance of the permit is:
  - a. Incompatible with the surrounding uses of property; or
  - b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants.
9. A Conditional Use Permit runs with the property and a change in the owner or lessee of a permitted establishment does not affect the Conditional Use Permit.

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

10. All Conditional Use Permits must be further conditioned that the permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in paragraph 8 above.
- B.** In addition to the standards in subsection A above, the following standards apply to all establishments where the gross revenue from the on-premise sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment, including establishments in Central Area zoning district where sale of alcoholic beverages is more than 50% and less than 75% of the total gross revenue of the establishment.
1. The establishment must not be within 300 feet of a place of worship, public school or public hospital.
  2. The distance between the establishment where alcoholic beverages are sold and the place of worship or public hospital must be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The distance between the place of business where alcoholic beverages are sold and the public school must be measured in a straight, direct line from the property line of the public school to the property line of the establishment, and in a direct line across intersections.
  3. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permittee is located.
- C.** In addition to the standards in subsection A above, the following standards apply to all establishments where the gross revenue from the on-premise sale of alcoholic beverages is 75% or more of the total gross revenue of the establishment.
1. The establishment must not be within 300 feet of a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot.

2. The distance between the establishment where alcoholic beverages are sold and a protected use must be measured in a straight, direct line from the property line of the establishment to the nearest property line of a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot.
3. An establishment in a multi-storied building on other than the ground floor must be treated as though it were on the ground floor for purpose of the measurement between property lines.

#### **5.3.16 Outdoor Shooting Range**

An outdoor shooting range may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Only handguns (pistols and revolvers) are permitted to be used at the outdoor shooting range. No shotguns, rifles or automatic weapons are permitted at the range.
- B. No armor piercing or incendiary ammunition is allowed.
- C. Ammunition larger than 0.460 caliber is not allowed.
- D. No minimum lot area is required. The range, range site and uninhabited downrange safety area must be under uniform control and ownership, so as to maintain its permanency.
- E. The range area includes the firing line; target line, backstops, side berms and walls; and baffles and other safety barriers. No portion of a range area may be nearer than 100 feet to any public street right-of-way or adjacent property line.
- F. The firing of handguns is prohibited during the hours between seven p.m. and seven a.m.
- G. The range may be used only under the supervision of trained personnel.
- H. Appropriate certifications must be obtained from the Texas Department of Public Safety.
- I. Adequate accident and liability insurance must cover operators in an amount of not less than \$1,000,000 per single occurrence and

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

\$2,000,000 aggregate per year (combined single limit for personal injury, death or property damage).

- J. Conditional use permit may be revoked at any time in accordance with Sec. 3.5.
- K. The range must conform in all respects to TCEQ standards and regulations.
- L. The range must be handicap accessible and provide required handicapped parking and restrooms.
- M. The range operator is responsible for proper disposition of spent casings and projectiles.
- N. The range operator is responsible for ensuring no alcoholic beverages are present on the entire range site.
- O. Violation of any federal, state or local law is grounds for revoking the Conditional Use Permit.
- P. No portion of range may be located in a floodway.
- Q. Projectiles must be contained within the berm or enclosure within the range site.
- R. If berms or baffles consist of tires, tires must be covered with earthen material.
- S. A fence designed in accordance with the standards in Sec. 7.7 must surround the range site and downrange safety area. Such fence must be of suitable height and material to exclude persons or livestock from unauthorized entry. Warning signs must be provided along the perimeter of the fence. These signs must be placed at the applicant's expense and must specify a firing range is present and operational during daylight hours.

**5.3.17 Alcoholic Beverage Sales for Off-Premise Consumption, Package Store**

A package store may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code.

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Article 5: Use Standards

Sec. 5.3. Specific Use Standards

- B. Outdoor lighting must comply with the standards in subsection 6.7.5K.
- C. If applicable, a pick-up window must be visible from the public right-of-way, and may not be placed in alleys.
- D. The drive-through lane must provide a minimum of 60 feet of stacking space as measured from the pick-up window.
- E. An escape (bypass) lane must be provided parallel to the drive-through lane, if applicable, from the beginning of the drive-through lane.
- F. Parking (in any zoning district including in CA) must be provided on-site, not less than one space for each 250 square feet of retail space (plus the number of parking spaces required for non-retail space as specified in Sec. 7.5).
- G. Window signs are prohibited.
- H. Lighted signs must be turned off at closing time. This requirement does not apply to multi-tenant signs that meet the requirements of [Sec. 7.6.3](#) of this UDC.

[Ord. No. 2015-4707]

**5.3.18 Cleaning, Pressing and Pick Up Shop**

A cleaning, pressing and pick up shop may be permitted in accordance with the use table in Sec. 5.1 provided that the shop must not exceed 2,500 square feet of gross floor area

**5.3.19 Auto Sales, New or Used (Outdoor Lot)**

New or used auto sales on an outdoor lot may be permitted in accordance with the use table in Sec. 5.1 provided that a sales office must be limited to an area less than 10 percent of the total sales lot.

**5.3.20 Auto Sales Facility, New or Used**

A new or used auto sales facility may be permitted in accordance with the use table in Sec. 5.1 provided that repairs or renovations may not exceed 90 days.

**5.3.21 Fuel Sales**

A fuel sales establishment may be permitted in accordance with the use table in Sec. 5.1 provided that pump islands must be set back a minimum of 12

feet from the front property line. The outer edge of the canopy must be set back a minimum of 10 feet from the front property line. On corner lots, both street exposures must be treated as front yards.

### 5.3.22 Major Vehicle Repair

A major vehicle repair facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

**A.** Vehicle repair must be conducted within a building.

[Ord. 2012-4545]

**B.** All buildings must be set back a minimum of 20 feet from:

1. Residentially zoned or developed property; and
2. Public property such as a school or park.

**C.** Vehicle parts, wrecked vehicles, commodities, materials and equipment may be stored behind a building in the rear area if screened from public view from any street, residentially developed or zoned property, or adjacent or opposite public property such as a school or park. Such storage may not occupy more than 10 percent of the lot or tract. A solid wooden or masonry fence, a minimum of one foot higher than the stored items, must screen such storage area.

**D.** There is no size limit for vehicles being repaired.

### 5.3.23 Minor Vehicle Servicing

A minor vehicle servicing establishment may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

**A.** Vehicle servicing must be conducted completely within an enclosed building.

**B.** Vehicles being serviced may not exceed one and one-half tons.

**C.** All buildings must be set back a minimum of 25 feet from:

1. The public street right-of-way;
2. Residentially zoned or developed property; and
3. Public property such as a school or park.

**D.** No outside storage or display of any kind is permitted.

- E. No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours.

#### 5.3.24 Wrecking or Salvage Yard

A wrecking or salvage yard may be permitted in accordance with the use table in Sec. 5.1 provided that the buying and receiving area is set back a minimum of 50 feet from the public street right-of-way.

#### 5.3.25 Kiosk

A kiosk is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A. All of the Dimensional and General Development Standards in Article 4 and Article 7 of this UDC apply to a kiosk as if it were the principal use of the property.
- B. Drive-through kiosks must provide 3, 8-ft by 22-ft. queuing spaces per kiosk service window.
- C. Wall signs on the wall of a kiosk itself are the only sign type allowed for advertising the services of the kiosk. Wall signs on a kiosk are limited to a maximum of 25 percent of the surface area of each wall. Wall signs are permitted only on the sides of a kiosk that are visible from the public right-of-way.
- D. Pedestrian access to the kiosk use must be included from all pedestrian facilities, including but not limited to sidewalks.

Parking that serves as required parking for another use must not be used for either placement of the kiosk or for parking or vehicle maneuvering required by the kiosk unless additional parking exists for the adjacent use and a shared parking agreement is agreed upon by both property owners and submitted with the building permit application.

[Ord. 2012-4516]

#### 5.3.26 Credit Access Business (see Sec. 11.2 for Definition)

A credit access business (commonly referred to as a “payday lender”) may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards:

- A. A credit access business may not be located closer than:

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

1. Within 1000 feet of another credit access business; or
  2. Within 200 feet of a residentially-zoned property (located within the UE, SF-1, SF-2, SF-3, SFA-1, SFA-2, SFA-3, TH, 2F, MF-1, MF-2 or MF-3 zoning districts.
- B.** For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- C.** A credit access business may not be located on property abutting a Major Arterial or an Expressway, as identified on the Thoroughfare Plan.

[Ord. 2015-4740]

**5.3.27 Body Piercing Studio and Tattoo Studio**

A Body Piercing Studio or Tattoo Studio is permitted in accordance with the use table in [Sec. 5.1](#) subject to the following standards:

- A.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of another Body Piercing Studio or Tattoo Studio.
- B.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of a School, Public or Private, as that term is defined in this Code.
- C.** A Body Piercing Studio or Tattoo Studio may not be located within 1000 feet of a church.
- D.** In the General Retail zoning district, a Body Piercing Studio or Tattoo Studio may not be located within 200 feet of the following zoning districts: Urban Estates, Single Family Dwelling 1, 2, and 3, Single-Family Attached 1, 2, and 3, Two-Family Dwelling, and Townhouse.
- E.** For purposes of this section, measurements are made in a straight line, without regard to intervening structures or objects, from property line to property line.
- F.** A Body Piercing Studio or Tattoo Studio may not be located on property within the Interstate 35 Corridor Overlay or any designated Strategic Investment Zone ("SIZ") Grant Corridor.
- G.** A Body Piercing Studio or Tattoo Studio must be equipped with a handwashing sink that is separate from restroom sinks.

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**Article 5: Use Standards**

Sec. 5.3. Specific Use Standards

[Ords. 2016-4768 & 2016-4769]

## Sec. 5.4. Personal Wireless Service Facilities

### 5.4.1 Purpose

These regulations for personal wireless service facilities are adopted for the general purposes of this UDC and for the following specific purposes:

- A. To enhance the ability of the providers of telecommunications services to provide such services to the community safely, effectively and efficiently;
- B. To encourage the users of support structures and antennas to collocate where possible, and to locate all facilities, to the extent possible, in areas where adverse impact on the community is minimal;
- C. To identify standards in order to ensure equitable treatment of providers of functionally equivalent telecommunications services; and
- D. To minimize the visual impact of towers through design, screening and landscaping.

### 5.4.2 Prohibited Districts

Personal wireless service facilities are prohibited in the following zoning districts:

- A. UE, Urban Estate;
- B. SF-1 through SF-3, Single-Family Dwelling;
- C. SFA through SFA-3, Single-Family Attached;
- D. MH, Manufactured Home;
- E. TH, Townhouse;
- F. 2F, Two-Family Dwelling; and
- G. MF-1 though MF-3, Multiple Family Dwelling.

### 5.4.3 I-35 Interstate Corridor Overlay District Standards

- A. Except as provided in this section, Freestanding Personal Wireless Service Facilities are prohibited in the I 35, Interstate Corridor Overlay.
- B. Freestanding **Stealth** Personal Wireless Service Facilities may be considered in all I 35 Interstate Corridor Overlay Sub-Districts by the Director of Planning. The Director of Planning will determine whether or not a proposed freestanding stealth facility is sufficiently camouflaged

**Article 5: Use Standards**

**Sec. 5.4. Personal Wireless Service Facilities**

based on the type, size, scale and appropriateness of the structure that the stealth facility will resemble in relation to the architectural and land use context in which the stealth facility is located.

- C. In addition to Freestanding Stealth Personal Wireless Service Facilities, freestanding monopoles are permitted in the Industrial Sub-District.

**5.4.4 Chief Building Official Review and Final Action**

The Chief Building Official may approve, approve with conditions or deny applications proposing personal wireless service facilities that comply with the applicable design standards in Sec. 5.4.6 below and with the following conditions:

<b>Location</b>	<b>Conditions</b>
<b>Freestanding Tower</b>	
HI or LI zoning districts	Tower height must not exceed 120 feet
	Tower must not encroach into any restricted airspace or zones
	Tower must be located no closer than 1,000 feet to the boundary of any residential use or district
<b>Stealth Facilities</b>	
Atop the roof of any nonresidential building not in the H, North Central Temple Historic Overlay zoning district in any base zoning district	Facilities must not increase overall height of structure more than 15 feet
	Facilities must not encroach into any restricted airspace or zones
On the vertical exterior of any nonresidential building not in the H, North Central Temple Historic Overlay zoning district in any base zoning district	Facilities may project a maximum of 24 inches from the surface of the building to which it is attached
	Facilities must not increase overall height of structure more than 15 feet and must be a minimum of 15 feet above grade
	Facilities must be textured and colored so as to blend with the surrounding surface of the building

**5.4.5 Conditional Use Permit**

- A. A Conditional Use Permit reviewed in accordance with Sec. 3.5 is required for personal wireless service facilities proposed to be located:

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**Article 5: Use Standards**

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Sec. 5.4. Personal Wireless Service Facilities

1. In the H, North Central Temple Historic Overlay zoning district; or
  2. In a manner that is not eligible for administrative approval as set forth in Sec. 5.4.3 above.
- B.** Every application must be evaluated for compatibility of height with surrounding areas and provision for collocation.
- C.** A personal wireless service facility must meet the design standards in Sec. 5.4.6 below.
- D.** The radius for mailed notice of a Zoning Map Amendment as described in Sec. 3.3.3 must be increased to 500 feet for an application for a Conditional Use Permit for personal wireless service facilities. The procedure for notice to surrounding property owners also applies to applications for administrative approval.

**5.4.6 Design Standards**

**A. Boundary and Use Setbacks**

1. A guy or guy anchor for a facility must not be closer than 20 feet to a bounding property line.
2. The distance between the base of a self-supported tower and the property line of any residential zoning district or use must not be less than 3 times the height of the tower structure.

**B. Security Screening Fence**

1. A solid, wood or masonry fence, a minimum of eight feet in height, must completely enclose the base of every tower.
2. In a residential zoning district or on property that abuts a residential zoning district or use, a solid wood or masonry fence, a minimum of eight feet in height, must complete enclose all mechanical equipment and accessory structures.
3. A security screening fence for a facility built or permitted after May 17<sup>th</sup>, 2001, may not be less than 6 feet in height.
4. A security fence must be built to safely discourage unauthorized access to facilities by climbing.

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## Article 5: Use Standards

### Sec. 5.4. Personal Wireless Service Facilities

5. External and internal gates and doors that provide access to a facility must be equipped with a self-locking or self-latching mechanism for purposes of preventing unauthorized access.
6. Screening is not required for a facility located on a building that is not designed or built primarily to support the facility, if the ancillary equipment, including but not limited to the equipment enclosure, is not visible from an abutting property line or public street right-of-way.

#### C. Screening

1. As much of the total facility as possible must be screened or located so as to not be visible from prevalent views.
2. Landscaping must be continuously maintained in a healthy, growing condition and be trimmed as necessary to comply with ordinances governing height of grass, corner sight obstruction and street and sidewalk obstruction.

#### D. Collocation

A new freestanding tower is not permitted unless the applicant demonstrates to the satisfaction of the approving authority that existing, permitted or proposed alternative support structures cannot accommodate the proposed facilities for the following reasons:

1. Height is not sufficient to meet applicant's engineering requirements;
2. Structural strength is not sufficient to support applicant's proposed facilities and cannot be reinforced in accordance with engineering requirements;
3. Other aspects of structure do not meet applicant's technical design requirements;
4. Electromagnetic interference would result from collocation;
5. Fees or costs for sharing or adapting are unreasonable; any cost that is less than the cost to construct and develop a new tower is presumed to be reasonable;

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**Article 5: Use Standards**

Sec. 5.4. Personal Wireless Service Facilities

6. Owners of alternative structures are unwilling to accommodate the applicant's needs within 30 days after the date such owners received applicant's written request; or
7. Other factors render alternative support structures unsuitable.

**5.4.7 Abandonment of Tower**

- A.** At such time as the facility is no longer utilized for service, the tower owner or operator must submit written notification to the Chief Building Official within 30 days of non-use.
- B.** In the event the use of any facility has been discontinued for a period of 180 consecutive days, the tower is deemed abandoned. The Chief Building Official is responsible for making a determination of the date of abandonment. The Chief Building Official reserves the right to request documentation or affidavits from the owner or operator regarding the issue of tower usage.
- C.** Upon such abandonment, the owner or operator of the tower has 90 days to complete either of the following:
  1. Request to reactivate the use of the tower or transfer the tower to another owner or operator with the use of the tower being identical to that approved for the original applicant; or
  2. Dismantle and remove the tower and associated facilities.
- D.** If a facility remains abandoned after the 90 day period, the City may require the removal of the facility. All aspects of the facility, including but not limited to paving material, support structures, wires, fencing and platforms must be removed from the site.

**5.4.8 Removal After Revocation of Permit**

The property owner must remove all components of personal wireless service facilities, including but not limited to paving material, support structures, wires, fencing and platforms, no later than the 90 days after the date that the Conditional Use Permit is revoked.

**Article 5: Use Standards**

Sec. 5.5. Accessory Uses and Structures

**Sec. 5.5. Accessory Uses and Structures**

**5.5.1 Use Table for Accessory Uses**

- A. Residential Accessory Uses**
- B. Nonresidential Accessory Uses**

P= Permitted by Right    L = Permitted by Right Subject to Limitations  
 [blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Accessory building (nonresidential)											P	P		P	P	P	P	P	P	P	P	
Maintenance and repair service for building																		P	P	P	P	
Off-street parking as an expansion of a nonresidential use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	<a href="#">Sec. 7.5</a>
Temporary field or construction office	See <a href="#">Section 5.6</a> Temporary Uses																					

[Ord. 2015-4701]

**Article 5: Use Standards**

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Sec. 5.5. Accessory Uses and Structures

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**Article 5: Use Standards**

Sec. 5.5. Accessory Uses and Structures

**C. Residential Accessory Uses**

P= Permitted by Right    L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Accessory building (residential)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory building (agricultural)	P	P	P	P	P																	
Accessory dwelling unit														L	L	L	L	L	L	L	L	5.5.3
Backyard compost operation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			5.5.4
Stable, residential or noncommercial	L	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	C	L	L	5.5.5
Swimming pool, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	City Code Ch 34

[Ord. 2012-4516]

**Article 5: Use Standards**

Sec. 5.5. Accessory Uses and Structures

**D. Nonresidential Accessory Uses**

P= Permitted by Right    L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Accessory building (nonresidential)											P	P		P	P	P	P	P	P	P	P	
Maintenance and repair service for building																		P	P	P	P	
Off-street parking as an expansion of a nonresidential use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	Sec. 7.5
Temporary field or construction office	Subject to temporary permit issued by Chief Building Official																					

**5.5.2 Minimum Setback Requirements**

**A.** The following minimum setback requirements apply to accessory structures.

Minimum Yard	Residential Districts		Nonresidential Districts
	Detached Accessory Structure	Attached Accessory Structure	Attached or Detached Accessory Structure
Front	Must be located in the rear half of the property	Same as for the principal building as set forth in Sec. 4.5	
Side	3 ft.		
Side (corner)	10 ft.		
Rear	3 ft.		

**B.** Notwithstanding the standards in the table in subsection A above, the following standards apply to residential accessory structures.

1. Where a one-hour fire wall is provided, a side yard setback on one side of a lot only and a rear yard setback is not required for an accessory building.
2. Detached accessory buildings must be separated from the principle building by a minimum distance of 10 feet
3. Where a garage or carport is designed and constructed to be side- or alley-loaded, such garage or carport must be set back from the side street or alley a minimum distance of 18 feet to facilitate access without interference to the use of the street or alley by other vehicles or persons.

**C.** Except for a carport or fence for a dwelling in the MU zoning district, an accessory building in a nonresidential zoning district must:

1. Be located in the rear half of the property;
2. Be separated from the principle building and any accessory building by a minimum distance of 25 feet; and
3. Meet the requirements of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances, dependent upon the uses of the building, and meet the general development standards of Article 7 as they relate to accessory buildings.

**5.5.3 Accessory Dwelling Units in Nonresidential Districts**

Accessory dwelling units must be located within the main structure. Detached accessory dwelling units are prohibited in nonresidential districts.

**A. All Nonresidential Districts Except for CA**

The following provisions apply to accessory dwelling units in all nonresidential zoning districts except for the CA, Central Area zoning district.

1. Only one accessory dwelling unit is permitted per lot.
2. An accessory dwelling unit may not occupy more than 49 percent of the total gross floor area of the main structure.
3. An employee of the business occupying the main structure and that employee's family are the only persons who may occupy an accessory dwelling unit.
4. Parking is required for the accessory dwelling unit in accordance with [Sec. 7.5.4](#).

**B. CA District**

The following provisions apply to accessory dwelling units in the CA, Central Area zoning district.

1. More than one accessory dwelling unit is allowed per lot.
2. Parking is required for each accessory dwelling unit in accordance with [Sec. 7.5.4](#).

**5.5.4 Home Occupations**

The following regulations apply to the conduct of home occupations in any zoning district.

**A. General Standards**

1. A home occupation must take place in the main structure only.
2. The use of a dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and must under no circumstances change the residential character of the dwelling.

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**Article 5: Use Standards**

Sec. 5.5. Accessory Uses and Structures

3. Additional persons from outside the family living at the home may not be employed at the home occupation.
4. A sign advertising the home occupation is not permitted.

**B. Prohibited Characteristics**

A home occupation is not permitted that creates obnoxious noise, odor, increased traffic or generation of light or smoke.

**C. Prohibited Uses**

Notwithstanding compliance with subsection A above, prohibited home occupations include, but are not limited to the following uses:

1. Repair garage;
2. Beauty shop;
3. Barber shop; or
4. Sexually oriented business.

**5.5.5 Stable, Residential or Noncommercial**

A residential or noncommercial stable may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A.** The stable building must be set back from all adjacent property lines a minimum of 50 feet and a minimum of 100 feet from any adjacent residence.
- B.** The site must be a minimum of one acre in area.

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## Sec. 5.6. Temporary Uses

### 5.6.1 Permit Required

- A. The following temporary uses require a Temporary Use Permit:
  - 1. Seasonal Product Sales; and
  - 2. Farmers' market.
- B. The following temporary uses require a Commercial Building Permit:
  - 1. Asphalt or concrete batching plant (temporary); and
  - 2. Temporary field or construction office.
- C. The following uses or features are exempt from regulation under this section and do not require a Temporary Use Permit or a Commercial Building Permit but must comply with the general requirements set forth in Sec. 5.6.2 and any specific limitations or conditions referenced in Sec. 5.6.3.
  - 1. Temporary Real estate sales offices or model homes; and
  - 2. Seasonal product sales in accordance with [Sec. 7.7.7](#).
- D. The Chief Building Official may suspend or revoke a Temporary Use Permit immediately upon determination that general and specific conditions set forth in Sec. 5.6 have been violated.

### 5.6.2 General Requirements

- A. If the property is developed, the temporary use must be located in an area that is not actively used by an existing principal use and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, landscaping, traffic movements, pedestrian circulation, emergency access, or required parking space availability.
- B. The temporary use must not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

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**Article 5: Use Standards**

Sec. 5.6. Temporary Uses

- C. The height and placement of any merchandise/seasonal products, tents, or temporary structures must not encroach upon the intersection visibility triangle.
- D. Off street parking must be adequate to accommodate the proposed temporary use. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- E. The temporary use must not cause undue traffic congestion increase accident potential.
- F. Permanent changes to the site are prohibited. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- G. No signs in connection with a temporary use are permitted except in accordance with the provisions of Article 6 and Article 7 of this UDC.
- H. No temporary uses may be located in the floodway.

**5.6.3 Use Table for Temporary Uses**

- A. Unless otherwise stated, permitted temporary uses for Special Purpose and Overlay Zoning Districts will comply with applicable use standards provided in Article 5.
- B. The following temporary uses are permitted by right, permitted subject to limitations, permitted subject to limitations, or require a Conditional Use Permit issued in accordance with [Sec. 3.5](#).

**Article 5: Use Standards**

Sec. 5.6. Temporary Uses

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Carnival or circus (temporary)	P																P	P	P	P	P	
Seasonal Product Sales	P													L	L	L	L	L	L	L	L	5.6.4
Temporary Field or Construction Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.5
Temporary Real Estate Sales Office or Model Home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.6
Farmers' Market	L																L	L	L	L	L	5.6.7
Temporary Asphalt or Concrete Batching Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
All Other Comparable Temporary Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.2

**5.6.4 Seasonal Product Sales**

- A.** Seasonal product sales are limited to agricultural or horticultural products including but not limited to pumpkins, Christmas trees, nursery stock or produce sales.
- B.** Seasonal product inventory must be located a minimum of 10 feet from the property line.
- C.** Seasonal product sales may not be located in the public right-of-way.
- D.** Temporary use permits for a season product sales are limited to a single vendor.
- E.** Temporary use permits for seasonal product sales are valid for up to three consecutive months.
- F.** Temporary use permits may be renewed once annually.
- G.** Applicants are limited to two temporary use permits per site per year.
- H.** A seasonal product vendor must obtain the written permission of the property owner.

**5.6.5 Temporary Field Office or Construction Office**

This use is limited to field or construction offices associated with ongoing construction located within the same subdivision or construction site.

**5.6.6 Temporary Real Estate Sales Office or Model Home**

A temporary residential sales office or model home may be located within the subdivision or development where the lots are being sold.

**5.6.7 Farmers' Market**

- A.** A farmers' market sponsor or organizer must obtain the written permission of the property owner.
- B.** All tents, booths, tables, and other temporary structures used in the operation of an outdoor farmers' market must be removed from the farmers' market site at the conclusion of each day the market is in operation.
- C.** All trash, fruit or produce remnants, debris, and general litter must be removed from the farmers' market site at the conclusion of each day the market is in operation. The sponsoring committee or organization is responsible for ensuring the general cleanup of the farmers' market area at the conclusion of each day of operation.
- D.** A farmers' market is permitted use in the TMED zoning district and the I-35 Corridor Overlay zoning district subject to all the general and specific requirements identified in [Sec. 5.6](#).
- E.** Temporary Use Permits for farmers' markets are valid for a period of one year.

[Ord. 2015-4701]

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**Article 5: Use Standards**

Sec. 5.6. Temporary Uses

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**Article 6 – Special Purpose and Overlay Zoning Districts**  
**Table of Contents**

Sec. 6.1.	MH, Manufactured Home .....	6-1
Sec. 6.2.	MU, Mixed Use .....	6-4
Sec. 6.3.	TMED, Temple Medical and Educational .....	6-10
Sec. 6.4.	PD, Planned Development Overlay .....	6-45
Sec. 6.5.	H, North Central Temple Historic Overlay .....	6-46
Sec. 6.6.	FP, Floodplain Overlay .....	6-47
Sec. 6.7.	I35, Interstate 35 Corridor Overlay .....	6-49
Sec. 6.8.	1st and 3rd Overlay District.....	6-97

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# Article 6 Special Purpose and Overlay Zoning Districts

## Sec. 6.1. MH, Manufactured Home

### 6.1.1 Applicability

The Manufactured Housing district is obsolete and may not be requested as a district for a zoning amendment. Existing MH districts will remain on the Temple zoning map and are subject to the development standards identified in this Section and in Section 5.3.2: HUD-Code Manufactured Home Developments and Land Lease Communities.

[Ord. 2015-4707]

### 6.1.2 Use Table

The following uses are permitted by right, permitted subject to limitations, or require a Conditional Use Permit in the MH, Manufactured Home zoning district.

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standard
<b>RESIDENTIAL USES</b>			
Convent or monastery		✓	
Family or group home	✓		
HUD-Code manufactured home development	✓		5.3.2
HUD-Code manufactured home land lease community	✓		5.3.2
Industrialized Housing	✓		
Recreational vehicle park		✓	
Single-family detached dwelling	✓		
<b>NONRESIDENTIAL USES</b>			
Asphalt or concrete batching plant (temporary)		✓	5.6.2
Cemetery, mausoleum or crematorium		✓	
Child care: group day care home		✓	5.3.9
Child care: family home	✓		5.3.9
Community center		✓	
Electrical substation (high voltage bulk power)		✓	
Electrical transmission line (high voltage)		✓	
Fire Station	✓		
Gas line and regulating station	✓		
Institution religious – charitable – philanthropic nature		✓	

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.1. MH, Manufactured Home

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standard
Park or playground	✓		
Petroleum or gas well		✓	
Place of worship	✓		
Playfield or stadium		✓	
Pre-school		✓	
Railroad track or right-of-way or team track	✓		
School, (elementary or secondary), public or private	✓		
Sewage pumping station		✓	
Shop yard of local, state or federal government		✓	
Telephone exchange-switching-relay or transmitting equipment	✓		
Temporary field or construction office	Subject to temporary permit issued by Chief Building Official See Sec. <a href="#">5.6.2</a> & <a href="#">5.6.5</a>		
Utilities other than listed		✓	
Water stand pipe or elevated storage	✓		
Water reservoir well or pumping station	✓		
Water treatment plant		✓	
<b>ACCESSORY USES</b>			
Accessory building (residential)	✓		Sec. 5.5
Backyard compost operation	✓		Sec. 5.5
Home occupation	✓		5.5.4
Off-street parking as an expansion of a nonresidential use		✓	
Stable, residential or noncommercial		✓	5.5.5
Swimming pool, private	✓		City Code Ch 34

[Ord. 2011-4499]

**6.1.3 Prohibited Uses**

Any use not listed in Sec. 6.1.1 is prohibited in the MH, Manufactured Home zoning district.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.1. MH, Manufactured Home

**6.1.4 Dimensional Standards**

The following dimensional standards apply to all development in the MH, Manufactured Home zoning district.

	Single-family detached dwelling	HUD-Code manufactured home land lease community	HUD-Code manufactured home subdivision	Industrialized housing	Nonresidential uses
Min. Site Area (ac.)	NA	5	3	NA	NA
Min. Lot or Pad Area (sq. ft.)	6,000	3,500	4,000	6,000	NA
Max. Density (d.u.s/gross ac.)	NA	10	6	NA	NA
Min. Lot Width (ft.)	50	35	40	50	NA
Min. Lot Depth (ft.)	100	80	100	100	NA
Min. yard (ft.)					
Front	20	20	20	20	20
Side	10% lot width	10	10	10	20
Side (corner)	15	15	15	15	15
Rear	10	10	10	10	10
Min. Unit Separation (ft.)	NA	20	NA	NA	NA

NA = Use permitted but standard does not apply

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.2. MU, Mixed Use

**Sec. 6.2. MU, Mixed Use**

**6.2.1 Use Table**

The following uses are permitted by right, permitted subject to limitations, or require a Conditional Use Permit in the MU, Mixed Use zoning district.

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Conditional Use if Abuts Residential Use or District	Standard
<b>RESIDENTIAL USES</b>				
Boarding or rooming house		✓		
Family or group home	✓			
Home for the aged	✓			
Industrialized housing	✓			
Multiple family dwelling (apartment)	✓			5.3.3
Patio home	✓			5.3.4
Single-family attached dwelling	✓			5.3.5
Single-family detached dwelling	✓			
Townhouse	✓			5.3.6
Two-family dwelling (duplex)	✓			
<b>NONRESIDENTIAL USES</b>				
Alcoholic beverage sales for on-premise consumption:				
a) beer and wine only less than 75% revenue from alcohol		✓		5.3.15
b) all alcoholic beverages 50% or less revenue from alcohol		✓		5.3.15
Alcohol beverage sales, off-premise consumption, beer and wine store			✓	
Amusement commercial (indoor)		✓		
Art gallery or museum			✓	
Asphalt or concrete batching plant (temporary)		✓		5.6.2
Auto parts sales (indoors)		✓		
Car wash		✓		

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.2. MU, Mixed Use

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Conditional Use if Abuts Residential Use or District	Standard
Child care: family home	✓			5.3.9
Community center	✓			
Dance hall		✓		
Day camp for children		✓		
Electrical substation (high voltage bulk power)		✓		
Electrical transmission line (high voltage)		✓		
Exercise gym			✓	
Fire station	✓			
Fuel sales		✓		5.3.21
Fraternal organization lodge or union hall		✓		
Fraternity or sorority		✓		
Gas line and regulating station	✓			
Greenhouse or nursery (retail)				
Halfway house		✓		
Hospital		✓		
Institution for alcoholic or narcotic patients		✓		
Institution religious – charitable - philanthropic		✓		
Laboratory, medical, dental, scientific or research		✓		
Lithographic or print shop		✓		
Park or playground	✓			
Personal wireless facility		✓		5.4.3
Petroleum or gas well		✓		
Place of worship	✓			
Playfield or stadium		✓		
Pre-school		✓		
Railroad track or right-of-way	✓			
Retail Sales and Service Uses listed in the use table in Sec. 5.1 except for: cleaning plant (commercial), fuel sales, package store,			✓	

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.2. MU, Mixed Use

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Conditional Use if Abuts Residential Use or District	Standard
restaurant (drive-in), tool rental (outside equipment storage), veterinarian office or veterinarian hospital (2)				
Restaurant (drive-in)		✓		
Rodeo grounds		✓		
Roller or ice rink			✓	
School, (elementary or secondary), public or private		✓		
School, business			✓	
Sewage pumping station	✓			
Shop yard of local, state or federal government		✓		
Swimming pool, commercial			✓	
Telephone business office			✓	
Telephone exchange – switching-relay or transmitting equipment	✓			
Temporary field or construction office	Subject to temporary permit issued by Chief Building Official See <a href="#">Sec. 5.6.2</a> & <a href="#">5.6.5</a>			
Theater or playhouse (indoor)			✓	
Tool rental (outside equipment storage)		✓		
Utilities other than listed		✓		
Veterinary office (no animal hospital)		✓		
Veterinary hospital (no kennels)		✓		
Water stand pipe or elevated storage	✓			
Water reservoir well or pumping station	✓			
Water treatment plant		✓		
<b>ACCESSORY USES</b>				
Accessory building, (nonresidential)	✓		✓	Sec. 5.5
Accessory building, residential	✓			Sec. 5.5

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.2. MU, Mixed Use

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Conditional Use if Abuts Residential Use or District	Standard
Accessory dwelling unit	✓			Sec. 5.5
Home occupation	✓			5.5.4
Off-street parking as an expansion of nonresidential use	✓		✓	
Swimming pool, private	✓			City Code Ch. 34
Tool rental (outside equipment storage)		✓		
Upholstery shop		✓		
Veterinarian hospital (inside pens only)		✓		
Veterinarian office only (no animal hospital)		✓		
Warehouse office		✓		

**6.2.2 Prohibited Uses**

Any use not listed in Sec. 6.2.1 is prohibited in the MU, Mixed Use zoning district.

**6.2.3 Dimensional Standards**

The following dimensional standards apply to all development in the MU, Mixed Use zoning district.

	S-F detached dwelling	S-F attached dwelling	Patio home	Two Family Dwelling	Industrialized housing	Multiple-Family Dwelling	Non-residential Uses
Min. Lot Area (sq. ft.)	2,000	2,000	2,000	4,000	2,000	2,200/unit	NA
Min. Lot Width (ft.)	30	25	25	25	30	40	40
Min. Lot Depth (ft.)	80	75	25	75	80	120	NA
Min. yard (ft.)*							
Front	15	15	15	15	15	NA	5
Side (corner)	5	5/0	5	5	5	15	NA
Side	10	10	10	10	10	10	10
Rear	5	5	5	5	5	15	NA

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.2. MU, Mixed Use

	S-F detached dwelling	S-F attached dwelling	Patio home	Two Family Dwelling	Industrialized housing	Multiple-Family Dwelling	Non-residential Uses
Min. Building Separation (ft.)	8	8	8	8	8	8	8
Max. Density (d.u.s/ac.)	NA	NA	NA	NA	NA	20	NA
Min. Gross Floor Area (sq. ft.)	NA	550	NA	550	NA	NA	NA

\*See paragraphs A. through C below    NA = Use permitted but standard does not apply

**A. Minimum Front Yard**

The minimum front yard for a dwelling other than a multiple-family dwelling is the greater of either 15 feet or the average of the front yards observed in the same block face as the proposed building. The minimum front yard may not be required to be greater than 50 feet from the front property line or 10 feet greater than the front yard observed on a contiguous lot. For purposes of computing average front yard, the front yard of a vacant lot is 15 feet.

**B. Minimum Side Yard**

A minimum side yard of five feet is required abutting a vacant lot.

**C. Minimum Rear Yard**

A minimum rear yard of five feet is required for residential uses other than multiple-family dwellings. A rear yard of 15 feet is required for a nonresidential use that abuts a residential use. A rear yard is not required for a nonresidential use that does not abut a residential use.

**D. Minimum Building Separation**

The side yard must be enlarged to the width necessary to maintain eight feet of separation between structures. The side yard may be reduced to a minimum of three feet abutting a side yard that is five feet wide or wider.

**6.2.4 Nonresidential Uses**

The following regulations apply to nonresidential uses in the MU, Mixed Use Overlay zoning district.

- A.** A Conditional Use Permit approved in accordance with Sec. 3.5 is required for nonresidential uses on property abutting a residential use or residential zoning district.

- B. Hours of operation are limited to the hours between 6:00 a.m. and 10:00 p.m.
- C. Exterior lighting must be arranged to reflect away from residentially used property.
- D. Outdoor storage must be screened from the view of neighboring property and streets.

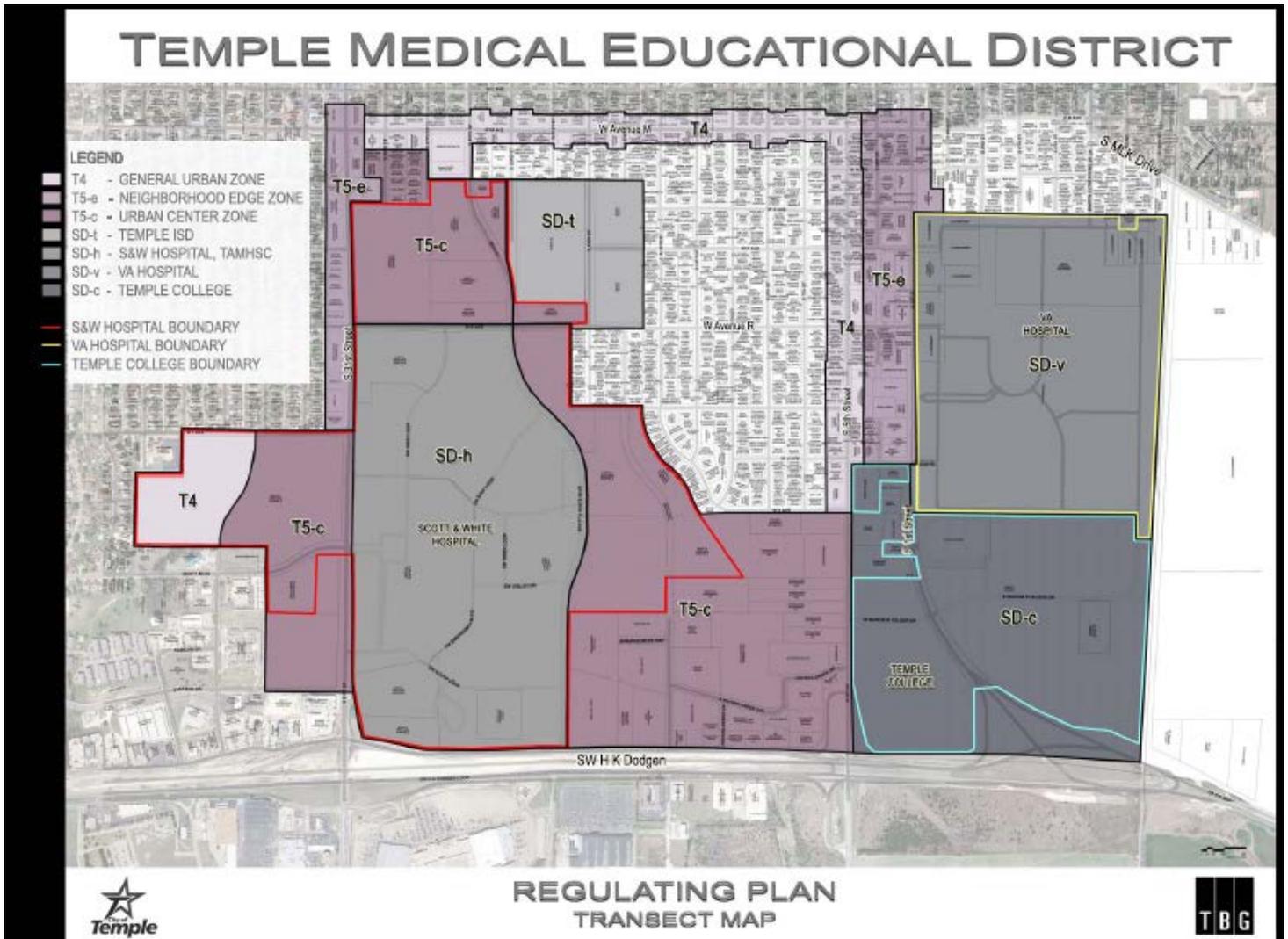
**6.2.5 Accessory Uses**

The minimum front yard setback for a non-enclosed residential carport is 10 feet.

### Sec. 6.3. TMED, Temple Medical and Educational

#### 6.3.1 Boundary

The TMED zoning district is defined as shown in the map below, which is adopted by reference and declared a part of this UDC as fully as if the map were set forth in detail.



#### 6.3.2 Establishment of Transect Zones

The TMED zoning district includes two transect zones plus Special Districts (SD) as defined below. The T5 zone contains two subsets, which are denoted by the T5 abbreviation in this Section when referencing both subsets. Four institutional

Special Districts are established and denoted by the SD abbreviation in this Section when referencing all four Special Districts.

**A. T4 General Urban Zone**

This transect zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, side yard and row houses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

**B. T5-e Neighborhood Edge Zone**

This transect zone consists of a mid-density mixed use but primarily commercial, retail and office urban fabric. It typically has a single row of teaser parking located in front of the principal building, with strong vehicular cross-connection among adjacent properties. It primarily has attached buildings with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

**C. T5-c Urban Center Zone**

This transect zone consists of higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

**D. Special Districts**

These districts consist of institutions with buildings that by their current function, disposition or configuration cannot, or should not, conform to one or more of the transect zones. The referencing to a particular institution in a Special District is as follows:

1. S&W Memorial Hospital and Texas A&M Health Science Center (SD-h)
2. The Central Texas Veterans Health Care System (SD-v)
3. Temple College (SD-c)
4. Temple Independent School District (SD-t)

**6.3.3 Applicability**

- A.** The provisions of the TMED zoning district apply to nonresidential and multiple-family development as established in the table below.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Nonresidential and Multiple-Family Development Type</b>	<b>Review Process</b>	<b>General Standards</b>	<b>Use Standards</b>	<b>Circulation Standards</b>	<b>Parking and Loading Standards</b>	<b>Bicycle Facility Standards</b>	<b>Private Property Landscaping Standards</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>General Planting Criteria</b>	<b>Architectural Standards</b>	<b>Common Area</b>	<b>Sign Standards</b>	<b>Lighting Standards</b>	<b>Utility Standards</b>
New construction (all types)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓		
Restoration or rehabilitation of existing structure with no increase in gross floor area	✓					✓					✓		✓		
Interior only restoration or rehabilitation of existing structure with no increase in gross floor area															

**B.** The provisions of the TMED zoning district apply to single-family development as established in the table below.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Single-Family Residential Development Type</b>	<b>Review Process</b>	<b>General Standards</b>	<b>Use Standards</b>	<b>Circulation Standards</b>	<b>Parking and Loading Standards</b>	<b>Bicycle Facility Standards</b>	<b>Private Property Landscaping Standards</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>General Planting Criteria</b>	<b>Architectural Standards</b>	<b>Common Area Standards</b>	<b>Sign Standards</b>	<b>Lighting Standards</b>	<b>Utility Standards</b>
New construction (all types)	✓	✓	✓	✓	✓		✓		✓	✓	✓			✓	✓
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-18 Business Registration)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. 7.8.3 applies				
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. 7.8.3 applies				
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓	✓		Sec. 7.5.4 applies						Sec. 7.8.3 applies				
Interior or exterior restoration or rehabilitation of existing structure with no increase in gross floor area															

**6.3.4 TMED Site Plan Review Process**

All development in the TMED zoning district must follow the site plan review process as described in Sec. 3.11.

**6.3.5 General Regulations**

**A. Applicability**

The TMED general regulations in this Section apply to all transect zones.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**B. General to all Districts**

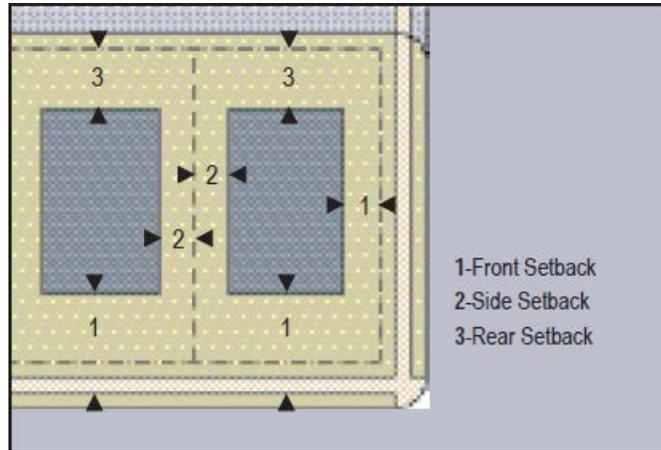
The tables below establish the general requirements for the TMED transect zones as they relate to lot dimensions, setbacks, structure configuration and type permitted.

<b>Lot Dimensional Standards</b>	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD</b>	
				<b>SD-c; SD-t</b>	<b>SD-v; SD-h</b>
Min. Lot Area	NA	NA	NA	NA	NA
Min. Lot Width (ft.)	18	18	18	NA	NA
Max. Lot Width (ft.)	120	700	700	NA	NA
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA
Max. Lot Depth (ft.)	NA	NA	NA	NA	NA
Max. Impervious Lot Coverage – Res. Uses (%)	70	70	80	NA	NA
Max. Impervious Lot Coverage – Nonres. Uses (%)	80	80	80	NA	NA
Principal Street Frontage Build out (%)	60	80	80	60	NA except 13 <sup>th</sup> /17 <sup>th</sup> , TMED Ave. and Ave. V require 60
Secondary Street Frontage Build out (%)	30	40	40	30	NA except 13 <sup>th</sup> /17 <sup>th</sup> , TMED Ave. and Ave. V require 30

<b>Setback Dimensional Standards</b>	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD</b>	
				<b>SD-c; SD-t</b>	<b>SD-v; SD-h</b>
Min. Front Yard Setback (ft.)	6	4	4	6	NA
Min. Front Yard Private Landscape Area (see Table 11) (ft.)	6	4	4	6	NA
Max. Front Yard Setback (ft.)	16	12	12	18	NA
Min. Side Yard Setback (ft.)	0	0	0	12	NA
Max. Side Yard Setback (ft.)	NA	30	24	12	NA
Min. Side Yard Setback at Street (ft.)	6	2	2	6	NA
Max. Side Yard Setback at Street (ft.)	10	12	12	18	NA
Min. Rear Yard Setback (ft.)	3	3	3	12	NA
Min. Rear Yard Setback - Rear Entry Garage Only (ft.)	20	20	20	20	20

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational



C. Permitted Encroachments Into Setbacks

- The table below establishes encroachments that are permitted in required setbacks. Encroachment must comply with all other standards of this and other applicable Sections of this UDC.

Type of Encroachment	T4			T5 & SD		
	Front	Side	Rear	Front	Side	Rear
Main Entry Stairways, single-family (%)	50	100	--	100	100	--
Main Entry Stairways, multifamily (%)	--	100	--	--	100	--
Balconies, 8' ground clearance required (%)	50	100	--	100	100	--
Awnings, Arcades, Galleries, 8' ground clearance required (%)	50	100	--	100	100	--
Covered Porches (%)	50	100	--	100	100	--
Bay Windows (%)	50	100	50	100	100	50
Fire Escapes (%)	--	100	--	--	100	--
Dining Areas, nonresidential (%)	100 outside of required front yard private landscape area	100	--	100 outside of required front yard private landscape area	100	--

-- = Encroachment not permitted

- Buildings are not permitted to overlap property lines.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

**D. Building Configuration**

The table below establishes the building configuration requirements for the TMED transect zones. In the TMED zoning district, height is measured as the distance from finished floor to the top plate.

Setback Dimensional Standards	T4	T5-e	T5-c	SD	
				SD-c; SD-t	SD-v; SD-h
Min. Building Height	1 story	1 story except S. 1 <sup>st</sup> St. requires 2 stories	2 stories	NA	NA
Max. Building Height	3 stories	3 stories	5 stories	NA	NA
Minimum Story Height	12'	12'	14'		
Minimum Density (residential units per acre)	NA	8 units per acre	24 units per acre	NA	NA
Maximum Density (residential units per acre)	14 units per acre	24 units per acre	40 units per acre	NA	NA
Maximum Density by Warrant (residential units per acre)	24 units per acre	30 units per acre	60 units per acre	NA	NA
Maximum Residential Units Per Attached Structure	6	10	10	NA	NA
Maximum Accessory Structure	1 per residential lot	1 per residential lot		--	

-- = Not permitted

**6.3.6 Use Standards**

**A. Applicability**

The TMED use standards in this Section apply to all transect zones.

**B. Prohibited Uses**

In addition to those uses prohibited in Sec. 5.1.1, the following uses are prohibited in the TMED zoning district:

1. Agricultural Uses as listed in the use table in [Sec. 5.1.3](#);
2. Auto parts sales;
3. Commercial Uses as listed in the use table in [Sec.5.1.3](#);
4. Industrial Uses as listed in the use table in [Sec. 5.1.3](#);
5. Kiosk;

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

6. Natural Resource Storage and Extraction Uses as listed in the use table in [Sec. 5.1.3.](#);
7. Package store;
8. Two-family dwelling (Duplex); and
9. Vehicle Sales and Service Uses as listed in the use table in [Sec. 5.1.3.](#)

**C. Legend for Interpreting Use Table**

The table below establishes the meaning of the symbols used in the use table in subsection D.

Symbol	Meaning
P	Permitted by right in district indicated
L	Permitted by right subject to limitations in district indicated
C	Requires Conditional Use Permit in district indicated
[blank cell]	Prohibited in district indicated

**D. Use Table**

The following principal uses are permitted by right, permitted subject to limitations or require a Conditional Use Permit approved in accordance with Sec. 3.5.

	T4	T5-e	T5-c	SD-t	SD-h	SD-v	SD-c	Standards
<b>RESIDENTIAL USES</b>								
Multiple-family dwelling		L	L				P	T5-e: 3 T5-c: 12
Live/work unit	P	P	P					
Single-family attached dwelling, Row house or Townhouse (3 or more attached units)	P	P	P				P	
Single-family detached dwelling	P	P						
Accessory dwelling unit	L	L	L					7
<b>NONRESIDENTIAL USES</b>								
<b>Educational &amp; Institutional Uses</b>								
Assisted living/Nursing home		L	L		L	L		14
Bus shelter	P	P	P	P	P	P	P	
Childcare: family home	L	L	L					9
Childcare: group day care center	L	L	L	L	L	L	L	9
Childcare: group day care home	L	L	L					9
College		P	P	P	P	P	P	
Commercial surface parking lot					L	L	L	5
Convention, conference or		P	P	P	P	P	P	

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD-t</b>	<b>SD-h</b>	<b>SD-v</b>	<b>SD-c</b>	<b>Standards</b>
exhibition center								
Drug store or pharmacy (drive-thru permitted)	L	L	L		P	P		T4: 1,2 T5: 2
Fountain or public art	P	P	P	P	P	P	P	
Governmental use	P	P	P	P	P	P	P	
Hospital			P		P	P		
Library		P	P	P	P	P	P	
Medical clinic		P	P		P	P	P	
Medical office or lab	L	P	P		P	P	P	I
Museum	L	P	P	P	P	P	P	I
Park, playground, open space	P	P	P	P	P	P	P	
Parking structure		L	L	L	L	L	L	T5: 8 SD: 13
Place of worship	P	P	P	P	P	P	P	
Pre-school	L	L	L	L	L	L	L	9
Public or private education facility	P	P	P	P	P	P	P	
Research facility		L	P	P	P	P	P	6
Trade or vocational school		P	P	P	P	P	P	
<b>Entertainment &amp; Recreation, Office and Retail Sales &amp; Service</b>								
Alcoholic beverage sales for on-premise consumption – Less than 50% revenue		C	C					
Alcoholic beverage sales for on-premise consumption – Less than 75% revenue			C					
Bar - Alcoholic beverage sales for on-premise consumption – More than 75% revenue			C					
Drug store or pharmacy (drive-thru permitted)	L	L	L		P	P		T4: 1,2 T5: 2
Financial institution (drive-thru permitted)	L	L	L		L	L	L	T4: 1, 10 T5: 10 SD: 10
Fuel sales		L						11
Live Theatre (indoor)		P	P	P	P	P	P	
Live Theatre (outdoor)		P	P	P	P	P	P	
Movie Theatre			P	P	P	P	P	
Office	L	P	P	P	P	P	P	I
Outdoor Auditorium/Stadium			P	P	P	P	P	
Restaurant (no drive-thru permitted)	L	P	P		P	P	P	I
Retail Sales not listed above (no drive-thru permitted)	L	P	P		P	P	P	I
Retail Service not listed above (no drive-thru permitted)	L	P	P		P	P	P	I

<b>Overnight Accommodations</b>								
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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

Hotel		L	L		L			4
Bed and breakfast (max. 5 sleeping rooms)	P							
School dormitory			P		P	P	P	

**E. Specific Use Standards**

The following specific limitations apply to all uses with the “L” designation in the use table above.

1. Uses are limited to a maximum of gross floor area of 10,000 square feet.
2. In addition to vehicle space in front of drive-through window, three spaces are required for stacking in the drive-through. The drive-through is only permitted to the rear or side of the principal building.
3. Multiple-family dwellings are permitted only if they are part of a mixed use development in which 40 percent of the nonresidential uses are constructed with or prior to multiple-family construction.
4. Hotels are permitted in accordance with the following provisions:
  - a. External balconies and walkways must be set back 200 feet from any residential zoning district.
  - b. Hotel staff must be present on-site 24 hours a day.
  - c. All rooms must be accessed through an internal hallway, lobby or courtyard. Exterior entrances to individual rooms are prohibited.
  - d. The hotel site must contain a minimum of three amenities from the list below:
    - i. Indoor/outdoor pool;
    - ii. Spa/sauna;
    - iii. Weight room/fitness center;
    - iv. Playground;
    - v. Sports court;
    - vi. Plaza/atrium;
    - vii. Game room;

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

- viii. Conference room (1,000 square foot minimum); or
  - ix. Full service restaurant (minimum seating capacity of 35).
5. All commercial surface parking lots must adhere to screening requirements in subsection 6.3.10E.
  6. Overhead doors are prohibited.
  7. Accessory dwelling units are only permitted on lots with single-family detached structures. Accessory dwelling units are not permitted in the required garage. Accessory dwelling units must comply with all setback and coverage requirements. Accessory dwelling units count toward the maximum of one accessory structure per lot.
  8. Parking structures must integrate commercial uses on the first floor on primary and secondary frontages. Parking structures must be treated the same as nonresidential structures for the application of TMED standards.
  9. The Specific Use Standards in [Sec. 5.3](#) apply to use these uses.
  10. The drive-through is only permitted to the rear or side of the principal building and must be screened in accordance with parking lot screening requirements in subsection 6.3.10E.
  11. Fuel stations are only permitted on South 31st Street. Fuel pumps must be located to the rear or side of the principal building and must be screened in accordance with parking lot screening requirements in subsection 6.3.10E. The number of pumps is limited to eight fueling stations.
  12. Multiple-family dwellings are not permitted on the first floor of structures fronting on collectors or arterials without approval of a Warrant.
  13. All structured parking on public frontages in SD districts must adhere to screening requirements in subsection 6.3.10E. In addition to screening requirements, one additional ornamental tree must be planted every 25 feet.
  14. All nonresidential standards apply.

**F. Uses Not Addressed**

Uses not specifically addressed in the use table above are prohibited unless the Director of Planning determines the use to fall into a permitted category.

**G. Outdoor Storage**

Outdoor storage is not permitted in TMED. Prohibited outdoor storage includes open storage, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Sec. 6.3.13.

**H. Outdoor Retail Display**

1. Commodities must not be displayed outdoors for sale in a transect zone or Special District where such sale is not an allowed use.
2. Commodities must not be displayed outdoors for sale in the TMED zoning district, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use.

**I. Home Occupations**

Home Occupations are permitted in accordance with the standards in Sec. 5.5.4.

**6.3.7 Circulation Standards**

**A. Applicability**

The TMED circulation standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Thoroughfare Standards**

1. Cul-de-sacs are prohibited in the TMED zoning district.
2. New thoroughfares must comply with the Design and Development Standards Manual.

**C. Block Perimeter**

The table below establishes maximum block perimeter requirements for all newly constructed streets in the TMED zoning district.

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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

	T4	T5-e	T5-c	SD
Maximum Block Perimeter	2,500	2,500	2,000	NA

**D. Access and Connectivity**

**1. General**

- a. Access and Connectivity standards do not apply to Special Districts.
- b. Nonresidential driveway connections to adjacent property must be provided.
- c. All driveway connections must be constructed and stubbed or connected to any existing stub.
- d. Driveway spacing must be based on the Design and Development Standards Manual and the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer.
- e. The requirement for a driveway connection may be waived by the Director of Planning when unusual topography or site conditions would make such a driveway or access easement useless to adjoining properties.

**2. Specific to T5-e on First Street**

In order to reduce the number of pedestrian and vehicular conflicts at sidewalk and driveway intersections, driveway cuts are limited to a maximum of two per block face, regardless of currently allotted driveway cuts.

**6.3.8 Parking and Loading Standards**

**A. Applicability**

The TMED parking and loading standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Required Parking Ratios**

- 1. Required Parking Ratios do not apply to Special Districts.
- 2. The standards in Sec. [7.5.4](#) apply with the following exceptions:

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

- a. The minimum requirements for all nonresidential uses and multiple-family uses are reduced by 25 percent.
- b. If parking in excess of 100 percent of the minimum parking spaces required is provided, additional landscaping area and planting equivalent to two percent of the parcel’s impervious cover must be provided per each additional parking space.

C. Parking Space Dimensions

The standards in [Sec. 7.5.5](#) apply to parking space dimension.

D. Parking Requirements for New or Unlisted Uses

The standards in [Sec. 7.5.4](#) apply for uses that are determined to be permitted by the Director of Planning.

E. Off-Street Loading Regulations

The standards in Sec. 7.5.6 apply with the following exceptions:

- 1. Common or shared loading and delivery entrances must be provided between adjacent buildings or developments.
- 2. Off-street loading areas and truck staging areas must be located in the rear yard and must not be visible from the public right-of-way.

F. Shared Parking

The total amount of parking required may be adjusted according to the shared parking factor established in the table to the right to determine the effective parking. The shared parking factor is available for any two uses within any pair of adjacent property.

Use	With	Use
Residential		Residential
Overnight Accom.		Overnight Accom.
Office		Office
Retail Sales & Svc.		Retail Sales & Svc.

		1		
		1.1	1.1	
		1.4	1	1.4
		1.2	1.7	1.7
		1.3	1	1.3
		1.2	1.2	
		1		

G. Parking Location

1. General

All surface parking shall be constructed on-site in accordance with the following standards:

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

- a. Surface parking areas must be screened from all public rights of way by a building or screen in accordance with Screening Standards.
  - b. Surface parking areas must be constructed with curb and gutter.
2. **Single-Family Detached or Attached Dwelling, Townhouses, Row Houses and Live/Work Units**

All parking areas and garages must be located at the second or third layer of the principal frontage, and must be accessed by rear alleys.

3. **Mixed Use, Multiple-family and Nonresidential Uses**

a. Mixed use, multiple-family and nonresidential driveways must be no wider than 24 feet in the first layer.

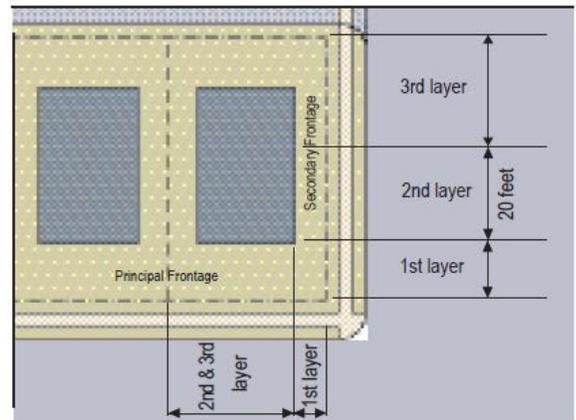
b. All parking areas and garages must be located at the second or third layer of the principal frontage, and must be accessed by rear alleys.

4. **Alleys**

When alleys are not in existence, right of way must be dedicated and access drive constructed as part of the development. Alleys must be constructed in accordance with the Design and Development Standards Manual.

**H. Specific to Zone T5-e on First Street**

- 1. A single row of teaser parking not exceeding 40 feet in pavement depth is permitted parallel to South 1st Street.
- 2. Where parking is located in the front of the building there must be a minimum setback of ten feet from the right-of-way line to the parking area.



**I. On-Street Parking**

1. On-street parking spaces may be located on streets as identified in the table in subsection 6.3.11B.5.
2. On-street parking may be used to satisfy 50 percent of the off-street parking standards for nonresidential uses excluding multiple-family dwellings.
3. On-street parking may only be achieved through parallel parking.

**6.3.9 Bicycle Facility Standards**

**A. Applicability**

The TMED bicycle facility standards in this Section apply to all transect zones.

**B. Bicycle Facilities**

1. The table below establishes minimum required bicycle rack spaces.

Transect Zone	Min Required Bicycle Rack Spaces
T4	1 per 8 nonresidential spaces
T5-e	1 per 15 required parking spaces
T5-c	1 per 10 required parking spaces
SD	1 per 10 required parking spaces

2. Bicycle facilities must be placed in clearly designated, safe and convenient locations, so that no tenant entrance is greater than 200 feet from a bike facility.
3. Bike facilities must be separated from motor vehicle parking in order to protect both bicycles and vehicles from accidental damage. Facilities must be separated from the building or other walls, landscaping, other features a minimum of three feet to make such facilities easy to use.
4. Refer to the TMED Design Criteria Manual for the specific bicycle facility models and styles that are permitted in the TMED zoning district.

**6.3.10 Private Property Landscape Standards**

**A. Applicability**

The TMED private property landscape standards in this Section apply to all transect zones.

**B. General Site Landscape**

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.
2. The table below establishes minimum site landscape requirements for the TMED transect zones.

Transect Zone	Minimum Landscape Area (%)	Minimum Trees and Shrubs Per Lot	
		Single-Family Detached or Attached Dwelling, Row House, Townhouse	Multi-family, Mixed Use or Other Uses
T4	30	2 trees per lot 2 shrubs per 10' front foundation	NA
T4	20	NA	1 tree and 4 shrubs per 500 sq ft landscape area
T5-e	20	2 trees per lot 2 shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
T5-c	20	2 trees per lot 2 shrubs per 10' front foundation	1 tree and 4 shrubs per 600 sq ft landscape area
SD	NA	NA	1 tree and 4 shrubs per 1,000 sq ft landscape area

**C. Tree Mix**

1. Private property trees must be selected from the table in subsection 6.3.12B.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 50 percent of required trees must be evergreen species.

**D. Parking Lot Landscaping**

1. Landscaped parking islands are required in all parking lots.
2. One landscaped island must be provided for every 10 parking spaces. Islands may be located throughout the parking lot except all parking rows must begin and terminate in a curbed landscape island.
3. Islands must be a minimum of 170 square feet in area and eight feet in width back-of-curb to back-of-curb. One small or medium tree from the approved planting list is required in each island.

4. All islands must be raised at least six inches, curbed and planted with approved landscaping materials.
5. Parking islands shrubs, trees and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**E. Parking Lot Screen**

This subsection applies to nonresidential and multiple-family development and uses in TMED.

1. All parking must be screened from public rights-of-way a minimum 36 inches in height, through one of the following methods:
  - a. Planting screen of evergreen shrubs;
  - b. Masonry wall;
  - c. Combination of evergreen shrubs and berm; and
  - d. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36-inch screen within two years, and must be planted in a prepared bed that is at least three feet in width.
3. Parking lot screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.
4. In addition to required parking lot screen shrubs, four small canopy street trees are required in accordance with the Design and Development Standards Manual on First Street at all intersections.

**F. Screening of Mechanical Equipment**

This subsection applies to all nonresidential and multiple-family development and uses in TMED.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
  - a. Vegetative screens; or
  - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
  - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**G. Screening of Waste Containers**

This subsection applies to all nonresidential and multiple-family development and uses in TMED.

1. Waste containers must be located on the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines with the exception of multiple-family.
3. Waste containers must be screened on all four sides, using an enclosure that screens the waste container from view at the property line.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and

aesthetically compatible with the overall project that incorporate the following:

- a. Brick;
  - b. Stone;
  - c. Stucco;
  - d. Architecturally finished concrete; or
  - e. Other similar masonry materials.
5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
  6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
  7. Waste container screening must be maintained by the owner at all times.
  8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
  9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
  10. Waste container screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

#### **H. Screening of Loading Docks**

This subsection applies to all nonresidential development and uses in TMED.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

has two public frontages the waste container must be placed on the side of the principal building.

2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.
4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least three feet in width.
6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Sec. 6.3.10.

**I. Fence and Wall Standards for All Uses**

This subsection applies to all development and uses in TMED.

1. Fences and walls on the primary and secondary frontage may have a maximum height of three feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in [Sec. 4.4.8](#).
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited.

**J. Nonresidential and Multiple-Family Uses**

This subsection is applicable to all nonresidential and multiple-family development and uses in TMED.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

1. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, woodcrete and wrought iron. Alternative materials may be approved by Warrant.
2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

**K. Single-Family Uses**

This subsection is applicable to all single family-detached or attached dwelling, row house and townhouse uses in TMED. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron. Alternative materials may be approved by Warrant.

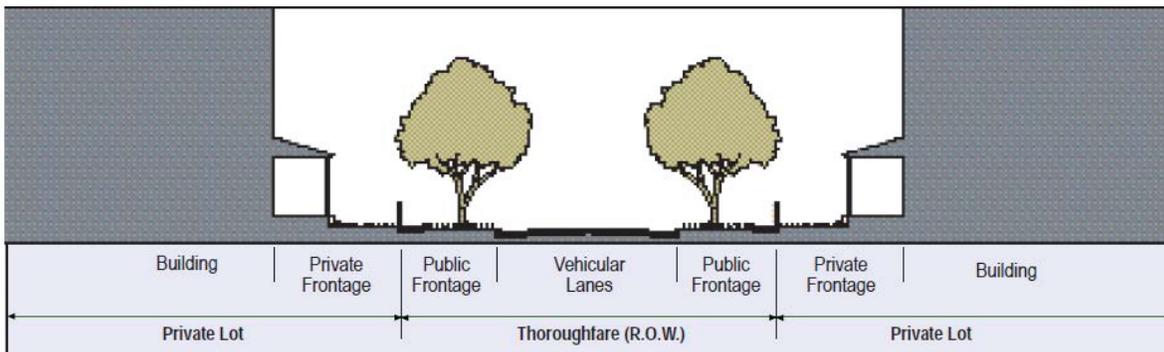
**6.3.11 Public Frontage Standards**

**A. Applicability**

The TMED public frontage standards in this Section apply to all transect zones.

**B. Public Frontage**

1. Public frontage is the space between the existing or proposed back-of-curb and the property line.
2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
3. Refer to the TMED Design Criteria Manual for examples of Public Frontage requirements.
4. Curb and gutter installation is required.



**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

5. The table below establishes five public frontage types and assigns standards to each public frontage type.

<b>Public Frontage Type</b>	<b>On-Street Parking Permitted</b>	<b>Total Public Frontage Depth (ft.)</b>	<b>Street Yard Planting Strip (ft.)</b>	<b>Sidewalk Width (ft.)</b>
Type A (Arterial)	No	20	10	10
Type B (Urban 1)	No	12	6	6
Type C (Urban 2)	Yes	14	6	8
Type D (Urban 3)	No	14	6	8
Type E (Collector/ Local)	Yes	12	6	6

**C. Public Frontage Implementation**

The table below assigns specific streets in the TMED zoning district with a public frontage type.

<b>Street Name</b>	<b>Type A</b>	<b>Type B</b>	<b>Type C</b>	<b>Type D</b>	<b>Type E</b>
New Streets in T4			✓		✓
New Streets in T5-c			✓		
New Streets in SD		✓	✓		✓
1st Street	✓				
5th Street from Friar's Creek to Avenue V	✓				
5th Street North of Avenue V		✓			
25th Street		✓			
S 31st Street (trail on west side)				✓	
13th Street				✓	
17th Street				✓	
West Avenue R (trail on north side)				✓	
West Avenue M					✓
All others					✓

**D. Public Frontage Landscape Standards**

**1. Street Trees**

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

i. Type A, B, C and D Public Frontage

Street trees must be a single species selected from the table in subsection 6.3.12B.

ii. Type E Public Frontage.

Street trees must be an alternating species selected from the table in subsection 6.3.12B.

b. Public frontage trees must be planted within the required street yard planting strip adjacent to the back-of-curb.

i. Type A Public Frontage

Trees must be planted eight and one-half feet from back-of-curb in the required planting strip.

[Ord. 2012-4505]

ii. Type B, C, D, and E Public Frontage

Trees must be planted a minimum three feet from back-of-curb in the required planting strip.

c. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.

2. **Planting Area**

a. **Type A, B, C and D Public Frontage**

The street yard planting strip must be entirely filled, at the specified spacing, with approved types of vegetation, selecting from the variations described as follows:

- i. A single species of evergreen groundcover from the approved groundcover list in subsection 6.3.12C for TMED, of 4" pot size, spaced every 15" on center. The groundcover must be cultivated so that 70% of the planting area is covered within 2 years from the time of planting. A complete covering of the planting strip with mulch a minimum of 3" deep, consisting of fine-ground shredded hardwood bark (double ground) is required; or

ii. A single species of evergreen groundcover from the approved groundcover list in subsection 6.3.12C for TMED, of 4” pot size, spaced every 15” on center, plus a minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3–gallon container size, spaced every 30” on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting; or

iii. A minimum of 2 shrub species, which may be only Dwarf Yaupon Holly, Red Yucca, or Mexican Feather Grass, of 3–gallon container size, spaced every 30” on center. The shrubs must be cultivated so that they reach a height of 24 inches within 2 years from time of planting.

In addition, for variations outlined in Sections (ii) and (iii), a complete covering of mulch a minimum of 3” deep, consisting of fine–ground shredded hardwood bark (double ground), decomposed granite, or a combination of those materials are required. Café River Rock, 1–3” or 3–5” in size, may also be used for mulch, but may not cover more than 40% of the planting area and must be used in combination with either fine–ground shredded hardwood bark or decomposed granite, but not both.

**b. Type E Public Frontage**

The street yard planting strip must be planted in living evergreen groundcover as shown on the approved groundcover list (Subsection 6.3.12C) at a rate of 4” container spaced every 15” on center or approved sod material as listed in General Planting Criteria. If evergreen groundcover is used, a complete covering of the planting strip with mulch a minimum of 3” deep, consisting of fine–ground shredded hardwood bark (double ground) is required.

[Ord. No. 2014–4631]

**E. Public Frontage Sidewalk Standards**

1. Sidewalks must extend the entire length of the development’s frontage on a public street and must be constructed in accordance with the

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## Article 6: Special Purpose and Overlay Zoning Districts

### Sec. 6.3. TMED, Temple Medical and Educational

Design and Development Standards Manual and related provisions in this UDC.

2. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
3. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
4. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by Texas Accessibility Standards.
5. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
6. Pedestrian walkways must also connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.
7. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

#### **F. Public Frontage Amenities**

In addition to required landscaping and sidewalks, pedestrian amenities are required as follows:

1. Benches must be provided at all intersections within the public ROW surrounding the development. Refer to the TMED Design Criteria Manual for the specific bench models and styles that are permitted in the TMED zoning district.
2. Trash receptacles must be placed next to required seating areas. Refer to the TMED Design Criteria Manual for the specific trash receptacle models and styles that are permitted in the TMED zoning district.
3. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the TMED zoning district.

**G. Public Frontage Hike and Bike Trail Implementation**

Hike and bike trail dedication is required for implementation of the Citywide Trails Master Plan.

**6.3.12 General Planting Criteria**

**A. Applicability**

The TMED general planting criteria in this Section apply to all transect zones.

**B. Approved Tree List – Article 7: General Development Standards: Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria: B Approved Tree List.**

**C. Approved Groundcover List**

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in TMED.

Groundcover		
Common Name	Scientific Name	Type
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen
Purple Wintercreeper	<i>Euonymus fortunei</i>	Evergreen

**D. Approved Shrubs – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.**

**E. Approved Lawn Grass – Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E approved Lawn Grass.**

**F. Landscape Installation – Applicable to TMED**

**1. Trees**

- a. All required large trees must be a minimum of three inches in diameter at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter at breast height at planting at planting.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

2. **Shrubs**

All required shrubs must be a minimum three-gallon container size at planting.

3. **Groundcover**

All required groundcover must be a minimum one-gallon container size at planting.

4. **Lawn Grass**

a. Grass areas must be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia or Buffalo.

b. Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. **Landscape Maintenance**

a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).

b. All required public frontage and private frontage landscaping must be maintained in good condition after installation. The owner must replace any plant material that ever becomes diseased, deteriorates or dies within 30 days of death of the plant material.

6. **Irrigation**

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

[Ord. No. 2013-4580]

**6.3.13 Architectural Standards**

**A. Applicability**

The TMED architectural standards in this Section apply to all transect zones unless otherwise stated in individual subsections.

**B. Materials Required**

1. The exterior finish material on all facades is limited to brick, stone, cementitious siding and stucco.
2. Cementitious siding is limited to a maximum 20 percent per façade plane for multiple-family and nonresidential uses.
3. A minimum of two distinct materials are required on all facades. Materials may be combined on each facade only horizontally, with the heavier below the lighter.
4. Balconies and porches must be made of painted wood, concrete or metal.

**C. Accent Materials**

The following may be permitted as accent materials for a maximum of 20 percent of each façade face:

1. Tile;
2. Exterior Insulation Finishing System (EIFS);
3. Wood Siding or shingles;
4. Architecturally finished concrete block;
5. Architectural metal; and
6. Other materials may be approved by warrant.

**D. Building Design**

Building design standards do not apply to Special Districts. The table below establishes building design requirements based on the type of use in the T4 and T5 transect zones.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Design Element</b>	<b>Single-Family Detached</b>	<b>Single-Family Attached, Row House, Townhouse</b>	<b>Multiple-Family and Mixed Use Structures</b>	<b>Nonresidential Structures</b>
Roof Pitch	Pitch roof – minimum 5:12 Flat roof – require parapet screening minimum of 42 inches high, or as required to conceal mechanical equipment Shed roof, porch roof and arcade roofs - minimum 2:12.			
Permitted Roof Materials	30 year asphalt shingles Standing seam metal Tile Other materials as approved by the Director of Planning			
Roof Articulation (does not apply to flat roofs)	1 Elements from the following: • 2 roof materials: • Masonry chimneys • Dormers along public façade (1/20') • Eaves that overhang a minimum of 24" with a minimum fascia depth of 8"			
Vertical Articulation	No more than 20 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	No more than 50 linear feet (horizontally) without a minimum 5' offset	
Horizontal Articulation	No more than 20 linear feet (horizontally) without a minimum 5' offset  Minimum one horizontal offset per building	No more than 50 linear feet (horizontally) without a minimum 5' offset  Minimum one horizontal offset per building		
Transparency (windows and doors)	Minimum 30% of all public facades must be doors and windows Burglar bars or other exterior coverings are prohibited Overhead or roll up doors are prohibited on primary or secondary frontages.			
Window and Door Treatment	Minimum 4" trim required on all windows and doors appropriate to style of structure			NA
Window Articulation	50% of all public façade windows must include one of the following: • Balcony (accessible for single units) minimum 2' deep • Trellis • Shed roof awning • 20" projection • Bay window • Transom Windows • Shutters	25% of all public façade windows must include one of the following: • Balcony (accessible for single units) minimum 2' deep • Trellis • Shed roof awning • 20" projection • Bay window • Transom Windows • Shutters		NA
Façade Repetition	No elevation shall	All units must be	Residential units	NA

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Design Element</b>	<b>Single-Family Detached</b>	<b>Single-Family Attached, Row House, Townhouse</b>	<b>Multiple-Family and Mixed Use Structures</b>	<b>Nonresidential Structures</b>
	be repeated on the same block	designed to have distinct characteristics	must be designed to appear as townhome units with entries onto the public façade	
Top Floor Articulation	Shall contain a distinctive finish, consisting of cornice, banding or other architectural termination			
Building Orientation	All buildings must be oriented towards the public right of way or public open space			
Primary Entry Location	Main entrances must be from a public sidewalk or common open space (if not adjacent to Public ROW)			
Entry Articulation	Entry must be covered or inset with distinct architectural detail such as:			
Building Access – Ground Floor Residential Units	50% of residential entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15”		50% of all ground floor units adjacent to a public ROW must have exterior entrances from a public sidewalk or common open space. Entrances must be raised from the finished ground floor level of the sidewalk a minimum of 15”	NA
Building Access – Above Ground Floor Residential Units	NA		Multi-family uses above the ground floor shall have interior unit entrances from a centralized corridor except:  Exterior stairs are permitted for access to second and third floor units only if they are oriented towards a central courtyard not visible from any street	NA

**6.3.14 Parking and Garage Standards**

The table below establishes parking and garage standards. Parking and garage standards do not apply to Special Districts.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Design Element</b>	<b>Single-Family Detached</b>	<b>Single-Family Attached, Row House or Townhouse</b>	<b>Multiple-Family and Mixed Use Structures</b>
Enclosed Garage Required	1 (20x20) space per unit	1 (10x20) space per unit	1 (10x20) space per 2 units
Minimum Driveway Width	20'	10'	
Garage Integration	Attached and detached are permitted	50% of all required garages must be integrated into primary structures	
Garage Location general	Garages are not permitted to front onto Public ROW		
Garage Materials	Same materials and mix as primary structures		

**6.3.15 Private Property Common Area Standards**

- A.** Private property common area requirements do not apply to Special Districts or single-family detached and single-family attached residential uses in T4 and T5.
- B.** Common area requirements are in addition to required public and private landscaping.
- C.** Multiple open space areas may be created, however all open space areas must contain a minimum of 100 sq ft.
- D.** Common areas must have defined edges, either through grade change, perimeter edging or the integration of buildings as perimeter edging.
- E.** The table below establishes minimum private property common area standards for the TMED zoning district.

<b>Design Element</b>	<b>Multi-Family and Mixed Use Structures</b>
Minimum Common Area Size	Minimum 500 sq ft and additional 100 sq ft per 1000 sq ft gross floor area
Common Area Amenities	<p>For each 5,000 sq ft of open space required a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> <li>• 1 Water feature</li> <li>• 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft)</li> <li>• Sculpture garden</li> </ul> <p>For each 200 sq ft of open space provided a minimum of 1 amenities from the following:</p> <ul style="list-style-type: none"> <li>• 1 Bench or seating area (4 seats minimum)</li> <li>• 1 Dining area (4 seats minimum)</li> <li>• 1 Tree (3" caliper at the time of planting)</li> <li>• 2 Large Planters</li> <li>• Decorative paving (2 locations) (minimum 64 sq ft)</li> <li>• Decorative lighting (2 locations) (above ground)</li> </ul>
Complex Amenities Required	<p>Required Community Amenities:</p> <ul style="list-style-type: none"> <li>• Washer and dryer hookup in every unit</li> </ul>

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Design Element</b>	<b>Multi-Family and Mixed Use Structures</b>
	<p>For every 50 units provided a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> <li>• Resident Clubhouse</li> <li>• Community Garden Area</li> <li>• Swimming Pool</li> <li>• Tennis Court</li> <li>• Basketball Court</li> <li>• Volleyball Court</li> <li>• Billiards Room</li> <li>• Amphitheatre</li> <li>• Gazebo or other covered shelter</li> <li>• Exercise Facility</li> <li>• Office Center</li> <li>• Media Room – Theatre</li> <li>• Sauna</li> <li>• Racquetball Court</li> <li>• Other amenity as approved by Director of Planning</li> </ul>
Minimum Common Area Size	Minimum 100 sq ft and additional 50 sq ft per 1,000 sq ft gross floor area
Common Area Amenities	<p>For each 5,000 sq ft of open space required a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> <li>• 1 Water feature</li> <li>• 1 Pavilion, gazebo, or other covered outdoor space (minimum 144 sq ft)</li> <li>• Sculpture garden</li> </ul> <p>For each 200 sq ft of open space provided a minimum of 1 amenity from the following:</p> <ul style="list-style-type: none"> <li>• 2 Benches or seating area (4 seats minimum)</li> <li>• 1 Dining areas (4 seats minimum)</li> <li>• 1 Tree (3” caliper at the time of planting)</li> <li>• 2 Large Planters</li> <li>• Decorative paving (2 locations) (minimum 64 sq ft)</li> <li>• Decorative Lighting (2 locations) (above ground)</li> </ul>

**6.3.16 Sign Standards**

**A. Applicability**

The TMED sign standards in this Section apply to all Special Districts and transect zones with the exception of SD-v.

**B. Permitted Sign Types**

The table below establishes the sign types that are permitted in the TMED zoning district.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

<b>Sign Type</b>	<b>T4</b>	<b>T5-e</b>	<b>T5-c</b>	<b>SD</b>
Sandwich Board	✓	✓	✓	✓
Projecting Sign	✓	✓	✓	✓
Wall Sign	✓	✓	✓	✓
Monument Sign	✓	Warrant		See TMED Design Criteria Manual
Multi-Tenant Sign	✓	Warrant		Warrant
Directional Sign		Warrant	Warrant	See TMED Design Criteria Manual

✓ = Permitted sign type

**C. Specific Sign Type Standards**

**1. Sandwich Board Sign**

One sandwich board sign may be used during normal operating hours for each business. The sign must be placed on private property and not interfere with pedestrian access. Sandwich board signs may not exceed a total of six square feet.

**2. Projecting Sign**

One projecting sign for each business may be permanently installed perpendicular to the facade within the first layer. Projecting signs may not exceed a total of four square feet in T4 and six square feet in T5. Projecting signs must have a minimum clearance of eight feet above the sidewalk or walkway.

**3. Wall Sign**

A single permanent attached band sign, board sign, window sign or painted wall sign may be applied to the facade of each building. Attached signs may be a maximum of three feet in height by 50 percent of the total length of the tenant space or building, whichever is less. Wall signs have a minimum clearance of 12 feet above the sidewalk or walkway. Attached signs must not extend past the top of the structure.

**4. Monument Sign**

a. Monument signs may be approved by Warrant only. If approved, they are limited to one per lot with a maximum of 50 square feet per sign face, a maximum height of six feet and a maximum width of two feet.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.3. TMED, Temple Medical and Educational

- b. A monument sign must not interrupt the required tree planting and spacing or be located within three feet of a hike and bike trail.
- c. Sign material must consist of a limestone or brick base and columns that are architecturally compatible to the principal building. Other materials may be approved by Warrant if architecturally compatible.

5. **Multi-Tenant Sign**

- a. Multi-tenant signs may be approved by Warrant only. If approved they must be limited to one per lot and a maximum of 60 square feet per sign face, 8 feet in height and 2 feet in width.
- b. Such sign must not interrupt the required tree planting and spacing or be located within 3 feet of a Hike and Bike Trail.
- c. Signage material must consist of limestone or brick that is architecturally compatible to the Principal Building. Other materials must be approved by warrant if architecturally compatible.

6. **Directional Sign**

Directional signs may be approved by warrant only. Directional signs may not be located off-site. If approved, they are limited to a maximum of eight square feet per sign face, a maximum height of four feet and a maximum width of two feet. Directional signs must comply with the standards in the Traffic Manual of Uniform Control Devices.

7. **Exceptions**

Entertainment and recreational uses such as movie theaters or bowling alleys may have a neon or specially designed sign if approved by Warrant.

8. **Lighting**

Monument signs must be externally illuminated, except for signs within the shop front windows, which may be neon-lit.

9. **Prohibited Signs**

Signs other than those stated in the table in paragraph B above are prohibited.

**6.3.17 Street Light Standards**

**A. Applicability**

The TMED lighting standards in this Section apply to all TMED transect zones.

**B. Street Light Policy**

Street light design and installation must comply with the City's Street Light Policy.

**6.3.18 Utility Standards**

**A. Applicability**

The TMED utility standards in this Section apply to all transect zones.

**B. Underground Utilities Required**

All proposed new electric, telephone and cable television wires along the public street right-of-way must be located underground.

[Ord. 2010-4415]; [Ord. 2011-4438]

**Sec. 6.4. PD, Planned Development Overlay**

**6.4.1 Permitted Uses**

Permitted uses are those listed in the use table in Sec. 5.1 for the base zoning district applied to the Planned Development. In addition, a Planned Development may be established where the principal purpose is to serve as a transitional area, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space or planting would create a protective transition between a lesser and more restrictive district. In approving a Planned Development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

**6.4.2 Dimensional Standards and Design Elements**

Dimensional standards required in the base zoning district apply in a Planned Development Overlay zoning district. Standards in Article 4 through Article 8 may be varied in adoption of the Planned Development.

## **Sec. 6.5. H, North Central Temple Historic Overlay**

### **6.5.1 Zoning District Map Amendments**

Adjustments to the boundary of the North Central Temple Historic Overlay zoning district, creation of other historic districts, recognition of landmark properties or structures, and preservation of subsurface historical or archeological locations must be reviewed in accordance with the Zoning District Map Amendment process as set forth in Sec. 3.3.

### **6.5.2 Modification of Base Zoning District**

In making the North Central Temple Historic Overlay zoning district designation, the Planning and Zoning Commission may recommend and the City Council may authorize modifications to the allowed uses and to the height, yard, area, coverage, parking and any other development standards of the base zoning district if such action is determined necessary for the preservation or protection of the designated property.

## Sec. 6.6. FP, Floodplain Overlay

### 6.6.1 FP Designation

In accordance with the Zoning District Map Amendment procedure in Sec. 3.3 and upon final determination that a property has no established history of periodic flooding but is subject to flood hazard and is not part of the FP Overlay zoning district the City Council may designate the subject property with a FP Overlay zoning district designation. Upon final approval of any Zoning District Map Amendment or subdivision of a property in the FP Floodplain Overlay zoning district such property must be identified with an "FP" on the final plat. The "FP" designation on the Final Plat constitutes notice and warning to any person or entity thereafter purchasing, mortgaging, leasing, building upon or otherwise dealing with the property that the land may be subject to flooding.

### 6.6.2 Permitted Uses

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, only the following uses are permitted in the FP, Floodplain Overlay zoning district. Where a Conditional Use Permit is required in the base zoning district, the following uses require a Conditional Use Permit approved in accordance with Sec. 3.5.

- A. Agricultural Uses as listed in the Use Table in Sec. 5.1;
- B. Off-street parking incidental to principal uses permitted in the district;
- C. Utility Uses as listed in the Use Table in Sec. 5.1;
- D. Public or private park or playground, community center, or public golf course;
- E. Natural Resource Storage and Extraction Uses as listed in the Use Table in Sec. 5.1 with Flood Plain Administrator approval in writing before such operation is begun;
- F. Recreational and Entertainment Uses as listed in the Use Table in Sec. 5.1 that take place outdoors if approved by Conditional Use Permit in accordance with Sec. 3.5; and
- G. Heliport if approved by Conditional Use Permit in accordance with Sec. 3.5.

**6.6.3 Flood Plain Administrator Review and Final Action**

A structure may not be erected in the FP Overlay zoning district until and unless the Flood Plain Administrator approves such structure. The City Engineer must ascertain whether such structure is subject to flood damage and would not constitute an encroachment hazard or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or the public health and welfare.

**6.6.4 Removal From Overlay**

- A.** An area may be removed from the flood plain "FP" prefix designation when by the provision of drainage works, grading, flood protection or specific drainage study, the City Engineer determines that the flood hazard has been alleviated. Removal of the flood plain "FP" prefix may be accomplished in accordance with Sec. 3.3 after written notification from the City Engineer advising of the removal of the flood hazard.
- B.** The fact that land is, or is not, within a district having a flood plain "FP" prefix may not be interpreted as assurance that such land or area is, or is not, subject to periodic local flooding.

## Sec. 6.7. I35, Interstate 35 Corridor Overlay

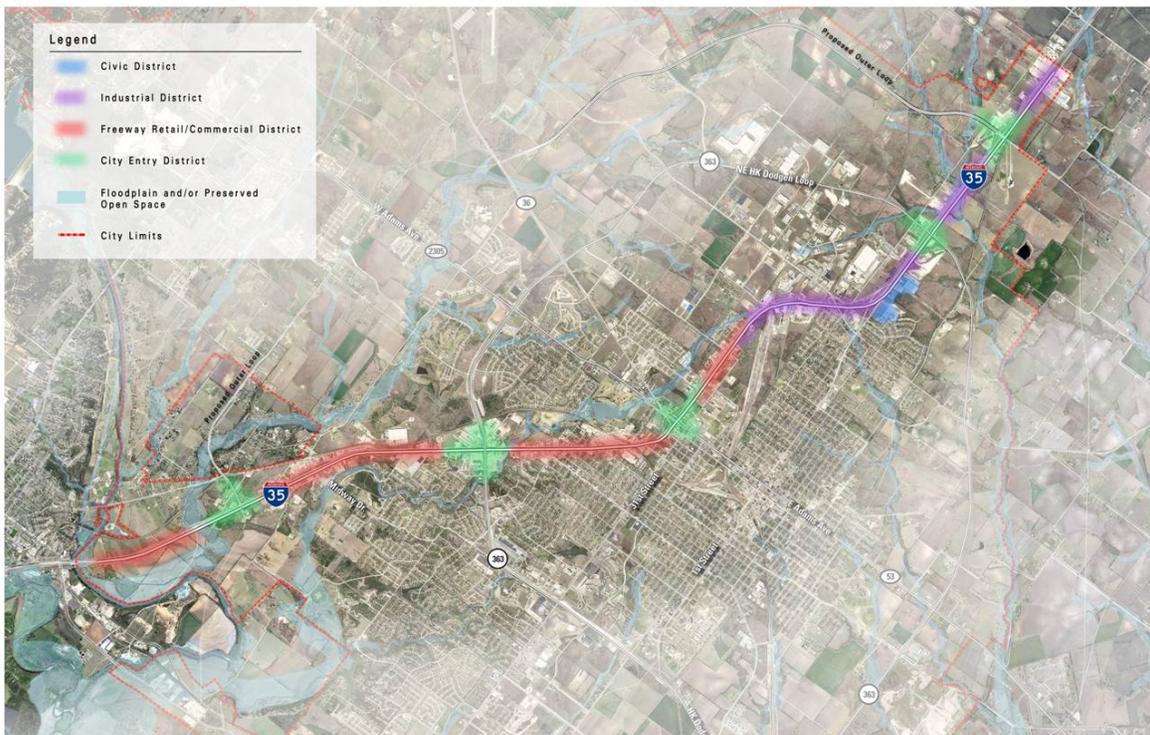
### 6.7.1 Boundary

The I-35 Corridor Overlay zoning district applies to the entire length of the Interstate within the City limits. The I-35 Corridor Overlay zoning district is defined as the land including:

- A. Tracts of land that abut or adjoin a public street or an intersection with I-35;
- B. Tracts of land that are developed used, managed, or marketed as a group that includes a tract of land that abuts or adjoins a public or private access street or an intersection with I-35; or

**COMMENTARY:** *The interior portion of a shopping center with pad sites is an example of land that lies within I-35 without abutting the highway.*

- C. Tracts of land that shares parking space with a tract of land that abuts or adjoins a public or private access street or an intersection with I-35.



### 6.7.2 Sub-Districts

The I-35 Corridor Overlay zoning district is divided into four sub-districts. If a property falls within more than one sub-district, the more restrictive sub-

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

district standards apply, regardless of how much land area is in the less restrictive sub-district. Each sub-district must comply with the general requirements listed in this Section and the sub-district requirements. Where the Overlay zoning district requirements conflict with the base zoning requirements, the I-35 Overlay District standards apply. See the I-35 Corridor Overlay zoning district map. Those sub-districts are:

**A. Civic Sub-District**

The boundary extends from the south side of Bellaire North Drive and



approximately 1,000 south to the north side of Bellaire North 2nd Addition.

**B. Industrial Sub-District**

The boundary extends from the northern city limits, approximately 1,100 feet south of Enterprise Road on the west of I-35 and 560 feet north of



**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

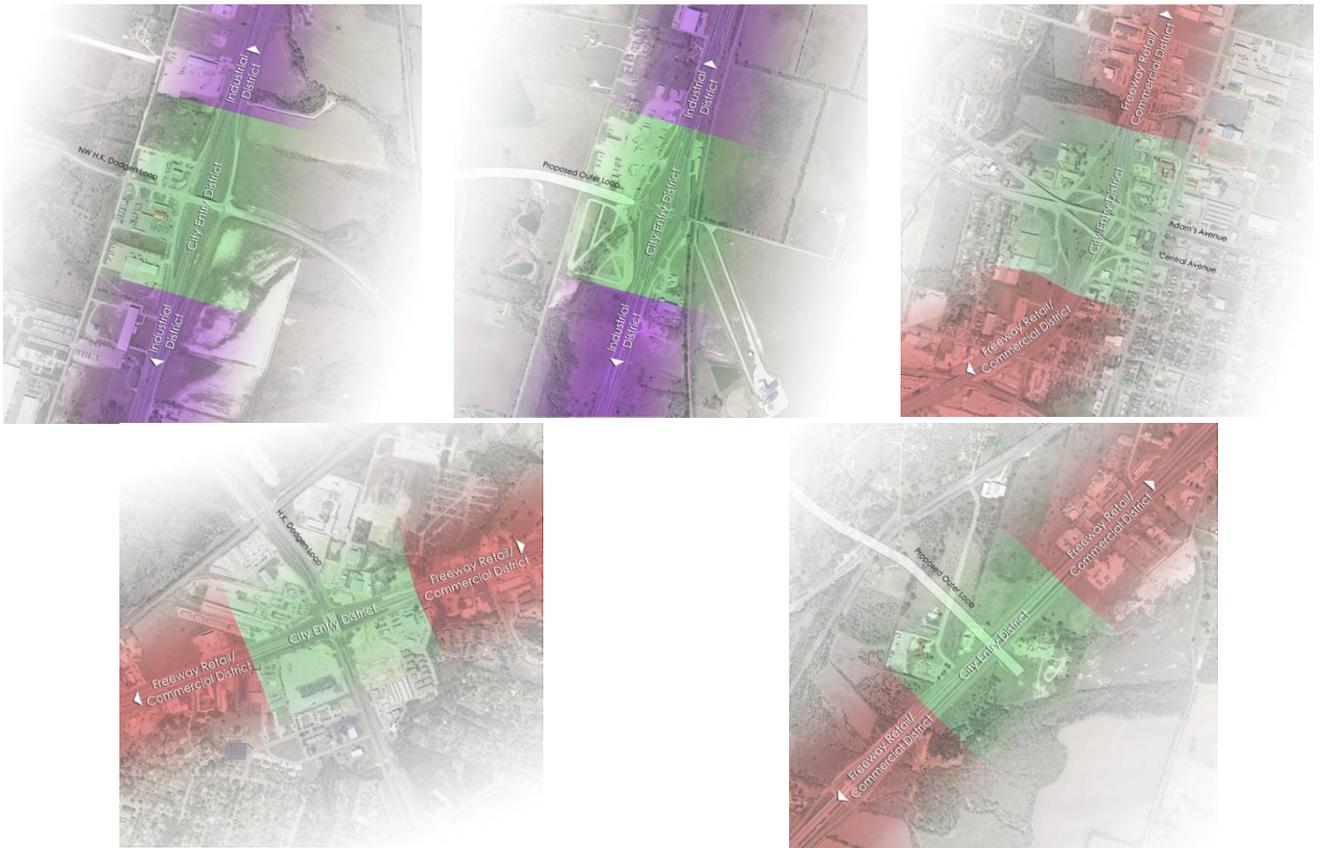
Nugent Avenue on the east. It is interrupted by city entry sub-districts, with stricter standards, at the north outer loop and NE H.K. Dodgen Loop.

**C. Freeway Retail/Commercial Sub-District**

The boundary extends from south of Enterprise Avenue to the Leon River, the south City limits. It is interrupted by City Entry sub-districts at Adams Avenue, H.K. Dodgen Loop and the South outer loop.

**D. City Entry Sub-District**

There are five City Entry sub-districts located at major street locations that access industrial areas, the Central Area, the hospital areas, shopping centers and future retail nodes.



**6.7.3 Applicability**

The provisions of I-35 Corridor Overlay zoning district apply to development types in the table below. Improvements to existing buildings are cumulative

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

within a 15-year period when determining which of the following provisions apply. A development type not shown in the table below is not subject to the requirements of the I-35 Corridor Overlay zoning district.

Development Type	Site Plan Review	Tree Preservation	Parking	Screening and Wall Standards	Architectural Design	Landscape	Signs	Lighting	Utilities
New construction	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	✓	✓	✓
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓		✓		✓	
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓	✓		✓		✓			

**6.7.4 Design Review**

The City must review and approve a site development plan prior to construction for all developments within the I-35 Corridor Overlay zoning district as required by this Section.

**A. Design Review Process**

1. This Section establishes a design review process to ensure that all development within the I-35 Corridor Overlay District meets requirements set forth in these design standards. The review covers site planning, architecture, landscaping, exterior lighting and exterior signage, as well as any changes, additions or renovations to any development on the site.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

2. The design review process is divided into four steps:
  - a. Design Orientation;
  - b. Conceptual Design Review;
  - c. Preliminary Design Review; and
  - d. Construction Documents Review.
3. Formal submittals for design review must be provided at each of the steps in the design review process listed above. Official approvals must be obtained in writing for each of these steps.
4. All requests for design review approvals must be submitted in writing to the City.
5. The applicant must provide all required submittals to the City in a single package that includes the following information:
  - a. Property owner's name, mailing address, business telephone and home telephone numbers;
  - b. Lot number (location of proposed construction);
  - c. Name, address and phone number of architect or owner's representative;
  - d. Scale, north arrow, preferably at a scale of 1"=100' or smaller; and
  - e. Architectural plans at a scale ¼ " = 1' or smaller.
6. Questions, meetings and informal and partial submittals are encouraged to promote early communication and resolution of issues. Verbal responses are unofficial and are subject to change in written response. Only written approvals from the City are official.

**B. Submittal Requirements**

Any and all of the information on the plans required below may be combined to reduce the number of sheet submittals, as long as all sheet detail is provided.

1. **Design Orientation**

Before any design begins, an optional design orientation session is recommended between a representative of the City and the property owner, design architect, landscape architect, engineer and/or contractor. This session includes a discussion of the design concept and design standards for the I-35 Corridor Overlay zoning district, the specific design standards for the particular site and the design review process. This orientation provides valuable information to assist the owner and designers in expediting design review.

2. **Conceptual Design**

- a. When the initial design for the project is prepared, two conceptual drawings must be submitted to the City for formal review. This review covers conceptual site planning, architecture, landscape areas, and sign location.
- b. The purpose of this conceptual design review is to provide the owner and designer with written assurance that the fundamental designs are acceptable, before requiring plans suitable for City permitting. It also provides a clear list of any issues to be resolved in the Construction Documents Submittal step.

3. **Preliminary Design**

- a. Two sets of preliminary design plans must be submitted for this review. These plans must include, but are not limited to the following:
  - i. Preliminary Site Plan

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- (A) All property lines, easements, setbacks and buildable area limits;
  - (B) Location of water, sewer and electrical connections and conceptual distribution layout;
  - (C) All buildings, walls, driveways, parking, walks, pools, patios, terraces, signs and any other above grade development;
  - (D) Dimensions between existing and proposed construction and between proposed construction and nearest property lines;
  - (E) Building height reference elevation; and
  - (F) Vicinity map showing relationships of this site to the rest of the I-35 Corridor Overlay zoning district.
- ii. Preliminary Grading
    - (A) Existing and proposed ground level contour concepts; and
    - (B) Slope treatment and drainage concepts.
  - iii. Preliminary Roof Plan
    - (A) Any unusual conditions or construction requirements; and
    - (B) All roof mounted equipment and required screening.
  - iv. Preliminary Building Elevations
    - (A) At least two principal exterior elevations of all proposed buildings (in color);
    - (B) Maximum building heights on each elevation drawing; and
    - (C) Conceptual finish materials, colors and textures under consideration.
  - v. Preliminary Building Sections

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Grade and building height elevations for slopes greater than seven and one-half percent.

vi. Preliminary Landscape Plan

(A) Planting concept, including locations and types of all plant materials; and

(B) Demonstration that plant and wall design along the street frontage meets the streetscape design guideline requirements for the I-35 Corridor Overlay District.

vii. Fence and Wall Plan

(A) Locations, materials, colors and heights in relation to on-site grades; and

(B) Relationships to walls, fences and grades on adjacent parcels.

viii. Sign Plan

(A) Locations in relation to on-site grades; and

(B) Elevations and details of sign graphics with data table of permitted and proposed.

ix. Tree Survey

Location of hardwood trees measuring six inches or greater in diameter, measured at breast height, not including Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees.

4. **Construction Documents**

- a. When the preliminary design is further refined and the final construction drawings and specifications for the project have been prepared, they must be submitted to the Chief Building Official for review and final decision. This review covers all design necessary for construction, including site development, architecture, signage, grading, driveways, parking, walkways, terraces, patios, walls, fences, planter beds, fountains, trellises,

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

utilities, architecture, landscaping, walls, pools, mechanical equipment, exterior lighting and exterior signs.

- b.** The purpose of construction documents design review is to provide the owner and designers with written assurance that the final design is acceptable for construction and that any conditions placed on the previous review have been addressed.
- c.** Two sets of final construction plans must be submitted for this review. They must contain, but are not limited to a Final Site Plan showing:

  - i. Final locations of all structures, terraces, patios, driveways, parking and walk ways;
  - ii. Dimensions from buildings and paved areas to setbacks and property lines;
  - iii. Water, sewer and electrical connection points and distribution lines;
  - iv. Locations of all above-ground mechanical equipment, including electrical transformers, fuel tanks, water tanks, filtration equipment, backflow prevention devices, air-conditioning units and irrigation controllers; and
  - v. Any other drawings required by the City for construction permitting.
- d.** After the Final Site Plan is approved, an approval letter must be submitted to the owner within 12 working days, giving written assurance the Final Site Plan drawings have been found acceptable for construction. At this time the building plans may be submitted to the City for construction permitting.

**6.7.5 General Design Requirements**

This Section establishes the site plan review procedure and general design requirements for tree preservation, parking, screening, landscaping, signs, lighting and utilities. All development within the I-35 Corridor Overlay zoning district must comply with these regulations, which supersede all other

regulations. Additional standards and requirements apply for each of the sub-districts.

**A. Final Site Plan Review**

1. A Final Site Plan must be submitted, reviewed and approved prior to construction for all developments proposed on a tract of land within the I-35 Corridor Overlay zoning district.
2. The Final Site Plan must contain sufficient information demonstrating compliance with all of the applicable requirements of this overlay zoning district and any additional information required by the Director of Planning.
3. In reviewing the Final Site Plan, the City may consider other factors that may be relevant to a particular application, which may include the following:
  - a. The relationship to neighboring properties;
  - b. The zoning and the uses of nearby properties;
  - c. The extent to which the proposed use would substantially harm the value of nearby properties;
  - d. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influence by the use, or present parking problems in the vicinity of the property;
  - e. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection and are available and adequate to serve the proposed use;
  - f. The conformance of the proposed use to the I-35 Corridor Overlay zoning district, the Comprehensive Plan and other adopted planning policies; and
  - g. The recommendation of the professional staff.

**B. Tree Preservation**

The purpose for these tree preservation standards is to protect the natural beauty of the city, decrease soil erosion, prevent clear cutting and preserve

many existing hardwood and canopy trees. Efforts should be made to protect trees on site. All trees over six inches in diameter at breast height (DBH) located within the floodplain plus the area within 300 feet of the floodplain must be protected. A \$100 per caliper-inch fee payable to the Parks Department may be made for trees that cannot be accommodated after the required landscape elements are added. Tree mitigation requirements and fees do not apply to Bois D' Arc, Ashe Junipers, Hackberry, Willow, Cottonwood and Mesquite trees on the site. The tree mitigation requirements do not count toward required landscape in Sec. E below. Tree mitigation requirements are as follows:

1. A tree survey and preservation plan is required with the preliminary site plan submittal. The tree survey must be signed and sealed by a licensed landscape architect, arborist, engineer or land surveyor.
2. The location, diameter, height and common name of all trees with more than a six-inch DBH must be shown on the plan.
3. The removal of protected trees must be replaced on the property by planting new trees, found in the Plant List in subsection F below, that are equal to the total caliper-inches of the removed trees.
4. The City has taken inventory of existing vegetation along the IH 35 Corridor to ensure compliance with this Section.

### **C. Parking**

Parking presents one of the greatest challenges in creating an appealing image for public and private property. Parking may be provided in surface lots, parking structures, beneath buildings or below grade, in whatever combination that meets the needs for spaces required in Sec. 7.5 and the limits on impervious surface areas set forth in this Section.

1. Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands.
2. Parking aisles must be designed to be perpendicular to the front of the principal building.
3. Parking to the side and rear of buildings is encouraged and preferred.

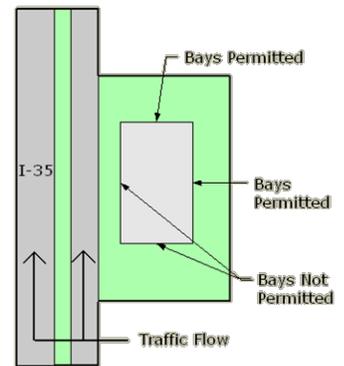
Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

4. Parking areas must be planned so that vehicles are not required to back out of parking spaces directly into a public or private street.
5. Parking lots must be designed to preserve the maximum amount of existing trees on site as possible.
6. Parking spaces that face and are adjacent to a building must utilize wheel stops.
7. Wheel stops are required adjacent to all landscaped areas.
8. Wheel stops are required adjacent to all sidewalks, except for raised sidewalks at least 6 feet in width (8 feet if parking spaces front both sides).
9. All parking must be landscaped and screened per the standards set forth in subsection E.12 below.
10. No parking is allowed in the landscape buffer.

**D. Screening and Wall Standards**

1. Storage in connexes, shipping containers and semi-trailers is not permitted. Portable buildings may not be made into permanent structures in any form.
2. All garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must be located to the rear of the principal building or on the side of the building that is not visible to the traffic flow on the abutting side of I-35. Such bays may be located on the on-coming traffic flow side of the building at the approval of the Director of Planning, but must be screened by a masonry wing wall matching the architectural style and color of the building or an opaque landscape screen containing three-inch caliper hardwood canopy trees, and five-gallon shrubs, as described in the Plant List in subsection F below.
3. No outside storage and display, sales, leasing or operation of merchandise outside of sales areas for dealerships for new trucks, cars, boats and motorcycles, are permitted unless such activity is



visually screened with a continuous solid screening device from all streets and adjacent property lines of residentially zoned properties or areas shown as a residential use on the Future Land Use and Character Map.

4. Any public utility stations, such as lift stations and electric substations, must be screened from public view with a masonry wall matching the architectural style and color of the building.
5. A masonry wall matching the architectural style and color of the building must be located between properties when a multiple-family or nonresidential use abuts a residential use or zoning district. Such wall must not be less than six feet or more than eight feet in height, and constructed at grade along the abutting property line. The screening wall is not required if a comparable screening wall in satisfactory condition already exists on the abutting property.
6. Except as provided below, the following site elements must not be clearly visible at eye level from any public street right-of-way or any adjoining residential use or located within 100 feet of any public street right-of-way, unless a masonry screening wall matching the architectural style and color of the building is used.

**a. Vehicle Loading and Unloading Zones and Service Areas**

Screening for vehicle loading and unloading zones must consist of a continuous solid masonry wall to match the color and style of the building, earthen berms or evergreen opaque landscaping a minimum of six feet in height. Landscape screening must be solid and reach a minimum height of six feet within two years of the issue date of the Certificate of Occupancy for the building or change of use.

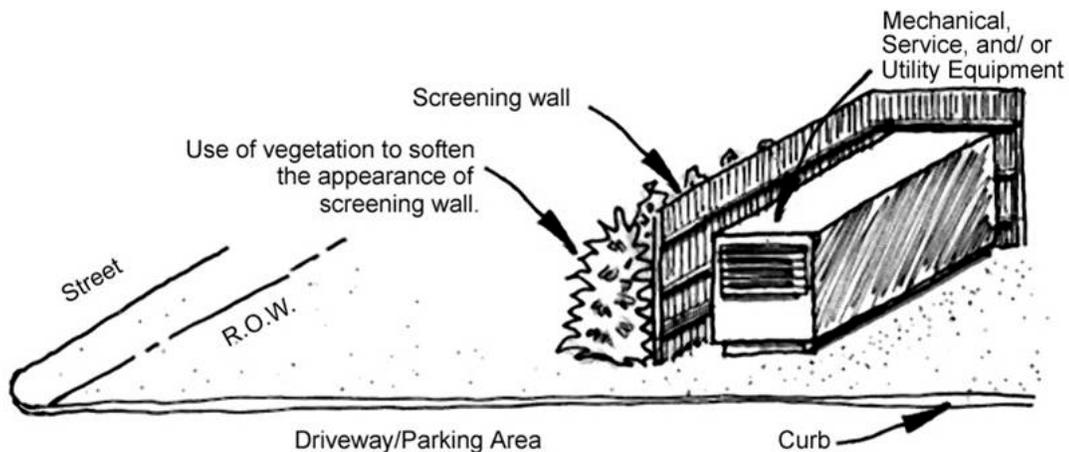
**b. Refuse Storage and Compactors**

Refuse storage and compactors must be enclosed on three sides by a solid wall of wood or masonry to match the color and style of the building and be a minimum of one foot taller than the equipment being screened. The enclosure must have a minimum eight-foot self-closing gate. The enclosure must be designed to contain all refuse generated on-site between solid waste

collections. The refuse storage and compactors must not be located in required setbacks.

**c. Mechanical and Utility Equipment**

- i. All ground mounted service equipment such as air conditioners, transformers, trash collection equipment, and other service functions must be located at the rear of buildings, and integrated into the building envelope or enclosed service areas, unless the rear of the building faces I-35, in which case such equipment must be located on the side least visible from a public street right-of-way. Reduce pressure zones are allowed in front of the building if properly landscaped.
- ii. If such equipment is visible from a public street right-of-way, the screening materials must be 100 percent opaque. Screens must incorporate shrubbery with year-round foliage, or a wall, fence, or architectural element of the adjacent building, and be a minimum of one foot taller than the equipment being screened.

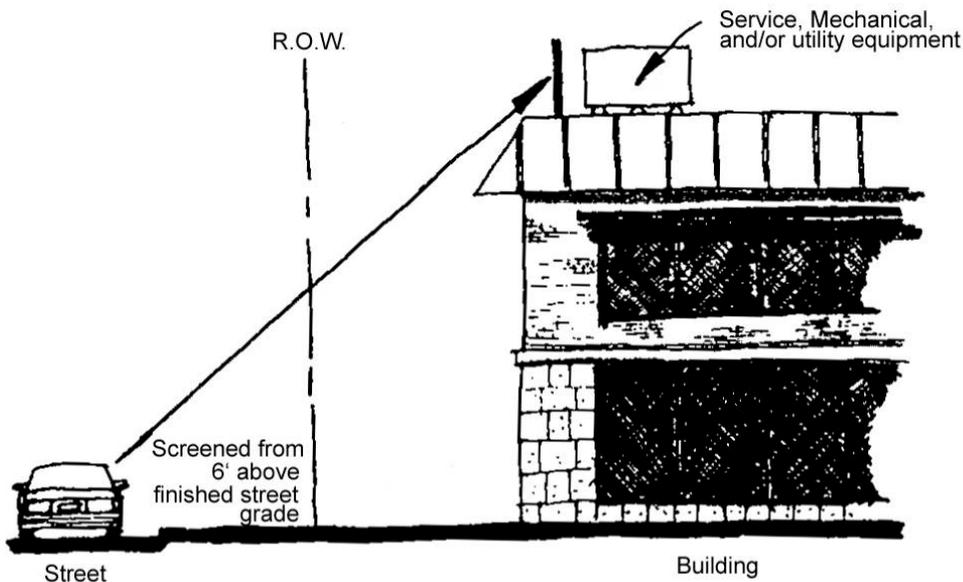


- iii. All roof-mounted equipment must be screened from a vantage point that is six feet above finished street grade with materials that are 100 percent opaque. In all cases, screening must be compatible with building color and materials.

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Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay



**E. Landscape**

Each site, outside of a City Entry Sub-District, must provide a minimum of the following landscape elements. All required trees, shrubs and groundcovers must be of a species permitted in the Plant List in subsection F below.

1. A total of 15 percent of the total site area must be landscaped with living approved trees, shrubs and groundcovers. Such landscape areas must consist of approved plants and irrigation covering 100 percent of the required landscaped area.
2. All required landscaping must be maintained in good condition after installation. The owner must replace any plant material that becomes diseased, deteriorated or dies within 30 days.
3. Areas not covered by building or pavement must be landscaped.
4. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms or other improvements associated with the drainage

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

improvements. Such drainage facilities must have a natural look with minimum slopes and landscaping.

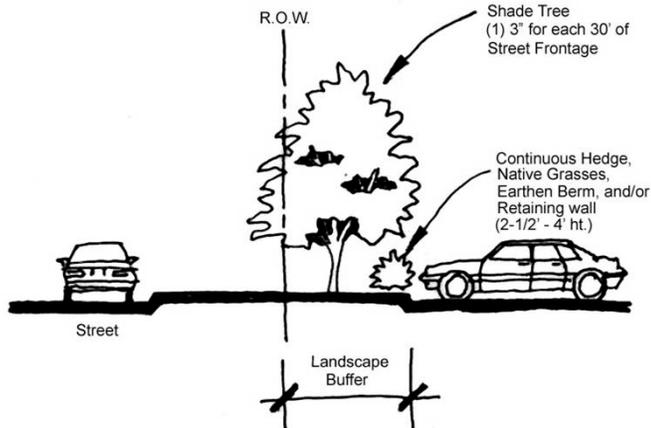
5. Vegetation must be used to soften the appearance of walls, including those used for screening. This may include either vines trained up the wall or minimum five-gallon shrubs planted a minimum of thirty inches on center.
6. Foundation plantings are required within a planting area a minimum of six feet in width along 70 percent of the length of any façade visible to the public. Foundation planting may count toward the required minimum site landscape area required in paragraph 1 above.
7. All landscape and turf areas must be irrigated and maintained on a regularly scheduled basis.
8. A landscape buffer is required adjacent to any public street right-of-way based on the sub-district's Area Regulations and as follows.
  - a. One minimum three-inch caliper canopy tree, as set forth in the City's Plan List, must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
  - b. Required trees must not be planted in a regular interval, but in clusters.
  - c. Substituting four ornamental trees per one canopy tree is allowed under power lines.
  - d. A minimum 60 percent of required trees must be evergreen with year around foliage.
  - e. A minimum 20 percent of the required landscape buffer must have native grass beds or wildflowers.
  - f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
9. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- a. Parking lot or vehicle use area;
- b. Fuel pumps visible from the direction of traffic flow; or
- c. Vehicle drive-through window facing the street or traffic flow.



- 10. Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations.
  - a. Along any street in the Civic Sub-District; and
  - b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property.
- 11. The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.
  - a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
  - b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.
  - c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.

[Ord. 2012-4505]

12. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

**a. Interior Islands**

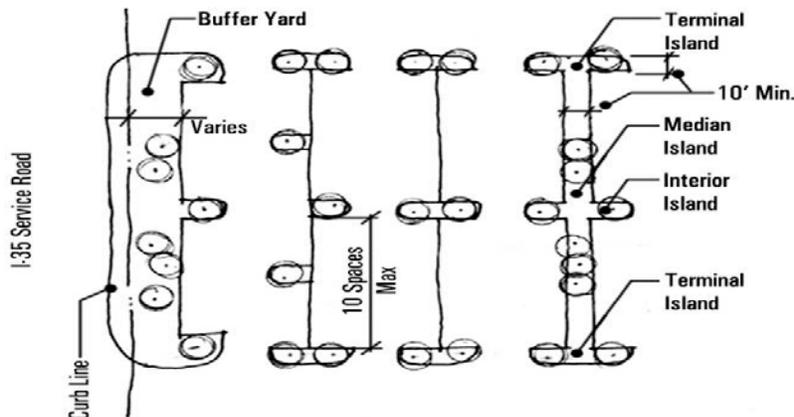
A curbed landscape island must be provided for every 10 parking spaces. Each island must be a minimum of 170 square feet in area and 10 feet in width back-of-curb to back-of-curb. A minimum three-inch caliper tree is required in each island.

**b. Terminal Islands**

All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of 360 square feet in area and contain two minimum three-inch caliper trees.

**c. Median Islands**

A curbed median island a minimum of 10 feet in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island contain one minimum three-inch caliper tree a minimum of every 30 feet on center.



13. All landscape areas must accent building features, entryways and driveways.
14. Native plants and drought tolerant species are preferable to reduce water requirements.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- F. Approved Tree List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.**
- G. Approved Groundcover List – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.**
- H. Approved Shrubs – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; D Approved Groundcover List.**
- I. Approved Lawn Grass – See Article 7; General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.**

[Ord. No. 2013-4580]

**J. Signs**

The sign standards in this Section apply to all Sub-Districts in the I-35 Corridor Overlay.

**1. Permitted Sign Types**

The table below establishes the sign types and standards that are permitted.

<b>Use</b>	<b>Sign Type</b>	<b>Max. Number of Sign Faces</b>	<b>Max. Height</b>	<b>Max. Area (per sign face)</b>	<b>Min. Setback (from property line)</b>	<b>Min. Spacing Between Signs</b>
All Permitted Uses	Wall Sign	1 per public façade (max. 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All Permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All Permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All Permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Travel Related Uses (Fuel Sales, Overnight)	Pylon Sign	2	40'	300 sq ft	15'	100'

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

<b>Use</b>	<b>Sign Type</b>	<b>Max. Number of Sign Faces</b>	<b>Max. Height</b>	<b>Max. Area (per sign face)</b>	<b>Min. Setback (from property line)</b>	<b>Min. Spacing Between Signs</b>
Accommodations, and Restaurant Uses)						
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	300'

2. **Maximum Signs per Site**

All sites are permitted one freestanding sign (monument or pylon) per site unless they are part of a development requiring multi-tenant signs.

3. **Multi-Tenant Sign Provisions**

- a. Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.
- b. Multi-tenant sites are permitted a maximum of one freestanding sign (monument or pylon) per 300 feet of frontage on the I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. Signs must comply with the following standards:
  - i. Multi-tenant pylon signs must be oriented to the I-35 Frontage Roads, not to side streets.
  - ii. Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.
  - iii. Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;

- iv. One monument sign is permitted per individual business advertised on multi-tenant signs.

4. **Freestanding Sign Materials**

Freestanding signs must be finished in the same primary masonry building material.

5. **Sign Illumination**

Monument signs may be externally lit. All other illuminated signs must be internally lit.

6. **Pylon Sign Provisions**

All pylon signs in the I-35 Overlay Corridor must have a minimum height to width ratio of 1:.15 for the support structure or base.

7. **Prohibited Sign Types**

The following sign types are prohibited in the I-35 Corridor Overlay.

- a. Roof Sign;
- b. Banner or Pole Banner;
- c. Fence Sign;
- d. Inflatable Device;
- e. Message Board; and
- f. Pole Sign.

[Ord. 2012-4507]

**K. On Premises Lighting**

The purpose of these lighting regulations is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambiance of the night. By minimizing glare and obtrusive light that is misdirected, excessive or unnecessary, energy and resources are conserved and the natural environment is protected from the damaging effects of night lighting.

1. **Directional Control**

- a. All luminaires of 1,800 or more lumens must be full-cutoff as installed. For luminaires under 1,800 the bulb must be frosted

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

glass or installed behind a translucent cover. Floodlights must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff fixture design, shielding, visors, louvers or other devices.

- b. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare. Lighting must be focused and provide the minimum amount of illumination required for safety.
- c. On-site lighting design must be used to identify and illuminate entries, walks and parking areas. Site lighting used for building illumination must be down wall washing only. No flood lighting or up lighting is permitted.
- d. Security lighting must be designed to avoid glare, and must direct light toward the building or storage area instead of away.

2. **Reasonableness of Intensity**

- a. The maximum allowable total lumens generated on each parcel are 80,000 lumens per net acre with full-cutoff lighting. Parcels less than one net acre are allowed full-cutoff lumens in a portion equal to the parcel's portion of a net acre.
- b. Lights mounted on the underside of a roof 15 or more feet from any edge of the roof count one-quarter toward the limit. Lights on the underside of a roof less than 15 feet from the edge of the roof count one-half toward total lumens.
- c. Exterior lighting must have soft, indirect illumination concealed behind landscaping or placed in outdoor lighting fixtures that do not produce direct glare.
- d. Lighting must be focused and provide the minimum amount of illumination required for safety.
- e. Outdoor lighting fixtures must be a maximum of 30 feet in height. All light fixtures located within 50 feet of any residential use must not exceed 15 feet in height.
- f. Lighting that flashes, blinks or moves in any way is not allowed.

g. Mercury vapor lighting is not allowed.

3. **Light Trespass**

a. The maximum illumination at five feet inside an adjacent residential parcel or public street right-of-way, or beyond, from light emitted from an artificial light source is 0.1 horizontal foot-candles and 0.1 vertical foot-candles. Such illumination at 10 feet inside an adjacent nonresidential parcel or on a public roadway, or beyond, must not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles.

b. No line of sight to a bulb is permitted five feet or more beyond a residential property line or public street right-of-way by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim or a combination of these factors.

4. **Sign Lighting**

All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. A sign may not be illuminated with fixtures that are unshielded from upward transmission of light. On-site signs must be turned off upon closing if closing occurs after 10:30p.m. Lights that flash, pulse, rotate, move or simulate motion are not permitted.

5. **Temporary Lighting**

The temporary use of low wattage or low voltage lighting for public festivals, celebrations and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Light trespass requirements remain in effect. Permits are required for commercial activities such as carnivals and are valid for up to seven consecutive days. Where possible lighting should be full-cutoff.

6. **All-Night Lighting**

Lighting at places of business or public venues, except for security, must be turned off no later than one hour after closing. The lights of

vacant parking lots must not remain lighted except for illuminating entryways by the fixtures closest to building entrances.

7. **Lighting Exemptions**

The following uses or features are exempt from the standards of this Section unless otherwise noted:

- a. Swimming pools and other water features, monuments, historic structures, or flags;
- b. Stairs and ramps, as required by the Building Code;
- c. Signs must meet the requirements in Sec. 7.6.3I of this UDC, but all signs are recommended to be fully shielded;
- d. Holiday and temporary lighting must meet the requirements in Sec. 7.6.8 of this UDC;
- e. Sports lighting is exempt from the lumens per net acre limitations as to the playing field only, but full-cutoff fixture design is required and light trespass requirements apply; and
- f. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

L. **Utilities**

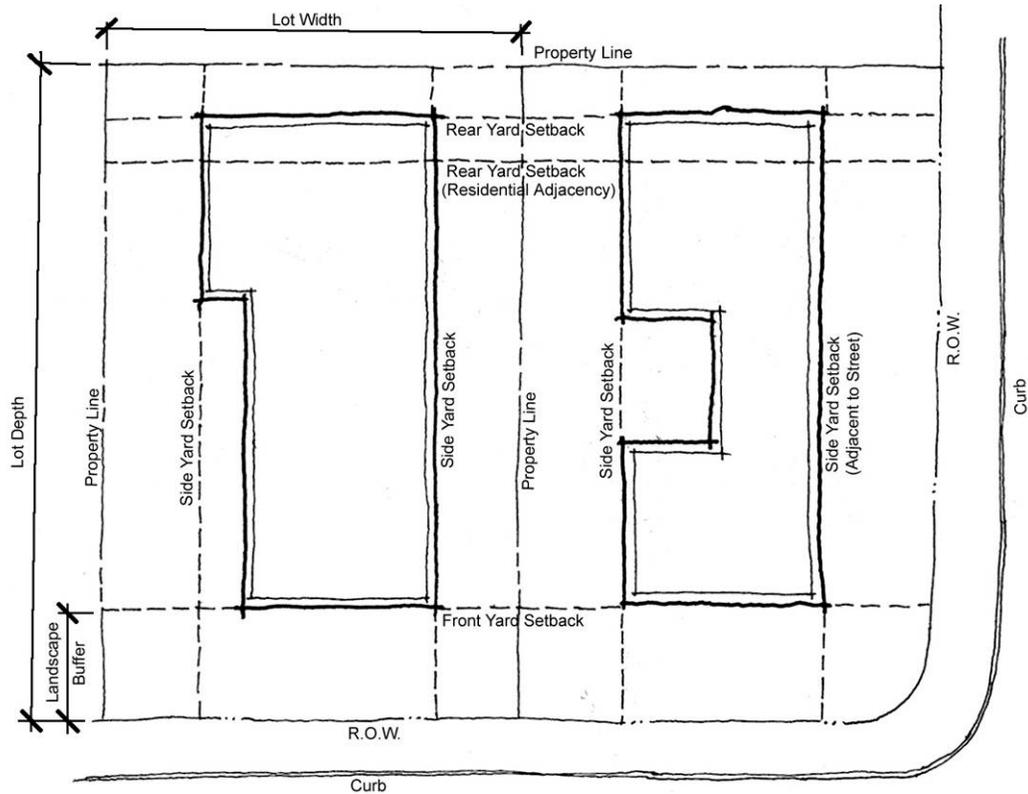
All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

6.7.6 **Dimensional Illustration**

The following illustration depicts the typical setbacks, landscape buffer, lot depth and lot width that each sub-district requires in this overlay zoning district.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay



**6.7.7 Civic Sub-District**

The Civic Sub-District provides a location for important buildings and services that are essentially noncommercial or non-profit in nature and that often serve as community landmarks, gathering places and settings for social interaction. This sub-district is meant to be a destination for events, performances, festivals and other activities related to civic and cultural arts.

**A. Permitted and Conditional Uses**

The following use table establishes uses allowed by right or by Conditional Use Permit in accordance with [Sec. 3.5](#) in the Civic Sub-District. Unless otherwise regulated in the standards for this overlay zoning district, permitted uses are governed by the standards of this UDC for the underlying base zoning district. Uses not listed are prohibited.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standards
<b>Residential</b>			
Convent or monastery	✓		
Single-family attached dwelling		✓	5.3.5
Single-family detached dwelling		✓	
<b>Nonresidential</b>			
Art gallery or museum	✓		
Accessory building	✓		
Day camp for children		✓	
Community center	✓		
Mortuary or funeral home		✓	
Park or playground	✓		
Place of worship	✓		
Personal Wireless Service Facilities-Freestanding Facilities	✓		5.4.3
Pre-school	✓		5.3.11
School, elementary or secondary (public or private)		✓	
Swimming pool (private)	✓		

[Ord. 2015-4707]

**B. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Civic Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	10 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area
Min. Landscape Buffer	25 ft. front and adjacent to public street
Max. Building Coverage	10 ft. rear (20 ft. adjacent to residential)

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Regulation	Measurement
Maxi. FAR	10 ft. side
Max. Building Height	60%

**C. Landscape**

The following landscape requirements are required in addition to those requirements described in Sec. 6.7.5E, Landscape, above.

1. An additional 10 percent of vegetation is required above the general landscaping requirements in landscape buffer areas.
2. In addition to those trees already required ornamental trees must be used in the landscape buffer. One, minimum two-inch caliper, ornamental tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.

**6.7.8 Industrial Sub-District**

The industry component of Temple’s economy has been and should continue to be a major factor in the City’s growth and employment. These Industrial Sub-District standards will keep the City’s industrial base strong and growing while protecting the City’s image and enhancing the I-35 Corridor.

**A. Permitted Uses**

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

**B. Prohibited and Conditional Uses**

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:		✓	5.3.1 through 5.3.7
Multiple-family dwelling (apartment)		✓	5.3.3

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		5.3.27
Bottling works		✓	
Building material sales		✓	
Car wash		✓	
Child care facility	✓		
Contractor storage and equipment yard		✓	
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		5.3.27
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

**C. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	1 acre
Min. Lot Width	160 ft.
Min. Lot Depth	160 ft.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	50 ft.
Min. Rear Yard Setback	20 ft. (30 ft. adjacent to residential)
Min. Landscape	10% of lot area
Min. Landscape Buffer	35 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. side
Max. Building Coverage	50%
Max. FAR	1 to 1
Max. Building Height	42 ft. including mechanical and roof structure

**D. Architectural Design**

**1. Site Development**

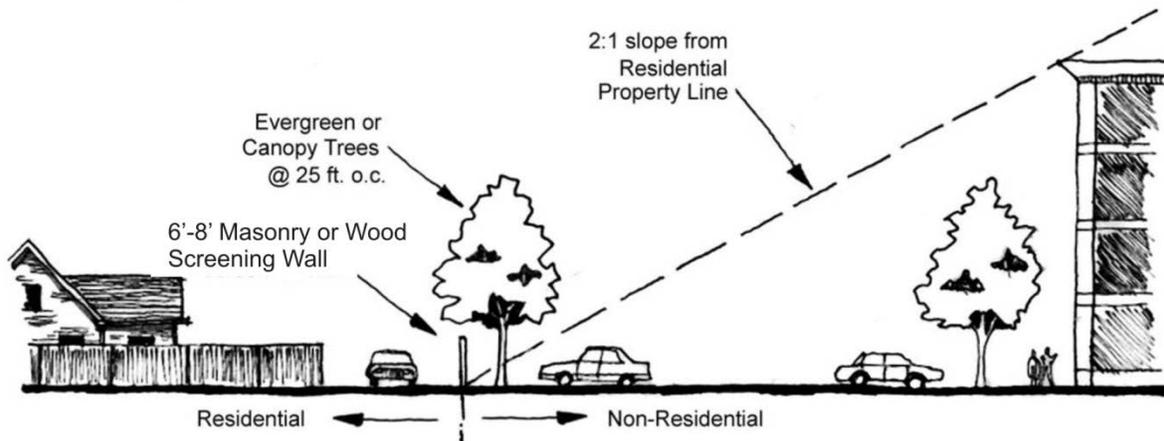
- a. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- b. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

line, regardless if distance is greater than that listed in the Dimensions Standards table above.



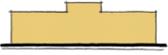
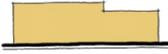
**2. Exterior Appearance of Buildings and Structures**

- a. All buildings must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. Building entrances must be articulated six feet and defined to present a strong entry presence. All buildings must be designed to incorporate no less than one of the following architectural elements. Buildings over 50,000 square feet must include a minimum of two of the following elements. Buildings over 100,000 square feet must include a minimum of three of the following elements.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- |  | Possible Building Plans   | Possible Building Elevations  |
|--|---|---|
| i. Canopies, awnings or porticos;  |    |  |
| ii. Overhangs;   |    |  |
| iii. Recesses or projections;  |    |  |
| iv. Arcades;   |    |  |
| v. Peaked roof forms;  |    |  |
| vi. Arches;  |    |  |
| vii. Outdoor patios;   |   |   |
| viii. Display windows;   |  |   |
| ix. Architectural details (such as tile work or moldings) integrated into building façade;   |   |   |
| x. Articulated ground floor levels or base;  |   |   |
| xi. Articulated cornice line;  |   |   |
| xii. Integrated planters or wing walls that incorporate landscape and sitting areas;         |   |   |
| xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; or |   |   |
| xiv. Accent materials.   |   |   |
- c. Building design must incorporate a basic level of architectural variety. All industrial buildings with facades greater than 250 feet in length, visible from a public street right-of-way, must have wall plane projections or recesses that are a minimum of six feet deep. Projections and recesses must be at least 25 percent of the length of the façade on those sides facing a public street. No uninterrupted length of facade may exceed 200 feet in length.
3. **Building Materials and Colors**
- a. Conceptual facade plans, color palette and sample boards must be submitted with the Preliminary Site Plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- e. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- f. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

<b>Primary Materials: Max. 100%, Min. 80%</b>	<b>Accent Materials: Max. 20%</b>
Architectural metal	Cast stone
Stone	Wood
Brick	Glass block
Stucco	Tile
Color integrated split face block	Granite
Painted tilt wall	Marble
Smooth insulated wall panel	Textured or patterned concrete
	All primary materials (other than material used to achieve the min. 80%)

**6.7.9 Freeway Retail / Commercial Sub-District**

The freeway retail and commercial locations in Temple have been and should continue to be a major factor in the City’s growth and employment efforts. These standards will continue to attract new commercial activity to the City and enhance the City’s image as a desirable place to live, work and shop on the I-35 Corridor.

**A. Permitted Uses**

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

**B. Prohibited and Conditional Uses**

Notwithstanding such uses being permitted in the underlying base zoning district according to the use table in Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling (apartment)		✓	5.3.3
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Body Piercing Studio	✓		5.3.27
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Tattoo Studio	✓		5.3.27

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental	✓		
Transitional or emergency shelter	✓		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

[Ord. 2012-4505]

**C. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Freeway Retail / Commercial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area
Min. Landscape Buffer	25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. interior side 20 ft. street side
Max. Building Coverage	50%
Max. FAR	4 to 1
Max. Building Height	6 stories or 100 ft. including mechanical and roof structure

**D. Architectural Design**

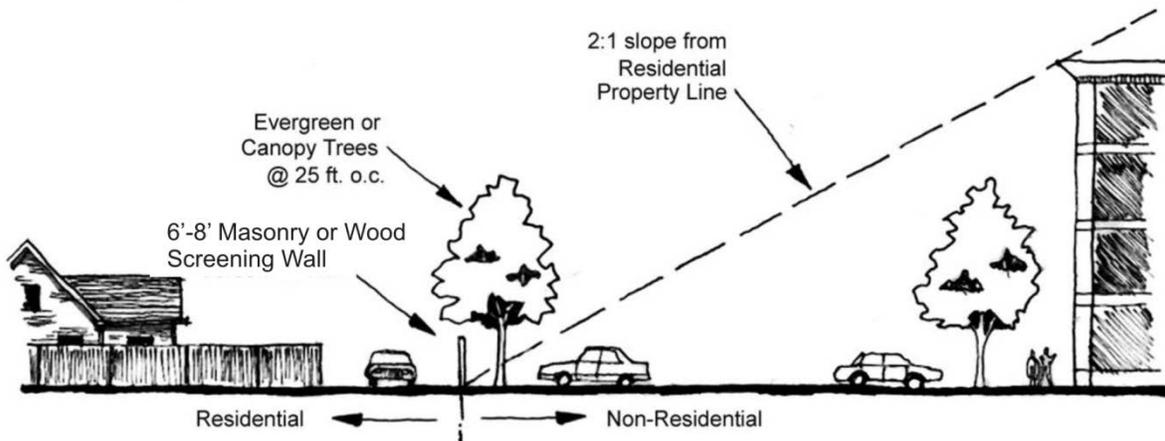
**1. Site Development**

- a.** Development must be sited as to maximize street presence.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.



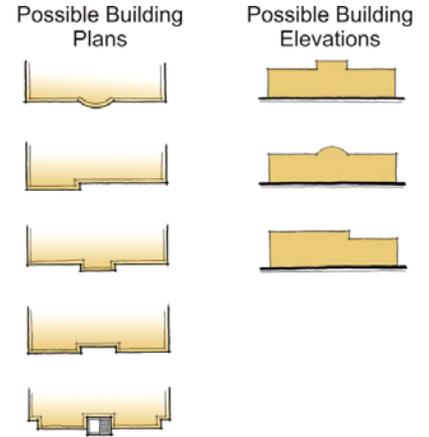
**2. Exterior Appearance of Buildings and Structures**

- a. All buildings, including accessory buildings, must be architecturally finished on all sides with the same materials, detailing and features, with a higher level of finish on the primary facades.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- b. As an alternative for facades that are not visible from a public street, a single row of trees may be planted along the building or in the landscape buffer on offset 30-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.



- c. Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least six feet. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements:
- i. Canopies, awnings, or porticos;
  - ii. Overhangs;
  - iii. Recesses or projections;
  - iv. Arcades;
  - v. Peaked roof forms;
  - vi. Arches;
  - vii. Outdoor patios;
  - viii. Display windows;
  - ix. Architectural details (such as tile work or moldings) integrated into building facade;
  - x. Articulated ground floor levels or base;
  - xi. Articulated cornice line;

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
  - xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; or
  - xiv. Accent materials (minimum 10 percent of exterior façade).
- d. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top. The base and tops of buildings must vary in material, and the heaviest building material must be used as the base. All facades must include:
- i. Articulated ground floor levels;
  - ii. Minimum three-foot overhangs at eaves; and
  - iii. Articulated cornice lines.



- Heaviest building material located at base.
- No more than three materials in order to achieve a clean design style.
- Incorporate architectural elements
- Use of overhangs and eaves and articulated cornice lines.
- Use of windows on building elevation falls within the required 40 percent to 80 percent.

- e. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 200 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.

- f. Buildings must contain a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.

[Ord. No. 2014-4631]

3. **Building Materials and Colors**

- a. Conceptual facade plans, color palette and sample boards must be submitted with the Preliminary Site Plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than 10 percent of non-earth tone colors. No façade may display neon or florescent colors.
- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Primary Materials: Max. 90%, Min. 70%	Accent Materials: Max. 30%, Min. 10%
Stone Architectural metal Brick Stucco Granite Marble Painted Tilt Wall	Cast stone Wood Glass block Tile Granite Marble Textured or patterned concrete All primary materials (other than material used to achieve the min. 80%)

**E. Vehicle Sales**

Where sales inventory aisles exist for an automobile, truck, motorcycle, recreational vehicle or boat sales, leasing or rental establishment, the following standards apply as exceptions to the general landscape provisions in Sec. 6.7.5E.

1. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet; and
2. Evergreen shrubs a minimum of five gallons in size must completely fill the island area.

**F. Vehicle Sales in Portion of Sub-district**

Where an automobile or truck sales, leasing or rental establishment is located between North General Bruce Drive and North 31st Street, north of Jack White Boulevard up to 265 feet north of the northern boundary of the public street right-of-way of Bray Street, the following standards apply, as exceptions to the corresponding general and freeway retail commercial standards:

1. **Inventory Parking Lot Islands**
  - a. Parking lot islands must be located at the end of the inventory aisle, span the width of such aisle and have a minimum depth of 10 feet.
  - b. Evergreen shrubs a minimum of five gallons in size must completely fill the island area.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

2. **Landscape Buffer**

- a. A landscape buffer a minimum of 10 feet wide is required adjacent to Jack White Boulevard.
- b. A landscape buffer a minimum of five feet wide is required adjacent to North 31st Street.

3. **Garage and Service Bays**

- a. Garage and service bays, including but not limited to off-street loading bays and service bays used for vehicle repair and servicing, must face Jack White Boulevard and Bray Street.
- b. A wing wall or opaque landscaping is not required to screen garage and service bays as required in Sec. 6.7.5D, if landscaping along north General Bruce Drive and Jack White Boulevard is designed to screen such garages and bays.

**6.7.10 City Entry Sub-District**

This sub-district is the gateway into the city core, hospitals, neighborhoods, shopping, airport and industrial parks. Development should enhance the image of the City and entice people to stop, shop and visit the City. These entries need to create attractive portals to the City.

**A. Permitted Uses**

Permitted uses are governed by the uses permitted in the use table in Sec. 5.1 of this UDC for the underlying zoning district. Unless otherwise regulated in the standards for this overlay district, permitted uses are governed by the standards of this Zoning Ordinance for the underlying base zoning district.

**B. Prohibited and Conditional Uses**

Notwithstanding such uses being permitted in the underlying base zoning district according to Sec. 5.1, the following uses are prohibited or require a Conditional Use Permit in accordance with Sec. 3.5.

Use	Prohibited Use	Conditional Use	Standards
<b>Residential</b>			
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	✓		
Multiple-family dwelling		✓	5.3.3

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
(apartment)			
Recreational vehicle park	✓		
<b>Nonresidential</b>			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Body Piercing Studio	✓		5.3.27
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Livestock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
Tattoo Studio	✓		5.3.27
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
Transitional or emergency shelter	✓		

[Ord. 2012-4505]

**C. Dimensional Standards**

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the City Entry Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	12,500 sf.
Min. Lot Width	80 ft.
Min. Lot Depth	80 ft.
Min. Front Yard Setback	25 ft.
Min. Side Yard Setback	20 ft.
Min. Side Yard Setback at Street	25 ft.
Min. Rear Yard Setback	10 ft. (20 ft. adjacent to residential)
Min. Landscape	15% of lot area
Min. Landscape Buffer	25 ft. front and adjacent to public street 10 ft. rear (20 ft. adjacent to residential) 10 ft. side
Max. Building Coverage	60%
Max. FAR	4 to 1
Max. Building Height	6 stories or 100 ft. including mechanical and roof structure

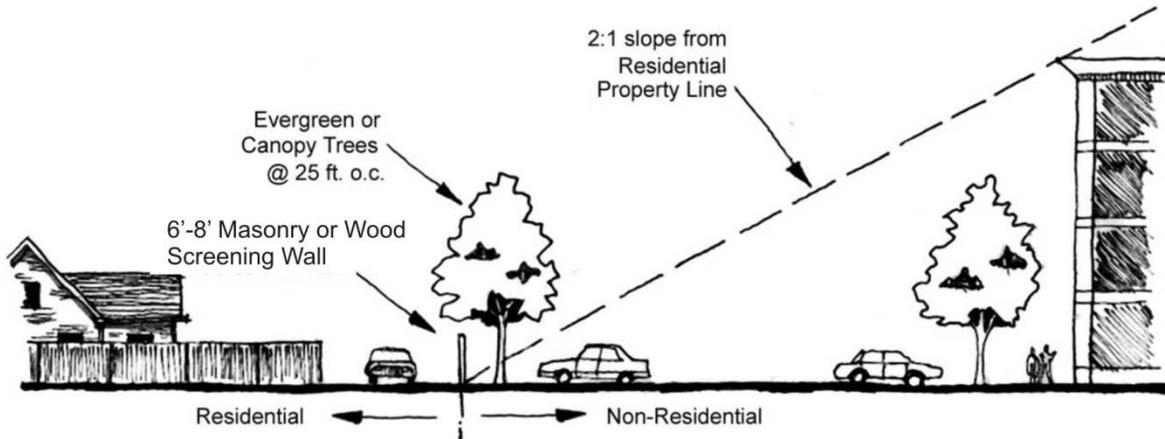
**D. Architectural Design**

**1. Site Development**

- a. Development must be sited as to maximize street presence.
- b. The location and placement of buildings on individual sites must reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact and the relationship to surrounding developments.
- c. In order to preserve privacy of residential properties when located adjacent to nonresidential uses in a non-mixed use setting, the building must fit within a 2:1 slope from the residential property line, regardless if distance is greater than that listed in the Dimensional Standards table above.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay



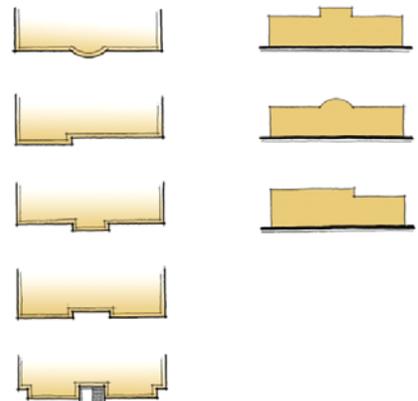
**2. Exterior Appearance of Buildings and Structures**

- a. All buildings, including “out” buildings, must be architecturally finished on all sides with same materials, detailing and features, with a higher level of finish on the primary facades.
- b. For facades that are not visible from the public streets, a single row of trees can be planted along the building or in the landscape buffer on offset 25-foot centers in a minimum 10-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. In this case, the architectural finish must match the remainder of the building in color only.
- c. The principal building wall is to be setback a minimum of 18 and a maximum of 24 feet from the back of the drive curb.

- d. Building entrances must be articulated and defined to present a strong entry presence. Such entries must be inset or offset from the front building plane by at least four feet. All buildings must be designed to incorporate no less than three of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five of the following

Possible Building Plans

Possible Building Elevations



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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

elements. Buildings over 100,000 square feet must include a minimum of seven of the following elements.

- i. Canopies, awnings or porticos;
  - ii. Overhangs;
  - iii. Recesses or projections;
  - iv. Arcades;
  - v. Peaked roof forms;
  - vi. Arches;
  - vii. Outdoor patios;
  - viii. Display windows;
  - ix. Architectural details (such as tile work or moldings) integrated into building façade;
  - x. Articulated ground floor levels or base;
  - xi. Articulated cornice line;
  - xii. Integrated planters or wing walls that incorporate landscape and sitting areas;
  - xiii. Offsets, reveals or projecting rib used to express architectural or structural bay; and
  - xiv. Accent materials (minimum 10 percent of exterior façade).
- e. All buildings must be designed and constructed in tri-partite architecture to express a base, midsection and top (see Exhibit D). The base and tops of buildings must vary in material, and the heaviest building material must be used as the base. All facades must include:
- i. Articulated ground floor levels;
  - ii. Minimum three-foot overhangs at eaves; and
  - iii. Articulated cornice lines.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay



- Heaviest building material located at base.
- No more than three materials in order to achieve a clean design style.
- Incorporate architectural elements
- Use of overhangs and eaves and articulated cornice lines.
- Use of windows on building elevation falls within the required 40 percent to 80 percent.

- f. All buildings must be designed to be consistent with the purpose of the I-35 Corridor Overlay zoning district. Building design must incorporate a basic level of architectural variety. All retail and commercial buildings with facades greater than 150 feet in length, visible from a public street right-of-way, must incorporate wall plane projections or recesses that are at least six feet deep. Projections and recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
- g. Buildings must contain a minimum of 40 percent and up to a maximum of 80 percent of windows on each building elevation, excluding the rear elevation.

[Ord. No. 2014-4631]

3. **Building Materials and Colors**

- a. Conceptual facade plans, color palette and sample boards must be submitted with the Preliminary Site Plan application. Final facade plan and sample boards must be submitted with final site plan application for all nonresidential uses.
- b. The color of all structures must be generally earth-tone in hue. The Director of Planning may approve accent colors that are not earth tone, but may not approve a façade that displays more than

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

10 percent of non-earth tone colors. No façade may display neon or florescent colors.

- c. The designer may select a variety of exterior materials for use as the dominant material on the facades of a building, but the number of materials on a single building must be limited to no more than three materials in order to achieve a clean design style.
- d. No single building material may cover more than 80 percent of the front of any building, with the exception of on-site utility or service structures.
- e. Windows must not be glazed or re-glazed with mirrored or reflective glass.
- f. Maintenance and durability of materials must be considered as important qualities for every element of the design. Special care must be taken to specify the use of vandal resistant building components.
- g. The following is a list of approved building materials and accent materials per façade (not to exceed 20 percent of materials used). The Director of Planning may approve materials not listed below.

<b>Primary Materials: Max. 90%, Min. 70%</b>	<b>Accent Materials: Max. 30%, Min. 10%</b>
Stone Brick Painted Tilt Wall	<ul style="list-style-type: none"><li>• Wood</li><li>• Cast Stone</li><li>• Glass Block</li><li>• Architectural Metal</li><li>• Tile</li><li>• Granite</li><li>• Marble</li><li>• Textured or Patterned Concrete</li><li>• All Primary Materials (other than material used to achieve the min. 70%)</li></ul>

**E. Landscape**

The following landscape requirements are required in addition to those requirements described in Sec. 6.7.5E, Landscape.

- 1. A minimum of 15 percent of the total site area must be landscaped.

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.7. I35, Interstate 35 Corridor Overlay

2. All driveways into the site must have enhanced paving of stone, brick or patterned concrete for a minimum of 50 percent of the driveway throat.
3. An additional 10 percent of vegetation is required above the general landscaping requirements in landscaped buffer areas.
4. In addition to those trees already required, small canopy trees must be used in the landscape buffer. One minimum two-inch caliper small canopy tree must be planted for each 30 feet of frontage along public street rights-of-way as measured along the lot lines.
5. One minimum three-inch caliper large or medium canopy tree must be planted for each 25 feet of frontage along public street rights-of-way as measured along the lot lines.

**F. Lighting**

All on-premises outdoor lighting fixtures in the City Entry Sub-District must be ornamental or decorative where appropriate.

**G. Utilities**

All electric, telephone and cable television wires along the public street right-of-way must be located underground in the City Entry Sub-District.

## **Sec. 6.8. 1st and 3rd Overlay District**

### **6.8.1 Boundary**

The 1st and 3rd Overlay District is defined as tracts of land that abut or adjoin South 1st Street from the north intersection of West Avenue M to the intersection of West Avenue E and from the intersection of West Avenue E and South 3rd Street to the intersection of South 3rd Street and West Avenue D, generally following the curve where South 1st and South 3rd join and tracts of land that abut or adjoin North 3rd Street from the intersection of Adams Avenue to the intersection of West Bellaire North and North 3rd Street.

Any property that is consolidated into property that meets the above criteria must also conform to the Overlay Standards.

The 1st and 3rd Overlay District is more specifically shown in the map below, which is adopted by reference and declared a part of this UDC.

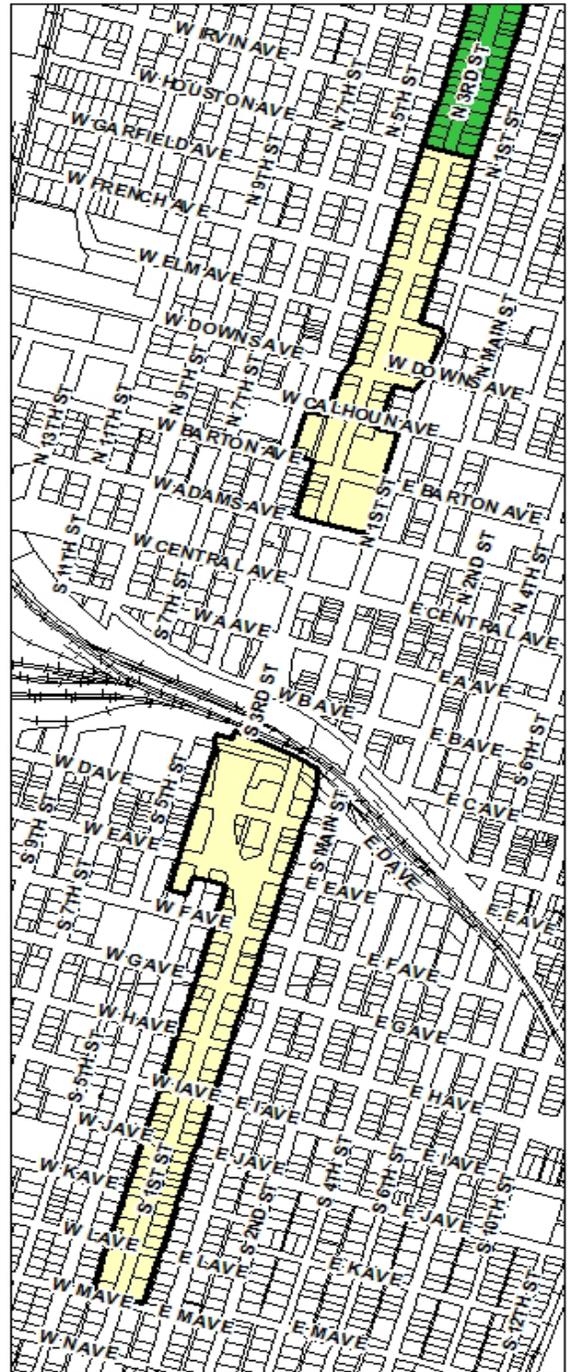
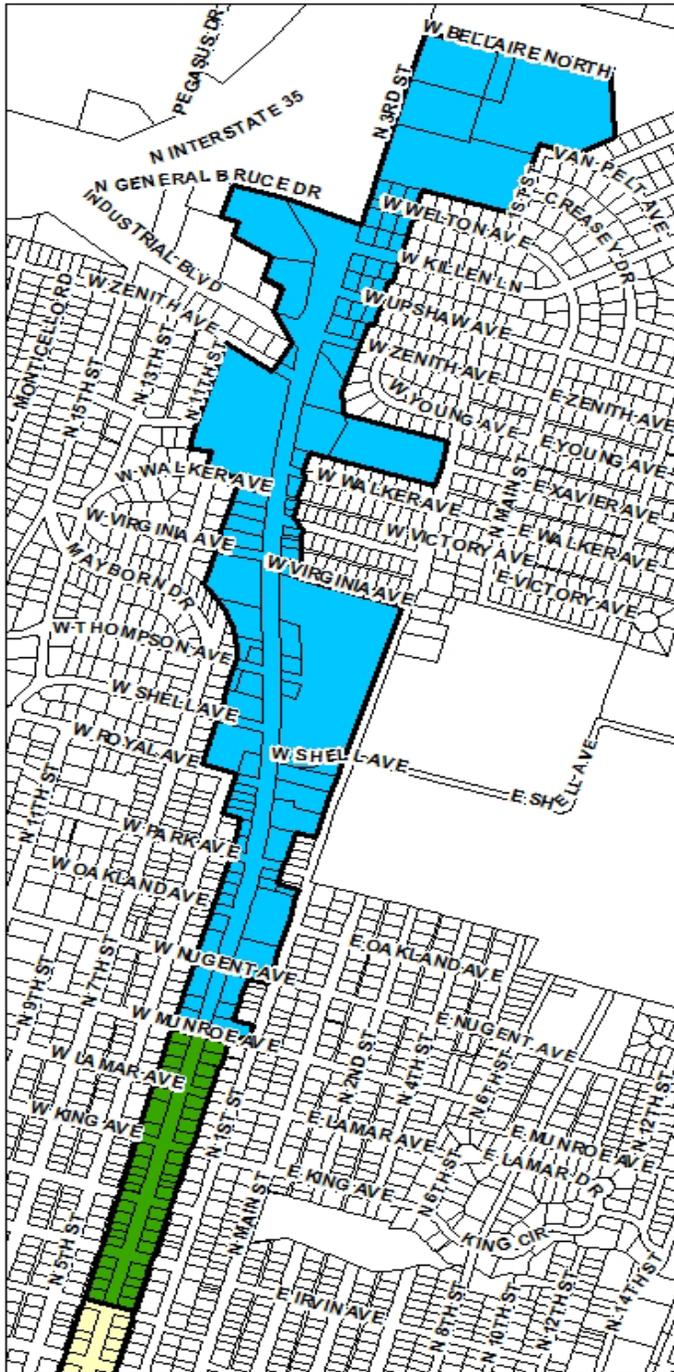
[Ord. No. 2014-4631]

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.8. 1st and 3rd Overlay District

North Section:

South Section



 Frontage Type A  Frontage Type B  Frontage Type C

[Ord. No. 2014-4631]

**6.8.2 Applicability**

- A.** The provisions of 1st and 3rd Overlay District apply to development types in the table below.
- B.** Improvements to existing buildings are cumulative within a 15-year period when determining which of the following standards apply. Costs of interior improvements count toward the cumulative improvement thresholds, but standards are not triggered until exterior building improvements or site modifications occur.
- C.** When more than one threshold is reached, the most stringent standards apply.
- D.** All other provisions of the UDC apply unless otherwise stated.

<b>Nonresidential and Multiple-Family Development Type</b>	<b>General Standards</b>	<b>Circulation Standards</b>	<b>Private Property Landscaping Standards and General Planting Criteria</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>Sign Standards</b>	<b>Utility Standards</b>
New construction (Non-residential and Multiple-Family)	✓	✓	✓	✓	✓	✓	✓
Site modifications and improvements including: installation and/or expansion of parking lot or irrigation system or sidewalks	✓	✓	✓	✓	✓		
Change in use from single-family residential to multiple-family and nonresidential use (See City Code 12-16 Business Registration)	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 50% or more or modifications with a cost equal to or greater than 50% of the assessed value of improvements per the current tax roll	✓	✓	✓	✓	✓	✓	
Increase in gross floor area of 25%-49% or modifications with a cost equal to 25%-49% of the assessed value of improvements per the current tax roll	✓		✓	✓			
Increase in gross floor area of 10%-24% or modifications with a cost equal to 10%-24% of the assessed value of improvements per the current tax roll	✓						

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.8. 1st and 3rd Overlay District

<b>Nonresidential and Multiple-Family Development Type</b>	<b>General Standards</b>	<b>Circulation Standards</b>	<b>Private Property Landscaping Standards and General Planting Criteria</b>	<b>Screening Standards</b>	<b>Public Frontage Standards</b>	<b>Sign Standards</b>	<b>Utility Standards</b>
Interior or exterior maintenance of existing structure with like or similar materials with no increase in gross floor area							
Interior modifications or improvements (remodeling) only							
New Sign						✓	

<b>Single Family Development Type</b>	<b>General Standards</b>	<b>Public Frontage Standards and General Planting Criteria</b>
New construction (Single family attached and detached)	✓	✓

**6.8.3 1st and 3rd Overlay District Site Plan Review Process**

All redevelopment and new development in the 1st and 3rd Overlay District must follow the TMED site plan review process as described in Article 3.

**6.8.4 General Standards**

**A. Article 4, Zoning Districts, applies in its entirety with the addition of the following:**

1. Maximum impervious lot coverage for residential uses is 50%.
2. Maximum impervious lot coverage for non-residential uses is 70%.

- B. **Article 5, Use Standards, applies in its entirety.**
- C. **Article 7, General Development Standards, Section 7.1 Performance Standards applies in its entirety.**

**6.8.5 Access and Circulation Standards**

**A. Applicability**

The 1st and 3rd Overlay District circulation standards in this Section apply to all zoning districts and uses unless otherwise stated.

**B. Article 7, General Development Standards, Section 7.2 Access and Circulation does not apply.**

**C. Thoroughfare Standards**

1. Cul-de-sacs are prohibited in the 1st and 3rd Overlay District.
2. Flag lots are prohibited in the 1st and 3rd Overlay District.

**D. Access and Connectivity**

**1. General**

- a. All driveway connections must be constructed and stubbed or connected to any existing stub.
- b. Driveway spacing must be based on the appropriate alignment with any existing or proposed median breaks as approved by the City Engineer and TxDOT.
- c. Each business is permitted one 24' wide curb cut per street frontage.
- d. If a site has greater than 300' of frontage on South 1st or greater than 400' of frontage on North 3rd, it may have two 24' wide curb cuts for that street frontage.

**6.8.6 Public Frontage Standards**

**A. Applicability**

The 1st and 3rd Overlay District public frontage standards in this Section apply to all zoning districts and uses.

**B. Public Frontage**

1. Public frontage is generally the space between the existing or proposed back-of-curb and the property line.

**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.8. 1st and 3rd Overlay District

2. Total public frontage depth is measured from back-of-curb. If existing right-of-way does not accommodate all requirements, private property must be used to account for the additional required depth.
3. Raised curb and gutter installation is required.
4. The table below establishes public frontage type and assigns standards to each public frontage type.

<b>Public Frontage Type</b>	<b>Location</b>	<b>On-Street Parking Permitted</b>	<b>Typical Public Frontage Depth (ft.)</b>	<b>Sidewalk Width (ft.)</b>	<b>Planting Strip and Buffer Zone (ft.) Behind Sidewalk</b>
A	South 1st Street from Avenue M to Avenue E and South 3 <sup>rd</sup> Street from Avenue E to Avenue D and from Adams Avenue to Houston Avenue	No	12'	8' Sidewalk Back of Curb	4'
B	North 3 <sup>rd</sup> Street Houston to South Intersection with Munroe Avenue	No	15'	5' Sidewalk 8' From back of Curb	2' or greater
C	North 3 <sup>rd</sup> Street North Intersection with Munroe to West Bellaire North	No	14'	8' Sidewalk Back of Curb	4' or greater

[Ord. No. 2014-4631]

**C. Public Frontage Landscape Standards**

**1. Street Trees**

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
- b. Trees must be a single species selected from the table in Section 6.8.9.

- c. Trees must be planted within the required planting strip and buffer zone adjacent to the back of sidewalk based on public frontage type.
- d. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.
- e. Public Frontage Type A – Trees must be planted a minimum 10’ from back-of-curb in the required planting strip.
- f. Public Frontage Type B – Trees must be planted a minimum thirteen feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 13’, the required street trees must be located 1’ away from TxDOT right-of-way. The planting strip and buffer zone must be increased 1’ for every 1’ of additional TxDOT controlled right-of-way.
- g. Public Frontage Type C – Trees must be planted a minimum twelve feet from back-of-curb in the required planting strip. If TxDOT right-of-way is greater than 12’, the required street trees must be located 1’ away from TxDOT right-of-way. The Planting strip and buffer zone must be increased 1’ for every 1’ of additional TxDOT controlled right-of-way.

2. **Planting Area**

- a. Public Frontage Planting Strip Type A – must be planted with approved shrubs in accordance with Section 6.8.9 at a rate of one one-gallon container per 3 linear feet of street yard planting area and filled with river rock.
- b. Public Frontage Planting Strip Type B – must be planted in sod or evergreen groundcover in accordance with Section 6.8.9.
- c. Public Frontage Planting Strip Type C – must be planted in sod or evergreen groundcover in accordance with Section 6.8.9.

**D. Parking Lot Screen**

This subsection applies only to non-residential and multiple-family development and uses in the 1st and 3rd Overlay District. Additional

parking lot screening is not required for Type A public frontage sections.

1. All parking must be screened from public rights-of-way a minimum 36" in height, through one of the following methods:
  - a. Planting screen of evergreen shrubs;
  - b. Masonry wall;
  - c. Combination of evergreen shrubs and wall.
2. Planted screening must be capable of providing a solid, opaque 36" screen within two years, and must be planted in the public frontage planting strip and buffer zone.
3. Parking lot screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8 but not towards public frontage planting area.

**E. Public Frontage Sidewalk Standards**

1. Sidewalks must extend the entire length of the development's frontage on a public street and must be constructed in accordance with the Design and Development Standards Manual and related provisions in this UDC.
2. Sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
3. Sidewalks must be constructed at the back of curb.
4. Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
5. Sidewalks of different widths must be transitioned within a length of sidewalk by two expansion joints not less than six feet apart as required by state and federal accessibility standards.
6. Sidewalks must connect to parking within the lot and to primary entrances of each nonresidential building.
7. Pedestrian walkways must connect the principal building entrances to all associated outdoor amenities, such as courtyards and other outdoor gathering places.

8. Residential sidewalks must be installed from the primary entrance of the residence to the perimeter street sidewalk system.

**6.8.7 Public Frontage Lighting**

**A. Applicability**

1. This subsection applies only to City initiated projects in the 1st and 3rd Overlay District.
2. Pedestrian-scale lighting must be provided at all intersections and at 100' intervals along all public and private roadways within the development. Refer to the TMED Design Criteria Manual for the specific pedestrian-scale lighting models and styles that are permitted in the 1st and 3rd Overlay District.

**6.8.8 Private Property Landscape Standards**

**A. Applicability**

The private property landscape standards in this Section apply to all non-residential and multiple-family zoning districts and uses in the 1st and 3rd Overlay District.

**B. Article 7, General Development Standards, Section 7.3 Landscaping does not apply.**

**C. General Site Landscape**

1. A minimum percentage of the total area of the private property on which development, construction or reconstruction is proposed must be dedicated to landscape area including trees, shrubs, groundcover, sod or other living plant material.
2. The table below establishes minimum site landscape requirements for the 1st and 3rd Overlay District.

<b>Development Type</b>	<b>Minimum Landscape Area (%)</b>	<b>Trees and Shrubs per Lot</b>
<b>Multiple-family</b>	40%	2 trees and 8 shrubs per 1,000 sq ft landscape area
<b>Non-residential</b>	30%	1 tree and 4 shrubs per 600 sq ft landscape area

**D. Foundation Planting**

1. Foundation plantings are required within a planting area a minimum of four feet in depth along 50% of the length of any façade visible to the public.
2. Foundation planting shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8.

**E. Tree Mix**

1. Private property trees must be selected from the table in Section 6.8.9.
2. A minimum of 50 percent of required trees must be selected from the medium or large size tree list.
3. A minimum of 40 percent of required trees must be evergreen species.

**6.8.9 General Planting Criteria**

**A. Applicability**

The 1st and 3rd Overlay District general planting criteria in this Section apply to all zoning districts and uses.

**B. Approved Tree List – Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; B Approved Tree List.**

**C. Approved Shrubs - Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; C Approved Shrub List.**

**D. Approved Groundcover List**

The table below lists the groundcover species that are eligible to fulfill the groundcover planting requirements in the 1st and 3rd Overlay District.

<b>Groundcover</b>		
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>
Asian Jasmine	<i>Trachelospermum asiaticum</i>	Evergreen
English Ivy	<i>Hedera helix</i>	Evergreen
Liriope	<i>Liriope muscari</i>	Evergreen
Monkey Grass (Mondo Grass)	<i>Ophiopogon japonicus</i>	Evergreen

**E. Approved Lawn Grass - Article 7: General Development Standards; Section 7.4 Landscaping; Subsection 7.4.5. General Planting Criteria; E Approved Lawn Grass.**

**F. Landscape Installation – Applicable to 1<sup>st</sup> and 3<sup>rd</sup> Street Overlay**

[Ord. No. 2013-4580]

1. **Trees**

- a. All required large trees must be a minimum of three inches in diameter (single trunk) at breast height or 65-gallon container size at planting.
- b. All required medium trees must be a minimum of two and one-half inches in diameter (single trunk) at breast height at planting.
- c. All required small trees must be a minimum of two inches in diameter (single trunk) at breast height at planting at planting.

2. **Shrubs**

All required shrubs must be a minimum three-gallon container size at planting.

3. **Groundcover**

All required groundcover must be a minimum one-gallon container size at planting.

4. **Lawn Grass**

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

5. **Landscape Maintenance**

- a. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1 through 6).
- b. All required public frontage and private frontage landscaping must be maintained in good condition after installation.
- c. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Director of Planning may

issue up to a 90-day extension of time for replacement during drought or summer months.

6. **Irrigation**

Permanent irrigation is required for all landscape. City Code Chapter 7, Buildings, Article 7, Landscape Irrigation Standards, applies in its entirety.

**6.8.10 Off-Street Parking and Loading**

**A. Article 7, General Development Standards, Section 7.4 Off-street Parking and Loading applies in its entirety with the following additions.**

1. **General**

Surface parking shall be constructed on-site in accordance with the following standards:

- a. Surface parking areas must be constructed with raised curb and gutter.

**6.8.11 Signs**

**A. Article 7, General Development Standards, Section 7.5 Signs applies in its entirety with the following additions and exceptions.**

1. **Lighting**

All signs must be internally illuminated.

2. **Prohibited Signs**

Pole signs and roof signs are prohibited in the 1st and 3rd Street Overlay.

**6.8.12 Screening and Buffering**

**A. Article 7, General Development Standards, Section 7.6 Screening and Buffering applies in its entirety with the following additions and exceptions.**

**B. Screening of Mechanical Equipment**

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from view or isolated so as not

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.8. 1st and 3rd Overlay District

to be visible from any residential districts or uses, streets, rights-of-way or public park areas within 150 feet of the property line of the subject lot or tract, measured from a point five feet above grade in accordance with this Section.

2. Roof-mounted mechanical equipment must be shielded from view on all sides using parapet walls.
3. Wall or ground-mounted equipment screening must be constructed of:
  - a. Vegetative screens; or
  - b. Brick, stone, architecturally finished concrete, or other similar masonry materials; and
  - c. All fence or wall posts must be concrete-based masonry or concrete pillars.
4. Exposed conduit, ladders, utility boxes and drain spouts must be painted to match the color of the building.
5. Mechanical equipment screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.8.8.

**C. Screening of Waste Containers**

This subsection applies to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Waste containers must be located at the rear of the building and screened on all sides, including gates, from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the structure.
2. Waste containers must be located a minimum of 50 feet away from any residential use or district's property lines.
3. Waste containers must be located a minimum of 50 feet away from a multi-family entryway.
4. Screening must be at least as tall as the waste container(s) and comprised of materials and color schemes that are visually and

aesthetically compatible with the overall project that incorporate the following:

- a. Brick;
  - b. Stone;
  - c. Stucco;
  - d. Architecturally finished concrete; or
  - e. Other similar masonry materials.
5. Waste containers with fence posts must be rust-protected metal, concrete based, masonry or concrete pillars; and waste containers must have six-inch concrete filled steel pipes (bollards) that are located to protect the enclosure from truck operations and not obstruct operations associated with the waste container.
  6. Waste container enclosures must have steel gates with spring-loaded hinges or the equivalent and fasteners to keep them closed. When in use, tie-backs must be used to secure the steel gates in the open position.
  7. Waste container screening must be maintained by the owner at all times.
  8. The ingress, egress, and approach to all waste container pads must conform to fire lane requirements.
  9. Waste container pad and aprons requirements must be constructed in accordance with the Design and Development Standards Manual.
  10. Waste container screening shrubs and landscape area count towards the general site landscaping requirements established in Section 6.8.8.

**D. Screening of Loading Docks**

This subsection applies to all nonresidential development and uses in the 1st and 3rd Overlay District.

1. Loading and service areas must be located at the rear of the building and screened from public view to minimize visibility. If the property has two public frontages the waste container must be placed on the side of the principal building.

2. Loading areas must not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
3. Off-street loading areas must be screened from view from any street or adjacent property of differing land use.
4. All loading areas must be enclosed on three sides by a wall or other screening device a minimum of eight feet in height.
5. Loading areas that are visible from any public right-of-way must also include a combination of evergreen trees and shrubs that will result in solid opaque vegetative screening a minimum of eight feet in height within two years of planting. The planting area must be a prepared bed that is at least four feet in width.
6. Loading dock screening shrubs and landscape area may be counted towards the general site landscaping requirements established in Section 6.8.8.

**E. Fence and Wall Standards for All Uses**

This subsection applies to all development and uses in the 1st and 3rd Overlay District.

1. Fences and walls on the primary and secondary frontage may have a maximum height of four feet.
2. Fences and walls to the rear of the site may have a maximum height of six feet, unless they are required for loading dock screening.
3. Fencing and walls must not be placed within the required line of sight as determined by the sight triangle established in Section 4.4.8.
4. Chain link, barbed wire, razor wire and metal or corrugated panels are prohibited for all uses.

**F. Nonresidential and Multiple-Family Uses - Fences**

This subsection is applicable to all nonresidential and multiple-family development and uses in the 1st and 3rd Overlay District.

1. Fences and walls must be constructed of wood panels on steel posts, decorative blocks, brick, stone, vinyl, woodcrete and wrought iron.

2. Breaks in the fence or wall must be made to provide for required pedestrian connections to the perimeter of the site and to adjacent developments.

**G. Single-Family Uses - Fences**

This subsection is applicable to all single family–detached or attached dwelling, row house and townhouse uses in the 1st and 3rd Overlay District. Fences and walls must be constructed of decorative blocks, brick, stone, vinyl, wood, woodcrete and wrought iron.

**H. Outdoor Storage**

Outdoor storage is not permitted in the 1st and 3rd Overlay District. Prohibited outdoor storage includes open storage of inventory and equipment, portable containers, portable buildings or any other structure not fixed onto a permanent slab and that adheres to the architectural standards defined in Section 7.7.

**I. Outdoor Retail Display**

Commodities must not be displayed outdoors for sale in the 1st and 3rd Overlay District, except that temporary outdoor display for a sidewalk sale is permitted that does not extend more than five feet from a front façade and reserves at least five feet of sidewalk or walkway for pedestrian use. Commodities must be brought indoors at the end of each business day.

**6.8.13 Building Exterior Materials**

- A. Article 7, General Development Standards, Section 7.7 Building Exterior Materials Applies in its entirety.**

**6.8.14 Utility Standards**

**A. Applicability**

The 1st and 3rd Overlay District utility standards in this Section apply to all nonresidential and multiple–family development zoning districts and uses.

**B. Underground Utilities Required**

All electric, telephone and cable television wires and cables from the property line to all structures being served on the site must be located underground.

**6.8.15 Exception Requests**

**A.** Upon application, the Director of Planning may consider an administrative exception for sidewalk width and location. In determining whether to approve, approve with conditions or deny an administrative exception, the Director of Planning must consider:

1. whether the reduction in width or location is consistent with the purpose of the overlay district; and
2. building location; and
3. extent to which parking is affected and cannot be remedied by restriping, relocation, and/or other means

**B. Application Submittal**

An exception application must be submitted to the Director of Planning. The application must include a dimensioned site plan of the property depicting the proposed location and width of the sidewalk, and existing parking, buildings, driveways, curb cuts, and landscaping.

**C.** Any party aggrieved by a decision of the Director of Planning on a development review application in the 1st and 3rd Street Overlay District may appeal to the Planning and Zoning Commission and City Council for final action.

[Ord. 2012-4532]

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**Article 6: Special Purpose and Overlay Zoning Districts**

Sec. 6.8. 1st and 3rd Overlay District

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**Article 7 – General Development Standards**  
**Table of Contents**

Sec. 7.1.	Performance Standards.....	7-1
Sec. 7.2.	Access and Circulation .....	7-5
Sec. 7.3.	Sidewalks .....	7-9
Sec. 7.4.	Landscaping .....	7-10
Sec. 7.5.	Off-Street Parking and Loading .....	7-18
Sec. 7.6.	Signs .....	7-26
Sec. 7.7.	Screening and Buffering .....	7-73
Sec. 7.8.	Building Exterior Materials.....	7-82

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# Article 7 General Development Standards

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## Sec. 7.1. Performance Standards

### 7.1.1 General

All uses in the LI, Light Industrial and the HI, Heavy Industrial zoning districts must conform in operation, location and construction to the performance standards specified in this Section for noise, smoke and particulate matter, odorous matter, fire and explosive or hazardous matter, toxic and noxious matter, vibration and glare.

### 7.1.2 Noise

- A. At no point at the property line may a zoning district receive sound pressure levels that exceed the decibel levels specified in the groups designated in the following table:

Residential Zoning District	Business Zoning District	Ag/Industrial Zoning District
UE	MU	A
SF-1	O-1	LI
SF-2	O-2	HI
SF-3	NS	
SFA	GR	
SFA-2	CA	
SFA-3	C	
MH		
2F		
TH		
MF-1		
MF-2		
MF-3		
<b>Max dB Received</b>	<b>Max dB Received</b>	<b>Max dB Received</b>
<b>65</b>	<b>70</b>	<b>75</b>

- B. Decibel (dB) means a unit of measure of sound pressure, or noise level. An increase by ten decibels doubles the volume.
- C. Measurement of the noise level must be made with a decibel meter meeting American National Standards Institute (ANSI) standards using the A-weighted scale.
- D. The noise levels included in this Section are not applicable to extraction operations or emergency vehicles.

**7.1.3 Smoke and Particulate Matter**

A use in the LI or HI zoning district may not cause, create or allow the emission of air contaminants that violate state or federal environmental laws. Open storage and open processing operations, including on-site transportation movements that are a source of wind or airborne dust or other particulate matter, are subject to the standards and regulations specified in this UDC.

**7.1.4 Odorous Matter**

- A. A use may not be located or operated in the LI zoning district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. A use may not be located or operated in the HI zoning district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds a concentration at the bounding property line or any point the tract on which such use or operation is located which, when diluted with an equal volume of odor free air, exceeds the odor threshold (two odor units).
- C. The Chief Building Official determines the odor threshold as set forth in this UDC by observation. In any case where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the American Society for Testing of Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES", method and procedures must be used and a copy of A.S.T.M.D. 1391-57 is incorporated into this UDC by reference.

**7.1.5 Fire and Explosive Hazard Material**

- A. A use involving the manufacture or storage of compounds or products that decompose by detonation is not permitted in an LI or HI zoning district except that the Fire Chief may approve chlorates, nitrates, perchlorates phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers if such substances do not present a fire or explosion hazard.

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**Article 7: General Development Standards**

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Sec. 7.1. Performance Standards

- B.** The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose films, solvents and petroleum products is permitted only when such storage or use conforms to the standards and regulations of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances.

**7.1.6 Toxic and Noxious Matter**

- A.** A use permitted in the LI zoning district may not emit a concentration across the property line of the subject property of toxic or noxious matter that exceeds the concentration (exposure) deemed as the threshold limit for an industrial worker as the Texas Department of Health set forth such standards in Threshold Limit Values Occupational Health Regulation No. 3.
- B.** A use permitted in the HI zoning district may not emit a concentration across the bounding property line of the tract on which such operation or use violating state or federal environmental laws. Open storage and open processing operations, including on-site transportation movements that are a source of wind or airborne dust or other particulate matter, are subject to the standards and regulations specified in this UDC.

**7.1.7 Vibration**

- A.** A use in the LI zoning district may not at any time create earthborn vibration that, when measured at the property line of the subject property, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

Frequency (Cycles per Second)	Displacement in Inches
0 to 10	.0010
10 to 20	.0008
10 to 30	.0005
30 to 40	.0004
40 to 50	.0003

- B.** A use in the HI zoning district may not at any time create earthborn vibration that, when measured at the property line of the subject property, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

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**Article 7: General Development Standards**

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Sec. 7.1. Performance Standards

Frequency (Cycles per Second)	Displacement in Inches
0 to 10	.0020
10 to 20	.0016
10 to 30	.0010
30 to 40	.0006
40 and over	.0005

**7.1.8 Glare**

A use in any zoning district may not be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

[Ord. No. 2013-4580]

## **Sec. 7.2. Access and Circulation**

### **7.2.1 Applicability**

- A.** The following access and circulation standards must be utilized in the determination of drive approaches in the City of Temple. These standards address factors including curb cut placement, width, angle, number of approaches per tract and other elements as appropriate to provide adequate and safe access between private property and the public street system in the City.

[Ord. 2012-4545]

- B.** Notwithstanding the provisions of this Section, the Texas Department of Transportation requires access points on state-maintained roads to conform to its access management policies.

### **7.2.2 Site Plan Required**

A site plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

### **7.2.3 General**

- A.** If a change in curb cuts or an additional curb cut is proposed which would result in an additional conflict with these regulations, the Planning and Zoning Commission must determine the appropriateness of the request.
- B.** The City may impose a more restrictive standard than contained in this Section, in conjunction with review of a subdivision plat, if anticipated development under these standards will result in a dangerous or unsafe condition to the public.
- C.** The linear feet of property frontage determines the maximum number of drive approaches allowed under this Section, as shown in the tables in Secs. 7.2.5 and 7.2.6. Platting or replatting that reduces the property frontage may result in a reduction in the number of permitted drive approaches according to the standards in such tables.
- D.** In conjunction with curb cuts approved under this Section, medians, signage, striping or other traffic control devices may be required to be installed at the time of permit approval or at some time in the future as needed for public safety or welfare.

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Article 7: General Development Standards

Sec. 7.2. Access and Circulation

- E. Commercial and Industrial drive approaches as set forth in Secs. 7.2.5 and 7.2.6 must be set at an angle of between 45 and 90 degrees from an abutting two-way public street right-of-way or private access easement. One-way egress or ingress drive approaches may be reduced to an angle of 30 degrees.
- F. Curb radii for intersections of public streets and alleys are set forth in the table in subsection 8.2.1G.
- G. Where access to properties is desired at more frequent intervals than these standards permit, the property owner may install service roads or acceleration/ deceleration lanes after the applicable authorities, including the Director of Public Works and the Texas Department of Transportation, review and approval such plans.

**7.2.4 Residential Drive Approaches**

- A. A drive approach for a Residential Use listed in the use table in Sec. 5.1 is prohibited on arterial streets, unless the lot fronts on an arterial street on a final plat approved prior to February 19, 1987.
- B. Joint access curb cuts are encouraged where lots are less than 50 feet in width.
- C. The minimum corner clearance of a residential curb cut is 15 feet.
- D. The minimum radius for a residential curb cut is two and one-half feet.
- E. Where a circular residential driveway is proposed for a corner tract, both curb cuts must meet the minimum corner clearance of 15 feet as set forth in paragraph C above.
- F. Please see the Design and Development Standards Manual for curb cut standard details.

**7.2.5 Commercial Drive Approaches**

- A. A drive approach for the following commercial uses listed in the use table in Sec. 5.1 must conform to the standards in the table below:
  - 1. Agricultural Uses;
  - 2. Commercial Uses;
  - 3. Education and Institutional Uses;

**Article 7: General Development Standards**

Sec. 7.2. Access and Circulation

4. Office Uses;
5. Overnight Accommodations;
6. Recreational & Entertainment Uses;
7. Restaurant Uses;
8. Retail Sales & Service Uses;
9. Transportation and Related Uses;
10. Utility and Service Uses;
11. Vehicle Sales and Service Uses.

Property Frontage (ft)	A		B	C	D		E
	Curb Return Radii (ft)		Suggested Min. Island Width (ft.)	Min. Corner Clearance Min. (ft.)	Two-way Curb Cut Width (ft)		Maximum Number of Two-Way Curb Cuts Per Frontage
	Min.	Max.			Min.	Max.	
Up to 100	2.5	30	10	15	24	45	2
101-200	2.5	30	15	15	24	45	3
201-300	2.5	30	20	20	24	45	4
301-400	2.5	30	25	20	24	45	5
401-500	2.5	30	30	20	24	45	6
501-600	2.5	30	35	20	24	45	7
601 and up	The Planning and Zoning Commission reviews curb cuts for commercial tract sizes in excess of 600 feet						

- B.** Maximum drive approach widths and maximum number of drive approaches may be used only where the frontage is sufficient to achieve minimum corner clearance, curb return radii and suggested minimum island width. The width of the combined curb cuts must not exceed 50 percent of the lot frontage.
- C.** One-way access curb cuts are permitted, but may not be less than 15 feet in width. The combination of one-way curb cut widths must not exceed the maximum width for a two-way curb cut based on lot frontage.
- D.** A minimum edge clearance of five feet must be provided, unless a joint access drive approach is provided.

**Article 7: General Development Standards**

Sec. 7.2. Access and Circulation

- E. Joint access curb cuts are encouraged where lots are less than 100 feet in width.

**7.2.6 Industrial Drive Approaches**

- A. A drive approach for Industrial Uses and Natural Resource Storage and Extraction Uses set listed in the use table in Sec. 5.1 must conform to the standards in the table below.

Property Frontage (ft)	A		B	C	D		E
	Curb Return Radii (ft)		Suggested Min. Island Width (ft.)	Min. Corner Clearance Min. (ft.)	Two-way Curb Cut Width (ft)		Maximum Number of Two-Way Curb Cuts Per Frontage
	Min.	Max.			Min.	Max.	
Up to 200	15	50	15	15	35	50	3
201-400	15	50	20	15	35	50	5
401-600	15	50	25	15	35	50	7
601-800	15	30	30	15	35	50	9
801-1,000	15	30	35	15	35	50	11
1,001 and up	The Planning and Zoning Commission reviews curb cuts for industrial tract sizes in excess of 1,001 feet						

- B. Maximum drive approach widths and maximum number of drive approaches may be used only where the frontage is sufficient to achieve minimum corner clearance, curb return radii and suggested minimum island width.
- C. One-way access curb cuts are permitted, but may not be less than 25 feet. The combination of one-way curb cut widths must not exceed the maximum width for a two-way curb cut based on lot frontage.

## **Sec. 7.3. Sidewalks**

### **7.3.1 Applicability**

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

- A.** A new building or structure is built requiring a Building Permit as set forth in Sec. 3.13; or

The cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.

### **7.3.2 Sidewalks Not Required**

Sidewalks are not required:

- A.** For a new single-family dwelling where all adjacent properties are developed and where no sidewalks have been provided on adjoining property.
- B.** For property located within an Industrial Park as set forth in [Sec. 8.2.3.](#)

### **7.3.3 Waiver of Sidewalk Requirements**

The Planning Director may exercise discretion to waive all or a portion of the requirement that a sidewalk be constructed as a condition of a Building permit in accordance with the procedures in [Sec. 3.10.](#)

[Ord. No. 2013-4580]

## **Sec. 7.4. Landscaping**

### **7.4.1 Purpose**

The purpose of these landscaping standards is to enhance the attractiveness of the City through a limited amount of landscaping provided in conjunction with new development.

### **7.4.2 Applicability**

- A.** These standards do not apply to single-family or duplex residential uses located in any zoning district, since these uses typically exceed the required landscaping. All other land uses, including HUD-Code manufactured home developments and land lease communities, apartments, offices, retail, commercial and industrial uses and parking lots are subject to these standards, except in the CA district. Existing development is encouraged, but not required, to provide this landscaping standard.
- B.** These standards do not apply to the Draughon-Miller Central Texas Regional Airport.
- C.** These landscaping standards are applicable in conjunction with a Building Permit for new development, or an addition that increases site intensity on the lot or tract by 100 percent or more. Site intensity includes, but is not limited to, number of apartment units, paved surface or square footage proposed for nonresidential development.

[Ord. 2015-4707]

### **7.4.3 Landscape Plan Required**

A landscape plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

### **7.4.4 Landscaping Standards**

- A.** The developer of each lot subject to these standards is required to provide a minimum landscaped area of five percent of the lot area to be utilized.
- B.** If the public street right-of-way is developed with landscaping conforming to these standards, and is combined into an integrated landscape plan with required landscaping, total required landscaping

may be reduced to three percent of the lot area. The adjacent property owner must maintain the public street right-of-way adjacent to the required landscaped area in the same manner as the required landscaping.

- C. The required landscaped area must be located in the front and side yards, except in the C, LI and HI zoning districts where no front or side yard is required. In these districts, required landscaping must be provided between the principal buildings and the streets to which the buildings are oriented.
- D. Required landscaped area must consist of living trees, shrubs, turf or other living groundcover, native to Central Texas and Bell County, as described below.
- E. A minimum of one tree is required to be planted in the landscaped area described in paragraph A above or in the parking lot for each 40 feet, or fraction thereof, of linear street frontage. The required number of trees need not be placed uniformly, but may be clustered in groups.
- F. As an alternative to satisfying the requirement above for one tree per 40 linear feet of street frontage, three shrubs, a minimum of five gallons each in size may be substituted.
- G. The height and placement of landscaping must not encroach upon the intersection visibility triangle defined in [Sec. 4.4.8](#).
- H. Where Sec. 7.7 requires a wood or masonry fence, it may be located within the required landscaped area.

#### 7.4.5 General Planting Criteria

##### A. Applicability

General planting criteria in this Section apply to all zoning districts and uses.

##### B. Approved Tree List

The table below lists the tree species that are eligible to fulfill tree planting requirements. The Director of Planning and City Arborist may determine as acceptable other species for plantings.

**Article 7: General Development Standards**

Sec. 7.4. Landscaping

<b>Large Canopy Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Street Tree</b>
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Cypress, Montezuma	<i>Taxodium mucronatum</i>	Deciduous	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous	
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Pecan	<i>Carya illinoensis</i>	Deciduous	
<b>Medium Canopy Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Street Tree</b>
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes
Pistache, Chinese	<i>Pistacia chinensis</i>	Deciduous	Yes
<b>Small Trees</b>			
<b>Common Name</b>	<b>Scientific Name</b>	<b>Type</b>	<b>Street Tree or Screening Street Tree (1<sup>st</sup> St. Only as applicable in TMED)</b>
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes (1 <sup>st</sup> Street Screening Only)
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Maple, Shantung	<i>Acer truncatum</i>	Deciduous	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes (1 <sup>st</sup> Street Screening Only)
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Oklahoma	<i>Cercis reniformis</i>	Deciduous	Yes
Redbud, Texas	<i>Cercis Canadensis var. texensis</i>	Deciduous	Yes
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	Yes

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Article 7: General Development Standards

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Sec. 7.4. Landscaping

**C. Approved Shrub List**

The table below lists the shrub species that are eligible to fulfill landscape planting requirements. The Director of Planning and City Arborist may determine as acceptable other species for plantings.

<b>Drought Tolerant Shrub List</b>	
Abelia, Glossy	Abelia grandiflora
Agarita	Berberis trifoliata
Agave, Century Plant	Agave sp.
Artemesia	Artemisia 'Powis Castle'
Barberry, Japanese	Berberis thunbergii
Black Dalea	Dalea frutescens
Butterfly Bush	Buddleja davidii
Butterfly Bush, Wooly	Buddleja marrubiifolia
Contoneaster	Cotoneaster sp.
Flame Acanthus	Anisacanthus quadrifidus var.
Holly, Burford	Ilex cornuta 'Burfordii'
Holly, Dwarf Burford	Ilex cornuta 'Burfordii Nana'
Holly, Dwarf Chinese	Ilex cornuta 'Rotunda Nana'
Holly, Dwarf Yaupon	Ilex vomitoria 'Nana'
Lantana, Pink	Lantana camara
Lantana, Texas	Lantana horrida
Mountain Sage	Salvia reglia
Nandina (dwarf types)	Nandina sp.
Oleander	Nerium olender
Primrose Jasmine	Jasminum mesnyi
Rock Rose	Pavonia lasiopetala
Rose, Belinda's Dream	Rosa, 'Belinda's Dream'
Rose, Knock Out	Rosa, 'Knock Out'
Rose, Living Easy	Rosa, 'Living Easy'
Rose, Marie Pavie	Rosa, 'Marie Pavie'
Rose, Mutabilis	Rosa, 'Mutabilis'
Rose, Nearly Wild	Rosa, 'Nearly Wild'
Rose, Old Bush	Rosa, 'Old Bush'
Rosemary	Rosmarinus officinalis
Sage, Texas	Leucopyllum frutescens
Sotol, Texas	Dasyilirion texanum
Sumac, Evergreen	Rhus virens
Sumac, Fragrant (Aromatic)	Rhus aromatic
Turk's Cap	Malvaviscus arboreus
Yucca, Paleleaf	Yucca pallida
Yucca, Red	Hesperaloe parviflora
Yucca, Softleaf	Yucca, recurvifolia
Yucca, Twistleaf	Yucca, rupicola

**D. Approved Groundcover List**

The table below lists the groundcover species that are eligible to fulfill landscape planting requirements. The Director of Planning and City Arborist may determine as acceptable other species for plantings.

Groundcover	
Common Name	Scientific Name
Asian Jasmine	<i>Trachelospermum asiaticum</i>
Big Bluestem	<i>Andropogon gerardii</i>
Bushy Bluestem	<i>Andropogon gerardii</i>
Carolina Jessamine	<i>Lonicera sempervirens</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Coral Vine	<i>Antigonon leptopus</i>
Cross Vine	<i>Bignonia capreolata</i>
Dwarf Fountain Grass	<i>Pennisetum alopecuroides</i>
Fig Vine	<i>Ficus pumila</i>
Frogfruit	<i>Phyla incisa</i>
Horseherb	<i>Calyptocarpus vialis</i>
Indian Grass	<i>Sorghastrum nutans</i>
Inland Seaoats	<i>Chasmanthium latifolium</i>
Lady Banksia Rose	<i>Rose banksiae</i>
Leadwort Plumbago	<i>Ceratostigma plumbaginoides</i>
Liriope (including Giant)	<i>Liriope muscari</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Mulhly, Big	<i>Muhlenbergia lindheimeri</i>
Mulhy, Deer	<i>Muhlenbergia rigens</i>
Muhly, Seep	<i>Muhlenbergia reverchonii</i>
Oregano	<i>Origanum vulgare</i>
Passion Vine	<i>Passiflora incarnata</i>
Littleleaf Periwinkle	<i>Vinca minor</i>
Pigeonberry	<i>Rivina humilis</i>
Purple Heart	<i>Secreasea pallida</i>
Sanotlina	<i>Santolina chamaecyparissus</i>
Sedge, Berkeley	<i>Carex tumlicola</i>
Sedge, Meadow	<i>Carex perdentata</i>
Sedge, Texas	<i>Carex texensis</i>
Sedum	<i>Sedum nuttallianum</i>
Sideoats Grama	<i>Bouteloua curtipendula</i>
Silver Pony-foot	<i>Dichondra argentea</i>
Sweet Autumn Clematis	<i>Clematis paniculata</i>
Switch Grass	<i>Punica vigatum</i>
Trumpet Vine	<i>Campsis radicans</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
White Avens	<i>Gerum canadense</i>
Wooly Stemodia	<i>Stemodia lanata or tomentosa</i>

**E. Approved Lawn Grass**

The table below lists the turf grass species that are eligible to fulfill landscape planting requirements. The Director of Planning and City Arborist may determine as acceptable other species for plantings.

Turfgrass	
Common Name	Scientific Name
Buffalo Grass	<i>Buchloe dactyloides</i>
Palisades Zoysia Grass	<i>Zoysia japonica</i>
El Toro Zoysia Grass	<i>Zoysia japonica, El toro</i>
Empire Zoysia Grass	<i>Zoysia japonica, Empire</i>
Jamur Zoysia Grass	<i>Zoysia japonica, Jamur</i>
Argentine Bahia Grass	<i>Paspalum notatum, Argentina</i>
Pensacola Bahia Grass	<i>Paspalum notatum, Pensacola</i>
Common Bermuda Grass	<i>Cynodon dactylon</i>
Tiffway 419 Bermuda Grass	<i>Cynodon dactylon, Tiffway 419</i>
Celebration Bermuda Grass	<i>Cynodon dactylon, Celebration</i>
Sahara Bermuda Grass	<i>Cynodon dactylon, Sahara</i>
GN I Bermuda Grass	<i>Cynodon dactylon, GN I</i>
TexTurf Bermuda Grass	<i>Cynodon dactylon, Tex Turf</i>
TifSport Bermuda Grass	<i>Cynodon dactylon, TifSport</i>
Grimes EXP Bermuda Grass	<i>Cynodon dactylon, Grimes EXP</i>

**F. Landscape Installation**

1. **Trees**

- a. All required canopy trees must be a minimum of two inches in diameter (single trunk) at breast height or 65-gallon container size at planting.

2. **Shrubs**

All required shrubs must be a minimum three-gallon container size at planting.

3. **Groundcover**

All required groundcover must be a minimum one-gallon container size at planting.

4. **Lawn Grass**

Grass areas must be sodded, plugged, sprigged, or seeded. However, solid sod must be used in swales, berms or other areas subject to erosion.

**7.4.6 Phased Projects**

Each phase of a phased project must comply with the requirements of this Section.

**7.4.7 Existing Plant Material**

In instances where healthy plant material exists on a site prior to its development, the application of the above landscaping requirements may be adjusted if these standards are satisfied.

**7.4.8 Maintenance and Irrigation**

- A. All required landscaping must be maintained at all times in a living and growing condition.
- B. The owner must replace, within 30 days, any plant material that is diseased, deteriorated or dead. The Director of Planning may issue up to a 90-day extension of time for replacement during drought or summer months.
- C. All required landscaping must be irrigated by an automatic sprinkling system or have access to a hose connection within 100 feet of all landscaping.

**7.4.9 Installment Guarantee**

A final Certificate of Occupancy may be issued without the required landscaping in place, provided a letter of credit or other suitable assurance is given that landscaping complying with these standards will be installed no later than six months after issuance of the Certificate of Occupancy.

[Ord. No. 2013-4580]

**7.4.10 Phased Projects**

Each phase of a phased project must comply with the requirements of this Section.

**7.4.11 Existing Plant Material**

In instances where healthy plant material exists on a site prior to its development, the application of the above landscaping requirements may be adjusted if these standards are satisfied.

**7.4.12 Maintenance and Irrigation**

All required landscaping must be maintained at all times in a living and growing condition. All required landscaping must be irrigated by an automatic sprinkling system or have access to a hose connection within 100 feet of all landscaping.

**7.4.13 Installment Guarantee**

A final Certificate of Occupancy may be issued without the required landscaping in place, provided a letter of credit or other suitable assurance is given that landscaping complying with these standards will be installed no later than six months after issuance of the Certificate of Occupancy.

## Sec. 7.5. Off-Street Parking and Loading

### 7.5.1 Purpose

The purpose of this Section is to ensure that developments within the City provide adequate and reasonable parking and loading spaces necessary to serve the development.

### 7.5.2 Applicability

- A. Except as provided in this Section, a building or structure may not be erected, altered or converted for any permitted use unless off-street parking is provided as required in this Section.
- B. An established use lawfully existing on September 19, 1991, need not provide required off-street parking as set forth in this Section. In addition, the number of required parking spaces in an off-street parking area in connection with said uses existing on September 19, 1991, may not be reduced below the minimum number of spaces as required in this Section.

### 7.5.3 Parking Plan Required

Off-street parking must be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the Required Parking Ratios and design standards. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses. A parking plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

[Ord. No. 2014-4631]

### 7.5.4 Off-Street Parking Ratios

#### A. Rules for Computing Required Parking and Loading Spaces

The following rules apply to the minimum parking space requirements set forth in the table below.

1. Developments containing more than one use must provide parking and loading spaces in an amount equal to the total of the requirements for all uses.

**Article 7: General Development Standards**

Sec. 7.5. Off-Street Parking and Loading

2. Ratios based on number of employees must be based on the largest number of persons working on any shift.
3. The gross floor area of a structure devoted to off-street parking may be excluded in computing the off-street parking requirements of any use.
4. The term “seats” includes “seating spaces.” Required parking spaces based on seats must be computed based on the maximum seating arrangement.

**B. Required Parking Ratios**

Except as provided in paragraph C below, the following minimum off-street parking requirements apply to all zoning districts.

SF= Square Feet    GFA = Gross Floor Area

Specific Use	Minimum Required Parking Spaces
<b>RESIDENTIAL USES</b>	
Home for the aged	1 per 6 rooms or beds
HUD-Code manufactured home	2 per home plus 1 guest space per 4 pad sites in land use communities located in the vicinity of the pads to be served
Accessory dwelling unit	1 per unit in CA and C zoning districts; 2 per unit in all other zoning districts
Family or group home	1 per resident plus 1 per employee
Multiple-family dwelling (Apartment)	(a) 1.75 per dwelling unit with 1 bedroom (b) 2 per dwelling unit with 2 or more bedrooms (c) 1 per dwelling unit designed exclusively for elderly or low-income persons (d) 2 per dwelling unit if less than 3 units (e) .75 per dwelling if units designed exclusively for handicapped residents
All other Residential Uses listed in the use table in Sec. 5.1 that are not listed above	2 per dwelling unit
<b>NONRESIDENTIAL USES</b>	
<b>AGRICULTURAL USES</b>	
All Agricultural Uses listed in the use table in Sec. 5.1	None
<b>COMMERCIAL USES</b>	
All Commercial Uses listed in the use table in Sec. 5.1	1 per 2 employees or 1 per 1,000 SF GFA, whichever is greater
<b>EDUCATIONAL AND INSTITUTIONAL USES</b>	
Art gallery, library or museum	10 plus 1 per 300 SF GFA

**Article 7: General Development Standards**

Sec. 7.5. Off-Street Parking and Loading

SF= Square Feet    GFA = Gross Floor Area

<b>Specific Use</b>	<b>Minimum Required Parking Spaces</b>
Cemetery or mausoleum	1 per 150 plots plus 1 per 350 SF office area
Child care: Family home	Off-street parking in addition to normally required parking for the residence is not required
Child care: Day care center	1 per 400 SF GFA
Child care: Group day care home	2 plus 1 additional space per staff member in excess of 2
Crematorium	1 per 2 employees or 1 per 5,000 SF GFA, whichever is greater
Halfway house	Required parking spaces are established in the Conditional Use Permit based on number and condition of clientele, location, other surrounding conditions with the objective of compatibility in the area
Hospital	1 per 2 beds
Institution, religious-, charitable-, philanthropic-nature	10 plus one per employee
Meeting rooms and places of public assembly	1 per 3 seats
Place of worship	1 per 3 seats in main worship space
School, elementary or middle (public or private)	1 per classroom plus 1 per 4 seats in any auditorium, gymnasium or other place of assembly
School, high or college, university or seminary (public or private)	1 per classroom, laboratory or instruction area plus 1 per 3 students accommodated in the institution
All other Educational and Institutional Uses listed in the use table in Sec. 5.1 that are not listed above	1 per 300 SF GFA
<b>INDUSTRIAL USES</b>	
Recycling operation inside or outside a building	1 per 500 SF GFA or 5 spaces, whichever is greater
Wrecking or salvage yard	
Storage or warehousing	1 per 2 employees or 1 per 5,000 SF GFA, whichever is greater
All other Industrial Uses listed in the use table in Sec. 5.1 that are not listed above	1 per 2 employees or 1 per 1,000 SF GFA, whichever is greater
<b>NATURAL RESOURCE STORAGE AND EXTRACTION USES</b>	

**Article 7: General Development Standards**

Sec. 7.5. Off-Street Parking and Loading

SF= Square Feet    GFA = Gross Floor Area

Specific Use	Minimum Required Parking Spaces
All Natural Resource Storage and Extraction Uses listed in the use table in Sec. 5.1	1 per 300 SF of office area
<b>OFFICE USES</b>	
All Office Uses listed in the use table in Sec. 5.1	1 per 300 SF GFA
<b>OVERNIGHT ACCOMMODATIONS</b>	
Hotel or motel	1 per room, unit or guest accommodation
<b>RECREATIONAL &amp; ENTERTAINMENT USES</b>	
Alcoholic beverages, on-premise consumption	1 per 3 seats under maximum seating arrangement
Amusement, commercial (indoor or outdoor)	30 spaces plus 1 per 100 SF GFA over 2,000 SF.
Bowling alley	6 per lane
Golf Course	30 spaces
Theater or playhouse (indoor)	1 per 3 seats
All other Recreational & Entertainment Uses listed in the use table in Sec. 5.1 that are not listed above	1 space for each 3 seats 1 space for each 4 persons to be normally accommodated in the establishment
<b>RESTAURANT USES</b>	
All Restaurant Uses listed in the use table in Sec. 5.1	1 per 3 seats
<b>RETAIL SALES AND SERVICE USES</b>	
Bank or savings and loan	1 per 400 SF GFA
Flea market (indoor or outdoor)	1 per 300 SF GFA or market area; or 10 spaces whichever is greater
Furniture and appliance sales and service	1 per 500 SF GFA
All other Retail Sales and Service Uses listed in the use table in Sec. 5.1 that are not listed above	1 space for each 250 square feet of total floor area
<b>TRANSPORTATION AND RELATED USES</b>	
All Transportation and Related Uses listed in the use table in Sec. 5.1	1 per 250 SF of terminal area
<b>UTILITY AND SERVICE USES</b>	
Personal wireless facility	1 per facility site

**Article 7: General Development Standards**

Sec. 7.5. Off-Street Parking and Loading

SF= Square Feet    GFA = Gross Floor Area

Specific Use	Minimum Required Parking Spaces
All other Utility and Service Uses listed in the use table in Sec. 5.1 that are not listed above	1 per vehicle normally required to service the utility
<b>VEHICLE SALES AND SERVICE USES</b>	
Car wash	2 per bay
Fuel sales (self- or full-service)	6 spaces
Vehicle repair, major and minor	1 per 200 SF GFA
All other Vehicle Sales and Service Uses listed in the use table in Sec. 5.1 that are not listed above	5 per bay or 1 per 200 SF GFA, as applicable and whichever is greater

**C. Special Zoning District Provisions**

Notwithstanding the off-street parking requirements in the table above, residential uses in the C, Commercial, CA, Central Area and MU, Mixed Use zoning districts are as follows.

1. Residential uses other than multiple-family dwellings in the C, Commercial and CA, Central Area zoning districts require a minimum of one parking space per dwelling unit. Minimum off-street parking requirements for multiple-family dwellings and permitted nonresidential uses are as required in the parking table in paragraph B above.
2. In the MU, Mixed Use zoning district, the following minimum off-street parking requirements apply.

Specific Use	Minimum Parking Requirement
Single-family detached dwelling, two-family dwelling or townhouse	1 per 900 square feet of living area
Single-family attached dwelling	2 per dwelling unit
Multiple-family dwelling	1 for first bedroom unit and 0.5 per additional bedroom
All other permitted uses	See the table in B above.

3. In the MU, Mixed Use zoning district the Director of Planning may grant a 30 percent reduction in parking for nonresidential and multiple-family uses if the applicant presents an alternate parking

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Article 7: General Development Standards

Sec. 7.5. Off-Street Parking and Loading

plan using shared parking, off-site parking or other parking scheme. On-street parking spaces or areas directly in front of the building may provide up to 50 percent of required nonresidential parking. A minimum of 50 percent of the required nonresidential parking must be located in the side and rear yards.

4. The parking requirements in the table in paragraph B above do not apply in the CA, Central Area zoning district.
5. In the residential zoning districts and the O-1, Office One; O-2, Office Two and NS, Neighborhood Service zoning districts, a parking space, garage or carport or other automobile storage space or structure may not be used for the storage of any truck, truck trailer or van except a panel or pickup truck not exceeding one and one-half tons capacity.
6. Private access drives to parking lots, or areas that are accessory to or serve nonresidential uses in a nonresidential zoning district are prohibited through residential zoning districts.

**7.5.5 Off-Street Parking Design Standards**

**A. Dimensional and Access Standards**

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

**B. Curb and Gutter**

1. Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Director of Planning. Areas not accessible or visible from the public street right-of-way or a public park are exempt from this requirement.

[Ord. 2012-4545]

**C. Material Standards**

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

- D.** Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.5.4B, the Director of Planning may apply the parking requirements of a similar use to the use in question.
- E.** Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph 7.4.4A above, the minimum off-street parking requirements are established by the same process as provided in Sec. 5.2 for classifying new and unlisted uses.

[Ord. 2012-4516]

**7.5.6 Off-Street Loading Regulations**

Uses must provide off-street loading in accordance with this subsection.

- A.** Except in the CA, Central Area zoning district, all nonresidential uses except for those specified in paragraph C below must provide and maintain off-street loading areas. Loading areas must be paved with either asphalt or concrete. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth must consist of a minimum area of 10 feet by 45 feet and such spaces or berths must be provided in accordance with the following table.

Gross Floor Area of Structure (sq ft)	Area
0 to 5,000	None
5,001 to 15,000	1
15,001 to 40,000	2
40,001 to 65,000	3
65,001 to 100,000	4

- B.** The existence of a paved alley a minimum of 20 feet in width adjacent to the property is deemed the equivalent of one berth.

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**Article 7: General Development Standards**

Sec. 7.5. Off-Street Parking and Loading

- C.** For Overnight Accommodations, Office Uses and Restaurant Uses as listed in the use table in Sec. 5.1 located in zoning districts other than in the CA, Central Area zoning district, off-street loading areas must be provided in accordance with the following table.

Gross Floor Area of Structure (sq ft)	Area
0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
101,001 to 200,000	3
Each additions 200,000	1 additional

- D.** In the MU, Mixed Use zoning district, off-street loading areas and truck staging areas must be located in the side or rear yard.

## Sec. 7.6. Signs

### 7.6.1 Purpose

Signs use private land and the sight lines that public rights-of-way create to publish a message to inform and persuade the general public. This Section provides standards for the erection and maintenance of private signs. All signs not exempted as provided in this Section must be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following.

#### A. Safety

To promote the safety of persons and property by requiring signs that do not:

1. Create a hazard due to collapse, fire, decay or abandonment;
2. Obstruct firefighting or police surveillance; and
3. Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs.

#### B. Communications Efficiency

To promote the efficient transfer of information in sign messages so that:

1. Those signs that provide messages and information most needed and sought by the public are given priorities,
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or services;
4. A person or group is not arbitrarily denied the use of the sight lines from the public street right-of-way for communication purposes;
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose;
6. The right of free speech exercised through the use of signs containing non-commercial messages is preserved; and

7. Community events may be identified to the public at large, at strategic locations throughout the City, as approved by the Chief Building Official.

### C. Landscape Quality and Preservation

To protect the public welfare and to enhance the appearance and economic value of the landscape, by requiring signs that:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

#### 7.6.2 Definitions

As used in this Section, unless the context otherwise indicates, the following words are defined as follows:

**A-Frame Sign.** A freestanding portable sign typically hinged at the top and widening at the bottom to form a shape similar to the letter “A”.

**Abandoned Sign.** A sign that has not been used for advertising for one year.

**Advertising Device.** A device, sign, flag, light, figure, statue, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises. The word “sign” includes the word “advertising device”.

**Agricultural Sign.** A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

**Animated Sign.** A sign that uses mechanical movement or change of lighting to depict action or create a special effect or scene.

**Apartment Name Sign.** A sign for the identification of an apartment building or complex of apartment buildings.

**Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a rigid covering is attached.

**Banner.** A flexible roll-up sign made of vinyl, cloth or any other lightweight material, containing words, symbols or logos intended for advertising or attracting attention to a business or event. A banner is not a wall sign, fence sign or a flag.

**Banner, Pole.** A device made of any lightweight material, whether or not containing a message of any kind, suspended from a permanent pole secured with braces. A pole banner is not a banner or a flag.

**Bench Sign.** A sign mounted, affixed or painted on a bench.

**Canopy.** An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a rigid covering is attached.

**Cardboard Sign.** A sign made of cardboard.

**Changeable Copy.** An on-premise sign advertising commodities or services offered on the premises consisting of individual message elements such as letters, numbers or symbols, that are designed and intended for frequent manual replacement or alteration after the sign is erected.

**Community Event Sign.** A sign that solicits support for or advertises a nonprofit community use, City event, public use or social institution. Such signs may include, but are not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, community festivals, religious activities or events of community interest, but not including any business sign or real estate sign.

**Construction Sign.** A sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

**Corporate Flag.** The official flag of a company, including a logo flag that the parent company supplies. A corporate flag does not include advertising of any kind.

**Curb Line.** An imaginary line drawn along the outermost part or back of the curb and

gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

**Development Sign.** A sign related to the promotion of new developments and located on the premises involved in the development.

**Dilapidated or Deteriorated Sign.** A sign that has any of the following characteristics:

- (a) Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint rusted, flaked, broken off or missing or otherwise not in harmony with the rest of the surface;
- (b) Where the structural support or frame members are visibly bent, broken, dented or torn;
- (c) Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- (d) Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
- (e) Where a person with normal eyesight under normal viewing conditions may no longer read the message or wording.

**Directional Sign.** A permanent sign that directs the flow of traffic or pedestrians and that contains no commercial message.

**Directory Sign.** A sign, or group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential or nonresidential complex and with no commercial message.

**Double Faced Sign.** An advertising device with two closely located signs with faces in opposing directions, with less than a 60 degree angle between the sign faces.

**Erect.** To build, construct, attach, hang, place, suspend, affix or paint a sign.

**Facade.** Any separate face of a building, including parapet walls and vertical offsets, or any part of a building that encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single façade.

**Face, Facing or Surface.** The surface of the sign, excluding structural supports, upon,

against or through which the message is displayed or illustrated on the sign.  
The face includes trim and architectural design elements.

**Fence Sign.** A sign attached to or painted on the side of a fence.

**Freestanding (Pole or Ground) Sign.** A sign that is not affixed to a building or structure, but that is permanently affixed to the ground independent of any other structure.

**Garage or Yard Sale Sign.** A sign that advertises the date, time or location of a garage or yard sale.

**Governmental Sign.** A sign a governmental entity erects for a governmental purpose, including but not limited to traffic control devices, street signs, barricades, survey monuments and markers, signs of public utility companies indicating location of utilities or aiding service or safety, signs identifying City infrastructure projects, pedestrian signs and signs identifying governmental facilities.

**H-Frame Sign.** A freestanding portable sign typically with two horizontal struts between two vertical supports that form a shape similar to the letter H.

**Handheld Sign.** A sign personally held so that neither the sign nor any object that supports the sign touches the ground.

**Handmade Sign.** A sign made by hand—not produced by a commercial sign-making establishment.

**High Profile Sign.** Along Central Avenue, an on-premise sign, including its supporting structure, that is mounted on one or more freestanding poles or other supports independent of a building, with a height over eight feet.

**Historical Sign.** An integral part of the historic character of a landmark building or the – H, North central Temple Historic Overlay zoning district.

**Holiday Decoration.** A decorative display clearly incidental to and customarily and commonly associated with, a national or religious holiday.

**Home Occupation Sign.** A sign or any other advertising devise, advertising a business, profession, occupation or trade conducted in the residence.

**Horizontal Projecting Sign.** A projecting sign that is greater in width than height.

**Illuminated Sign.** A sign that has characters, letters, figures, designs or outlines

illuminated externally or internally by electric lights or internally by luminous tubes.

**Inflatable Device.** A device filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. An inflatable device includes but is not limited to a balloon that is lighter than air and tethered, a balloon that is filled with air and anchored, or another inflatable device that is set in motion by a constant air supply (air-powered device).

**Institutional Sign.** A sign for the identity of a school, church, hospital or similar public or quasi-public institution.

**Logo.** A registered trademark of an organization, individual, company or product that is commonly used in advertising to identify that organization, individual company or product.

**Luminance.** The brightness of a sign or a portion thereof expressed in terms of foot candles. Luminance is determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.

**Marquee Sign.** Any sign affixed to a permanent canopy projecting over an entrance or on the face of a building and supported from the building.

**Median Strip.** A paved or planted strip dividing a street or highway into lanes according to direction of travel.

**Memorial Sign.** A memorial or commemorative plaque or tablet denoting a building name and/or date of erection of a location of historic significance.

**Message Board.** A permanent changeable sign whose informational content is in the form of individual letters or numbers that can be changed or altered by any means, including manual, electric, electromechanical or electronic means.

**Monument Sign.** A freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, that repeat or harmonize with the architecture of the establishment it serves.

**Moving Sign.** A sign that moves or has moving parts other than parts which indicate time or temperature.

**Mural.** A decorative hand-painted work of art applied to an exterior wall within public

view that does not include graphics or text advertising a specific business, product or brand. Embellishments to or decoration of architectural elements are not deemed a mural. A mural is not a wall sign.

**Name Plate Sign.** A sign that is located on the premises, giving the name or address or both, of the owner or occupant of a building or premise.

**National Flag.** The flag of the United States of America.

**Noncombustible Material.** Any material that will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

**Off-Premise Sign.** A sign of which the contents does not relate to the premises on which it is located, and that does not refer exclusively to the name, location, products, persons, accommodations, services, sale, lease, construction or activities of or on the premises where it is erected. The premises of a shopping center include the shopping center pad site.

**On-Premise Sign.** A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of or on those premises, or the sale, lease or construction of those premises. The premises of a shopping center include the outparcels.

**Outdated Sign.** A sign or other advertising structure that continues to advertise a business or project that has been out of business in excess of 90 days.

**Permittee.** A person receiving a permit pursuant to the provisions of this ordinance.

**Political Campaign Sign.** A sign that supports or opposes a political candidate, issue, election or party.

**Portable Sign.** A sign that is easily moved from one location to another, including a sign that is mounted on skids, trailers, wheels, legs or stakes (including an A Frame or H Frame sign), and that is not fixed permanently to the ground, and that is not an attached sign, political sign or a sign that refers solely to the sale or lease of the premises.

**Projecting Sign.** A sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which is attached. A marquee is a

projecting sign.

**Protective Sign.** A sign that is commonly associated with safeguarding the permitted uses of the occupancy, for example, “beware of dog,” “no trespassing,” and “no solicitors.”

**Real Estate Sign.** A sign that is used to advertise the sale, lease or rental of property.

**Roof Sign.** A sign erected, constructed and maintained wholly upon or above the roof of a building with the principal support attached to the roof structure.

**Sign.** Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character that is a structure or a part of a structure, or is attached to or in any manner represented on a building or other structure, and that is placed out of doors in view of the general public and is used for purposes of advertisement, identification or expression. “Sign” is synonymous with “advertising device”.

**Sign Area.** The entire advertising face of a sign excluding any framing, trim or molding and the supporting structure.

**Sign Height.** The vertical distance between the base of the sign at the nearest natural grade to the highest part of the sign or any attached component.

**Sign Setback.** Along Central Avenue, the sign setback is measured as the perpendicular distance between the nearest curb line parallel to Central Avenue and the outer (leading) edge of any portion of a sign. In all other locations, sign setback is measured as the distance between the property line and the outer (leading) edge of any portion of a sign.

**Snipe Sign.** A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, utility poles, fences, public structures or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. This may include but is not limited to signs advertising property for sale or rent, garage sale signs, flyers, wanted signs, lost signs, et cetera.

**Special Height Sign.** A special sign for highway-oriented automotive uses such as hotels, motels, service stations, shopping centers, office centers and other similar uses where because of location or setback special signs identification is desirable.

**Spirit Flag.** A school flag that contains crests, pictures and such but no advertising.

**State Flag.** The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.

**Streamer.** An attention–attraction device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, string, wire, pole or attached to one or more products offered for sale.

**Subdivision Entry Sign.** A freestanding sign identifying a subdivision entrance on which only the name of the subdivision is specified.

**Vertical Projecting Sign.** A projecting sign that is greater in height than in width.

**Wall Sign.** A sign permanently affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and that does not project more than 18 inches perpendicular to the wall.

**Window Sign.** A sign attached to, placed upon or painted on the exterior or interior of a window or door that is intended for viewing from the exterior of such building. A window sign is not deemed a handmade sign or a hand–painted sign.

### 7.6.3 General Sign Provisions

#### A. Display of Permit

Every permitted sign or other advertising device must display in a conspicuous place the date of erection, the permit number and the voltage of any electrical apparatus used.

#### B. Bond Requirement

Subject to the need determined by the Chief Building Official based on the construction materials for the sign type proposed, an applicant for a sign permit must, before the permit is approved, present to the Chief Building Official a bond in the minimum amount established by current rates, conditioned for the faithful observance of all laws and ordinances relating to signs, and which indemnifies and holds harmless the City from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of the granting of the permit.

**C. Building Code**

A sign may not be erected in violation of the City's building code.

**D. Unlawful Signs**

1. A sign or other advertising device may not be erected or maintained in violation of the requirements of this Section or of the Sign Permit requirements in Sec. 3.14. An unlawful sign is not a nonconforming sign and must be removed or brought into conformance.
2. If the Chief Building Official finds that a sign is erected or maintained in violation of this Section or Sec. 3.14, the Director must give written notice of the violation to the permittee or the owner of the property where the violation exists.
3. An unlawful sign that is lightweight or portable (for example, banner or H frame sign) must be removed within 24 hours after notice of violation. An unlawful sign that is not lightweight or portable (for example, freestanding or monument sign) must be removed within 30 days after notice of violation.
4. If the permittee or owner fails, after notice, to timely abate a violation, the Chief Building Official may undertake enforcement by filing a complaint in municipal court, seeking quasi-judicial enforcement through the Building and Standards Commission, or bringing a civil action.
5. The Chief Building Official may immediately and without notice or compensation remove any sign that presents an immediate peril to persons or property.

**E. Variances**

A sign owner may request a Variance in accordance with Sec. 3.15 from the provisions of this Section relating to sign spacing, area, height and setback.

**F. Non-Commercial Messages Permitted in Substitution**

1. Any sign allowed under this Section may contain, in lieu of any other copy, any lawful noncommercial message that complies with all other requirements of this ordinance Section.

2. The right that this subsection creates is one of substitution and not one of addition.

#### **G. Signs Exempt from Regulation**

The following signs are exempt from regulation under this Section and do not require a Sign Permit:

1. Address and postbox numerals;
2. Governmental signs that the City, county, state or federal government erects in furtherance of their governmental responsibility;
3. Public notice or warning that a valid and applicable federal, state or local law, regulation or ordinance requires;
4. Sign inside a building, not attached to a window or door, and not legible from a distance of more than five feet beyond the lot line of the property on which such sign is located;
5. Works of art that do not include a commercial message; and
6. Memorial signs or tablets including headstones in cemeteries.

#### **H. Maintenance**

The owner of a sign, whether on- or off-premise, must:

1. Maintain all signs and keep them in good repair;
2. Keep all signs with painted or plastic faces free of fading, rusting, cracking, peeling, gaps and holes;
3. Repair or remove any sign that has more than 25 percent of its face damaged;
4. Repair or remove a sign in its entirety with broken or damaged sign faces;
5. Install blank sign faces on signs with faces removed due to vacancy of the building;
6. Remove sign poles with open metal frames;
7. Keep signs with paper or fabric faces free of tears, rips, fading and voids where part of the text or face is missing;

8. Keep ties or ropes that hold in place signs with fabric faces secure and taut with no loose or missing ties;
9. Maintained sign poles in a uniform and sound condition;
10. Repair or remove poles that are dented to the point where they are leaning out of plumb or have damage to the support or hangers
11. Maintained sign poles free of rust, peeling or fading so that they are uniform in color;
12. Maintain flags, banners and pole banners free of tears, fading and rips; and
13. Remove flags, banners and pole banners when they become torn, faded or ripped.

**I. Luminance**

1. An applicant may not erect a lighted sign must within 150 feet of a residential district unless the lighting is shielded from view of the residential district.
2. A sign or must not be illuminated with lights that:
  - a. Glare into or upon the surrounding area or any residential property; or
  - b. Distract operators of vehicles or pedestrians on the public right-of-way.

**7.6.4 Prohibited Signs**

The following signs are prohibited.

**A. Abandoned Signs**

The owner of a sign must remove any sign that is abandoned such that it has not been used for advertising for one year. A tarp on an abandoned sign for more than 30 days is prohibited.

**B. Animated or Moving Signs**

Animated or moving signs as defined in Sec. 7.6.2 are prohibited.

**C. Bench Signs**

Signs fastened to a bench are prohibited.

**D. Cardboard Signs**

Signs made of cardboard are prohibited.

**E. Glaringly Illuminated Signs**

A sign must not have lights that glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public street right-of-way.

**F. Handmade Signs**

A sign made by hand that is not produced by a commercial sign-making establishment is prohibited.

**G. Obscene Signs**

Signs must not display gestures, graphics or words that are obscene, profane or pornographic in nature.

**H. Obstructing Signs**

A person may not erect, relocate or maintain a sign so as to prevent free ingress to or egress from any door, window or fire escape. A person may not attach a sign to a stand pipe or fire escape.

**I. Outdated Sign**

A sign may not continue to advertise a business or project that has been out of business in excess of 90 days. A tarp on an outdated sign for more than 30 days is prohibited.

**J. Pole Signs in MU**

Pole signs are prohibited in the MU, Mixed Use zoning district.

**K. Portable Signs**

Portable signs are prohibited. In addition, a person may not convert a portable sign into a permanent sign.

**L. Sign Creating a Traffic Hazard**

A sign or other advertising structure must not:

1. Obstruct free and clear vision at any street intersection;

2. Interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color;
3. Make use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic; or
4. Present a traffic hazard by using illumination resembling an emergency signal.

**M. Snipe Signs**

Snipe signs as defined in Sec. 7.6.2 are prohibited.

**N. Unlisted Sign**

Any sign not listed, classified or defined in this Section is prohibited.

**O. Unsafe Signs**

A sign must not constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.

**P. Signs On or Over Public Property or Right-of-Way**

1. A sign must not be erected so as to project into the public street right-of-way of any street or alley, except as allowed in the CA, Central Area zoning district. Any projecting sign must not extend outward from any building face to the public street right-of-way for a distance of more than ten feet or to within one foot of the street curb, whichever is more restrictive.
2. It is unlawful for any person to place a sign, except a governmental sign or subdivision entry sign, on the premises of any public property, including but not limited to park land, median strips and public rights-of-way.
3. A person may not attach any sign, paper, material, paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter or street.
4. A person may not erect a sign over or in the public street right-of-way except for traffic control devices, street signs, directional signs,

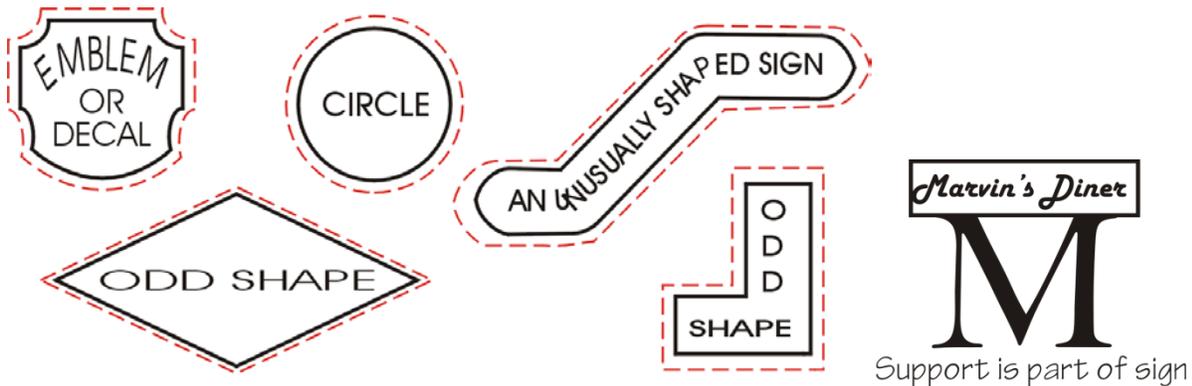
subdivision entry signs or real estate kiosks that the City or state has authorized.

### 7.6.5 Sign Measurement Standards

The following principles control the measurement of sign area, sign height and sign setback.

#### A. Sign Area

1. The area of a sign includes all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The area of uprights, bracings and other structures supporting a sign may be omitted in measuring the area of the sign unless such upright or bracing consists of a corporate logo, is made part of the message, face or border of the sign or is otherwise designed or used to attract the attention of the public.



**COMMENTARY:** The “golden arches” at McDonald’s, if used as support for a sign, are clearly integral to the sign message and would be included in the measurement of the area of the sign face.

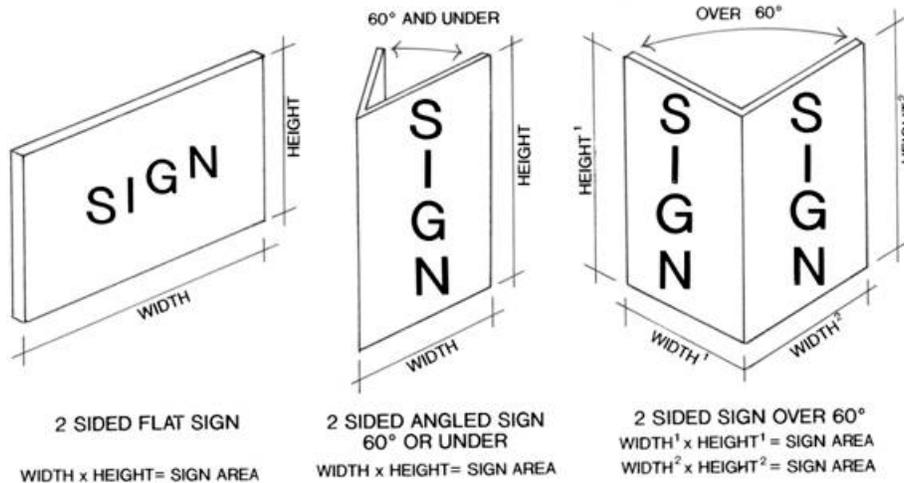
2. Where a sign consists of individual letters, words or symbols attached to a surface, the sign area is deemed to be the area of the smallest rectangle that completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall.



**COMMENTARY:** Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets – the wall area between multiple elements does not count as sign area.

- The area for a sign with more than one face is measured by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 60 degrees or where the sign faces are parallel and not more than 36 inches apart.

**COMMENTARY:** It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.

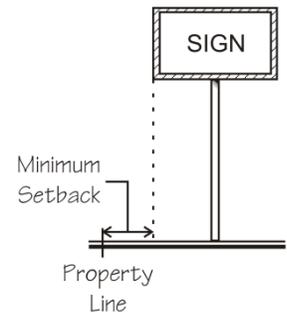


**B. Sign Height**

The height of a sign is measured as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. Finished grade is the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

**C. Sign Setback**

The setback of a sign is measured as the shortest distance from each property line to the leading edge of the sign.



**COMMENTARY:** *The setback should be measured from the property to the edge of the sign, not to the pole, in the case of a pole sign.*

#### 7.6.6 Number of Signs

- A. A maximum of three types of signs and a maximum of 12 individual signs may be used per business at a time with a business property frontage of less than 200 feet.

**COMMENTARY:** *A business with 150 feet of property frontage, for example, is allowed is allowed a pole sign, a wall sign, and a banner.*

- B. A maximum of four types of signs and a maximum of 15 individual signs may be used per business at a time with a business frontage of 200 feet or more.
- C. Specific standards for the number of permitted freestanding signs are set forth in Sec. 7.6.9.

#### 7.6.7 Special Height Signs

- A. Only Special Height Signs may exceed the maximum building height permitted in the specific district.
- B. Special Height Signs are allowed in association with Office Uses or Retail Sales and Service Uses as listed in the use table in Sec. 5.1 containing six acres or more, or for Fuel Sales, Overnight Accommodation Uses, Restaurant Uses or Vehicle Sales and Service Uses as listed in the use table in Sec. 5.1 when located on or adjacent to IH 35 or H. K. Dodgen Loop. These pylon or major identification signs must not exceed 75 feet in height.

#### 7.6.8 Standards According to Sign Type

The standards applicable to each permitted sign type are set forth in the table below. Signs listed in the table must be on-premise signs unless off-premise placement is specifically allowed.

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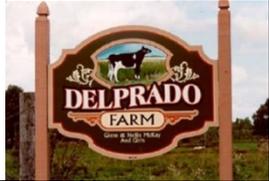
**Article 7: General Development Standards**

Sec. 7.6. Signs

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**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Agricultural Sign	AG, UE, NS, GR, C, LI, HI	100 SF	Yes	None	One per every 200 LF	
Apartment Name Sign	All	64 SF	Yes	None	One per street frontage	
Awning	All except res. and AG	20% of surface area of awning	Yes	None	<p>Not less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Not extending beyond 1 foot inside the curb line.</p> <p>The name of the owner and the business, industry or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side of the awning.</p> <p>Awnings must be constructed of a rigid framework with an approved covering that is flame resistant in accordance with NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Banner	All except res. and AG	10% of façade mounted on. On multi-tenant buildings, not to exceed 10% of leased frontage façade it is mounted on	No	None	One per building or tenant. Must be affixed flush to a façade, awning or canopy, or attached flush to a fence. No stakes, posts, poles, A--frames or H-frames are permitted to secure a banner to the ground.	
Banner, Pole	All except res. and AG	12 SF	No	None	One per every 40 LF, separated by a minimum of 5 feet, not to exceed 10 pole banners per property. Height of pole must not exceed 35 feet. Must be secured to permanent pole and mounted with brackets manufactured for that purpose. No T-posts allowed. Combinations of corporate, spirit and pole banners may be used, but may not exceed a combined total of 10.	

Article 7: General Development Standards

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Canopy	All except res. and AG	25% of surface	Yes	None	<p>Must not be less than 9 feet above the level of the sidewalk or public thoroughfare over which it is erected.</p> <p>Must not extend beyond 1 foot inside the curb line.</p> <p>The name of the owner and the business, industry or pursuit conducted on the premises may be painted or otherwise permanently placed in a space on the front and side or the awning.</p> <p>Canopy signs associated with gasoline service stations are limited to gas prices, name and company identification.</p>	
Community Event Sign	All	40 SF	No	From 30 days before to 7 days after event	<p>Banners or other signs placed, hung or attached to the inside walls of an event, that advertise businesses that sponsored the event, are allowed only during the event.</p> <p>A community event sign may not be placed in public street right-of-way.</p>	
Construction Sign, Commercial	All except res. and AG.	64 SF	No	From issuance of Building Permit to 7 days after completion of project	One per construction work site.	
Construction Sign, Residential	Res.	6 SF	No	From issuance of Building Permit to 7 days after completion of project	<p>1 per platted lot or tract</p> <p>H-Frame allowed.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Development Sign, Commercial	All	128 SF	Yes	7 days after completion of project.	Two per project for every 100 acres in the project. Signs may be double faced.	
Development Sign, Residential	Res.	128 SF Exterior 320 SF Interior	No	From issuance of Building Permit to 7 days after completion of project	Two per entrance at exterior/perimeter roads of development. One interior residential sign per 40 LF, not to exceed total of 10, with a maximum combined area of 320 SF Signs may be double faced. Must have uniform design elements and colors	
Directional Sign	All except res. and AG	3 SF or per MUTCD	No	None	Signs may be attached or detached. A maximum of two signs may be visible from the roadway. Must be stationary. If a sign is an attached sign, the words must not exceed 4 inches in height. Each sign must convey a message that directs vehicular or pedestrian movement within or onto the premise on which the sign is located. Must contain no advertising, but may have company identification or logo.	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Directory Sign	All except res. and AG	4 SF	Yes	None	One per street frontage.	
Fence Sign	All except res. and AG	25% of fence area, not to exceed 60 SF	Yes	None	One per street frontage Fence signs must be affixed directly to and flush with the fence. Extender poles are not allowed. Fence signs are prohibited in shopping centers.	
Flag, Corporate and Spirit	All except res. and AG	48 SF	No	None	One per 40 feet of street frontage, separated by a minimum of 5 feet, not to exceed 10 flags per property. Combinations of corporate flags, spirit flags and pole banners may be used, but may not exceed a combined total of 10. Height of pole must not exceed 35 feet. When tags become torn, tattered or faded, they must be removed or replaced.	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Flag, State and National	All	375 SF along I-35 and H. K. Dodgen LP. 150 SF in nonresidential district. 48 SF in residential district.	No	None	Anytime the American flag is displayed, it will be in accordance with Public Law 94-344, dated July 7, 1976, and will not be torn, tattered or faded.  Nonresidential Districts: No limit on Height of pole except height of pole must not exceed 50 feet if located within 100 feet of residential uses or zoning districts.  Residential Districts: Height of pole must in nonresidential districts or not exceed 20 feet in residential districts.  [Ord. No 2012-4549].	
Freestanding (pole or ground) Sign	All except res. and AG	See section 7.6.9				
Garage or Yard Sale Sign	Res. and places of worship in any district	2 SF	No	From 3 days before to 1 day after sale	One per property. Off-premise signs are prohibited.	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Handheld Sign	All	10 SF	No	None		
Historical Sign	All	4 SF	No	None	None	
Holiday Decoration	All except res. and AG	N/A	No	From 45 days before to 14 days after celebration		

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Inflatable device	Res.	None	No	From 45 days before to 14 days after celebration	Maximum of 10 feet tall.	
Inflatable device	All except res. and AG	N/A	Yes	14 consecutive days per permit. 30 days after grand opening.	Maximum of 2 permits per year per business. Maximum of 20 feet tall. Must be ground mounted; must not be affixed to roof.	
Institutional Sign	All	32 SF	Yes	None	One per street frontage.	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Memorial Sign	All	4 SF	No	None	N/A	
Message Board	All except res. and AG	150 SF	Yes	None	<p>A message board must not have any distracting appearance of animated motion of graphics, blinking, flashing or shimmering.</p> <p>A message board with an electronic message may have a scrolling message.</p> <p>When the display of a message board with an electronic message displays changes from message to message, it must change as rapidly as technologically practicable with no phasing, rolling, flashing or blending and must change no more frequently than once every 8 seconds.</p>	
Mural	All except res. and AG	None	Yes.	None	<p>The design of a mural must be approved the Chief Building Official before being placed.</p> <p>A mural may not contain a commercial message or be used as an advertising device.</p> <p>A mural is not a Wall Sign.</p>	
Name Plate Sign	All	2 SF in residential district; 6 SF in nonresidential district	No	None	One per building or tenant per street frontage	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Political Campaign Sign	All	16 SF in residential district; 32 SF in nonresidential district	No	From 60 days before to 7 days after election or referendum	<p>Must only be placed on private property, outside of the public street right-of-way. An automobile, truck, trailer or other vehicle with an affixed sign may not be parked on public property for any period of time longer than it takes the operator of owner to transact ordinary day-to-day business (for example, shopping, paying bills and picking up laundry). The owner may, however, park such a vehicle on public property adjacent to his own property.</p> <p>An owner or operator of a vehicle in violation of the preceding section will be contacted and given an opportunity to move the vehicle immediately. If the registered owner or operator cannot be contacted, or when contacted refuses to remove the vehicle, the vehicle will be taken into police custody and towed away at the owner's expense.</p> <p>Must not be illuminated or have any moving elements.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Projecting Sign	All except res. and AG	50 SF for horizontal sign; 100 SF for vertical	Yes	None	<p>The distance between the principal faces of a projecting sign may not exceed 18 inches.</p> <p>Every projecting sign must be placed at least 9 feet above the public sidewalk over which it is erected, a maximum of 2 feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall and at least 1 foot from the curb line. Every projecting sign must be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.</p> <p>A projecting sign over public property is allowed to be permitted only in the Central Area district. In other locations, a projecting sign over public property requires a Street Use License by the City Council.</p>	
Protective Sign	All	1 SF	No	None	A maximum of 2 per property.	
Real Estate Sign, Commercial	All except res. and AG	32 SF	No	7 days after sale or rental of subject property	<p>One per platted lot or tract. For acreage, one per 200 feet of street frontage.</p> <p>The setback for a nonresidential sign is 8 feet from the property line.</p> <p>The maximum height of an on-premise real estate sign in a nonresidential district is 15 feet.</p> <p>An off-premise real estate sign is allowed only if erected on a City-authorized kiosk.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Real Estate Sign, Residential	Res.	6 SF	No	7 days after sale or rental of subject property	<p>One builder sign and one real estate agent sign per platted lot or tract.</p> <p>On corner lots, one builder sign and one real estate agent sign per street frontage per platted lot or tract.</p> <p>For acreage, one builder sign per 200 feet of street frontage, with combined maximum area of 32 SF.</p> <p>H-Frame sign is allowed.</p>	
Roof Sign	All except res. and AG	300 SF	Yes	None	<p>A roof sign may not be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof.</p> <p>Highest point must not extend 20 feet above the roof level.</p>	
Searchlight	All except res. and AG	N/A	Yes.	3 consecutive days per permit	<p>Must not have glaring or illumination that interferes with traffic safety.</p> <p>Must not be within 500 feet of a residential area.</p> <p>Must not be placed in public street right-of-way.</p> <p>Limit of 2 permits per year per business.</p>	
Streamers	All	N/A	Yes	3 consecutive days per permit; 3 permits per business per calendar year	<p>In residential districts streamers are allowed only at entrances of developments under construction.</p> <p>Must not be tied to a utility pole or other public structure.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
Subdivision Entry Sign	All except LI and HI	80 SF	Yes		<p>Must bear only the name of the subdivision.</p> <p>A maximum of 2 signs located at each entrance to a subdivision.</p> <p>Must be constructed of masonry and/or wood, and metal, or other natural materials.</p> <p>The placement of all signs must comply with the 15 foot visibility triangle setback from property corners and intersections.</p> <p>Sign placement within public street right-of-way will require Street Use Licenses and be subject to visibility and vehicle safety review during the permit process.</p> <p>Must not project more than 8 feet above the curb line.</p>	
Vehicular Sign	All	N/A	No	None	<p>A vehicular sign must not extend more than 24 inches from the top of any vehicle.</p> <p>It is unlawful to attach any sign to a trailer, skid, boat or similar mobile structure or to a vehicle, where the primary use of such structure or vehicle is to provide a base for such sign or constitute a sign itself.</p> <p>Signs painted on or attached to an inoperable vehicle are prohibited.</p> <p>This Section does not prohibit identification of a business or its products or services on a fleet vehicle parked in a manner appropriate to the normal course of business.</p> <p>This Section does not prohibit transportation of a sign to a site of permanent erection.</p>	

**Article 7: General Development Standards**

Sec. 7.6. Signs

Type	District Permitted	Maximum Area	Permit Req'd?	Time Limit	Standards	Illustration
					Signs on temporary construction trailers on construction sites are allowed.	
Wall Sign	All except res. and AG	See Section 7.6.10				
Window Sign	All except res. and AG	25% of the window area	No	None	Must not obstruct visibility of the cashier clerk from the street level.	

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**Article 7: General Development Standards**

Sec. 7.6. Signs

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**7.6.9 Freestanding (Pole or Ground) Signs**

**A. Maximum Height and Area**

1. Freestanding signs must conform to the area–height–setback relationship indicated in the table below, except as allowed for Special Height Signs as set forth in Sec. 7.6.7.

Maximum Area (sq ft)	Maximum Height (ft)	Minimum Setback (ft)
0 to 50	15	0
51 to 100	20	5
101 to 150	25	5
151 to 200	30	10
201 to 250	40	10
251 to 300	50	15
>300	75	See 7.6.7

2. Freestanding signs must not exceed a height of greater than 50 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
3. Freestanding signs must not exceed 300 square feet in area, except as allowed in incentive provisions.
4. In the MU, Mixed Use zoning district, freestanding signs must be monument style, not exceeding five feet in height.

**B. Minimum Setback**

A freestanding signs have a setback from the property line of the property on which the sign is erected in relation to its area and height, as indicated in the table above.

**C. Minimum Separation**

A freestanding sign must not be nearer than ten feet to any other sign, building or structure measured from the sign building or structure to the leading edge of the sign.

**D. Maximum Number Allowed**

One freestanding sign is allowed per lot, tract or separate building. A lot or tract located at a street intersection is allowed one freestanding sign per street frontage.

**E. Multiple Businesses, Services, Tenants**

1. Buildings housing multiple businesses are encouraged to group signage. A 30 percent increase in sign area is allowed for a group sign, advertising a center with multiple businesses, with no corresponding effect on sign setback and height specified in the table in Section 7.6.8 above. This incentive may be increased to 35 percent over the sign area allowed in the table 1 in subsection A above if a group sign is combined with landscaping.
2. The number of freestanding signs allowed may be increased by one of the following credits.
  - a. If more than one business, service or tenant occupies a single building on a lot or tract, a maximum two freestanding signs are allowed. The combination of sign area for the two signs must not exceed the maximum allowed area in the table in Section 7.6.8 above in relation to sign height and setback.

**COMMENTARY:** For example, two 25 square foot signs (maximum 50 square feet) are allowed if two or more tenants are present in one building. The signs may not exceed 15 feet in height, and may be placed at the property line (0' setback)

- b. If the lot, tract or parcel exceeds 200' of frontage along the street where the sign is proposed, additional freestanding signs are allowed, in accordance with the following table.

Property Frontage (ft)	Maximum Signs Permitted
0 to 200	1
201 to 400	2
401 to 600	3
601 or greater	4

**F. Alternate Sign Plan**

If the provisions in subsections E.1 and E.2 above do not satisfactorily meet the applicant's needs, the Board of Adjustment may review a Variance request for an alternate signage plan that meets the unique advertising needs of the site, business, service or tenant and, at the same time, carries out the intent of this ordinance to balance on site advertising needs with community appearance.

### 7.6.10 Wall Signs

#### A. Location and area

1. A maximum 50 percent of each tenant's store front, side or rear oriented to each street may be utilized for a wall sign. A single wall sign may not exceed 300 square feet in area.
2. In the MU district, the maximum aggregate area of wall signs is 200 square feet.
3. A wall sign must not cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached in excess of four feet.
4. A wall sign must not extend more than six inches beyond the building line or be attached to a wall at a height of less than 10 feet above the sidewalk or ground. Alternative placement may be permitted with approval by the Director of Planning for façades that cannot meet this requirement.

[Ord. No. 2013-4580]

### 7.6.11 Standards for Off-Premise Signs

An off-premise sign erected after March 7, 2002, must comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

#### A. Sign Permit Required

A person may not erect an off-premise sign without a Sign Permit issued in accordance with Sec. 3.14. The Chief Building Official may issue a permit for an off-premise sign only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six months from date of issuance. The Director of Planning may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Director of Planning must consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.

[Ord. No. 2013-4580]

**B. Dimensional Standards**

1. **Location**

An off-premise sign is permitted solely in the C, LI and HI zoning districts on property fronting Interstate Highway 35 or H. K. Dodgen Loop.

2. **Minimum Spacing**

- a. An off-premise sign along Interstate 35 may not be erected within 1,500 feet of another off-premise sign.
- b. An off-premise sign along H. K. Dodgen Loop may not be erected within 2,000 feet of another off-premise sign, except that, in exchange for the removal of one double-faced sign that is larger than 386 square feet and existing along the Loop on March 7, 2002, three 386-square-foot double-faced signs may be erected within 1,500 square feet of another off-premise sign, if the permittee has sufficient sign replacement credits.
- c. Spacing is measured on the same side of the road, between points along the public street right-of-way of the regulated highway perpendicular to the center of the signs.

3. **Area**

The dimensions of an off-premise sign erected on property fronting Interstate 35 must be 14 feet by 48 feet, for a total area per face of 672 square feet. The dimensions of an off-premise sign erected on property fronting H. K. Dodgen Loop must be 10 feet, 6 inches by 36 feet, for a total area per face of 386 square feet.

4. **Height**

An off-premise sign must be 42 feet and six inches in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.

5. **Setback**

An off-premise sign must be set back a minimum of 20 feet from public street right-of-way line, measured from the closest part of the sign.

**C. Design Standards**

1. **Faces**

An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.

2. **Roof**

An off-premise sign may not be erected or maintained upon the roof of any building structure.

3. **Light**

An off-premise sign may not be constructed where it obscures or shades the windows or doorways of adjacent buildings.

4. **Traffic Hazard**

An off-premise sign is not permitted that, because of its size, shape or location, may endanger or obscure or obstruct the view of vehicular or pedestrian traffic. An off-premise sign must not be designed to be confused with any authorized traffic control device.

5. **Scenic Vista**

An off-premise sign may not be permitted that, because of its size, shape or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.

6. **Construction**

An off-premise sign must have a steel post and be constructed and erected in conformance with Chapter 7, City Code, Buildings.

7. **Encroachment**

- a. A part, foundation or support of any off-premise sign may not be placed on, in or over any of the following:
  - i. Public property or street rights-of-way;
  - ii. Telephone or utility poles; or
  - iii. Natural features such as trees and rocks.
- b. Encroachment into a public utility or drainage easement may be allowed with a street use license.

**D. New Off-Premise Signs**

**1. Off-Premise Sign Cap**

The number of off-premise signs in the City is limited to the number of such signs in existence on March 7, 2002.

**2. Inventory**

The owner or operator of one or more off-premise signs within the City must inventory the signs on forms the Director of Planning provides and file the completed forms with the planning department within six months from March 7, 2002. Incentive credit or permit for alteration or relocation may not be issued for an off-premise sign that was not inventoried and reported to the City in a timely manner.

**3. Incentives**

- a.** To encourage removal of off-premise signs that do not comply with current sign standards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City may be awarded credit for removing such sign.
- b.** One credit will be awarded for each face that is removed from a lawfully existing off-premise sign. In order to receive a Sign Permit for the erection of an off-premise sign, 1.25 credits must be used per new face.
- c.** The Chief Building Official may issue a Sign Permit to any person holding sufficient credits, for erection of an off-premise sign in an eligible location as set forth in paragraph B.1 above, in his or her sole discretion. The Sign Permit must state the number of faces to be erected.
- d.** Credits are transferable.
- e.** Credit is received when a permittee removes a sign voluntarily, even if the reason is loss of the lease. Credit may not be awarded for the removal of an off-premise sign that was in violation of federal, state or City laws when erected.

- f. To be awarded a credit under the incentive program, a sign owner or operator must notify the City within 60 days of the removal of an off-premise sign and receive a letter from the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces.
- g. The Director of Planning must provide to the Planning and Zoning Commission, as part of the Commission's annual report, an accounting of unused credits. The Commission's annual accounting is final if not appealed in writing to the Commission within 30 days from the date that the accounting is presented to the Commission. In making a final determination, the Commission will consider evidence that the appellant, Director of Planning or any other interested person presents.

**E. Residential Zoning Districts**

An off-premise sign is not permitted if residentially-zoned property is located between the sign location and the roadway toward which the sign would be oriented.

**F. Consent**

A part, foundation or support of any off-premise sign may not be placed on, in or over any private property without the written consent of the property owner.

**G. Protected Vegetation**

Notwithstanding any other provision or other applicable law or regulation, a person may not remove, cut or otherwise alter any vegetative screening on public property or private landscaping required in Sec. 7.4 in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited is deemed nonconforming and must become the next nonconforming off-premise sign relocated.

**H. Identification**

An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.

**I. Alteration**

An off-premise sign may not be altered with regard to size, shape, orientation, height or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height or location of an inventoried off-premise sign do not require an alteration permit. An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.

**J. Demolition**

A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within 90 days from permit issuance. The permit must state the number of faces to be demolished.

**K. Maintenance**

If the Director of Planning finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the Director of Planning will notify and order the owner to repair the sign within 30 calendar days. If the Director finds that an off-premise sign has deteriorated more than 50 percent of its replacement value, or is not repaired within 30 calendar days, the Director of Planning must notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be removed must be stricken from the authorized list when the time limit is set and the removal notice ends.

**L. Relocation**

If a sign located within the proposed public street right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for

relocation of the sign, the Chief Building Official may also issue a Sign Permit if the sign meets all current City standards, except that the relocated sign:

1. Does not require payment of a permit fee;
2. May be erected a minimum of five feet from any highway right-of-way line;
3. May be constructed with the same number of poles and same type of materials as the existing sign; and
4. May be erected without enlarging the sign face.
5. If the proposed off premise sign does not meet all city standards including minimum spacing, area, height and setback, an applicant must receive approval of a Conditional Use permit for the new location.

[Ord. 2012-4553]

#### **7.6.12 Central Avenue Corridor Standards**

##### **A. Purpose**

These standards describe distinctive on-premise sign standards for this unique location in the community, intended to preserve the visual character of this important entry corridor into downtown Temple. Incentive and encouragement are given to low profile signage, with high profile and wall signs also allowed. Signs are limited to advertisement for land use activities occurring on the site.

##### **B. Jurisdiction**

The standards of this Section apply to signs oriented to Central Avenue for all land uses within the Central Avenue Corridor, bounded on the west by IH-35 and on the east by 3rd Street, as indicated on the boundary map in the appendix of this UDC. This jurisdiction includes all properties adjacent to or abutting Central Avenue, and all properties situated 240' north and south of the centerline of Central Avenue.

**C. Prohibited Signs**

1. In addition to the sign types prohibited citywide in Sec. 7.6.4, the following sign types are prohibited within the Central Avenue Corridor:
  - a. Trash receptacle signs;
  - b. Flashing signs;
  - c. Temporary non-affixed signs;
  - d. Satellite dish signs; and
  - e. Roof signs.
2. Flashing and moving signs are prohibited, except that time and temperature and digital scroll displays are permitted in accordance with the standards in the table in Sec. 7.6.8.

**D. Illumination**

Signs may be illuminated internally or externally. Illumination must be constant and represent no traffic hazard.

**E. Materials**

Signs must be constructed from environmentally sound materials and meet all City building, electrical and other safety codes.

**F. Maintenance**

In addition to the standards in subsection 7.6.3H, all signs and supports must be maintained in good condition to prevent deterioration, oxidation, rust and other unsightly conditions. All abandoned signs and supports must be removed within 90 days of abandonment. All damaged signs must be repaired or removed within 90 days of damage.

**G. Nonconforming Central Avenue Signs**

A permanent, on-premise sign not in conformance with this Section that was lawfully erected prior to April 6, 1989, is a nonconforming sign. Nonconforming signs in the Central Avenue Corridor are exempted from the nonconforming sign provisions in Sec. 9.3. A permit for reconstruction of a nonconforming sign in the Central Avenue Corridor requires that the sign be reconstructed within six months of substantial

deterioration or destruction, in place, without increasing any nonconforming characteristic of the previous sign.

**H. Easement Encroachment Prohibition**

A sign may not conflict with the operation of utilities located within an easement area.

**I. Setback Requirements**

1. In addition to the setback requirements for permitted sign types below, the sign must observe the intersection visibility triangle established in [Sec. 4.4.8](#) at each street corner intersection, each driveway opening and each street or alley intersection.
2. Along Central Avenue, the sign setback is measured as the perpendicular distance between the nearest curb line parallel to Central Avenue and the leading edge of any portion of a sign.

**J. Signs Not Requiring a Permit in Central Ave Corridor**

A Sign Permit is not required for signs in the Central Avenue Corridor exempted in subsection 7.6.3G and Sec. 7.6.8, unless another City ordinance or regulation requires a permit. Such signs not requiring a sign permit must conform in all respects to the maximum height, maximum size, minimum curb line setback of 16 feet and all other provisions stated for low profile, high profile and wall signs. Signs Requiring a Permit in Central Avenue Corridor

**K. Signs Requiring a Permit in Central Ave Corridor**

The following descriptions and illustrations define the types of signs that require a Sign Permit in accordance with Sec. 3.14 to be erected in the Central Avenue Corridor. The standards applicable to each type of sign are set forth in the table below.

**Article 7: General Development Standards**

Sec. 7.6. Signs

SIGN TYPE/DEFINITION	ILLUSTRATION
<p><b>Low-Profile Sign</b> An on-premise sign in the Central Avenue Corridor meeting the standards below. Signs on accessory structures, free-standing service facilities or fences not exceeding eight feet in height, are deemed low-profile signs.</p> <p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1. A low-profile sign must not exceed 50 square feet in area unless sign area is increased by one or more of the provisions in paragraph <b>L</b> below.</li> <li>2. Such sign must have a maximum height of eight feet.</li> <li>3. Such sign must have a minimum setback of 16' from the curb and must not encroach in the public street right-of-way.</li> <li>4. One low-profile sign is permitted per building in addition to permitted wall signs.</li> <li>5. One low-profile or one high-profile sign may be used per building but not both.</li> <li>6. One low-profile or one high-profile sign may be located per street frontage on A property located at an intersection of a major or minor arterial and another street in addition to allowable wall signs.</li> </ol>	
<p><b>High-Profile Sign</b> An on-premise sign in the Central Avenue Corridor meeting the standards below.</p> <p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1. A high-profile sign must not exceed 35 square feet in area, unless sign size is increased by one or more of the provisions in paragraph <b>L</b> below.</li> <li>2. Such sign must have a minimum height of eight feet.</li> <li>3. Such sign must have a maximum height of 15 feet unless sign height is increased by one or more of the provisions in paragraph <b>L</b> below.</li> <li>4. Such sign must have a minimum setback of 16 feet from the curb and must not encroach in the public street right-of-way.</li> <li>5. One such sign is permitted per building in addition to permitted wall signs.</li> <li>5. One low-profile or one high-profile sign may be used per building but not both.</li> <li>6. One low-profile or one high-profile sign may be located per street frontage on a property located at an intersection of a major or minor arterial and another street in addition to allowable wall signs.</li> <li>7. A minimum 20 feet separation is required between signs on a lot or tract.</li> </ol>	

Article 7: General Development Standards

Sec. 7.6. Signs

SIGN TYPE/DEFINITION	ILLUSTRATION
<p><b>Wall Sign</b> A sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign. The term "wall sign" includes canopy signs associated with gasoline service stations. A fence sign is deemed a wall sign.</p> <p><b>Standards</b></p> <ol style="list-style-type: none"><li>1. A wall sign must not exceed 10 percent in area of each tenant's store front wall area oriented to the street.</li><li>2. The maximum height of such sign is 18 inches above the building if no supports are needed or utilized for the sign.</li><li>3. One such sign is permitted per business facade. Number/letters indicating property address are not be counted in this calculation. A wall sign may be used in conjunction with either a low-profile or high-profile sign.</li></ol>	

**L. Sign Area or Height Increase**

1. The maximum area of a low- or high-profile sign may be increased subject to the following conditions.
  - a. A separate changeable copy message board may be a maximum of 15 square feet if used.
  - b. The maximum area of the sign may be increased two square feet per tenant over one tenant in a single building;
  - c. The maximum area of the sign may be increased one square foot for each one foot setback in addition to 16 feet from the curb.
  - d. The cumulative effect of the area increase provisions in paragraphs 1 through c above may result in a maximum sign area increase not exceeding 75 square feet for a low-profile sign and 100 square feet for a high-profile sign.
2. The maximum height of a high-profile sign may be increased subject to the following conditions.

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**Article 7: General Development Standards**

Sec. 7.6. Signs

- a.** Such signs on properties located west of the west public street right-of-way line of 31st Street may be a maximum height of 35 feet for visibility from IH-35.
- b.** Signs located east of the centerline of 21st Street and west of the centerline of 11th Street, in the vicinity of the Central Avenue grade separation, must be no higher than the higher of either:
  - i.** 15 feet above the nearest natural grade; or
  - ii.** The top of the nearest curb of Central Avenue where such curb exceeds 15 feet above the natural grade.

## **Sec. 7.7. Screening and Buffering**

### **7.7.1 Applicability**

Where a fence, wall, screen, buffer or enclosure is erected, the following standards apply.

### **7.7.2 Site Plan and Landscape Plan Required**

A site plan and landscape plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

### **7.7.3 Fence and Wall Regulations for Single- and Two-Family Dwellings**

#### **A. Front Yard**

A fence, wall, screen, enclosure or similar barrier erected in the front yard setback of a single- or two-family dwelling as set forth in Sec. 4.5 must not exceed 48 inches in height above the adjacent grade. A barrier that does not exceed 36 inches in height may be made of a solid allowed material listed in Sec. 7.7.5. A barrier that is higher than 36 inches must have an open design, with a minimum of 50 percent opacity or visibility, so as not to impose a visual barrier within 10 feet from the back-of-curb or edge of pavement of a street.

#### **B. Behind Front Yard Setback**

A fence, wall, screen enclosure or similar barrier behind the front yard setback of a single- or two-family dwelling must not exceed eight feet in height above the adjacent grade.

### **7.7.4 Buffering**

#### **A. Location**

Continuous buffering is required along the common boundary between nonresidential or multiple-family uses and an agricultural or residential zoning district or use, except where a public street provides buffering. Buffering is also required along the perimeter of a nonresidential or multiple-family use located across an alley from a residential zoning district or use.

#### **B. Design**

Buffering must meet one or a combination of the following design standards:

1. Buffering may consist of evergreen hedges composed of plants purchased in five-gallon or larger containers, with a minimum planted height of six feet, placed on 36-inch centers.
2. Buffering may consist of fences or walls constructed of wood, masonry, stone or pre-cast concrete, with integrated color, texture and pattern. Structural buffering must be from 6 to 8 feet in height above the adjacent grade. Fences or walls used for buffering must not contain openings of more than 20 square inches in each square foot of wall or fence surface. Gates must be equal in height and screening characteristics to the fence or wall in order to create a visual barrier.

#### **7.7.5 Materials for Fences, Walls, Screens and Enclosures**

##### **A. Allowed Materials**

Fences, walls, screens, enclosures and gates must be constructed of one or a combination of the following materials:

1. Plain or coated chain link (installed as manufactured, without affixing materials such as slats and tarps);
2. Exterior Insulation and finish systems (EIFS);
3. Fiberglass composite (manufactured for fencing);
4. Fired brick;
5. Latticework that does not exceed 2 feet in height and is anchored as a design element at the top of a 6-foot tall fence;
6. Natural stone;
7. Pre-cast concrete;
8. Split faced block;
9. Smooth faced block;
10. Support poles made of metal or wood;
11. Stucco;
12. Tubular aluminum;
13. Tubular steel;

14. Wood planks; or
15. Wrought iron.

**B. Prohibited Materials**

Permits must not be issued for materials not manufactured specifically for fencing, such as fibrous masonry products, landscape timbers, railroad ties, latticework panels, plywood, corrugated steel panels or fiberglass panels.

**C. Electric Fences**

1. An electric fence is allowed in the Agricultural zoning district, with proof submitted to the electrical inspector that the fence will be designed to retain animals, be inaccessible to the general public and not pose a hazard to life.
2. An electric fence is allowed in association with a permitted nonresidential outdoor storage area in the Commercial, Light Industrial and Heavy Industrial zoning districts subject to the following standards.
  - a. Unless otherwise specified in this Section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electrotechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.
  - b. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.
  - c. The electric fence must be surrounded by a non-electrical fence or wall six to eight feet in height.
  - d. The electric fence must be installed a minimum of one foot from the surrounding non-electric fence or wall, except along the gate. Along the gate, the electric fence must be installed a minimum of three inches from the surrounding non-electric fence or wall.

- e. The electric fence must be clearly identified with warning signs at intervals of not less than 60 feet.
- f. The electric fence must only be energized during hours when the public does not have legal access to the protected property.

[Ord. 2011-4476]

**D. Barbed Wire Fences**

Barbed wire fences and other structures composed or partially composed of barbed wire are allowed only in the AG, Agricultural, LI, Light Industrial and HI, Heavy Industrial zoning districts. A fence permit is required. Security fencing for utility facilities such as electrical substations and water and sewer pumping stations may be topped with barbed wire that is not closer than six feet to the ground.

**E. Razor Wire Fences**

Razor wire fences are allowed only in the Light Industrial and Heavy Industrial zoning districts. A fence permit is required. The razor wire must not be closer than six feet to the ground.

**F. Construction**

Fence framing and posts on fences visible from a public street must be placed to the interior of the lot so that they are not visible from the street. Unless a continuous masonry beam extends beneath a wooden privacy fence, rot board must be used and attached to the base of wooden privacy fence pickets to prevent warping of materials.

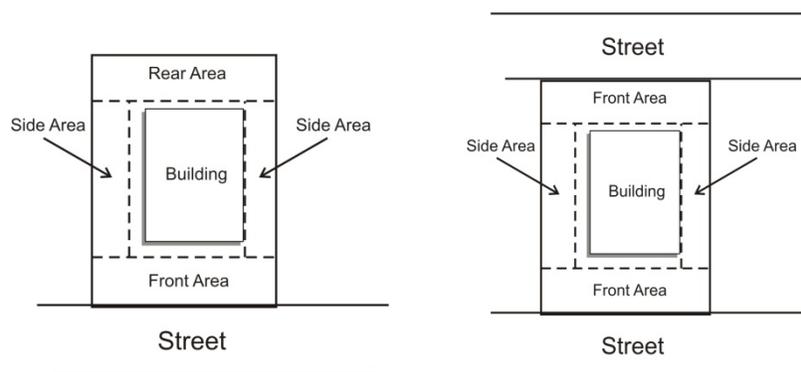
**7.7.6 Refuse Containers**

- A. Refuse container storage areas must be located in a rear or side service area, or alley where available, for all uses other than single-family and two-family dwellings.

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**Article 7: General Development Standards**

Sec. 7.7. Screening and Buffering



- B.** A solid wood or masonry fence must screen from public view refuse container storage areas located within 50 feet of the curb line of a public street or visible from the public street. Such fence must be at least one foot higher than the refuse container on all sides except the side used for servicing the container.
- C.** Placement of refuse container storage areas must allow the collection vehicle maneuvering room to avoid backing into a street or other traffic area.
- D.** Refuse container storage areas and gates must be built in accordance with specifications in the Design and Development Standards Manual.

**7.7.7 Outdoor Retail Display**

**A. Display Consistent with Classification**

Commodities, materials or equipment may not be displayed for sale or lease in a zoning district where such sale or lease is not an allowed land use.

**B. Commercial Districts**

Commodities, materials or equipment may not be displayed for sale or lease outside a building in the Mixed Use, Office, Neighborhood Service, General Retail, Central Area or Commercial zoning district, except as exempted below:

1. Auto sales, new or used or auto leasing or rental;
2. Boat sales or rental;
3. Motorcycle or scooter sales or rental,

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Article 7: General Development Standards

Sec. 7.7. Screening and Buffering

4. Recreational vehicle sales or rental;
5. Agricultural and horticultural temporary seasonal product sales in accordance with the general and specific conditions set forth in [Sec. 5.6.](#)
6. Farmers' markets in accordance with the general and specific conditions set forth in [Sec. 5.6.](#)
7. Greenhouse or nursery (retail) or produce stand;
8. Farm and garden equipment sales or rental;
9. Outdoor patio and garden furniture sales or rental;
10. In the O-1, O-2, NS, C and GR zoning districts, temporary display for a sidewalk sale that does not extend more than 10 feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use;
11. In the CA zoning district, temporary display for a sidewalk sale that does not extend more than five feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use; or
12. Other uses not listed above where the display for sale or lease area is situated behind the principal structure and does not exceed a maximum of 10 percent of the gross floor area of the business.

[Ord. 2015-4701]

**C. Industrial Districts**

Commodities, materials and equipment may be displayed for sale or lease with a Conditional Use Permit issued in accordance with Sec. 3.5 in the Commercial zoning district, and by right in the Light Industrial and Heavy Industrial zoning districts.

**7.7.8 Outdoor Storage**

Outdoor storage of commodities, materials and equipment are permitted as follows.

**A. Residential and MU Districts**

Outdoor storage is not permitted.

**B. CA, O-1, O-2 GR, NS, C, LI and HI Districts**

Outdoor storage is permitted as follows.

1. **Screening in NS, GR, O-1, O-2 and CA**

Outdoor storage is permitted where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material. In the event of conflict between the standards of this Section and the specific use standards in O, the more restrictive standard controls.

2. **Screening in C and LI**

In the Commercial and Light Industrial zoning district, a solid wood or masonry fence must screen outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material.

3. **Screening in HI**

In the Heavy Industrial zoning district, a solid wood or masonry fence must screen outdoor storage from public view if such storage is adjacent to or across the street from a residential district or use. Such wood or masonry fence must be at least one foot higher than the stored material.

4. **Business Park Exception**

Screening of outdoor storage is not required on land located in a public or quasi-public business park in existence before November 20, 2008.

**C. Outdoor Collection Boxes**

1. **Where Permitted**

Outdoor collection boxes are permitted in all nonresidential zoning districts, in accordance with the following standards.

2. **Number Permitted and Location**

- a. A maximum of one collection box is permitted per any 500 linear feet of street frontage, regardless of property ownership.

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**Article 7: General Development Standards**

Sec. 7.7. Screening and Buffering

- b. Permitted collection boxes must be placed at least 50 feet from all public right-of-way.
  - c. Collection boxes are not permitted in required parking spaces.
  - d. Collection boxes are not permitted in landscaped areas.
3. **Dimensions and Specifications Maintenance**
- a. The maximum dimensions for a permitted collection box are four feet in length, six feet in height or six feet in width.
  - b. Permitted collection boxes must be maintained in repaired and painted condition.
  - c. Permitted collection boxes must be emptied regularly and not allowed to overflow.
  - d. Items deposited outside a collection box must be removed within 24 hours from deposit.
4. **Permits Required**
- a. An applicant must apply for and receive a permit for the placement of a collection box.
  - b. The permittee must have written authorization from the property owner allowing placement of the collection box.
  - c. Placement of a collection box without a permit is a violation by the person who places the box, owns the box, or owns the property where the box is placed.
  - d. The permittee placing or maintaining the collection box must display current information including street address and telephone number on the collection box. This information must be readable and clearly visible to the public.
  - e. The permittee and property owner are jointly and severally liable and
  - f. The maintenance, upkeep, and servicing of the container and cleanup and removal of donations left on the property outside of the container.

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**Article 7: General Development Standards**

Sec. 7.7. Screening and Buffering

- g.** The permit expires 365 days after approval. The permittee must apply for and receive another permit prior to the expiration of the original permit. There is no limit on the number of renewals.

[Ord. 2011-4490]

**7.7.9 Maintenance**

The maintenance of items permitted under this Section is the responsibility of the property owner. Such items must be maintained in the condition presented in the original approved Building Permit application from the development.

## **Sec. 7.8. Building Exterior Materials**

### **7.8.1 Applicability**

These standards do not apply to the Draughon–Miller Central Texas Regional Airport.

[Ord. 2015–4707]

### **7.8.2 Building Elevations Required**

Building elevations must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.

### **7.8.3 Residential Uses**

#### **A. Definition of a Metal Façade Residential Primary or Accessory Building**

A primary or accessory residential building in which 25 percent or more of the area of each of the building’s exterior walls, bearing or nonbearing, that is used as enclosing wall for a building, other than a fire wall is made with formed steel, structural steel or lightweight metal alloys applied on the exterior side of exterior walls for the purpose of providing a weather-resistant barrier, insulation or aesthetics, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters, and leaders. For purposes of calculating whether 25 percent or more of the area of each of the building’s exterior walls are metal, doors, windows and roofs are exempt from the percentage calculation and the percentage is calculated per side of the building.

#### **B. Metal Façade Residential Accessory Buildings Allowed by Right**

1. For lots of less than two acres, a new or remodeled metal façade residential accessory building is allowed by right if:
  - a. A Building Permit is approved in accordance with Sec. 3.13;
  - b. The metal façade residential accessory building is placed on the same lot as the primary residential building;
  - c. The square footage of the metal façade residential accessory building does not exceed 15 percent of the primary residential building, or a maximum gross floor area of 320 square feet;

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**Article 7: General Development Standards**

Sec. 7.8. Building Exterior Materials

- d. The metal façade residential accessory building has a maximum vertical wall height of eight feet;
  - e. There is only one accessory building per lot; and
  - f. The metal façade residential accessory building is located in the rear half of the lot, and meets all yard setbacks and coverage maximums established in Article 4.
2. For lots of two acres or more, a new or remodeled metal façade residential accessory building is allowed by right if:
- a. A Building Permit is approved in accordance with Sec. 3.13;
  - b. The metal façade residential accessory building is placed on the same lot as the primary residential building;
  - c. The square footage of the metal façade residential accessory building does not exceed 5,000 square feet;
  - d. The metal exterior accessory building has a maximum vertical wall height of sixteen feet;
  - e. There is only one accessory building per lot; and
  - f. The metal façade residential accessory building is located in the rear half of the lot, and meets all yard setbacks and coverage maximums established in Article 4.

**C. Metal Façade Primary Residential Buildings Allowed by Right**

A Special Permit as described in subsection D below is not required for a metal façade residential principal building under the following circumstances:

- 1. A Building Permit is approved in accordance with Sec. 3.13;
- 2. It is the first structure placed on a lot;
- 3. The metal façade primary residential building contains an exterior siding material of an approved steel or a vinyl siding, and applied in a horizontal lap joint treatment as the City adopted International Residential Code requires;
- 4. The Director of Planning determines that the metal façade primary residential building is complimentary to the character of the

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**Article 7: General Development Standards**

Sec. 7.8. Building Exterior Materials

residential neighborhood served, taking into consideration the review criteria set forth in subsection E below; and

5. The metal façade primary residential building meets all yard setbacks and coverage maximums. Established in Article 4.

**D. Metal Façade Residential Accessory or Principal Buildings Allowed by Special Permit Only**

1. In situations where a metal façade primary or accessory residential building is not allowed as a matter of right, a Special Permit is required to place a metal exterior primary or accessory residential building on a residential lot.
2. The Director of Planning may approve a Special Permit as part of the Building Permit review process. If the Director of Planning denies a request for a Special Permit, the property owner may appeal the decision to the City Council, who may grant a Special Permit.

**E. Special Permit Review Criteria**

In considering whether to approve a Special Permit for a metal façade primary or accessory residential building, the Director of Planning or City Council, as applicable, must consider:

1. Current and future uses of the property and adjacent property for which a Special Permit for a metal façade primary or accessory residential building is sought in keeping with the City's Comprehensive Plan;
2. Whether other metal exterior primary or accessory residential buildings are currently found within 200 feet of the subject building location;
3. The visibility of metal sides of proposed metal exterior primary and accessory residential building from public streets or adjoining properties;
4. Whether 25 percent or more of any exterior wall of the metal façade primary or accessory residential building is made of metal and visible to the surrounding properties or public streets;

5. The extent to which the appearance of the metal façade mimics the appearance of wood or masonry products for which no Special Permit is required; and
6. Whether existing or proposed semi-permanent screening (e.g., topography, landscaping, masonry walls, etc.) would shield the metal façade from adjoining properties or public streets from view.

**F. Documentation**

The Director of Planning may require that a person asserting the right to place or construct a metal façade residential building by right or an applicant for a Special Permit for a metal façade residential building submit reasonable documentation in support of his or her assertion or application and to address the criteria established in this Section.

**7.8.4 Nonresidential and Multiple-Family Uses**

**A. Purpose**

The purpose of this Section is to apply standards for the exterior of buildings as part of the Building Permit process. Certain exceptions listed in this Section are allowed by right based on certain locations, uses and zoning districts.

**B. Applicability**

1. The standards of this Section apply to building construction that occurs after April 17, 2008. Buildings in existence or permitted before April 17, 2008, may continue to utilize materials other than those listed as approved materials so long as any replacement of unapproved materials is made for repair purposes or reconstruction of buildings impacted by natural or man-made disaster or condemnation or threat of condemnation for governmental acquisition.
2. The standards of this Section apply to the first two stories or first 25 feet of vertical height, whichever is lower, of the following types of construction:
  - a. New nonresidential or multiple-family buildings; or
  - b. Additions to such buildings, whether connected or not, that are determined to be a single building plot.

3. The standards of this Section apply to primary, secondary and accessory buildings.

**C. Exceptions**

The standards of this Section do not apply to the following types of construction:

1. Residential buildings other than multiple-family dwellings;
2. Buildings in a public or quasi-public business park in existence before April 17, 2008;
3. Buildings located in the AG, Agricultural zoning district; or
4. Buildings located in the LI, Light Industrial or HI, Heavy Industrial zoning district, if the buildings are more than 500 linear feet away from residentially zoned property (measured starting from the closest edge of the residentially zoned property to the nearest part of nonresidential structure) and are not located in a Strategic Corridor as designated in subsection D below.

**D. Designation of Strategic Corridor Streets for Properties Zoned LI or HI.**

The following public streets and highways are designated strategic corridor streets for purposes of masonry standards for properties zoned LI, Light Industrial or HI, Heavy Industrial:

- a. IH-35;
- b. South 1st Street from South H. K. Dodgen Loop to intersection with South 3rd Street;
- c. South 5th Street from SH 93 to the intersection of West Avenue M;
- d. Central Avenue from IH 35 to Martin Luther King, Jr. Boulevard;
- e. FM 2305;
- f. FM 1741 (31st Street) from FM 93 to IH 35;
- g. FM 93;
- h. SH 317;
- i. Outer Loop;

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**Article 7: General Development Standards**

Sec. 7.8. Building Exterior Materials

- j. Loop 363 (H. K. Dodgen Loop);
- k. SH 53;
- l. FM 2271;
- m. Canyon Creek Drive from South 5th Street to South 31st Street;
- n. Marlandwood Drive, from South 5th Street to South 31st Street;
- o. Lowes Drive;
- p. Raleigh Drive;
- q. Kegley Road;
- r. Martin Luther King, Jr. Boulevard;
- s. Avenue M;
- t. Avenue G;
- u. Avenue H;
- v. 3rd Street;
- w. 57th Street;
- x. 25th Street; and
- y. SH 36

**E. Extent of Strategic Corridors**

Strategic corridors include the following:

1. Tracts of land that abut or adjoin a public street or highway designated as a strategic corridor;
2. Tracts of land that are developed, used, managed or marketed as a group that includes a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor; or
3. Tracts of land that share parking space with a tract of land that abuts or adjoins a public street or highway designated as a strategic corridor.

**F. Standards**

**1. Façade**

A minimum of 70 percent of the surface area of each façade must consist of one or more approved materials:

- a. Natural stone;
- b. Fired brick;
- c. Split-faced block;
- d. Tile;
- e. Granite;
- f. Marble;
- g. Stucco;
- h. Exterior Insulation and Finish Systems;
- i. Tilt-wall concrete, including, but not limited to smooth faced, patterned and aggregate materials, and other concrete products, such as thin-set masonry, that simulate brick, stone, marble, granite or tile to appear being laid up unit by unit;
- j. Fibrous masonry product that simulates a wood or stucco material to appear being laid up unit by unit that is equal to or less than 45 percent of the 70 percent minimum coverage; or
- k. Smooth-faced block that appears to be laid up unit by unit that is equal to or less than 45 percent of the 70 percent minimum coverage.

**2. Combinations**

Combinations of fibrous masonry product and smooth-faced block must not exceed 45 percent of the 70 percent minimum coverage required in paragraph 1 above.

**3. Measurement**

The percentage of surface area of each façade is measured per side of building. Doors, windows, overhead doors and roofs are exempt from the percentage calculation.

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**Article 7: General Development Standards**

Sec. 7.8. Building Exterior Materials

4. **Integration**

The color, texture and pattern of an approved material must be integrated in the material (not painted on or affixed to the material), except that fibrous masonry product and smooth-faced block may be painted.

5. **Multiple-Family Dwellings**

Facades of multiple-family dwellings may be completely covered using fibrous masonry product.

6. **Rear Façade**

Non-masonry materials are allowed on the rear façade of buildings if the façade is not visible from the public street right-of-way or if one of the following methods screen the facade:

- a. Permanent evergreen plantings, a minimum of five feet planted height, spaced 48 inches on center;
- b. Masonry or wood fences or walls, a minimum of six feet in height; or
- c. Alternative screening materials and methods that the Director of Planning approves.

**G. Additional Standards Based on Building Square Footage**

The following additional standards apply to a building or set of buildings of 10,001 or greater square feet and are cumulative of the standards above. One of the following two options must be used to enhance facades.

- 1. A portion of the façade must consist of fired brick or natural stone laid up unit by unit to meet the following proportions in relation to building square footage:

Gross Floor Area of Building (Sq. ft.)	Brick or Stone Requirement (min. % of façade surface area)
10,001 to 20,000	10
20,001 to 100,000	20
100,001 or greater	25

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**Article 7: General Development Standards**

Sec. 7.8. Building Exterior Materials

2. The façade must incorporate articulation consisting of a minimum of two of the following design elements spaced every 45 linear feet for the front façade plus one design element spaced every 45 linear feet for the other facades, excluding the rear façade:
  - a. Columns;
  - b. Canopies;
  - c. Arches; or
  - d. Awnings.
3. For buildings less than or equal to 100,000 square feet in area, articulation must project a minimum of two feet from the vertical wall.
4. For buildings greater than 100,000 square feet in area, articulation must project a minimum of five feet from the vertical wall.

**H. Exceptions**

1. **Review Criteria**

The Director of Planning may approve exceptions to the masonry standards, considering the following criteria:

- a. Visibility from the public street right-of-way and adjoining properties;
- b. Percentage exception requested;
- c. Existing or proposed permanent screening (topography, permanent evergreen landscaping, masonry walls, berms, other screening techniques);
- d. Extent to which facades have building articulation, fenestration or architectural relief, contrasting complementary colors, columns, canopies and arches; and
- e. Whether the material sought furthers an architectural theme.

2. **Material Samples**

Applicants requesting an exception to the standards of this Section must submit material samples and concept drawing depicting the criteria listed above.

3. **Technological Advances**

The Director of Planning may approve other masonry products based on technological advances.



**Article 8 – Subdivision Design and Improvements**  
**Table of Contents**

Sec. 8.1.	General Provisions.....	8-1
Sec. 8.2.	Design Standards .....	8-5
Sec. 8.3.	Park Land Dedication.....	8-23
Sec. 8.4.	Improvement Guarantees .....	8-29
Sec. 8.5.	City Participation .....	8-30

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# Article 8 Subdivision Design and Improvements

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## Sec. 8.1. General Provisions

### 8.1.1 Authority

The provisions of this Article are adopted pursuant to the City Charter and under the authority of Chapters 211 and 212 of the Local Government Code. Subdivisions located in whole or in part in extraterritorial jurisdiction (ETJ) of the City are subject to an interlocal agreement with Bell County under Chapter 242 of the Local Government Code.

### 8.1.2 Applicability

- A. Unless otherwise stated, the standards of this Article apply if a property is proposed to be subdivided in accordance with the procedures set forth in Sec. 3.6, Sec. 3.7 or Sec. 3.8.
- B. This Article is administered in coordination with all other applicable local, state or federal ordinances, codes, standards and regulations. The provisions in this Article are also administered in conjunction with the Comprehensive Plan, Design and Development Standards Manual, Drainage Criteria Manual, Citywide Trails Master Plan and the Water and Sewer Master Plan.
- C. Plat approval is not required for a division of land into two or more parts for the sole purpose of securing a loan, so long as all of the land remains in the same ownership.

### 8.1.3 Type of Improvements Required

- A. The applicant must provide the following improvements, of adequate width and size, in accordance with the standards of this UDC, the Design and Development Standards Manual, The Drainage Criteria Manual, City Code Chapter 12 (Fire prevention and Protection), and any applicable local, state or federal requirements:
  - 1. Building setback lines;
  - 2. Public streets and alleys;
  - 3. Sidewalks;
  - 4. Easements;
  - 5. Blocks and lots;

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**Article 8: Subdivision Design and Improvements**

Sec. 8.1. General Provisions

6. Water, wastewater and drainage facilities;
7. Fire hydrants;
8. Street lights;
9. Parks;
10. Other public places or facilities.

**B.** Fire hydrants in the extraterritorial jurisdiction

Fire hydrants will not be required in the City's Extraterritorial Jurisdiction (ETJ) when all of the following circumstances exist:

1. The proposed plat is not within the City's fire district;
2. The City does not provide water service to the area proposed for platting; and
3. The City has not set forth plans to annex the area proposed for platting in the City's Municipal Annexation Plan.

Other exceptions to the requirement to provide fire hydrants in the ETJ will be considered in accordance with the requirements and procedures provided in [Sec. 3.6.6](#).

**C.** The applicant must coordinate street layouts and street planning with the Comprehensive Plan, with other municipalities, and with county, state and federally designated highways, as applicable review bodies may deem in the best interest of the general public.

[Ord. No. 2013-4580]

**8.1.4 Compliance with Exceptions**

If a subdivision has been granted an exception to the standards in this Article in accordance with the procedures set forth in Sec. 3.6.7 then the subdivision must comply with all conditions and requirements of the exception where these vary with this Article. In all other instances the subdivision must comply with the requirements of this Article. No City Maintenance

**A.** The City does not repair, maintain, install, provide , or issue permits for any streets or public services in any subdivision for which a Final Plat has not been approved and filed for record in accordance with Sec. 3.6.6, nor in which the standards contained in or referred to in this Article have not

been complied with in full. If an exception to the standards in this Article has been granted in accordance with the procedures set forth in Sec. 3.6.7 then the repairs, maintenance, installation and provision of streets or public utility services must be in accordance with the specific requirements of the exception as set forth in the resolution granting the exception.

- B. The City does not repair, maintain, install or provide private streets, facilities or improvements.

#### **8.1.5 Requirements for Recorded Plat to Obtain Permits**

A building, repair, plumbing or electrical permit may not be issued for any structure in any subdivision for which a Final Plat has not been approved and filed for record in accordance with Sec. 3.6.6.

#### **8.1.6 Utility Services**

- A. The City does not sell or supply any water or wastewater services to or within any subdivision platted after October 6, 1994, for which a Final Plat has not been approved and filed of record in accordance with Sec. 3.6.6. If an exception to the standards of this Article has been granted in accordance with the procedures set forth in Sec. 3.6.7 then the City may sell and supply water or wastewater services in accordance with the specific requirements of the exception as set forth in the resolution granting the exception.
- B. The City will not make a water or wastewater connection until City inspection confirms that the requirements as to the installation of water and wastewater mains have been met within the block facing the street on which the property is situated. This includes chlorination and satisfactory testing of lines serving the property for which a connection request is made.

#### **8.1.7 Dedication of Land for Public Use**

The applicant must dedicate or convey title to the land needed for improvements required for a subdivision.

**8.1.8 Planned Developments**

**A. Submittal and Review Provisions**

All Planned Developments, as defined in Article 11, must conform to the provisions of this Article. The plats for such developments must be submitted for review in the same manner as any other plat.

**B. Instruments of Covenants**

The City Attorney must review instruments of covenants governing the proposed Planned Development, to include maintenance and operation, to insure compliance with the City Code.

**8.1.9 Private Streets, Facilities or Improvements**

If an applicant proposes that part of a subdivision include any private parks, private streets or such private improvements normally dedicated to the City, a property owner's association (or comparable mechanism) must be created, whereby:

- A.** The association bears total responsibility for maintenance in perpetuity of private improvements; and
- B.** A program is established that requires the maintenance of private facilities.

**8.1.10 City Coordinates**

A subdivision plat must use grid bearings and horizontal distances in feet, referenced in NAD 1983 Central Texas State Plane using Lambert Conformal Conic projection. The subdivision's point of beginning must be referenced to a published City monument by bearing and distance. The description must close and be based on an actual field survey with an adjusted closure of a minimum of one part in 10,000.

**Sec. 8.2. Design Standards**

**8.2.1 Streets**

**A. Street Classifications**

The following street classifications are adopted for streets in the City and the ETJ.

1. Rural Local Street;
2. Local Street;
3. Rural Collector Street;
4. Collector Street;
5. Arterial Street; and
6. Major Thoroughfare.

**B. Street Proposed in Comprehensive Plan**

Where a subdivision encompasses a street shown on the Comprehensive Plan, such street must be platted consistent with the location, purpose and width indicated in the Comprehensive Plan.

**C. Right-of-Way and Pavement Dimensional Standards**

1. The minimum standards for public street right-of-way and street pavement width are as follows:

Street Type	Pavement Width (ft.)	Right-of-Way Width (ft.)
Rural Local Street	22	50
Local Street	31	50
Rural Collector Street	26	55
Collector Street	36	55
Arterial Street	49	70
Major Thoroughfare	60	80

2. Pavement width of a street with curbs and gutters is measured from back-of-curb to back-of-curb. Pavement width of a rural street with concrete ribbon edging is measured from outer edge of asphalt to outer edge of asphalt.
3. Where the Director of Public Works has specifically determined that no substantial problems are created, a maximum of 10 feet on

either side of a roadway may be required to be dedicated as utility easement in lieu of a comparable number of feet in required public street right-of-way; however, the minimum acceptable public street right-of-way is 50 feet.

4. Depending on traffic patterns, densities, needs and other related factors, the City may require:
  - a. Additional pavement width or public street right-of-way width for major thoroughfares;
  - b. Additional public street right-of-way in vicinity of intersections of collector, arterial and major thoroughfares to adequately accommodate turning movements or access; and
  - c. Additional easements needed to provide for utilities.

**D. Street Layout**

1. **General**

The subdivider must provide adequate streets and the arrangement, character, extent, width, grade and location of each street must conform to the Comprehensive Plan and must be considered in their relation to existing and planned streets, to topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served.

2. **Relation to Adjoining Street System**

Where necessary to the neighborhood's circulation pattern, existing streets in adjoining areas must be continued and must be at least as wide as and in alignment with such existing streets. Practical down-sizing of streets may be permitted only where obvious transition is from high to low traffic frequency and there are no Comprehensive Plan thoroughfare requirements.

3. **Residential Subdivision Entrances**

Residential subdivisions must comply with the Residential Subdivision Entrance/Access Design Standards in the Design and Development Standards Manual.

4. **Projection of Streets**

- a. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision must make provisions for the future projection of streets into such unsubdivided areas, unless the Comprehensive Plan provides otherwise.
- b. Subdivisions must provide for the location of a reasonable number of street openings to adjoining properties. Such an opening must occur a minimum of every 1,000 feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision. An exception in accordance with the procedure set forth in 3.6.7 may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare or railroad prevents its implementation.
- c. The developer must convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer must either dedicate land or convey to the City, by general warranty deed, a fee simple on condition subsequent estate in one or more lots. If the City Council determines that the property will not be needed for street extension, the grantor (or successor) has the right to reenter and assume ownership of the property.

5. **Prohibition of Reserve Strips**

Reserve strips of land controlling the access to public ways or adjoining properties are prohibited unless such strips are in compliance with the law and are not detrimental to the public health, safety and welfare.

6. **Local Streets**

Local streets must be laid out to discourage through traffic.

**E. Curvilinear Streets**

- 1. Curvilinear streets must meet the following standards.

Street Classification	Min. Curve Radius to Centerline of Street (ft)
Local	200
Collector	375
Arterial	725
Major thoroughfare	1,000

2. The City Council may approve local streets with smaller radii than required above in accordance with the exception provisions in Sec. 3.6.7. In the case of such an approval, the applicant must pay the additional cost of installing water and wastewater lines necessitated by the smaller radii.

**F. Half Streets and Adjacent Streets**

Where public street right-of-way is available, a new half-street must not be platted except in the case where such a street is to be a major thoroughfare as called for and consistent with the Comprehensive Plan.

**G. Street Intersections**

1. Subdivision layout must provide for a minimum practical number of intersections with arterials, and those intersections should be with collector streets at intervals of a minimum of 800 feet.
2. Off-center street intersections will not be approved; however, street jogs with centerline offsets of more than 180 feet may be submitted for consideration in accordance with the exception provisions in Sec. 3.6.7.
3. More than two streets intersecting at one point is not permitted.
4. A street may not intersect any other street at an angle of less than 60 degrees and curb radii at the corner must be adjusted accordingly.
5. Major thoroughfare intersections must have property line corner chords with a minimum tangent distance of 30 feet.
6. Curb radii at intersections, including alley openings, must be a minimum of 15 feet, measured from face of curb, except in nonresidential developments where the radii must be a minimum of 20 feet. Curb radii for drive approaches are set forth in Sec. 7.2.

**H. Cul-de-Sacs**

Streets ending in a cul-de-sac must comply with the standards in the Design and Development Standards Manual.

**I. Typical Street Section**

Typical street sections must be based upon projected traffic volume, existing soil conditions and drainage condition and requirements. The street sections must be based on a twenty-year life and with the following loading requirements.

Street Type	Equivalent Single Axle Loads	Single Axle Loading Basis
Alley	20,000	18 kip axle repetitions
Local Street	20,000	
Collector Street	100,000	
Arterial Street	400,000	
Major thoroughfare	500,000	

**J. Street Grade**

1. Streets other than local streets must have a maximum grade of five percent, unless the natural topography requires steeper grades, in which case a seven and one-half percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit.
2. Local streets may have a maximum grade of seven and one-half percent.
3. All streets must have a minimum grade of five-tenths of one percent.
4. Centerline grade changes with an algebraic difference of more than two percent must be connected with vertical curves of sufficient length to provide a minimum of 600 feet sight distance on collectors, arterials and major thoroughfares. A minimum sight distance of 400 feet is required on local streets.
5. If a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes must not exceed 12 inches in 30 feet.

**K. Curbs and Gutters**

1. Streets must be edged with curbs and gutters and designed in accordance with the Design and Development Standards Manual. Rural local and rural collector streets must be edged with 12-inch wide concrete ribbons.
2. Radial curbs and gutters must be constructed at each corner upon each block to which curbs and gutters are constructed.
3. Lay-down curbs must be constructed across all alleys with street intersections.
4. State specifications govern construction and alteration of state highways.

**L. Street Construction by Bonded Contractor**

A bonded contractor must perform all street construction.

**M. Street Post and Markers**

The developer must pay the cost of purchasing and installing street posts and markers at each street intersection. Such posts and markers must be of the same type used throughout the City.

**N. Monuments**

The registered professional land surveyor responsible for preparing the plat must place permanent monuments in accordance with survey and monumentation standards in the Design and Development Standards Manual.

**O. Streets Within Planned Developments**

Private interior streets to be used only as local or collector streets within a Planned Development must have a minimum pavement width of 26 feet. These private streets must not conflict with streets identified in the Comprehensive Plan. If a potential exists for a private street to become a public street, the easement created for the private street must be the same width as the public street right-of-way required for a local street.

**P. Provision for Replatting Subdivisions**

If a tract is subdivided, lots must be arranged to allow for the opening of future streets in accordance with the standards of this Section.

**8.2.2 Alleys**

**A. Generally**

Alleys need not be provided unless the Planning & Zoning Commission requires them. Where alleys are required in residential blocks, the minimum public street right-of-way width of such alleys is 20 feet.

**B. Intersection of Alleys**

Where two alleys intersect or turn at right angles, a diagonal of not less than 10 feet from the normal intersection of the property line is required. At other angles the Director of Public Works must review the diagonal length.

**C. Dead-End Alleys**

Dead-end alleys are not permitted except if a Preliminary Plat provides for the extension of the alleys, in which case temporary turnarounds that meet the requirements set forth in the Design and Development Standards Manual must be provided.

**8.2.3 Sidewalks and Trails**

**A. Purpose**

The purpose of this subsection is to provide safe, continuous pedestrian access along arterial and collector streets, for linking residential areas, neighborhood services, retail services and public facilities.

**B. Where Required**

1. Sidewalks must be provided in the public street right-of-way, along both sides of arterial streets and along one side of collector streets.
2. The location of new sidewalks along a collector street must be in the established pattern, or as the Director of Planning determines, considering available public street right-of-way and existing or future infrastructure, or, all factors being equal, along the north and east sides of the collector. Sidewalks must be built in accordance with the Design and Development Standards Manual.

**C. Dimensional and Construction Standards**

Except as modified for Industrial Parks in subsection D below, the following standards apply to sidewalks citywide.

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**Article 8: Subdivision Design and Improvements**

Sec. 8.2. Design Standards

1. Sidewalks along local (if provided) and collector streets must be a minimum of four feet wide.
2. Sidewalks along arterial streets must be a minimum of six feet wide.
3. Sidewalks must be built in line with existing sidewalks. In the absence of an adjoining sidewalk, the edge of the sidewalk closest to the street must be a minimum of two feet from the curb. This section should not be construed to prohibit paving the area between the sidewalk and the street.
4. Sidewalks must be built in accordance with the Design and Development Standards Manual.
5. Construction plans must be submitted with the Building Permit application. Required sidewalks must be constructed before the Chief Building Official issues a Certificate of Occupancy.
6. Obstructions including, but not limited to utility poles and signs are not permitted in sidewalks.

[Ord. 2012-4516] [Ord. 2013-4580]

**D. Sidewalk Not Required**

Sidewalks are not required:

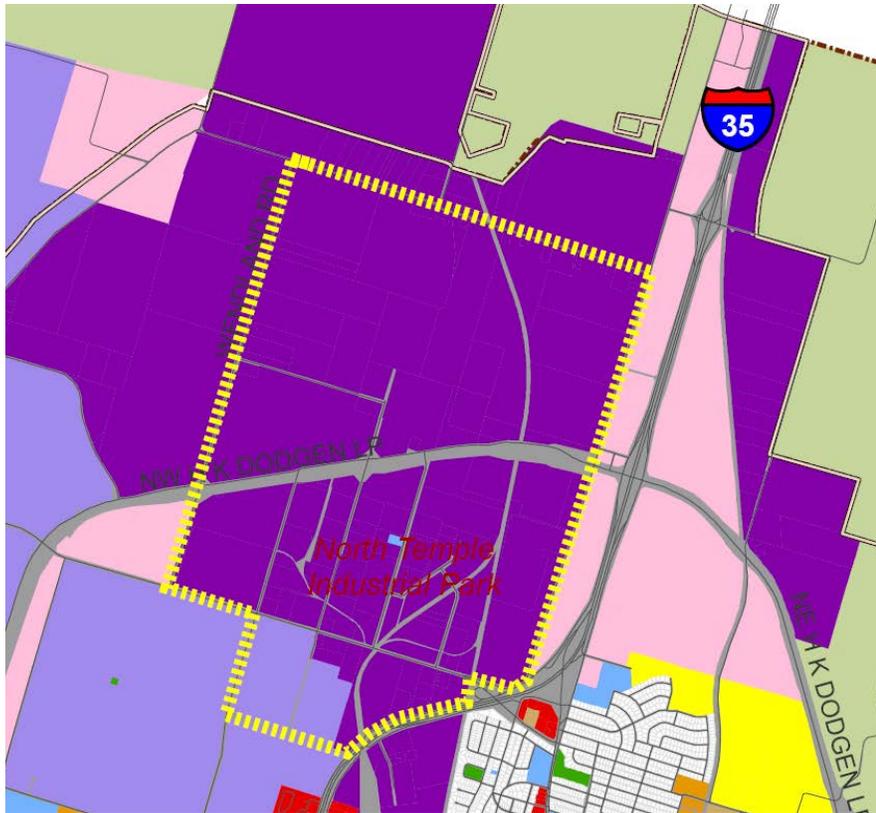
1. Where the subject property is proposed for single-family residential use in the UE (Urban Estates) zoning district.
2. Where the subject property is located along streets within Industrial Parks described below:
  - a. Northwest Industrial Park – for the purposes of this Section the Northwest Industrial Park consists of properties within or fronting on the boundary depicted below and formed by:
    - i. Moore’s Mill Road from Wendland Road to Pegasus Drive;
    - ii. Pegasus Drive from Moore’s Mill Road to North General Bruce Drive;
    - iii. North General Bruce Drive from Pegasus Drive to Enterprise Road;

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**Article 8: Subdivision Design and Improvements**

Sec. 8.2. Design Standards

- iv. Enterprise Road from North General Bruce Drive to Eberhardt Road;
- v. Eberhardt Road from Enterprise Road to Industrial Boulevard;
- vi. Industrial Boulevard from Eberhardt Road to Wendland Road; and
- vii. Wendland Road from Industrial Boulevard to Moore's Mill Road.



- b. Southeast Industrial park – for the purposes of this Section, the Southeast Industrial park consists of properties within or fronting on the boundary depicted below and formed by:
  - i. East Avenue H from one-half mile west of the western H.K. Dodgen Loop right-of-way line to easternmost city limit line;

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**Article 8: Subdivision Design and Improvements**

Sec. 8.2. Design Standards

- ii. The easternmost city limit line from East Avenue H to Farm to Market Road 3117;
- iii. Farm to market road 3117 from the easternmost city limit line to the eastern State Highway 36 right-of-way line;
- iv. The eastern State Highway 36 right-of-way line from the southern city limit line to the eastern H.K. Dodgen Loop right-of-way line;
- v. A straight line from the eastern State Highway 36 right-of-way line to one-half mile west of the western H.K. Dodgen Loop right-of-way line.



**E. Cost Sharing for Sidewalks**

1. On portions of property developed for single-family residential use that adjoin an arterial street, or a County, State, or Federally maintained highway, the developer shall build an arterial width sidewalk, and the City shall bear the cost of sidewalk construction

of those portions of sidewalk adjoining an arterial street or a County, State, or Federally maintained highway. The city shall reimburse the developer at the time the sidewalk improvements are accepted by the city.

**F. Waiver of Sidewalk Requirements**

The Director of Planning may exercise discretion to waive sidewalk requirements in accordance with the procedures in Sec. 3.10.

[Ord. No. 2013-4580]

**8.2.4 Utility Easements**

- A.** Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations as determined by utility providers or the City Engineer, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.
- B.** Required drainage easements must allow for a minimum of 15 feet in width in addition to any width required for a drainageway structure. This easement may be split between drainageway sides but one side (easement) must be a minimum of 10 feet in width unless other dedicated public street right-of-way provides access and maintenance.
- C.** The developer must arrange with the appropriate utility provider for the payment or refund of construction costs of each utility involved.
- D.** Where two utility easements intersect or turn at right angles, a diagonal of not less than 10 feet from the normal intersection of the easement line is required. At other angles the Director of Public Works must review the diagonal length.

**8.2.5 Blocks**

- A.** Intersecting streets determining block lengths must be provided at such intervals as to serve cross traffic adequately and to meet existing streets or contemporary and accepted subdivision practices.

- B. Blocks must be designed with the standards in the Design and Development Standards Manual.
- C. A plat must demonstrate reasonable provisions in the street layout for the public health and safety, particularly the circulation of emergency vehicles and anticipated truck traffic.

**8.2.6 Lots**

**A. General Requirements**

Lot area, width, setback line, side yard and rear yard requirements must be provided as required in this UDC.

**B. Access to Lots**

Each lot must front upon a public street or have access to a public street by private access easement sufficient to meet the requirements of Chapter 12, Fire Prevention and Protection, of the Code of Ordinances, governing fire apparatus access to buildings.

**C. Side Lot Lines**

Side lot lines must be at right angles to straight street lines and radial to curved street lines.

**D. Extra Depth and Width in Certain Cases**

1. Where a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas line, an industrial area or other land use that has a depreciating effect on the residential use of property, and where no marginal access street or other street is provided, the Planning and Zoning Commission may require additional lot depth.
2. In no case may a residential lot depth in excess of 175 feet be required. Additional lot width, up to 100 feet may be required where a residential lot sides to the conditions described in paragraph 1 above.

**E. Lot Arrangement**

Lots for residential use must not front on or be contiguous at a side lot line to major thoroughfares or expressways. Lot arrangement in case of nonresidential uses is subject to the review and approval of the Planning

and Zoning Commission so that traffic congestion and movement problems are prevented wherever possible. Double fronting lots or lots with a side lot line contiguous to major thoroughfares or expressways may be allowed, following recommendation of the Director of Planning and after evaluation of the resulting exposure (i.e., fence, berm, wall) adjacent to the street.

**F. Subsequent Platting**

At the option of the subdivider and with the approval of the Planning and Zoning Commission, the subdivider may preliminarily plat all streets, easements and minimum building lines, and at a subsequent date, plat the blocks and lots as individual Final Plats consistent with the initial platting of streets and utilities.

**8.2.7 Water and Wastewater**

**A. Size of Water Mains**

Water mains must be a minimum of six inches in diameter. The following items will be taken into account in determining if a larger water main is needed:

1. The recommendation of the design engineer for the developer;
2. Peak demands for domestic and irrigation use of water;
3. Fire protection and hydrant coverage; and
4. Growth and development possibilities for the area.

**B. Size of Wastewater Lines**

Wastewater lines must be a minimum of six inches in diameter. The following items will be taken into account in determining if a larger wastewater line is needed:

1. The recommendation of the design engineer for the developer;
2. Peak demands; and
3. Growth and development possibilities for the area.

[Ord. 2012-4545]

**C. Wastewater Clean Outs**

1. Full-size clean outs may be used in place of manholes at the end of cul-de-sacs where
  - a. Wastewater mains run in a straight line;
  - b. A maximum of three service lines converge at one point; and
  - c. The distance from the proposed cleanout to the nearest manhole is less than 500 feet.
2. Each home or building drain must be provided with a clean out near the junction of the building drain and building sewer, in accordance with Chapter 7, Article 21, Plumbing Code, of the Code of Ordinances and the Design and Development Standards Manual. A wastewater yard line clean out must be installed at the junction of the wastewater yard line and the City service line.

**D. Time of Construction**

Water and wastewater lines, including short and long taps, must be installed during the construction phase of the subdivision. The subdivider must bring all valves and manholes within the subdivision boundary to grade prior to final acceptance.

**E. Fire Hydrants**

Fire hydrants may be used in lieu of flushing valves at the end of cul-de-sacs so long as there are sufficient hydrants located at intersections to meet the spacing criteria in Chapter 12, Fire Prevention and Protection, of the Code of Ordinances.

**F. On-Site Sewage Facilities**

1. A subdivision with a proposed on-site sewage facility must not be approved if adequate wastewater service is available within 500 feet of the property line of the subdivision or if the subdivision contains one or more lots that are less than 22,500 square feet in area.
2. The Planning and Zoning Commission may approve a subdivision with on-site sewage facilities containing lots that are less than 22,500 but more than 15,000 square feet in area if:

- a. Such subdivision predominantly contains either the Altoya, Bastrop, Lewisville, Mendard or Venas soil series; and
  - b. The owner or developer of the subdivision demonstrates by convincing evidence that due to soil type, volume of sewage, topography, building size, density, percolation tests, design of the on-site sewage facility and other relevant factors that a smaller lot area will create no public health, safety or welfare problems to residents of the subdivision or to surrounding property owners or residents.
3. In no event may such a subdivision be approved containing lots which that are less than 15,000 square feet in size.

#### **8.2.8 Drainage and Storm Sewers**

- A. Drainage structures must be designed and constructed in accordance with the Drainage Criteria and Design Manual and in such locations and of such size and dimensions to adequately serve the subdivision and associated drainage area as demonstrated on a submitted Drainage Plan. The developer is responsible for all costs for the installation of the drainage system required to accommodate the needs of the subdivision being developed, to include the carrying of existing water entering or leaving the subdivision.
- B. In new subdivisions, the developer must provide all the necessary easements and rights-of-way required for drainage structures, including storm sewer and open or paved channels.

#### **8.2.9 Flood Damage Prevention**

All subdivisions must comply with Ordinance No. 1376 (Chapter 13 of the Code of Ordinances) known as the "Flood Damage Prevention Ordinance of the City of Temple."

#### **8.2.10 Street Lights**

Installation of street lights in new subdivisions that are within the City limits or pending annexation by petition of the property owners must conform to the City's current Street Light Policy.

### **8.2.11 Subdivision Construction Standards**

All construction plans and accepted subdivision improvements must conform to the following standards, unless an exception to the standards of this Article has been granted in accordance with the procedures set forth in Sec. 3.6.7.

#### **A. Inspection of Construction Work**

The Director of Public Works has the authority to inspect all construction work, such as street grading, street paving, storm sewers, curbs and gutters, wastewater or water mains, that the owner, developer or contractor performs. Inspections may occur during construction work and after work is completed. All construction must comply with the Design and Development Standards Manual.

#### **B. Addressing, Street Naming and Subdivision Naming**

Standards for addressing (odd–even), street naming (avoiding duplication), subdivision naming and related matters are adopted as the street renaming and addressing policy.

#### **C. Administration of Construction Standards**

The Director of Public Works must publish and maintain construction standards, specifications and other provisions in the Design and Development Standards Manual. A copy of this manual is available in the office of the Director of Public Works.

#### **D. Costs of Installation**

All required improvements must be constructed at the developer's cost, with no contribution from the City, except as specified in this Article and Chapter 38 of the City Code, Water and Wastewater.

### **8.2.12 Avigation Release**

The Planning and Zoning Commission may require the execution of an avigation easement or release as a condition precedent to approval of a subdivision plat.

**8.2.13 Development on H. K. Dodgen Loop**

**A. Provision of Loop and Frontage Road Right-of-Way**

1. Any property subdivided or upon which a Building Permit is requested, that fronts on H.K. Dodgen Loop, must be built upon or subdivided in such a manner so as to provide for the main lanes for H.K. Dodgen and frontage road, where necessary, that conform to the plans for the main lanes and frontage roads as the Texas department of Transportation (TxDOT) has approved or adopted for H.K. Dodgen Loop. Where this Section requires main lanes or frontage roads, it is the responsibility of the developer or property owner to provide adequate public street right-of-way for one-half of the main lanes of H. K. Dodgen Loop and a frontage road.
2. An owner or developer of property fronting H.K. Dodgen Loop desiring to subdivide, or obtain a Building Permit on said property must submit a plat or site plan to the City for approval. The plat must address public street right-of-way for the main lanes and frontage road, access to the Loop, and internal circulation for the platted property.

**B. Access Standards**

**1. General Requirements**

**a. Temporary Access**

The City must allow temporary access from the platted property to H. K. Dodgen Loop in appropriate cases. The City must require that temporary access ramps be located not closer than 200 feet from the nearest adjacent access ramp to the Loop. The developer or owner of the platted property must build the temporary access ramp at his or her own expense and in conformance with City and state standards for access ramps. At such time as the state or City constructs permanent access ramps from the frontage road to H. K. Dodgen Loop, the current owner of the property that the temporary access ramp serves must remove at his or her own expense, the temporary access ramp.

**b. Shared Access**

Shared access for adjacent development parcels is required wherever possible. The burden is on the developer or owner to show that shared access is not practical.

**c. Internal Circulation**

The plat must address internal circulation within the property, as opposed to on the frontage roads. Internal circulation streets that the developer must provide and pay for, may parallel the frontage road. Internal circulation streets may be two-way.

**d. Temporary Deceleration Lane**

The City may require, in appropriate cases, that developers or owners construct a temporary deceleration lane at their own expense if the platted property is likely to generate a high volume of traffic.

**e. New Crossovers**

The City may not authorize new crossovers on H.K. Dodgen Loop unless the Texas Department of Transportation approves such crossovers.

2. **Standards and Specifications**

Frontage roads and ramps must be constructed in accordance with the plans that the Texas Department of Transportation and the City have approved or adopted.

## Sec. 8.3. Park Land Dedication

### 8.3.1 Requirements for Park Land Dedication

#### A. General Requirements

1. Whenever an approved residential Final Plat is filed of record with the County Clerk of Bell County, such plat must contain a clear fee simple dedication of an area of land to the City for park purposes. Such area must equal one acre for each 133 proposed dwelling units. As far as practical, all dedications of lands must be in a single parcel.
2. All plats must show the area proposed to be dedicated under this Section. The payment of cash may meet the parkland dedication that this Section requires when this Section permits or requires.
3. The City Council declares the development of an area smaller than three acres for the public park purposes as impractical. Therefore, if a Preliminary Plat proposes fewer than 399 units resulting in a required dedication of less than three acres, the developer is required to pay cash instead of dedicating land. A plat showing dedication of less than three acres must not be approved unless the City Council, upon recommendation of the Planning and Zoning Commission, approves an exception to this requirement in accordance with Sec. 3.6.7.
4. Where an area of less than five acres is required to be dedicated, the Planning and Zoning Commission may accept the dedication or require payment of cash instead of land dedication in the amount that Sec. 8.3.2 requires if it determines that sufficient park area is already in the public domain and in the area of the proposed development, or if it determines that expanding or improving existing parks would better serve the parkland recreational needs of the area.
5. The dedication that this Section requires must be made by the filing of the Final Plat clearly showing such parkland dedication or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the Final Plat. If the actual number of completed dwelling units exceeds the figure

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**Article 8: Subdivision Design and Improvements**

Sec. 8.3. Park Land Dedication

upon which the original dedication is based, such additional dedication is required, and must be made by payment of cash instead of the land dedication in the amount provided that paragraph 1 requires above, or by the conveyance of an entire numbered lot to the City.

6. Before any dedication of parkland or payment of cash instead of land dedication may be required, the Planning and Zoning Commission must find at the public meeting at which the subdivision is considered for final approval, that the dedication of park land or payment of cash instead of land dedication for future development of parks bears a substantial relation to the health, safety and general welfare of the community and that the subdivision causes a need for the park improvement. In order to determine whether or not the need or benefit is sufficient to require the dedication, such factors as the size of lots in the subdivision, the economic impact of the subdivision, density of population, the amount of private parkland contained in the subdivision, and the amount of open land that the subdivision consumes must be considered. The Director of Parks and Leisure Services must be informed of all new subdivisions that are submitted for approval and of all existing subdivisions that are submitted for replatting, expansion or redevelopment. The Planning and Zoning Commission must seek the advice of the Director of Parks and Leisure Services, or may refer the matter to the Parks and Leisure Services Board before considering the subdivision for final approval and passing on the need for park dedication.
7. If payment of cash instead of land dedication is determined to be appropriate, the Director of Parks and Leisure Services must determine the location of the park where the funds will be spent within 90 days of the final acceptance of the completed subdivision.
8. When the Temple Housing Authority or Habitat for Humanity is the developer of a subdivision, park dedication requirements (land or cash) may be waived, and the City must provide or obtain park land, or fund the park fee, to assure provision of neighborhood park facilities for the subdivision.

**B. Prior Dedication or Absence of Prior Dedication**

1. Credit may be given for dedication of land or cash paid instead of land dedication that was dedicated or paid pursuant to the previously existing zoning ordinance or subdivision ordinance of the City.
2. If a dedication requirement arose prior to the passage of this section, the ordinance in effect at the time such obligation arose controls that dedication requirement, except that additional dedication is required if the actual density of the dwelling units constructed on the property is greater than the former assumed density. Additional dedication is required only for the increase in density and must be based on the ratio set forth in paragraph A.1 of this subsection.

At the discretion of the Planning and Zoning Commission, any former gift of parkland to the City that any provision of the City Code, the previously existing zoning ordinance or other applicable laws did not require, may be credited on a per acre basis toward eventual parkland dedication requirements imposed on the donor of such land. The Planning and Zoning Commission may, if requested, consider the recommendation of the Parks and Leisure Services Board, in exercising its discretion under this Section.

**C. General Requirements in the Extraterritorial Jurisdiction (ETJ)**

Park land dedication will not be required in the City's extraterritorial jurisdiction if all of the following circumstances exist:

1. The area proposed for development is more than one mile from the existing city limits'
2. The proposed subdivision will create fewer than nine lots; and
3. The City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

Other exceptions to the requirement to provide fire hydrants in the ETJ will be considered in accordance with the requirements and procedures provided in [Sec. 3.6.6](#).

[Ord. No. 2013-4580]

### 8.3.2 Cash Instead of Land Dedication

Subject to the approval of the Planning and Zoning Commission:

- A. A land owner responsible for dedication under this Section may elect to meet the requirements of Sec. 8.3.1 in whole or in part by cash payment instead of land dedication in the amount set forth in subsection B below. Such payment instead of land dedication must be made prior to the time the City accepts the subdivision improvements.
- B. The dedication requirement may be met by a payment of cash instead of land dedication sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the area in which such development is located. Such per-unit price is computed on the basis of \$225.00 per dwelling unit. Cash payment may be used only for land acquisition or development of a neighborhood park located within the same area as the development or in close proximity to the development. The Director of Parks and Leisure Services must determine this location within 90 days of the final acceptance of the completed subdivision. Examples of land acquisition or development costs include but are not limited to land purchases; design and construction of landscaping, utilities, structures, sidewalks and trails; and purchase and installation of new equipment such as playscapes, outdoor furniture and lighting fixtures. Cash paid instead of dedicating park land may not be used for costs of operation, maintenance, repair or replacement.
- C. The City Council, following a recommendation of the Planning and Zoning Commission, may reduce the per dwelling unit contribution for multiple family dwellings and manufactured home land lease community by a maximum of one half if they are satisfied that onsite recreational amenities will substantially meet the needs that the development generates. Examples of onsite recreational amenities include but are not limited to trails, accessible open space, pool, recreational fields, playground, playground equipment, clubhouse or community room.
- D. The Director of Parks and Leisure Services may reduce the per dwelling unit contribution for a land lease community by one-half to credit the development for required onsite recreational amenities.

### 8.3.3 Comprehensive Plan Considerations

Land show on the Future Land Use and Character Map, Parks, Recreation and Open Space Master Plan or Citywide Trails Master Plan that is designated as being suitable for development for a major recreational center, school site, park or other public use, must be reserved for a period of one year after the Preliminary Plat is approved if, within two months after such approval, the City Council advises the subdivider of its desire to acquire the land or of the interest of another governmental unit to acquire the land, for purchase by the interested governmental authority, at land appraisal value of at the time of purchase. The City Council's failure to so notify the subdivider constitutes a waiver of the right to reserve the land. Any waiver of the right to reserve the land is no longer effective if the Preliminary Plat expires without approval of a Final Plat.

### 8.3.4 Special Fund and Right to Refund

- A. There is hereby established a special fund for the deposit of all sums paid instead of land dedication under this section. The fund is known as the Parkland Dedication Fund. All monies set aside in the fund must be used exclusively for park and recreational improvements in new or existing parks in the subdivision that contributes the cash, or as close to the subdivision as practical to ensure that the subdivision's residents gain the benefit of the improvements.
- B. The City must account for all sums paid instead of land dedication under this Section with reference to the individual plats involved and the contributing developer. Funds designated for development of an existing neighborhood park must be spent within two years from receipt.
- C. Funds designated for land acquisition and development of a new neighborhood park must be spent within five years from receipt.
- D. When funds from several different subdivisions are being accumulated to develop a neighborhood park serving several different subdivisions they must be segregated in an account earmarked for that particular project within the parkland dedication fund. Such funds must be spent on a first in, first out basis. Provided, however, that access to an acquired or dedicated park or acquired or dedicated park site is granted to the City or its agent for the purposes of park development. If not so expended,

the contributing developer on the last day of such period must be notified of and entitled to a pro rata refund of such sum, computed on a square footage of area basis. Registered mail to three addresses that the contributing developer provides constitutes diligent effort to locate and if unanswered in writing, requesting refund within 365 days of such mailing, such right to refund is barred.

- E. The placing of a parkland dedication fund in a "treasury fund" that the Director of Finance has established is not deemed a violation of this Section, so long as the Director of Finance maintains a separate account for these proceeds for the purposes set forth in this Section and assures that funds will not be disbursed for any purposes not set forth in this Section. The quarterly report of the Director of Finance to the City Council must include a current summary of parkland escrow funds.

#### 8.3.5 Additional Requirements

- A. Any land dedicated to the City under this section must be suitable for recreational purposes, such as for parks, playgrounds and usable open space.
- B. The following characteristics of proposed parkland areas are generally unsuitable:
  1. Any area is primarily, (more than 50 percent), located in the hundred year floodplain.
  2. Any areas are of unusable topography or slope that render more than 25 percent of the area unusable for organized recreational activities.
  3. Due to unusual circumstances relating to subsoil, slope or topography, the development of the property for park or recreational purposes would be extremely difficult or expensive as the Director of Public Works and the Director of Parks and Leisure Services determine.
- C. The above characteristics of a park land dedication area may be grounds for denial of any Preliminary or Final Plat.
- D. Drainage areas may be accepted as a part of a park if the channel is constructed in accordance with the Design and Development Standards

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**Article 8: Subdivision Design and Improvements**

Sec. 8.4. Improvement Guarantees

Manual, and if the channel cuts off no significant area of the park from public access. Provided, however, that the developer may provide vehicular access by a bridge or similar structure that the Director of Public Works approves. The land dedicated for of park land may include 50 feet on each side of any well-defined creek or waterway.

- E. Each park must have ready access to an improved public street so as to provide visual access to a majority of the park area.

**Sec. 8.4. Improvement Guarantees**

[Reserved]

## Sec. 8.5. City Participation

### 8.5.1 Perimeter Streets

#### A. Local and Collector Streets

Where a subdivision is adjacent to an existing street or future street classified as a local or collector street on the Thoroughfare Plan and the existing street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer must dedicate the additional right-of-way for the existing street or future street. The developer must dedicate one-half of the land required for an existing street to be upgraded or one half of the land required for a future street to be constructed.

#### B. Arterial and Larger Streets

Where a subdivision is adjacent to an existing street or future street classified as a major or minor arterial street on the Thoroughfare Plan and the existing street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer must dedicate the additional right-of-way for the existing street or future street. The developer must dedicate a proportional share of the land required for an existing street to be upgraded or a proportional share of the land required for a future street to be constructed.

[Ord. 2012-4545]

### 8.5.2 Internal Streets

The developer must pay all costs for the installation of streets in a subdivision, including those streets, special access arrangements and related drainage structures required because:

- A. A substantial amount of traffic will be generated from, to or through the subdivision because of existing or future conditions; or
- B. The Comprehensive Plan indicates a need for certain major thoroughfares through or adjacent to the subdivision.

**Article 9 - Nonconformities**  
**Table of Contents**

Sec. 9.1. General ..... 9-1

Sec. 9.2. Nonconforming Uses and Structures..... 9-1

Sec. 9.3. Nonconforming Signs ..... 9-3

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## Article 9 Nonconformities

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### Sec. 9.1. General

- 9.1.1** The provisions of this Article are adopted pursuant to Local Government Code Chapters 43, 211 and 212.
- 9.1.2** Nonconformities are those land uses, structures, signs or lots of record that do not conform with the requirements of this UDC. The adoption of this UDC does not make nonconformities illegal; however, nonconformities must not be modified except in accordance with this Article.
- 9.1.3** Nothing in this Article prohibits the ordinary repair and maintenance of a nonconformity.

### Sec. 9.2. Nonconforming Uses and Structures

- 9.2.1** A nonconforming status for a use or structure exists when:
- A.** On September 19, 1991, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previously existing zoning ordinance; or
  - B.** As a result of amendments to this UDC, the use or structure does not comply with the standards of this UDC.
- 9.2.2** A nonconforming use or structure lawfully existing and operating prior to the adoption of this UDC may not be increased, enlarged or expanded beyond that, as it existed on September 19, 1991, except in the following circumstances.
- A.** To provide off-street loading or off-street parking spaces upon approval of the Zoning Board of Adjustment; or
  - B.** To remodel or build an addition to an existing residential structure in a LI, Light Industrial or HI, Heavy Industrial district, in conformance with the Area Regulations for Single-Family Dwelling-3 districts.
  - C.** To replace a mobile home with a HUD-Code manufactured home or a HUD-Code manufactured home with a different HUD-Code manufactured home, on property where the existing mobile home or HUD-Code manufactured home was in existence and lawfully located before annexation. The one-time replacement that this paragraph

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**Article 9: Nonconformities**

Sec. 9.2. Nonconforming Uses and Structures

authorizes must occur within five years from the effective date of the annexation.

- 9.2.3** Any nonconforming use may be changed to a conforming use and once such change is made, the use must not be changed back to a nonconforming use.
- 9.2.4** If a nonconforming use is abandoned, all nonconforming rights cease and the use of the premises must, from that point on, be in conformity with this UDC. Abandonment involves the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises that a nonconforming use occupies is construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use that, not involving a permanent structure, is moved from the premises must be deemed to have been abandoned.
- 9.2.5** If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this UDC. In the case of partial destruction of a nonconforming use not exceeding 60 percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Zoning Board of Adjustment, but the size and function of the nonconforming use must not be expanded, unless the nonconforming use is a residential use in a LI, Light Industrial or HI, Heavy Industrial zoning district.
- 9.2.6** Where a lot, tract or parcel is occupied by a lawful structure, and where the acquisition of public street right-of-way by a City, county, state or federal agency causes such structure to become nonconforming regarding any requirement of this UDC, such structure must be deemed a conforming structure. Such designation applies only to nonconformity resulting directly from the acquisition of public street right-of-way. In the event that such structure is expanded or is partially or totally destroyed by natural or accidental causes, the structure may be expanded or rebuilt upon approval of a Building Permit.
- 9.2.7** The Zoning Board of Adjustment may require the discontinuance of nonconforming uses or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the

necessity of all property to conform to the regulations of this UDC. All actions to discontinue a nonconforming use or structure must be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use or structure and the conservation and preservation of the property. The Zoning Board of Adjustment may from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use or structure within the City.

**9.2.8** The Zoning Board of Adjustment may permit an extension of the two-year amortization period for nonconforming use as a sexually oriented business under the terms of the City's regulations governing sexually oriented businesses. The applicant must attach sufficient documentary evidence to the application demonstrating the following:

- A.** The full amortizable value of structures and fixtures attached such structures if the applicant made such investments prior to September 19, 1991 or prior to the first required public notice by the City Council of its intent to annex the land when the sexually oriented business is located;
- B.** The net profits and depreciation realized during the two-year amortization period; and
- C.** Any incidental costs associated with termination of the nonconforming use, such as structural demolition expenses or moving expenses of nonfixture property.

**9.2.9** After examining such evidence and hearing discussion by City staff and the applicant, the Zoning Board of Adjustment may, if necessary, grant any extension that the applicant is due under the terms of this subsection.

### **Sec. 9.3. Nonconforming Signs**

Nonconforming signs are exempted from the provisions of [Sec. 7.6](#), unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation that is allowed. It may not be re-erected, reconstructed or rebuilt, except in full compliance and conformance with Sec. 7.6. Any nonconforming sign that is damaged or is deteriorated to a point where its restoration

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**Article 9: Nonconformities**

Sec. 9.3. Nonconforming Signs

cost exceeds 60 percent of its replacement value must be removed, unless otherwise authorized to remain.

**Article 10 – Enforcement, Violations and Penalties**  
**Table of Contents**

Sec. 10.1.	Enforcement .....	10-1
Sec. 10.2.	Violations .....	10-1
Sec. 10.3.	Penalties .....	10-1

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## **Article 10      Enforcement, Violations and Penalties**

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### **Sec. 10.1. Enforcement**

**10.1.1** See [Sec. 1.4](#) of the UDC. Administration, interpretation and enforcement of this UDC is the shared responsibilities of the Director of Planning and the Chief Building Official, in coordination with the Director of Public Works. Administration of the Zoning Ordinance is the responsibility of the Director of Planning. Interpretation of the Zoning Ordinance is the responsibility of the Director of Planning and the Chief Building Official and Services. The City Manager may make a final staff ruling, if necessary, concerning any administration, interpretation or enforcement of this UDC.

[Ord. No. 2013-4580]

**10.1.2** See [Sec. 1.4](#) of the UDC. The City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC with respect to any applicable violation that occurs within any area subject to the provisions of this UDC.

### **Sec. 10.2. Violations**

See Sec. 1-9 of the City Code.

### **Sec. 10.3. Penalties**

See. Sec. 1-9 of the City Code.

**Article 10: Enforcement, Violations and Penalties**

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Sec. 10.3. Penalties

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**Article 11 – Definitions**  
**Table of Contents**

Sec. 11.1.	Abbreviations.....	11-1
Sec. 11.2.	Defined Terms .....	11-2

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# Article 11 Definitions

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## Sec. 11.1. Abbreviations

Abbreviation	Term
AG	Agricultural zoning district
Ac.	Acres
ANSI	American National Standards Institute
C	Commercial zoning district
C (use table)	Use requires a Conditional Use Permit
CUP	Conditional Use Permit
CA	Central Area zoning district
dB	Decibel
ETJ	Extraterritorial Jurisdiction
GFA	Gross floor area
GR	General Retail zoning district
FP	Floodplain overlay zoning district
Ft.	Feet
H	North Central Temple Historic overlay zoning district
HI	Heavy Industrial zoning district
HUD	Department of Housing and Urban Development
I-35 or IH-35	Interstate Highway 35 or General Bruce Drive
LI	Light Industrial zoning district
L	Use Permitted Subject to Limitations
Max.	Maximum
MF-1	Multiple-Family Dwelling zoning district 1
MF-2	Multiple-Family Dwelling zoning district 2
MF-3	Multiple-Family Dwelling zoning district 3
MH	Manufactured Home zoning district
Min.	Minimum
Mph	Miles per hour
O-1	Office One zoning district
O-2	Office Two zoning district
P	Use Permitted By Right
PD	Planned Development overlay zoning district
SF-1	Single-Family Dwelling zoning district 1
SF-2	Single-Family Dwelling zoning district 2
SF-3	Single-Family Dwelling zoning district 3
SFA-1	Single-Family Attached Dwelling zoning district 1
SFA-2	Single-Family Attached Dwelling zoning district 2
SFA-3	Single-Family Attached Dwelling zoning district 3
Sq. ft.	Square Feet
TCEQ	Texas Commission on Environmental Quality
TDHR	Texas Department of Human Resources Standards
TH	Townhouse zoning district
TMED	Temple Medical and Educational District
UE	Urban Estate zoning district
UDC	Unified Development Code
2F	Two-Family Dwelling zoning district

## Sec. 11.2. Defined Terms

As used in this UDC, unless the context otherwise indicates, the words below are defined as follows. Words not expressly defined in this Section are to be construed in accordance with their ordinary meaning or in accordance with their customary usage in municipal planning and engineering practices.

**Abutting.** Adjacent; joining at a boundary.

**Access.** Refers to vehicular access, both automobile and truck.

**Accessory Building, Detached.** In a residential zoning district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, toolhouse, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or a guesthouse residence.

**Accessory Dwelling Unit.** A dwelling unit subordinate to and incidental to the primary use of the principal building or to the primary use of the premises.

**Accessory Use.** A use subordinate to and incidental to the primary use of the principal building or to the primary use of the premises.

**Agricultural Accessory Building.** A structure, other than a dwelling, on a farm as defined in this UDC, for the housing protection or storage of the usual farm equipment, animals and crops.

**Airport or Landing Field.** An area improved for the landing or take-off of aircraft approved by the City for operation as an aircraft landing facility.

**Alcoholic Beverages, Off-Premise Consumption, Beer & Wine Sales.** Sales of beer or wine in unbroken original containers for off-premises consumption.

**Alcoholic Beverages, Off-Premise Consumption, Package Store.** Sales of distilled liquors, wines and beers in unbroken original containers for off-premises consumption.

**Alcoholic Beverages, Sale of Beer and Wine Only for On-Premise Consumption, Less Than 75% Gross Revenue from Alcohol Sales.** This is the land use listing for sale of beer and wine only for on-premise consumption where the gross revenue from the on-premise sales of beer and wine is less than 75% of total gross

revenue.

**Alcoholic Beverages, Sale of All Alcoholic Beverages for On-Premise Consumption, Equal To or Exceeding 75% Of Gross Revenue From Alcohol Sales.** This is the land use listing for sale of all alcoholic beverages for on-premise consumption where the gross revenue from on-premise sales of alcoholic beverages equals or exceeds 75% of gross revenues.

**Alcoholic Beverages, Sale of All Alcoholic Beverages for On-Premise Consumption, Less Than 75% Gross Revenue from Alcohol Sales.** This is the land use listing for sale of all alcoholic beverages for on-premise consumption where the gross revenue from the on-premise sales of alcoholic beverages is greater than 50% and less than 75% of total gross revenue.

**Alcoholic Beverages, Sale of All Alcoholic Beverages for On-Premise Consumption, Equal To or Exceeding 75% of Gross Revenue from Alcohol Sales.** This is the land use listing for sale of all alcoholic beverages for on-premise consumption where the gross revenue from on-premise sales of alcohol beverages is 50% or less of gross revenues.

**Alley.** A minor public or private street right-of-way that is primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

**Alternative Support Structure or Tower.** A building, clock tower, bell steeple, light pole or similar alternative for the mounting an antenna. The term "alternative support structure or tower" does not apply to a nonconforming or off-premise sign.

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

**Amusement, Commercial (Indoor).** An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor, or shooting range.

**Amusement, Commercial (Outdoor).** Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to a golf driving range, archery range and miniature golf course.

**Annexation.** The incorporation of land area into an existing municipality with a resulting change in the boundaries of that municipality.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Antenna.** Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic spectrum waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omni-directional antennas such as whips, and other similar transmitting or receiving equipment intended for personal or communications use.

**Antique Shop.** An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations that have value and significance as a result of age, design or sentiment.

**Apartment.** A room or suite of rooms in a multiple-family dwelling arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.

**Applicant.** A person submitting a development review application set forth in this UDC.

**Arcade.** An attached and covered passageway running along the exterior wall of a building.

[Ord. 2010-4415]

**Art Gallery or Museum.** An institution for the collection, display and distribution of objects of art or science, and that is sponsored by a public or quasi-public agency and that facility is open to the general public.

**Auto Sales, New or Used (Outdoor Lot).** An open, dust-free, all weather area, other than a street, alley or other public place, used for the display and sales of new or used automobiles where no repair work, except those actions normally associated with vehicle operator service, is done on the cars to be displayed and sold on the premises.

**Auto Sales Facility, New or Used.** An open, dust-free, all weather surface other than a street, alley or other public place, used for the display, wholesale or retail sale, repair, renovation and temporary storage of new or used automobiles.

**Awning.** Any structure made of cloth or metal with a metal frame attached to a building that may be fixed or can be retracted to a position flat against the building when not in use.

**Backyard Compost Operations.** The composting, land application and mulching of non-industrial organic material, such as grass clippings, leaves, brush, clean

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

wood material or vegetative food material, generated by a homeowner, tenant of a single to multi-family residential or apartment complex, or a commercial or institutional complex where the composting, land application or mulching occurs on the dwelling property and the final product is utilized on the same property. Backyard operations includes neighborhood composting demonstration sites that generate less than 50 cubic yards of final product per year.

**Barber Shop or Beauty Shop.** A business of cutting or dressing hair, shaving or trimming beards, performing manicures, facials or other grooming services including the performing of other related services or the selling of related goods for human beings or animals.

**Basement.** A building story that is partly underground, but having a minimum of one-half of its height above the average level of the adjoining ground.

**Block.** A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

**Block Face.** The aggregate of all the building facades on one side of a block.

[Ord. 2010-4415]

**Board or Zoning Board.** Zoning Board of Adjustment.

**Boarding House/Rooming House.** A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

**Body Piercing.** The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

**Body Piercing Studio.** A facility in which body piercing is performed.

[Ords. 2016-4768 & 2016-4769]

**Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. If subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. This term is synonymous with "structure".

**Building Line.** A line parallel or approximately parallel to the street line at a specified

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

distance therefrom creating the minimum distance from the street line that a building may be required.

**Building Setback Line.** A line beyond which buildings must be set back from the property line.

**Canopy.** Any structure, other than an awning, made of cloth or metal with metal frames attached to a building that is carried by a frame supported by the ground or sidewalk.

**Cellar.** A building story with more than one-half its height below the average level of the adjoining ground.

**Cemetery.** Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Occupancy.** An official certificate issued by the Chief Building Official that indicates conformance with City regulations and authorizes the use of the premises for which it is issued.

**Chief Building Official.** That individual responsible for issuing Building Permits and enforcing provisions of the building codes adopted by the City, as well as enforcing this UDC.

**Child Care Facility, Family Home.** A private residence where the occupant provides custodial care and supervision during daylight hours for a maximum of six children at any one time. The maximum of six children includes the family's natural or adopted children under the age of 14.

**Child Care Facility, Group Day Care Home.** A facility (including nonresidential structures) that provides custodial care and supervision for less than 24 hours a day for between seven and 12 children, excluding foster and group homes.

**Child Care Facility, Day Care Center.** A facility where over 12 children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

**Cleaning, Pressing and Pick Up Shop.** A custom cleaning shop for the cleaning and pressing of laundry on-site.

**Clinic.** A group of offices for one or more physicians, surgeons or dentists to treat sick

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

or injured out-patients who do not remain overnight.

**Clothing or Similar Light Manufacturing.** Including, but not limited to cutting, sewing and forming garments, millinery and accessories and the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, with no noise, dust, vibration, odor or other undesirable or obnoxious condition created to affect adjacent property.

**College or University.** An academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.

**Collocation.** The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Community Center.** A building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

**Common Area.** Privately owned land and improvements within a development including buildings, common open space, central services and utilities, streets, walks, plazas, recreation areas, fountains, streams or ponds, parking areas, fencing and screening walls, landscaping and any other elements and facilities under common ownership and available for the benefit, enjoyment or use of all owners or tenants.

**Community Event.** An event of civic interest, such as parades, organized holiday festivities or special events on behalf of charitable organizations.

**Comprehensive Plan.** The comprehensive plan of the City and adjoining areas adopted by the Planning and Zoning Commission and approved by the City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements, to include detailed plans for water, sewer, and other public services.

**Conditional Use.** A use permitted in a particular zoning district only upon showing that such use in a specified location will be compatible and can comply with all the conditions and standards for the location or operation of such a use as specified

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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in this UDC.

**Condominium.** A building or group of buildings in which units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

**Configuration.** The form of a building, based on its massing, private frontage and height.

[Ord. 2010-4415]

**Copy.** Letters, characters, illustrations, logos, graphics, symbols or writing designed to communicate information of any kind, to advertise or identify the purpose of a person or entity, to identify or advertise a business or to advertise the sale or lease of a premise.

**Correctional Facility.** A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

**Country Club.** An area containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**Credit Access Business.** A credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

[Ord. 2015-4740]

**Cul-de-Sac.** A local street with only one street outlet and having an appropriate terminal for the same and convenient reversal of traffic movement.

**Curb Line.** An imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

**Dance Hall or Nightclub.** An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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the City.

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

**Density:** The number of dwelling units within a standard measure of land area.

[Ord. 2010-4415]

**Director of Planning.** That individual responsible for city planning duties, including administration of portions of this UDC.

**Disposition.** The placement of a building on its lot.

[Ord. 2010-4415]

**District.** A section of the City for which the land development regulations are uniform.

**Developer.** (See Subdivider)

**Double Fronting Lot.** A lot that fronts upon two parallel streets, or that fronts upon two streets that do not intersect at the boundaries of the lot.

**Driveway.** A vehicular lane within a lot, often leading to a garage.

[Ord. 2010-4415]

**Dwelling, Multiple-Family.** Any building or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or that is occupied as a home or residence of three or more families.

**Dwelling, Single-Family.** A detached building having accommodations for and occupied by not more than one family.

**Dwelling, Triplex.** A detached building designed and constructed with three separate living units under a single roof for occupancy by three families.

**Dwelling, Two-Family.** A detached building designed and constructed with two separate living units under a single roof for occupancy by two families.

**Dwelling Unit.** A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

**Easement.** A grant of one or more of the property rights by the property owner to the public, a corporation or another person or entity for such specific purposes as the construction of utilities, drainage ways and access.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Easement, Avigation.** An air-rights easement that protects air lanes around airports.

**Easement, Drainage.** An easement required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

**Easement, Utility.** A grant of one or more of the property rights by the property owner to the City, to the public generally, or to a private utility company, for installation or maintenance of utilities across, over, or under private land, together with the right to enter the property that the easement covers with machines and vehicles as necessary for maintenance of such utilities.

**Effective Parking.** The amount of parking required for a mixed use development after adjustment by the shared parking factor in TMED.

[Ord. 2010-4415]

**Emergency Shelter.** A facility providing temporary shelter, over a period of less than 30 days, for persons who are indigent, needy, homeless or transient.

[Ord. 2012-4505]

**Encroachment.** Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage or above a height limit.

[Ord. 2010-4415]

**Engineer.** A person authorized under the Texas Engineering Registration Act to practice the profession of engineering.

**Equipment Enclosure.** A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for operating personal wireless service facilities. Associated equipment may include air conditioning and emergency generators.

**Erect.** To build, construct, attach, hang, place, suspend or affix and including the painting of signs.

**Facade.** Any separate face of a building that encloses or covers usable space.

**Face, Facing or Surface.** The surface of the sign, excluding structural trim or supports, upon, against or through which the message is displayed or illustrated on the sign.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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

**Family or Group Home.** A dwelling unit used as a single housekeeping unit where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community-based residential home operated in accordance with the Community Homes for Disabled Persons Location Act and its amendments.

**Farm, Ranch, Garden or Orchard.** An area of three acres or more that is used for the primary purpose of growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

**Farmers' Market.** An open-air market with the primary purpose of providing retail sales and demonstrations of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products and homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey. Farmers' markets may also provide retail sales of handmade arts, crafts, and unique local goods. Such sales and demonstrations must be conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

[Ord. 2015-4701]

**Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

**Floodplain.** Any land area susceptible to being inundated by water from any source. See Flood Damage Prevention Ordinance, Chapter 13 of the Code of Ordinance.

**Frontage.** The area between a building facade and the vehicular lanes, inclusive of its

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

built and planted components. Frontage is divided into private frontage and public frontage.

[Ord. 2010-4415]

**Fronting.** This term is used in describing properties that have or normally would have their sole, or primary, or a major point of access at that edge of a piece of property adjoining a dedicated street.

**Fuel Sales.** A place where gasoline, other fuels, oil and grease or accessories are sold and dispensed to the retail motor vehicle trade

**Golf Course, Commercial.** A golf course privately owned but open to the public for a fee and operated as a commercial venture.

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

**Halfway House.** A residential facility for the housing, rehabilitation, and training of persons who are subject to community supervisions, parole, or mandatory supervision under state or federal law.

**Height of Tower.** The vertical distance between the finished grade at the base of the tower or nonresidential structure, or the lowest point of contact with the building, and the highest point of the structure, including the antennas.

**Heliport.** A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and subject to approval by the City.

**Helistop.** A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds and not for regularly scheduled stops and subject to approval by the City.

**Historic District.** The North Central Temple Historic Overlay zoning district.

**Home For the Aged.** A home where elderly people are provided with lodging and meals without nursing care.

**Home Occupation.** A home occupation is an occupation carried on in the home by a member of the occupant's family, secondary to the use of the dwelling for dwelling purposes.

**Homeowners Association.** A community association, other than a condominium

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

association, that is organized in a development in which individual owners share common interests in open space or facilities.

**Homeowners Association.** Any association or organization of co-owners within a townhouse project; including the Council of Co-Owners or a Condominium or Townhouse Management Association; organized for the primary purpose of managing and maintaining the common areas and common open space in any townhouse project. An organization, association or other entity formed and controlled by the developer, project owner or general partner for this purpose will be included in this definition.

**Hospital.** An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and that is licensed by the State of Texas.

**Hotel or Motel.** A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel an establishment must contain a minimum of six individual guest rooms or units and must furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.

**HUD-Code Manufactured Home.** A structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

**HUD-Code Manufactured Home Development.** A HUD-Code manufactured home located on land other than a HUD-Code manufactured home land lease community.

**HUD-Code Manufactured Home Land Lease Community.** A plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of HUD-Code manufactured homes for use and occupancy as residences.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Incinerator.** A furnace or apparatus for burning waste materials such as trash, wood and other flammable items for the purpose of reducing their weight and bulk.

**Industrialized Housing.** A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term does not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready-built home that is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

**Intersection Visibility Triangle.** That area enclosed by drawing an imaginary line connecting two points located within 15 feet of the curb line of any street intersection, street/driveway intersection or street/alley intersection, within which signs over three feet in height and less than eight feet in height are prohibited.

**Kennel.** A place in which five or more dogs or cats at least a minimum of six months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care, with or without compensation.

**Kindergarten or Pre-School.** A private instructional facility offering an educational program generally equivalent to state approved curriculum for pre-school children and operating on a regular basis. A pre-school/kindergarten is not a child care facility.

**Kiosk.** A free-standing, non-manned, primary or accessory structure, within a pedestrian circulation or parking area, from which commercial activities are conducted. Examples include, but are not limited to, ice machines, automatic teller machines, and water vending machines. This definition does not include kiosk food sales.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

[Ord. 2012-4516]

**Laundry and Cleaning (Self-Service).** To be of the customer self-service type and not a commercial laundry or cleaning plant.

**Layer.** A range of depth of a lot within which certain elements are permitted.

[Ord. 2010-4415]

**Light Manufacturing.** The use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes the basic processing and manufacturing of materials or products predominately from extracted or raw materials, storage or manufacturing processes that involve flammable or explosive materials, or storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions.

**Livestock Auction.** Barns, pens and sheds for the temporary holding and sale of livestock.

**Live/Work Unit.** A mixed use unit consisting of both commercial and residential functions. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

[Ord. 2010-4415]

**Living Unit.** The room or rooms occupied by a family and must include cooking facilities.

**Loading Space.** An off-street space or berth used for the loading or unloading of commercial or industrial vehicles.

**Logo.** Any registered trademark of an organization, individual, company or product that is commonly used in advertising to identify that organization, individual company or product.

**Lot.** An undivided parcel of land, identified by a number and designated as a distinct and separate property on a fully approved subdivision plat properly filed of record.

**Lot, Corner.** A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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less than 135 degrees.

**Lot Line.** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**Lot of Record.** A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Bell County or a parcel of land, the deed for which it is recorded in the office of the County Clerk of Bell County prior to the adoption of this ordinance.

**Major Vehicle Repair.** See “Vehicle Repair, Major” below.

**Manufactured Housing or Manufactured Home.** A HUD–Code manufactured home or a mobile home and collectively means and refers to both.

**Mini–Storage Warehouse.** A building or group of buildings consisting of individualized shelters of various sizes for rent or lease for the purpose of providing protection of commodities stored in the mini–storage warehouse.

**Minor Plat.** A proposed plat with four or fewer lots, with the lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

**Minor Vehicle Servicing.** See “Vehicle Servicing, Minor” below.

**Mixed Use.** Multiple residential and nonresidential functions within the same building or in multiple adjacent buildings.

[Ord. 2010–4415]

**Mobile Home.** A structure that was constructed before June 15, 1976, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air–conditioning and electrical systems.

**Monopole.** A freestanding personal wireless service facility which consists of: a single vertical pole that is fixed into the ground and/or attached to a foundation; with no guy wires; and containing one or more antennas.

[Ord. 2015–4707]

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Mobile Home Park.** A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

**Multi-Tenant site.** A unified development site that contains multiple commercial uses and businesses under the same primary ownership or lease agreement.  
[Ord. 2012-4507]

**Multi-tenant sign.** A freestanding sign that advertises for more than two businesses on a site containing multiple commercial uses and businesses under the same ownership or lease agreement in a unified development or shopping center.  
[Ord. 2012-4507]

**Nonconforming Lot of Record.** A legally established lot that does not conform to the dimensional standards of the zoning district in which it is located.

**Nonconforming Structure or Building.** A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the previously existing zoning ordinance, but that fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**Nonconforming Use.** A use or activity that was lawful prior to the adoption, revision or amendment of the previously existing zoning ordinance, but that fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**Occupancy.** The use or intended use of the land or buildings by proprietors or tenants.

**Off-Street Parking as an Expansion of a Nonresidential Use.** An off-street parking lot located in a residential zoning district immediately adjacent to a retail or commercial district.

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

**Open/Outdoor Storage.** The keeping, in an unroofed area of any goods, junk, material, merchandise, in the same place for more than 24 hours.

**Owner.** (See Subdivider)

**Park.** Any public park, playground, recreation or open space area, as described in the

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

current, adopted Parks, Recreation and Open Space Master Plan, together with parking lots, that is operated, maintained and controlled by the City, and subsequently platted, dedicated or designated as a public park within the City. Land dedicated for public school land that contains a park or parkland as defined in this UDC is deemed a park but only to the extent of the actual land dedicated for such a park.

**Park, Private.** A park owned and maintained by a homeowners' association or similar entity, that substantially meets the needs generated by a subdivision for a neighborhood park by providing open space and recreational amenities such as field games, court games, playground equipment, picnic areas, outdoor furniture, swimming pools, trails, exercise rooms and community rooms. The typical minimum size is between three and five acres.

**Park, Neighborhood.** A park providing for a variety of outdoor recreational opportunities located within a residential subdivision or within a close proximity or convenient distance of the majority of residences to be served thereby so that the residential subdivision or subdivisions so located are the primary beneficiaries of these facilities. The typical minimum size is between three and five acres.

**Parking Lot or Structure, Commercial (Auto).** An area or structure devoted to the parking or storage of automobiles for a fee. May include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

**Parking Space, Required.** An enclosed or unenclosed all-weather (asphalt or concrete only) surfaced area for the parking of a vehicle.

**Performance Standard.** A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed.

**Permittee.** A person receiving a permit pursuant to the provisions of this ordinance.

**Person.** Any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

**Personal Wireless Services.** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. Personal communication service, cellular radiotelephone service, specialized mobile radio services and

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

paging services are examples of personal wireless services.

**Personal Wireless Service Facilities.** Facilities for the provision of personal wireless services.

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

**Planned Development.** A development for which certain yards, areas and related standards may be varied and a variety of land uses associated on a tract.

**Planning and Zoning Commission.** The agency appointed by the City Council as an advisory body to it and that is authorized to recommend or approve changes in the zoning, recommend subdivision plats, develop and amend the comprehensive plan and area plans, and perform other duties as directed by the City Council.

**Plat.** A map representing a tract of land, showing the boundaries and location of individual properties and streets, easements, parks and open space, and sidewalks.

**Plat, Final.** The final map of all or a portion of a subdivision that is presented to the proper review authority for final approval.

**Plat, Preliminary.** A preliminary map indicating the proposed layout of a subdivision that is submitted to the review authority for consideration and preliminary approval.

**Playfield or Stadium, Public.** An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium that may be lighted for nighttime play.

**Pole sign.** A freestanding sign with visible support structure(s).

[Ord. 2012-4507]

**Pylon sign.** A freestanding sign in which the support structure is concealed and enclosed with a decorative masonry material.

[Ord. 2012-4507]

**Principal Building.** The main building on a lot, occupied by the primary use and usually located toward the frontage.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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[Ord. 2010-4415]

**Principal Entrance.** The main point of access for pedestrians into a building.

[Ord. 2010-4415]

**Principal Frontage.** On corner lots, the side of the lot facing the larger of the streets or the designated principal side. The other side facing the street will be secondary frontage.

[Ord. 2010-4415]

**Private Garage.** An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

**Processing.** The method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

**Shop Yard of Local, State or Federal Government.** Facilities such as office buildings, maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard, City service center or experiment station.

**Radio or Television Tower.** Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

**Railroad Team Track.** A siding for spotting and unloading or loading box cars or other railroad cars and that is connected to a public street by a drive for access.

**Railroad Track and Right-Of-Way.** Does not include railroad stations, siding, team tracks, loading facilities, docks, yards or maintenance areas.

**Recreational Vehicle Park.** A parcel of land which has been planned and improved for the placement of recreational vehicles for transient use and for the temporary parking of recreational vehicles, placement of supplementary structures and accessory uses not prohibited by the City Code or this UDC and containing sanitary facilities for the direct discharge from recreational vehicle holding tanks and utility hookups.

[Ord. 2011-4499]

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Recyclable Materials.** Materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts and machinery that have no economic value except as composition material.

**Recycling Collection Facility.** A location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no processing on site and usually occurring as an accessory use on the property.

**Replating.** The alteration of any part or all of any lot, block or tract of a previously platted subdivision.

**Residential Area.** Any area that in whole or in part is platted for the development of dwelling units or residences, whether single-family, townhouse, two-family, multifamily, owner occupied, condominium or rental dwelling units.

**Residential Structure.** Any structure where a minimum of 50 percent of the building's intended use is residential.

**Restaurant (Not Drive-In).** An establishment serving food to the general public in specific, designated dining areas. This term does not include drive-in establishments where food is delivered to or eaten in automobiles.

**Restaurant (Drive-In).** An establishment designed and constructed to serve food for consumption on the premises in an automobile or for carry-out for off-premises consumption and that establishment may or may not have on premises dining room or counter.

**Retail Sales and Service.** Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair services to the general public.

**Rooming House/Boarding House.** See Boarding House.

**School, Business.** A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

**School, Commercial or Trade.** A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

**School, Public or Private.** A school under the sponsorship of a public or religious

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

**Secondary Frontage.** On corner lots, the private frontage that is not the principal frontage. The First Layer is regulated since it affects the public realm.

[Ord. 2010-4415]

**Sexually Oriented Businesses.** See Ordinance No. 99-2633 for definitions and regulations pertaining to sexually oriented businesses.

**Shopping Center.** A group of commercial establishments, built on a site that is planned, developed, owned or managed as an operating unit related in location, size and type of shops to the trade areas that the unit serves; it provides on-site parking in definite relationship to the type and total size of the stores and unified access to and through the site.

**Shopping Center Pad Site.** A site for a freestanding building that may be sold individually, located on a parent shopping center that fronts on a public street and lies between the public street and the principal shopping center.

**Sidewalk.** A walking path composed of concrete that generally runs parallel with a street and that is located within a public right-of-way.

[Ord. 2011-4430]

**Signs.** See Sec. 7.6.2 for definitions of specific sign types.

**Single-Family Dwelling (Attached).** A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines to include patio homes.

**Single-Family Dwelling (Detached).** A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

**Site Plan.** The development plan for one or more lots showing the existing and proposed conditions of the lot including, for example, sidewalks, curb cuts, utilities, landscaping, structures and signs, screening devices, lot dimensions, adjacent development and any other information reasonably required in order to make an informed judgment about the compatibility of the proposal.

**Social Service Shelter (Short Term Only)** – A facility providing shelter, over a period of 30 days or less, for no more than 10 persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

**Stable, Residential or Noncommercial.** An accessory building for quartering horses.

**Stealth Personal Wireless Service Facility.** A personal wireless service facility that is screened, disguised, concealed or otherwise camouflaged as a natural structure, or part of a structure, such that the personal wireless service facility is indistinguishable from other natural structures, or the structure that it is attached to or within.

[Ord. 2015-4707]

**Stealth Technology.** Systems, components and materials used in the construction of the personal wireless service facility to make it less intrusive with respect to the surrounding property.

**Story.** The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11 feet, six inches.

**Street.** A public street right-of-way, however designated, that serves one or more of the following purposes:

- (a) A “major thoroughfare,” “arterial street” or “expressway” primarily provides vehicular circulation to various sections of the City.
- (b) A “collector street” primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial or major thoroughfare streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (c) A “rural collector street” is a collector street designed for low density development, not to exceed two dwelling units per acre. A rural collector street must not be constructed adjacent to an area presumed to attain more traditional urban densities within a 20-year planning horizon.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

- (d) A “marginal access” or “frontage street” is a street that is parallel to and adjacent to an arterial street and primarily provides access to properties abutting these types of streets.
- (e) A “local street” is a street designed primarily for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by “collector streets.”
- (f) A “rural local street” is a local street designed for low density development, not to exceed two dwelling units per acre. A rural local street must not be constructed adjacent to an area presumed to attain more traditional urban densities within a 20-year planning horizon.

**Street, Cul de Sac.** A local street with only one street outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street, the public street right-of-way line.

**Structurally Alter.** Any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

**Structural Trim.** The molding, battens, capping, nailing strips, lattice and platforms that are attached to the sign structure.

**Structure.** (Same as Building)

**Substance Abuse Treatment Facility.** An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

**Swimming Pool, Commercial.** A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

**Swimming Pool, Private.** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located and fenced in accordance with the regulations of the City. A private swimming pool must not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

**Street Width.** The distance from back-of-curb to back to back-of-curb. For a rural

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

street, the distance between the outer edges of asphalt pavement.

**Subdivider.** Any person or authorized agent dividing or proposing to divide land so as to constitute a subdivision, as defined in this Section, The term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be divided.

**Subdivision.** A division of any tract of land, situated within the corporate limits of the City or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the City, or for laying out lots, streets, alleys, access easements, public utility easements or parks or other portions intended for public use or the use of purchasers or owners of adjacent or fronting lots. The term "Subdivision" also means the development, within the corporate limits of the City or within its extraterritorial jurisdiction, of a HUD-Code manufactured home land lease community.

**Surveyor.** A registered public surveyor authorized by state statute to practice the profession of surveying.

**Tattoo.** The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

**Tattoo Studio.** An establishment or facility in which tattooing is performed.

[Ords. 2016-4768 & 2016-4769]

**Teaser Parking.** A technique to include a few parking spaces located in front of a business to lure customers with their apparent convenience. Teaser parking acts as a visual cue, leading drivers to the access points for larger parking lots or parking structures that provide the remaining required parking to be placed behind or below buildings, with the option of a small amount of "teaser" parking visible from the street in more automobile-oriented areas.

[Ord. 2010-4415]

**Telephone Exchange.** Switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

**Temporary Field or Construction Office.** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and

equipment.

**Temporary Use.** A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

[Ord. 2015-4701]

**Thoroughfare Plan.** A general graphic presentation, accompanied by written text, describing the proposed arrangement of various classes of streets in the City at some future date. A thoroughfare plan is a component of the City's adopted Comprehensive Plan.

**Townhouse.** A structure on an individual lot, that is one of a series of three or more dwelling units designed for single-family occupancy, with dwelling units that are structurally connected or immediately adjacent to and abutting each other between individual dwelling units. An apartment in a condominium may be deemed a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses is deemed a "Townhouse Project".

**Trail.** A walking path composed of concrete, crushed granite or improved natural surfaces that traverses land, does not generally run parallel with a street and that is located in a public right-of-way or a public access easement.

[Ord. 2011-4430]

**Transitional Shelter.** A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

[Ord. 2012-4505]

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

**Upholstery Shop.** A business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except however, with respect to motor vehicles, it must only include interior upholstering. In no event may an upholstery shop include the manufacture or building of furniture or other objects.

**Use or Land Use.** The activity or function that actually takes place or is intended to take place on a lot.

**Use Permitted by Right.** A use that this UDC designates as a permitted use within a particular district and under certain conditions.

**Utility easement.** An interest in land granted to the City, the public generally or to a private corporation, for installing and maintaining utilities across, over or under private land.

**Variance.** An adjustment in the application of the specific regulations of the zoning regulations in this UDC to a particular parcel of property that, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

**Vehicle Repair, Major.** A business specializing in major repair of motor vehicles including any use listing below, as well as any use not listed as minor vehicle servicing.

- (a) auto glass, seat cover and muffler shop;
- (b) auto painting or body rebuilding shop;
- (c) tire retreading and capping;
- (d) body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- (e) major overhauling of engines requiring removal therefrom of cylinder head or crankcase pan and any associated engine rebuilding;
- (f) repair of radiator requiring removal from the vehicle;
- (g) repair of truck, trailer, farm or industrial equipment or other machinery/supplies;
- (h) brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

**Vehicle Servicing, Minor.** A business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building,

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

including the following.

- (a) servicing of spark plugs, batteries, distributors and distributor parts and including minor engine tune-ups;
- (b) tire servicing and flat repair but not recapping or regrooving;
- (c) radiator cleaning and flushing (on vehicle);
- (d) fuel pump, oil pump and related maintenance;
- (e) minor servicing of carburetors;
- (f) emergency wiring repairs;
- (g) minor motor adjustment not involving removal of head or crankcase;
- (h) quick oil and filter change;
- (i) servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors and installation of vehicle accessories such as radios;
- (j) lubrication, greasing and washing;
- (k) disc pad replacement and minor brake adjustment.

**Wireless Service, Unlicensed.** The offering of telecommunications services using duly authorized devices that do not require individual licenses, but does not mean the provision of direct-to-home satellite services in the federal Communications Act.

**Wrecking Yard.** Any lot, tract or building or structure upon which used automobiles or parts of used automobiles or other motor vehicles are stored for the primary purpose of obtaining parts for resale as an automotive or motor vehicle part.

**Yard, Required.** An open space other than a court, on the lot in which a building is situated and that is not obstructed from a point 48 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

**Yard, Required Front.** The minimum open, unoccupied space on the portion of a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot line.

**Yard, Required Rear.** The minimum open, unoccupied space, except for accessory buildings permitted in Sec. 5.5, extending across the rear of a lot from one side lot line to the other side lot line from the main building to the rear lot line.

**Yard, Required Side.** The minimum open, unoccupied space on one side or two sides of a main building and on the same lot with the building situated between the

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

building and a side lot line and extending through from the front yard setback line to the rear yard setback line.

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

**Zoning District Map.** The official map showing the division of the City into zoning districts that is a part of this UDC.

**Zoo.** A facility housing and displaying live animals.

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**Article 11: Definitions**

Sec. 11.2. Defined Terms

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# Index

- 2F, Two-Family Dwelling District..... 4-6
- Abbreviations..... 11-1
- Access and Circulation..... 7-5
- Accessory Uses and Structures ..... 5-34
- Administrative Adjustment ..... 3-36
- AG, Agricultural District ..... 4-4
- Alcoholic Beverages, On-Premise  
  - Consumption..... 5-22
- Alleys ..... 8-11
- Amending Plat ..... 3-26
- Annexed Territory, Newly ..... 4-3
- Appeal of Administrative Decision ..... 3-45
- Appeals..... 3-1
- Authority ..... 1-2
- Auto Sales ..... 5-27
- Blocks ..... 8-15
- Body Piercing Studio ..... 5-30
- Buffering ..... 7-73
- Building Coverage ..... 4-18
- Building Exterior Materials..... 7-82
- Building Permit ..... 3-37
- C, Commercial District ..... 4-8
- Child Care Facility  
  - Day Care Center..... 5-18
  - Family Home or Group Day Care Home..... 5-18
- City Council ..... 2-1
- City Participation..... 8-30
- Cleaning, Pressing and Pick Up Shop .... 5-26
- Compost Operation ..... 5-20
- Conditional Use Permit ..... 3-10
- Construction Standards, Subdivision .... 8-20
- Credit Access Businesses ..... 5-29
- Defined Terms..... 11-2
- Definitions..... 11-1
- Development Review Committee ..... 2-4
- Development Review Procedures..... 3-1
- Director of Construction Safety..... 2-6
- District Dimensional Standards .... 4-21, 4-30
- Donation Boxes..... 7-79
- Drainage ..... 8-19
- Dumpsters..... 7-76
- Enforcement, Violations & Penalties ..... 10-1
- Family/Group Home ..... 5-14
- Fences ..... 7-74
- Final Plat ..... 3-18
- Floor Area Ratio ..... 4-19
- FP, Floodplain Overlay District ..... 4-12, 6-46
- Fuel Sales..... 5-27
- GR, General Retail District..... 4-8
- H, North Central Temple Historic Overlay  
  - District ..... 4-11, 6-45
- H. K. Dodgen Loop, Development on ... 8-21
- Height ..... 4-19
- HI, Heavy Industrial District ..... 4-9
- Home Occupations ..... 5-39
- I-35 Corridor Overlay District ..... 4-12, 6-48
- Improvement Guarantees ..... 8-29
- Internal Streets..... 8-30
- Intersection Visibility Triangle ..... 4-21
- Jurisdiction ..... 1-2
- Landscaping ..... 7-10
- LI, Light Industrial District ..... 4-9
- Loading, Off-Street..... 7-18
- Lot Area ..... 4-13
- Lot Width ..... 4-13
- Lots ..... 8-16
- Major Vehicle Repair ..... 5-27
- Masonry Standards..... 7-82
- MF-1, Multiple Family District 1 ..... 4-6
- MF-2, Multiple Family District 2 ..... 4-6
- MF-3, Multiple Family District 3 ..... 4-7
- MH, Manufactured Home District .... 4-9, 6-1
- Mini-Storage Warehouse..... 5-18
- Minor Plat..... 3-26
- Minor Vehicle Servicing ..... 5-28
- MU, Mixed Use District..... 4-10, 6-4
- Multiple-Family Dwelling ..... 5-16
- Nonconformities  
  - General..... 9-1
  - Signs ..... 9-3
  - Structures..... 9-1
  - Uses ..... 9-1
- NS, Neighborhood Service District ..... 4-8
- O-1, Office 1 District 1..... 4-7
- O-2, Office 1 District 2..... 4-7
- Off-Street Loading..... 7-18

**Article 11: Definitions**

Sec. 11.2. Defined Terms

Off-Street Parking .....	7-18	General.....	7-26
Outdoor Display .....	7-77	Prohibited .....	7-37
Outdoor Shooting Range .....	5-24	Single-Family Attached Dwelling.....	5-17
Outdoor Storage .....	7-78	Special Purpose and Overlay Zoning	
Package Store.....	5-26	Districts.....	6-1
Park Land Dedication		Specific Use Standards .....	5-14
Cash Instead of Land Dedication .....	8-26	Stable, Residential or Noncommercial ...	5-40
Land Characteristics .....	8-28	Storm Sewers .....	8-19
Land Dedication .....	8-23	Streets .....	8-5
Refund .....	8-27	Subdivision Construction Standards .....	8-20
Parking, Off-Street .....	7-18	Subdivision Design and Improvements	
Patio Home .....	5-17	City Participation .....	8-30
PD, Planned Dev Overlay District .....	4-10	Design Standards .....	8-5
PD, Planned Dev Overlay District .....	6-44	General.....	8-1
Performance Standards .....	7-1	Improvement Guarantees .....	8-29
Perimeter Streets .....	8-30	Park Land .....	8-23
Personal Wireless Service Facilities		Subdivision Plat Review .....	3-13
Administrative Review .....	5-30	Tattoo Studio.....	5-30
Conditional Use Permit.....	5-31	Text Amendment, UDC .....	3-3
Design Standards .....	5-32	TMED Review Committee.....	2-5
General.....	5-30	TMED Site Plan Review .....	3-32
Planning and Zoning Commission .....	2-3	TMED, Temple Med and Edu Dist .....	4-10, 6-10
Planning Director .....	2-6	Townhouse.....	5-17
Plat Vacation .....	3-29	Transect Zones .....	6-10
Preliminary Plat.....	3-14	Transitional Provisions .....	1-4
Pre-School.....	5-19	UDC Text Amendment .....	3-3
Prohibited Uses.....	5-1, 6-16	UE, Urban Estate District .....	4-4
Purpose of UDC .....	1-1	Use Standards .....	5-1
Recycling Collection Location, Operation.....	5-21	Use Table.....	5-1
Refuse Containers .....	7-76	Uses, New and Unlisted .....	5-13
Rezoning.....	3-5	Variance.....	3-42
Screening.....	7-73	Vehicle Repair, Major .....	5-27
Severability.....	1-7	Vehicle Servicing, Minor .....	5-28
SF-1, Single Family District 1.....	4-5	Vested Rights .....	1-4
SF-2, Single Family District 2.....	4-5	Wastewater .....	8-17
SF-3, Single Family District 3.....	4-5	Water .....	8-17
SFA, Single Family Attached District 1 ....	4-5	Wrecking or Salvage Yard.....	5-28
SFA-2, Single Family Attached District 2.	4-5	Yards .....	4-14
SFA-3, Single Family Attached District 3.	4-6	Zero Lot Line Dwelling.....	5-17
Shelter, Temporary or Emergency .....	5-19	Zoning Board of Adjustment .....	2-1
Sidewalk Waiver .....	3-30	Zoning Districts.....	4-1
Sidewalks .....	8-11	Boundaries.....	4-2
Sign Permit.....	3-40	Establishment .....	4-1
Signs		Map.....	4-2
By Type .....	7-42	Purpose Statements .....	4-4
Central Avenue .....	7-67	Zoning Map Amendment (Rezoning) .....	3-5
Definitions .....	7-27		

