JANNELLE ROACH
Place 2

JAMES HOPPER
Place 3

ROBERT MCCURDY
Place 4

SHANNA STODDARD
Place 1

ALICIA ROSALES
Place 5

JIRA SANSOM
Place 6

TONY BOVINICH
Place 7 - Vice Chair

Planning & Zoning Commission

REGULAR MEETING

Thursday, July 28, 2022, 6:00 PM

Venus Civic Center
210 South Walnut Street
Venus, Texas 76084

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

2. Welcome new Planning and Zoning Commissioner Place 1, Shanna Stoddard.

3. Public Comment Period:

4. Consent Agenda:

4.1. Consider and approve minutes for Regular P&Z meeting from May 26, 2022.

I make a motion to approve/deny meeting minutes from May 26, 2022.

5. Workshop:

5.1. Conduct P & Z Workshop Planning Department Tasks_Planning Commission Presentation.pdf 4 - 24

5.2. P & Z Commission Review Training Presentation_Venus_PC_(7-28-22).pdf 25 - 44

5.3. Development Review Process for projects DRC and 45 - 54

entitlement_flow chart_PC review_(2022).pdf

5.4. Land Development Process for P & Z Land development process_Planning Commission.pdf — 55 - 57

5.5. Important considerations for P & Z projects Things to keep in mind when discussing projects.pdf — 58

5.6. Meeting Procedures for P & Z P&Z _Commission Procedures.pdf — 59 - 60

5.7. Discuss P & Z Commission Bylaws PLANNING COMMISSION BYLAWS .pdf — 61 - 69

5.8. Discuss Chapter 26-Subdivision Ordinance Amendment Chapter 26-Subdivision Ordinance Comments-1st Draft.pdf — 70 - 133

5.9. Discuss Chapter 34-Zoning Ordinance Amendment Chapter 34-Zoning Ordinance Comments-1st Draft.pdf — 134 - 222

6. Discussion & Action Items:

6.1. Discuss and consider appointing a Planning and Zoning Commissioner as Chair.

Drew Wilson vacated his seat and as Chair on P&Z due to recently being elected as City Council.

Vice Chair, Tony Bovinich has expressed interest in serving as the Chair.

I make a motion to appoint _____ as Chair of the Planning and Zoning Commission.

6.2. Discuss and consider appointing a Planning and Zoning Commissioner as Vice Chair.

I make a motion to appoint _____ as Vice Chair of the Planning and Zoning Commission.

6.3. Discuss and consider a Preliminary Plat for a 275-lot Planned Development with an underlying R-1S zoning. The subdivision contains 13 open space1-A Stallion Ranch Preliminary Plat_Staff Report.pdf 1-B Vicinity Map.pdf — 223 - 250

1-C Zoning Map.pdf 1-D Preliminary Plat.pdf 1-E PD Development Standards.pdf lots and 17 blocks, Stallion Ranch, being 73.524 acres out of the William Hill Survey Abstract Number 379, Johnson County, generally located south of the County Road 109 and east of S. FM 157 in the City of Venus.

I make a motion to approve/deny the Preliminary Plat for a 275-lot Planned Development with an R-1S underlying zoning as presented.

7. Adjournment

In accordance with TEXAS GOVERNMENT CODE §551.001, et seq. the City of Venus Planning & Zoning Commission may recess into Executive Session (closed meeting) at any time during this meeting to discuss matters listed on the agenda or if any of the following matters should arise during the course of the meeting: §551.071 Consultation with Attorney; §551.072 Deliberation regarding Real Property, §551.074 Personnel Matters, §551.076 Deliberation regarding Security Devices, §551.087 Deliberation regarding Economic Development Negotiations.

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board of City Hall, 700 W Hwy 67, Venus TX, at a place readily accessible to the general public at all times, and to the City's website, **www.cityofvenus.org** , not less than 72 hours prior to the meeting.

_____

Oscar Ortiz,

City Planner

If you plan to attend the public meeting and have a disability requiring accommodation, please make your request at least 48 hours in advance of the meeting, if possible. To make arrangements call (972) 366-3348 and leave a message if it is after hours. Thank you.



PLANNING DEPARTMENT

OSCAR ORTIZ, CITY PLANNER

MISSION STATEMENT

Our intent is to facilitate review of applications for projects that range from single-family homes, multi-family, office, commercial, institutional, and industrial developments while meeting community goals through an open, transparent process.

The Planning Department utilizes the Future Land Use Plan and City Ordinances such as Chapter 26 Subdivision and Chapter 34 Zoning to:

- Promote a sound safe, healthy, and sustainable community;
- Encourage good development;
- Protect existing property values and uses;
- Provide for future generations.

City Ordinances regulate zoning, subdivision, signs, fences, and site development.

City Planning

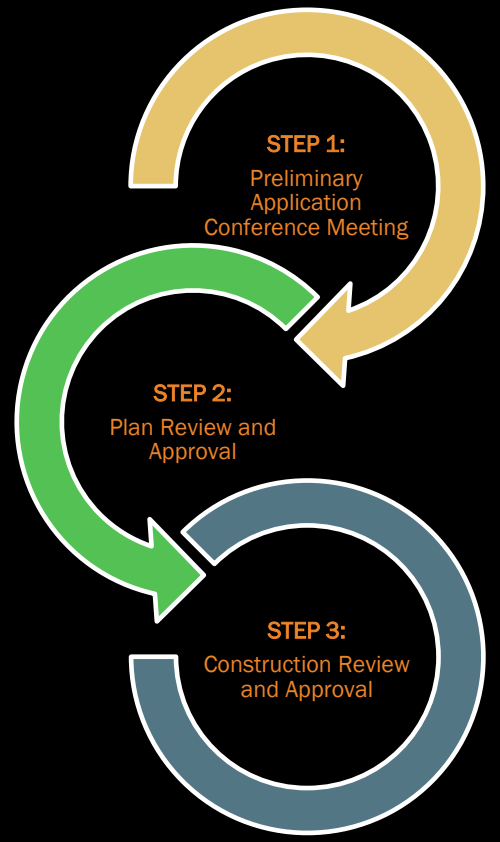
Planning Department works with residents and developers to create a more livable community and plan for better future. Major city planning tasks include: annexation analysis, plat review

CITY OF VENUS DEVELOPMENT REVIEW PROCESES & SERVICES

STEP 1. Preliminary Application Conference Meeting

Planning Department (City Ordinances)

Public Works Department (Construction Specifications and available infrastructure)



STEP 2. Plan Review and Approval

Development Review Team

Sewer

Stormwater

Water

Fire Department

Building Department

STEP 3. Construction Review and Approval

Building Services Department

Coordinate with involved departments

The City of Venus has development regulations to promote a sound, safe, and desirable community; to encourage and support good development.

The Development Review Committee reviews: Minor and Major Subdivision Plats; Minor and Major Site Plans for new and expanding Single-Family, Duplex, Multi-family residential, commercial, office, institutional, and industrial developments; Conceptual plans for Planned Unit Developments (PUDs).

PLANNING DEPARTMENT TASKS

1. ***Public Information Requests***

The Texas Public Information Act

- The Act gives the public the right to request to government information.
- Act states, “government is the servant of the and not the master of the people. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”

- **Objectives:**

Access	Transparency	Accountability
• Provides citizens with access to information on action taken by the government	• Allows governmental bodies to demonstrate how governments work for its citizens	• Allows the public to hold its public officials accountable

PLANNING DEPARTMENT TASKS

Guidelines of the Act

- The Act is triggered when a written request is made to a governmental body.
- Governmental bodies must reply as soon as possible and if information cannot be produced within 10 business days, the City Secretary must notify the requestor of a reasonable date and time when it will be available.

Key Provisions of the Act

- Covered Entities
  - Applicable to all governmental bodies including all boards, commissions, committees created by the executive or legislative branch.
  - Bodies that are supported by public funds or use public funds.
  - Private organizations that hold records for governmental bodies.
  - Businesses or individuals who hold governmental contracts are not subject to the Act.

Types of Information

- Information that is collected, assembled, produced or maintained. The Act does not require the governmental body to create new information or do legal research.
- Information may be in any type of form such as paper, film, pictures or electronic communication.
- A requestor may ask to view information, get copies or both. Governmental bodies may charge for copies. These charges must comply with the rules set y the Office of the Attorney General (OAG) office.

PLANNING DEPARTMENT TASKS

Exceptions

- Information on personal records, pending litigation, competitive bids, trade secrets, real estate deals and some matters involving attorney-client privileges.
- Entities must file within ten business days of receiving an open records request; an exception request can be made to the OAG.

Submittal Procedures

- **Requests may be submitted to:**
  - **City Secretary's office**
  - **Planning Department**
- **Requests may be submitted in the form of:**
  - **Paper**
  - **E-mail**
  - **Online**
  - **Fax**
  - **In person**
  - **Mailed**
  - **Note: Verbal requests are not accepted**

PLANNING DEPARTMENT TASKS

2. *Zoning Verification Letter (ZVL)*

A Zoning Verification Letter is officially documentation of a property's current zoning classification issued by the City of Venus' Department of City Planning. The letter content will vary depending on the availability of zoning records for the specific property and represents the status of the subject property as of the date the letter is issued.

What is included?

- Confirmation of address;
- Confirmed zoning district;
- Any applicable overlay zone, planned development, special district;
- Existence of an approved or recorded regulatory plan and/or applicable conditions with corresponding ordinances.

A zoning verification letter will NOT include:

- Confirmation of ROW widening, utility or other easements, building permits or certificates of occupancy, building or fire code violations;
- Validation of property dimensions of subject parcels, property line location, total land area of subject parcel;
- Copies of all approved permits (customer should pursue an Open Records Request).

PLANNING DEPARTMENT TASKS

3. Annexation

Annexation is the process by which cities extend their municipal services, regulations, voting privileges and taxing authority to new territory. Adoption of the Annexation Ordinance changes City limits and the City's one (1) mile Extra Territorial Jurisdiction (ETJ).

Why do Cities Annex?

Annexation is a mechanism for promoting orderly growth, and urbanization by coordinating private land development with construction or improvement of public facilities (street, water, sewer, drainage, etc.) and provision of adequate services through expansion of the City's corporate limit. Contiguous growth promotes orderly development of infrastructure and provision of services. Scattered growth is a reaction to growth with higher municipal cost to provide infrastructure and services.

Departments and Staff involved in Annexation Process

- Property Owners
- City Departments that need to review the Annexation Service Plan prior to the Service Plan Public Hearing (Public Works, Police, Fire, Building Department, and Planning).
- Governmental agencies and Utilities as notified by Public Hearing and adoption of ordinance.
- Annual Report to Bureau of Census and State Data Center on Annexation.

Annexation

- Does not change school district boundaries;
- Does not change the City in the mailing address; city in the mailing address is changed by zip code;
- Does not prohibit the continuing use of land in the manner the land was used on the date the annexation proceedings were instituted or; does not prohibit the beginning of a use of land that was planned before the 90th day of effective date of annexation.

PLANNING DEPARTMENT TASKS

4. *Building Review*

Types of Permits

a) Residential: Zoning, Lot Size, Platted, Type of Use

b) Commercial: Zoning, Lot Size, Site Plan Approval, Type of Use

Residential Permit Review:

Customer will need:

- Application
- Floor Plan
- Site Plan
- Look up address
- Zoning
- Property Legal Description
- Plat
- Zoning Verification and what is allowed to be built
- Are they meeting the setback requirements as per the Plat?
- What easements are located on the property and are they complying?
- Do they meet the parking requirements?
- What is the landscaping requirement for this lot?

PLANNING DEPARTMENT TASKS

- **Commercial Permit Review:**

Customer will need:

- Application
- Floor Plan
- Site Plan
- Look up address
- Zoning
- Property Legal Description
- Plat
- Does it need Site Plan Approval?
- Zoning Verification and what is allowed to be built
- Are they meeting the setback requirements as per the Plat?
- What easements are located on the property and are they complying?
- Do they meet the parking requirements?
- What is the landscaping requirement for this lot?
- Is the Plat recorded and does it require Site Plan Approval?

PLANNING DEPARTMENT TASKS

5. ***Conditional Use Permits***

What is a Conditional Use Permit?

- A Conditional Use Permit (CUP) is to determine the appropriateness and compatibility of specific types of land uses which are not otherwise identified to determine if that land use is suitable for the location, given the characteristics of the land use, land area and surrounding land uses.
- It allows a use that is inconsistent with zoning, but necessary for the common good, it is typically having unusual site development features or operating characteristics requiring special consideration and conditions, so they may be designed, located and operated with neighboring properties.

Purpose of a Conditional Use Permit

- A CUP allows a city to consider special uses, which may be essential or desirable to a particular community but are not allowed as a matter of right within a zoning district. It also allows the City to control certain uses which could have detrimental effects on the community like a bar, nightclub, dance hall, etc.
- It allows flexibility within the zoning laws. The zoning ordinance does not always account for every situation.

Examples of Conditional Uses Permits:

Hospitals for human care and veterinary hospitals of any kind provided that the hospital grounds shall be distant at least 200 ft. from any residential district.

Utility Stations and communications. Static transformer stations, booster stations, transmitter and utility stations.

Radio and television transmitter tower.

Public utility and public service uses as follows: electric substations, gas odorizing stations, privately owned water pumping stations

PLANNING DEPARTMENT TASKS

6. Subdivision Process

What is a Subdivision?

A Subdivision is a division of land, which results in dividing a tract into two or more parts.

What is the purpose?

The purpose of the Subdivision is to provide for the orderly, safe and healthy development of the area within the City of Venus and its ETJ and to promote for the general welfare of the community.

Authorization for Subdivision

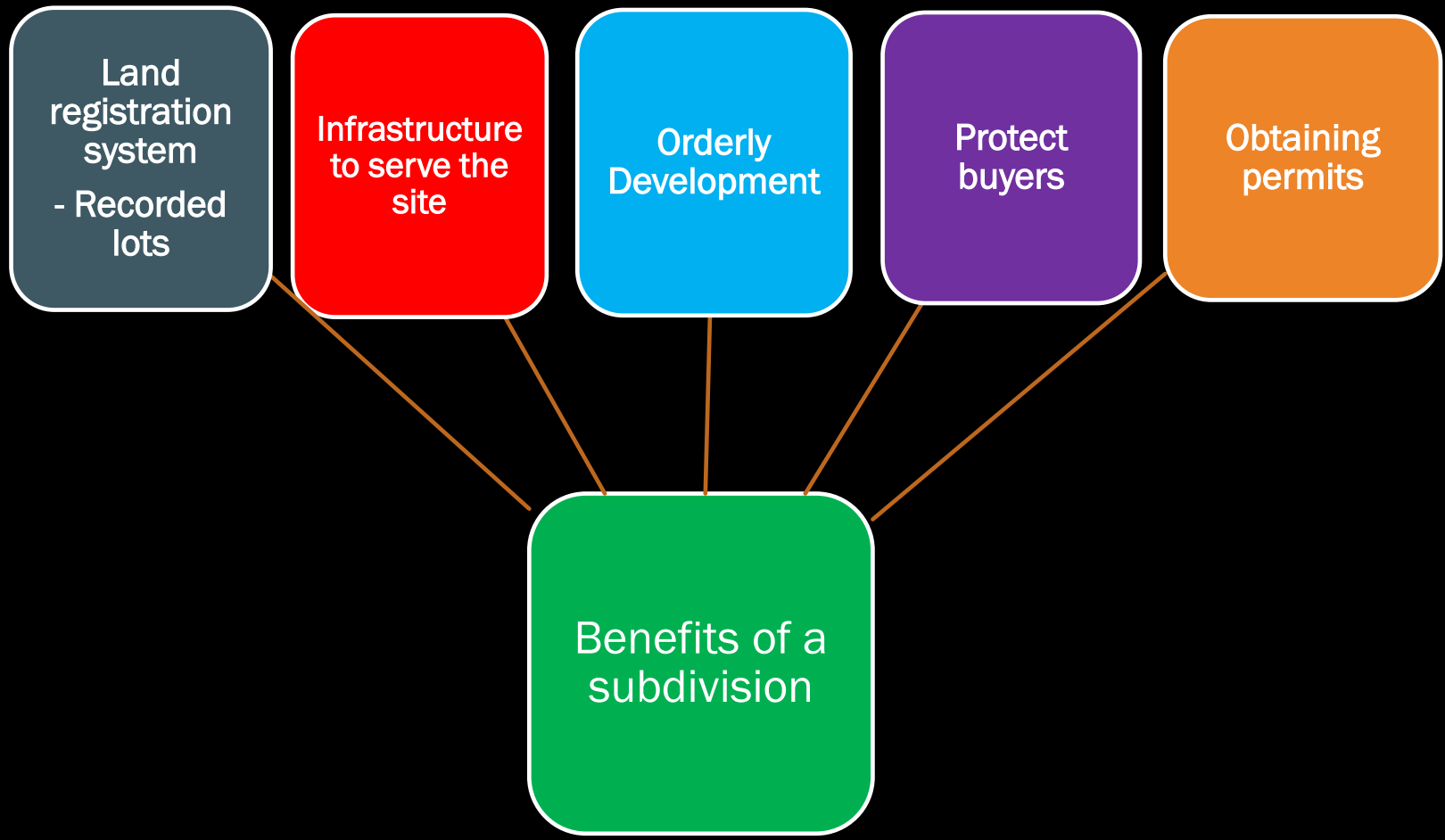
State Law, Local Government Code, Chapter 212

Extra Territorial Jurisdiction (ETJ): The cities are given jurisdiction to regulate subdivisions outside their corporate limits based on population.

Benefits of a Subdivision

PLANNING DEPARTMENT TASKS

Benefits of a subdivision



PLANNING DEPARTMENT TASKS

When is it required?

Subdivision is generally triggered by development and is intended to assure that infrastructure and utilities are provided in accordance with plans for growth.

In order to obtain a building permit, repair, plumbing or electrical permit on any tract of land, the tract of land must be approved by the City as a subdivision and filed for record in the County.

Types of Subdivisions

- Plats
- Replat
- Vacating plat
- Amending Plat
- Minor Plat

Standards of Review

- Subdivision Ordinance
- Future Land Use (guide)
- Standard Design (Construction Standards and Specifications)
- Access Management: Trip Generation, and Traffic Impact Analysis

PLANNING DEPARTMENT TASKS

Items of review

- Streets & ROWs: Paving, cub & gutter, sidewalks
- Lot frontage
- Block lengths
- Infrastructure/Public improvements: Alleys, Fire hydrants/Protection, Drainage, Traffic (Street lighting/street signs), Water, Sanitary sewer, Parks
- Establish infrastructure to support new development and include specifications for:
  - ROW dedication for roadways
  - Curb & gutter
  - Sidewalks
  - Water & Sanitary sewer
  - Fire Hydrants
  - Drainage
  - Traffic signals
  - Street Lighting
  - Parkland dedication or fees in lieu of land dedication for residential uses

PLANNING DEPARTMENT TASKS

7. *Zoning (rezoning)*

What is zoning?

Zoning establishes districts throughout the city that specify how land and buildings can be used. The purpose is to separate incompatible uses in order to reduce conflicts between property owners, protect property values, and promote the general welfare and development of the City.

What does zoning regulate?

The Zoning Ordinance sets minimum lot size, width, length, building setbacks, maximum height, minimum conditioned living, lot coverage, and off-street parking that serve to regulate density and protect the community from overcrowding.

What are the zoning districts in the City of Venus?

PLANNING DEPARTMENT TASKS

AG	Agricultural District
R-1L	Single-Family Large Lot District
R-1	Single-Family Residential District
R-1S	Single-Family Small Lot District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential, Low Density District
R-4	Multiple-Family Residential, High Density District
C-1	Restricted Commercial District
C-2	General Commercial District
CB	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
MH	Manufactured Home Park District
MHS	Manufactured Home Subdivision District
PD	Planned Development District
S	Sign Overlay District
FP	Floodplain Overlay District
H	Historical Overlay

PLANNING DEPARTMENT TASKS

8. ***Variance***

What is a variance?

It is an authorization to a property owner to depart from the literal requirements of zoning regulations. For example: building into setbacks, accessory building separation, one parking space beyond the front-yard setback line, landscaping, building height, lot coverage, etc.

Financial hardship to the applicant, standing alone shall not be deemed to constitute undue hardship.

9. ***Site Plan***

What is a Site Plan?

A Site Plan is a development plan, drawn to scale showing uses and structures proposed for a parcel of land as required by the regulations involved including:

- The existing and proposed conditions of the lot and major landscaping features-both natural and man-made such as topography, vegetation, drainage ways, floodplains, water courses and bodies, and open space;
- The location of all existing and proposed buildings, lot lines, streets, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices and any other information that may be reasonably required in order to make an informed determination pursuant

PLANNING DEPARTMENT TASKS

10. Planned Unit Development (PUD)

PUD regulations typically merge zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, housing types, and densities, and to phase large developments over the years.

PUD offers the advantage of a diversity of units and use types. It also provides a way to customize development standards to the specific land under consideration.

Basic elements of a PUD ordinance :

- Purpose or intent statement;
- Eligible zoning districts and permissible uses;
- Development standards (density, dimensional and open space standards);
- Development plan approval steps;
- Concept plan, preliminary plan, and final plan;
- Amendments or changes to the plan.

PLANNING DEPARTMENT TASKS

11. Public Improvement District (PID)

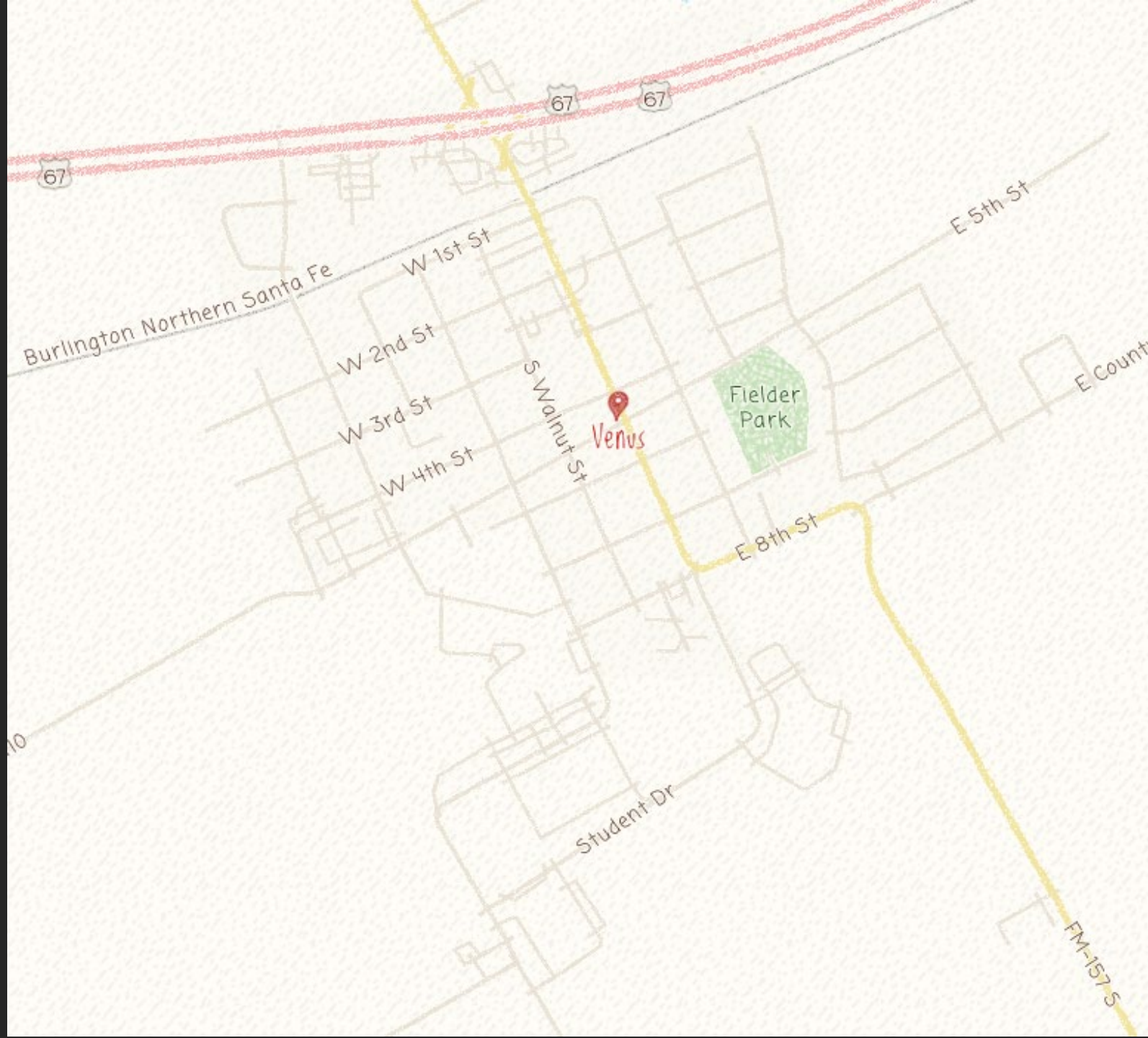
It is a public financing tool created to apportion the cost of improvements and levy an assessment against property located in the PID. If the governing body of a municipality finds that it promotes the interests of the municipality, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality.

A PID may include landscaping, sidewalks, roadways, off-street parking facilities, acquisition, construction, improvement of water, wastewater or drainage facilities, parks, and subdivisions.

A petition for the establishment of a PID must state: general nature of the proposed improvement; estimated cost of the improvement; boundaries of the proposed assessment district; proposed method of assessment; proposed apportionment of cost between the PID and the municipality; whether the management of the district is to be by the municipality or county, private sector, or a partnership; an advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality; owners of taxable real property representing more than 50 percent need to sign a petition for the establishment of the PID

Public hearing, notice of the hearing, written notice, service plan, assessment, payment of costs, bonds, reimbursement, etc.

QUESTIONS?


67
67
67
Burlington Northern Santa Fe
W 1st St
E 5th St
W 2nd St
W 3rd St
W 4th St
S Walnut St
Venus
Fielder Park
E Count
E 8th St
Student Dr
FM-157 S

PLANNING COMMISSION REVIEW (2022)

JULY 28, 2022

City of Venus Planning Commission Training
Prepared by Oscar Ortiz
Planning Department

Introduction

- When you became a member of the commission, your role and relationship to the City changed dramatically:
  - Citizen-official
  - Outsider-insider
  - Critic-representative
  - Single-issue proponent-all issues decision-maker

Introduction -Recognize Change in Roles

- As a City official, you now have a leadership role on behalf of your community
- As a community leader, one of your "job duties" is to further good governance which, at root, is based both practically and legally on a few core concepts:
  - Openness;
  - Transparency;
  - Fundamental Fairness;
  - Predictability; and
  - Mutuality of Respect

A Legislative Decision

- Reflects public policy relating to matters of a permanent or general character
- Not normally restricted to particular individual or entity
- Affects the legal rights of specific individuals only in the abstract
- Prospective in nature
- **Think: "Acting Like a Legislator-State Capitol"**

A Quasi-Judicial Action

- Determines rights, duties or obligations of a specific individual or entity
- Based on facts developed at a hearing to resolve the particular interests in question
- Applies presently existing legal standards (like ordinances) to the facts
- **Think: "Acting Like a Judge-Courtroom"**

Civility and Courtesy

- Set an example for civility and courtesy in public discussions
  - Be consistent in requiring recognition by the chairperson before speaking, and in the use of public comment opportunities
  - Avoid personal attacks on one another, and let other participants know that they are unacceptable
    - If an outbreak of staff-bashing occurs – redirect the discussion appropriately
      - Do not participate in staff-bashing yourself (or give that impression)
      - Nothing is more demoralizing to staff
  - If personal attacks seem to be happening, redirect focus to the issues rather than the players or the personalities

Maintaining Order

- "Train" audience to make comments from podium only
  - Require speakers to be recognized by chair
  - And to give name and address for record
- Help audience understand that public comment opportunity is not public inquisition opportunity.

Hearings - Preparation

- Maintain a sign-up sheet (or sign-up cards) just for hearings -
  - Should allow speakers to self-identify as "pro" or "con"
- Guide the public on appropriate conduct.
- Uniform Rules of Procedure for conduct of your hearings – helpful to you and the public.

During the Hearing

- Have the speakers disclose whether they are "pro" or "con" on the signup sheet or signup card
  - Call on all the pros first
  - Call on all the cons next
- Grouping speakers allows Commissioners to “organize” a spokesperson and “self-edit” comments

During the Hearing

- Speakers may appreciate a reminder:
  "Please keep your comments brief so that everyone will have a chance to speak. If your comments are the same as those of a prior speaker, please avoid repetition, and feel free to simply note your agreement with that prior speaker."

During the Hearing

- Keep reminding speakers to direct their comments at you, not at someone else
- If you have insistent questioners: let them know you are taking note of their questions.

During the Hearing

"That is a good question, Mr. Citizen, but this is your opportunity to make **comments** and provide **information**. I think several of us have made a note of your question, and that one of us may pose that question to the developer during the Commission's question and answer period."

Personal Conduct Dos and Don'ts

- The essence of a good hearing is **fairness** and the **appearance of fairness**
- Do not sign any "pro" or "con" petitions
- Do not make up your mind before the hearing
- Do not speak with one side or the other before a hearing (ex parte contacts – about which more later)

Personal Conduct Dos and Don'ts

- Do not make your decision on the basis of irrelevant criteria
- Do not make your decision based on things you "know" but did not "learn" at the hearing
- Do not participate if you have a financial or other personal interest in the matter

Personal Conduct Dos and Don'ts

- **Conflicts of interest** – No commission member shall participate in any discussion of, take any official action on or vote to render any final decision or determination on any matter in relation to which the commission member has a conflict of interest.
- Therefore, you must (i) disclose your conflict, (ii) leave the room, and (iii) not discuss the matter involving your interest with any other Commission member

Personal Conduct Dos and Don'ts

- Prohibited interests include where:
- You, a relative, or a firm that you have a financial interest in, or are employed by or consult for, have a substantial interest in the transaction with the City.
- You are an officer of an organization that has taken an official position.
- You are on the board of an organization affected by the transaction.
- You are one of the owners who gets official City notice of the quasi-judicial matter.

Personal Conduct Dos and Don'ts

- Do not participate if you know you cannot be fair and unbiased.
- Do not participate in decision if you were not there for the entire hearing (or did not know the project discussion).
- Do ask for legal advice (executive session if necessary) on legal criteria, or on application of facts to criteria.
- Standard legal criteria worksheets can be helpful.

What's the problem with ex parte contacts, anyway?

- **Ex parte contact: any "outside the hearing" discussion with an interested party concerning a matter that is the subject of a hearing.**
- When your City Attorney advises against them, he/she is protecting you, your ability to participate in the decision-making, and your ultimate decision
  - The contact can be problematic whether with the **applicant or citizens.**

What's the problem with ex parte contacts, anyway?

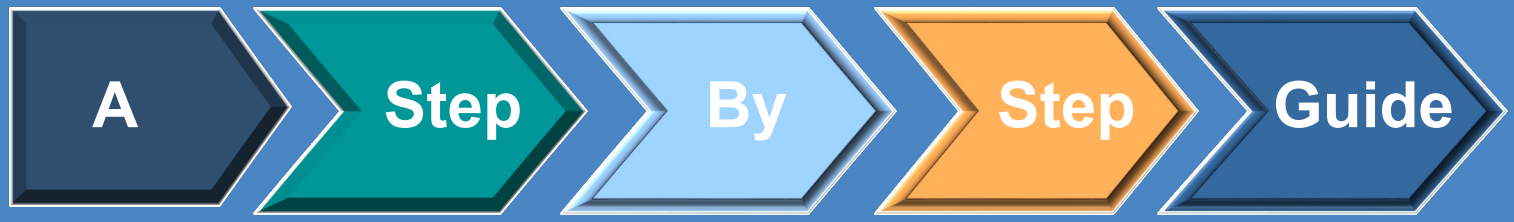
- Improper ex parte contacts **disempower you** as the decision-maker
  - When you allow people to engage in ex parte contacts with you, both you and they are participating in **undermining your ability to be a decision-maker**.
- The courts will accord you a presumption of integrity, honesty, and impartiality as a decision-maker.
  - You can lose that presumption by actions that are unfair (or appear unfair).

After Closing the Hearing

- Be cautious once you have voted on a matter:
  - Let your record and decision speak for itself
  - Do not undermine the group decision even if you disagree, have regrets or were in the minority
  - If you feel there is a need to change it, use proper channels only
  - Recognize that some decisions cannot be undone without liability
- Whether before, during or after the hearing, do not subscribe to any "parallel process" – Rather, respect, follow and be a champion of the fair and due process that you are set up to provide

City of Venus

Development Review Process



Entitlement Process

- Annexation
- Zoning
- PUD
- Preliminary Plat
- Final Plat
- Site Plan
- Building Permit

Development Review Process

STEP 1 Preliminary Contact	STEP 2 Pre-application	STEP 3 Application Submittal and Review	STEP 4 Planning Commission	STEP 5 City Council
Purpose: Applicant obtains preliminary feedback on proposed development, along with assessment of applicable regulations and initial staff recommendation.	***Purpose:*** Applicant prepares preliminary plans and obtains preliminary written comments from the DRC to gauge the feasibility of their proposal.	***Purpose:*** Applicant submits official application, obtains comments from the DRC and revises plans in order to Move to Step 4 and/or Step 5.	***Purpose:*** To obtain a recommendation or final determination (depending on type of application) to move forward with final approvals.	***Purpose:*** To obtain final determination regarding the development proposal in order to move on to next application submittal or to obtain permits for construction.
• Optional Step	• Required Step • Meetings held once a week (Fridays)	Submittals due on Tuesday by 5 p.m.	Meetings held 4th Thursdays of the month (as needed)	Meetings held 2nd Monday of the month.

External Referral Agencies (ERAs)

	Agency	Contact	Phone
Surrounding Municipalities	City of Midlothian	Planning Department	972-775-7171
	City of Alvarado	Economic Development	817-790-3351
	City of Mansfield	Planning Department	817-276-4229
	City of Grand Prairie	Planning and Development	972-237-8255
Counties	Johnson County – Public Works Department	Jennifer Vanderlaan	817-556-6380
	Ellis County – Department of Development	Alberto Mares, AICP, DR, CPM	972-825-5200
State / Environment	Texas Commission on Environmental Quality (TECQ)-Region 4 Dallas/Fort Worth	Alyssa Taylor	817-588-5800
	Texas Department of Transportation-Permit Coordinator, Driveway Inspector	Brenda Johnson	682-279-4327
	Texas Water Development Board		512- 463-7847
	Texas Parks & Wildlife Department		512-389-4800
	Prairielands Groundwater Conservation District	Kathy Turner Jones	817-556-2299
Federal	U.S. Fish and Wildlife Service		
	United States Postal Service – Venus Office		972-366-3643
Infrastructure	Johnson County Special Utility District		817-760-5200
	Spectrum		855-270-2943
	AT & T		866-861-6075
	Trinity River Authority (TRA)- Mountain Creek Regional Wastewater System		972-723-8340
	Mountain Peak Water Utility District		972-775-3765
	United Cooperative Services (Electric)		817-556-4000
	Oncor Electric		214-486-2000
	Atmos Energy (Gas)		888-286-6700
Services	Venus Independent School District (VISD)	James Hopper	972-366-3448
	Venus Fire Department	Richard Allen	817-659-9433
	Johnson County Fire Protection District		817-357-8800
	Texas Department of State Health Services		817-517-2306
Transportation	North Texas Toll Authority (NTTA)		972-818-6882
	Burlington Northern and Santa Fe Railway (BNSF)	Tim Huya	817-352-2902

Entitlement Process

- Annexation
  - Annexation Agreement
  - Approved by City Council

Entitlement Process

- Zoning
  - Straight Zone
  - PUD
  - Reviewed by Planning Commission
  - Approved by City Council

Entitlement Process

- Preliminary Plat
  - Conceptual layout and engineering
  - Reviewed by Planning Commission
  - Approved by City Council

Entitlement Process

- Final Plat
  - Final lot layout and engineering
    - Public dedications (roads, easements, parks, open space, school sites, etc.)
  - Development Agreement
    - Phasing Plan (public infrastructure timing and construction obligations)
    - School funding agreement
    - Infrastructure maintenance
  - Reviewed by Planning Commission
  - Approved by City Council

Entitlement Process

- Site Plan
  - Final Site layout and engineering for an individual lot
    - Building footprint and elevations, setbacks, parking, landscaping, lighting, drainage, water and sewer connections, etc.)
  - Approved by Planning Staff

Entitlement Process

- Building Permit
  - Construction plans for an individual building
    - "Vertical Construction" (everything related to constructing the building)
    - Reviewed against the International Building Code
  - Approved by staff

City of Venus Land Development Process for Planning Commissioners

All zoning laws contain standards that dictate what, where, and how building occurs on the land. The owner of a parcel of land consults the zoning map, which is adopted as part of the zoning ordinance. Finds the location of her/his property notices it that it is in a designated zoning district, such as single-family residential, commercial, etc. and then consults the texts and tables of the zoning ordinance to find the dimensional requirements that regulate construction on the land.

Architects and engineers who work for landowners must follow the zoning regulations such as restrictions, minimum lot size, lot coverage, height restrictions, parking requirements, driveway width, etc.

The Planning and Zoning Commission is charged with reviewing development proposals and enforcing zoning law provisions. The P & Z Commission serves as advisory role in planning and development approval processes, providing recommendations that influence approval processes for developments, land use plans, and infrastructure. The Commission has authority to review site plans, subdivisions, conditional use permits, variances, etc. In hearing and determining applications for these land use approvals, the Commission serves in an administrative capacity and exercises original jurisdiction. The decision-making process for zoning approvals must follow prescribed time periods, honor requirements to provide public notices of the matter and hold public hearings. Decisions are made after facts are gathered, a public hearing is held, and deliberations occur at open sessions of the Commission.

Only if the standards of local land use regulations are met and the proposal is approved by the P & Z Commission a building permit is issued. To qualify for a building permit and certificate of occupancy, the property owner must honor any conditions imposed by the P & Z Commission and construction plans for the development, which must conform to the requirements of the applicable building, fire, plumbing, and electrical codes.

Subdivision Approval Process

Subdivision review is an interactive process between the City and the applicant. The application to subdivide land is in effect a request for administrative action ultimately resulting in an approval for proposed development of a tract of land that will yield some number of smaller lots or parcels.

The applicant formally begins the process by submitting a preliminary plat. This document shows the layout of the proposed subdivision, including among other things, road, and lot lay out, topography, drainage of the site (this includes identification of significant natural features such as streams and ponds, flood prone areas, large trees and vegetation), and public facilities (storm water, water lines, sanitary sewer, gas, electric, cable and fire hydrants). Local regulations seek to assure that the provision of services will be adequate to meet the needs of the new development (capacity), that the quality of materials used is appropriate, and that the design of materials used are compatible with the existing city infrastructure system (uniformity). As a result of the need for coordination and uniformity, subdivision regulations typically require that developers dedicate the roads, water, sewer, and other on-site infrastructure to the city for future care and maintenance as part of the city's infrastructure.

Lastly, the subdivision review process enables the municipality to examine planning concerns by reviewing, among other things, street layout, and connectivity.

In setting fort the purpose of subdivision review and the authority for plat review, Texas statutes vest the P & Z Commission with the responsibility for ensuring that the subject parcel can be developed in a safe manner in relation to fire, flooding, drainage or other threats to the public health, safety, and welfare. The subdivision process is considered ministerial action by the P & Z Commission.

Examples of common matters subject to review

1. Streets of sufficient width and suitable grade;
2. Location of streets, collectors, and major arterials to accommodate anticipated traffic;
3. Adequate light and air;
4. Ability for fire protection and other emergency vehicles to service the development;
5. Conformity and consistency with the Comprehensive Plan and the Zoning Map;
6. The location of suitable monuments at block corners and other necessary

Preliminary Plat Review

In reviewing the Preliminary Plat, the P & Z Commission:

1. Make sure all information required pursuant to subdivision regulations is provided and that the required design criteria and infrastructure standards are met.
2. The P & Z Commission may request that the applicant make adjustments or modifications to the Preliminary Plat, or it may approve the proposal as submitted.
3. Following the Preliminary Plat review, the applicant must then submit a Final Plat.
4. Usually, as long as the applicant has followed the required conditions from the P & Z Commission, the Final Plat submission is approved.
5. The City may grant a conditional approval of a Final Plat, which sets additional conditions that must be satisfied prior to the signing of the Plat by the Mayor.
6. The City may approved a proposed plat in sections, this would allow for the phasing of the project and enable the P & Z Commission to ensure the orderly development of the plat before the next section is approved for construction.
7. Developers often do not install the entire infrastructure at once because of high cost, and choose instead to phase the installation over the duration of the project. In this case, the City may require applicants to post a performance bond or other security, such as a letter of credit or deposit funds into an escrow account. This arrangement protects both the City and individual purchasers from developer bankruptcies or failures to install public amenities.

Things to keep in mind when discussing projects

1. Review materials for cases and visit site projects when appropriate;
2. Become familiar with the Comprehensive Land Use Plan, Subdivision Ordinance and Zoning Ordinance;
3. Negotiate in good faith and sincerity.
4. Leave personal agendas aside always;
5. Be able to say "no" when it is appropriate and legal;
6. Research, organize and anticipate issues on the negotiation;
7. Think more about long-range planning by trying to be more proactive on issues that guide the city;
8. Avoid ex-parte communications because this violates the Open Meetings Law;
9. Keep in mind that developers are doing a business deal, but also are people with prejudices and different motivations;
10. If you have a request in the negotiation ask for it early;
11. Keep focus on bigger issues facing the community;
12. Maintain your composure and do your best to not become aggravated.

CITY OF VENUS PLANNING COMMISSION
PROCEDURE FOR PUBLIC HEARINGS

1. **Meeting called to order. Request cell phones turned off**
2. **Pledge of Allegiance. Chair to designate someone to lead.**
3. **Roll call of Planning and Zoning Commissioners. City Secretary will read roll.**
4. **Announcement of agenda for the night. List of public hearing items.**
5. **Previous meeting minutes for approval, if applicable.**
6. **Items not on agenda. *PUBLIC INVITED TO SPEAK TO COMMISSION ON ANY ITEM THAT IS NOT ON AGENDA FOR PUBLIC HEARING.* (Request for all speakers to state their name and address, spell their name, sign-in on the sheet, and to keep their address to no more than five minutes. Iterate to the audience that this time is to speak about issues <u>not on the agenda</u>.) Remind the audience that those who wish to speak about a particular agenda item to please sign-in at the back of the room.**
7. **Public Hearing items. Each application listed for public hearing will be under separate hearing – procedure for these hearings as follows:**

PUBLIC HEARING PROCEDURE

Chairman may reserve the right to not re-open a continued public hearing if there is no new evidence being presented.

1. **OPEN PUBLIC HEARING. Explain to the audience the process and steps for the public hearing. (First, staff makes a presentation. Then the applicant makes a presentation if they wish. Then, the Commission asks questions of the applicant and staff. Then, the audience can ask questions about the presentations.**
2. **STAFF PRESENTATION AND RECOMMENDATION. Staff will provide information on the project.**
   - ☛ **QUESTIONS FOR STAFF FROM THE COMMISSION.**
3. **APPLICANT PRESENTATION.**
   - ☛ **QUESTIONS FOR THE APPLICANT FROM THE COMMISSION.**
4. **PUBLIC INVITED TO ASK QUESTIONS OF STAFF AND/OR THE APPLICANT. Remind speakers that this portion of the hearing is for questions only. Comments in favor of or in opposition to the application are not appropriate at this time. This portion of the public hearing is for clarification questions only. (Remind speakers to state their name, spell their name, and state their address for the record.)**
5. **PUBLIC INVITED TO SPEAK ABOUT THE APPLICATION.**
   - ☛ **Chair requests time limit of <u>five minutes</u> per address**
   - ☛ **Public speakers requested to sign registry <u>after</u> addressing Commission**
   - ☛ **Public should speak directly to the Commission - no discussion or questions should be directed to applicant, staff, or other audience members. The Commission will then ask staff or the applicant to address their response to the question directly to the Commission.**
6. **APPLICANT is invited to reply to statements and comments from the public.**
7. **COMMISSION QUESTIONS FOR STAFF AND APPLICANT**
8. **CLOSE PUBLIC PORTION OF HEARING**
   - ☛ **Discussion by Commission. Vice-Chair and Chair comment last. <u>Only Staff may be questioned at this time.</u>**
9. **ACTION BY COMMISSION (motion by Commission member)**

✳Repeat from step #1 for each public hearing

- **Roll Call Vote – Vice-Chair and Chair vote last.**

- **(Note: Roll call votes by Commission <u>only</u> needed for actions on Public Hearing items, seating Commissioners and any motions that are made.**
  Roll Call vote is not needed for minutes, adjournment and other various non-action items.

BYLAWS OF THE PLANNING COMISSION OF THE CITY OF VENUS, TEXAS

I. ENABLING AUTHORITY AND PURPOSE

Pursuant to Chapter 34, Section 34-13 Planning and Zoning Commission of the City of Venus Zoning Ordinance, and the Vernon's Texas Statutes and Codes (V.T.C.) Local Government Code Chapters 211, Municipal Zoning Authority, Section 211.007 Planning Commission, and Chapter 212 Municipal Regulation of Subdivisions and Property Development, Section 212.005 Approval by Municipality Required, the City of Venus Planning Commission is authorized to adopt rules of procedure that shall govern the transaction of its business.

Accordingly, these Bylaws shall govern the procedure of the Planning Commission of the City of Venus, Texas, with respect to all matters entrusted to the Commission by the Texas Constitution and Statutes, the City of Venus Municipal Ordinances, the City Council, or by Ordinance or Resolution of the City of Venus. Such matters include but are not limited to action upon development proposals; zoning requests; and matters of interpretation, implementation or revision of the City's Subdivision Ordinance, Zoning Ordinance, and Comprehensive Plan.

II. MEMBERSHIP, APPOINTMENT, OFFICERS, ETC.

Membership and Qualifications. The Planning Commission shall consist of seven (7) members, all of whom shall be at least eighteen (18) years of age ("Commissioners"). Commissioners are appointed by the City Council as provided below:

a. Each position on the commission shall be given a numerical designation beginning with the number 1 and ending with the number 7.

b. The terms of the odd-numbered positions (places 1, 3, 5 and 7) shall expire in odd-numbered years and the terms of even-numbered positions (places 2, 4 and 6) shall expire in even-numbered years. Commission members may be appointed to successive terms. Commissioners shall serve until a successor is appointed, or until resignation, removal, or replacement by Council.

c. The initial terms for the commissioners in places 2, 4 and 6 shall be three years, and thereafter shall be two years.

d. Each city council member shall appoint a commissioner for Places 1-5.

e. The commissioner for Place 6 shall be selected by a majority vote of the city council.

f. The commissioner for Place 7 shall be appointed by the mayor.

g. A council member may not appoint any person related within the second degree by affinity or within the third degree by consanguinity to a member of the city council or to any other member of the planning and zoning commission.

h. All members of the planning and zoning commission shall reside within the city limits of the City of Venus.

Officers and Elections. The Commission shall select a Chair and Vice Chair from its regular members. The term of office for the Chair and Vice Chair shall generally be one year, with eligibility for re-election thereafter. Officers shall be elected annually during the first regular Meeting of the year at which all appointed Commissioners are present. Officers serve until replaced.

All commissioners shall stand as Nominees qualified to hold office. Any Commissioner not wishing to hold office may respectfully withdraw his or her name from consideration, prior to any election. Silence by a nominee for office shall be construed as acceptance of a nomination. Voting shall be in writing by written ballot. The City Secretary and City Attorney shall count the votes, and a Commissioner receiving a plurality of votes is elected to office.

a. Chair. The Chair is responsible for conducting Commission meetings in an orderly and democratic manner, assuring that a minority opinion may be expressed and that the majority is allowed to rule. The Chair shall decide all points of order, decorum, and issues of procedure, evidence and testimony, unless otherwise directed by a majority of the Commissioners in session at that time, for all or part of a particular Meeting or as to a certain Agenda item, and the Vice Chair shall fairly and properly conduct such Meeting or Agenda Item in all respects according to these Bylaws.

b. Vice Chair. The Vice Chair shall preside in the absence of the Chair and shall perform all duties of the Chair. In the event that both the Chair and Vice Chair are absent, the next most senior Commissioner shall preside upon being recognized by the remaining Commissioners then present, and shall be seated as the Chair by a motion for the record.

c. Secretary. The City Administrator's appointed representative shall act as the Secretary of the Planning Commission, without vote. The Secretary shall keep accurate records and minutes of all Meetings, shall mark and accept Exhibits for the record, and shall otherwise assist the Commission in furtherance of the Agenda and the business of the Planning Commission.

d. Absences. Any Commissioner who is unable to attend a meeting shall so notify the Chair, Vice Chair, Secretary and/or Planning Staff in advance of such Meeting, and state the reason for his or her absence. More than two (2) unexcused absences may result in removal by Council. Meetings shall commence promptly at 6:00 p.m. at which time excused and unexcused absences, if any, shall be recognized for the record.

e. Removal from Office; Vacancies. Commissioners may be removed from office by the Mayor and City Council for inefficiency, neglect of duty, malfeasance in office, or other good cause. The Mayor and Council may appoint successor Commissioner (s) to fill any vacancy caused by the removal or resignation of a Commissioner, or by any other cause. Commissioners having more than two (2) unexcused absences are subject to removal by the City Council, by the Commission so notifying the City Council.

III. QUORUM, CONDUCT OF MEETINGS, AND VOTING

Quorum. A quorum shall consist of four (4) Commissioners, and no official business may be conducted without a quorum being present. In the event that a quorum is not obtained, the presiding Chair shall so state for the record, and shall for the record respectfully solicit the participation and co-operation of the Applicant(s), Staff, and the public if necessary, in order to properly reschedule the hearing of all Agenda items at the next available Meeting with a quorum.

Conduct of Meetings. All regular Meetings, including any Study Sessions, are open to the public, and shall be carried-out in a business-like and democratic manner. It shall be the policy of the Planning Commission to solicit public participation in connection with all public hearing items at Meetings, and to provide fundamental fairness and due process to all interested parties. Public participation may be received at Study Sessions, in the Commission's discretion, but it is not required at Study Sessions meetings shall be conducted pursuant to the following general format:

Witten Agenda and Order. Planning Staff shall generally coordinate the Agenda, except that the Commission may direct the preparation of specific matters to be placed on the Agenda if two (2) or more Commissioners concur. Scheduled items may be deleted from the Agenda or continued pursuant to the procedures of these Bylaws. Subject to the Chair's reasonable discretion, the order of the Agenda shall be generally as follows:

a. Call to Order and Roll Call
b. Minutes of Previous Meetings
c. Public Comment- Non-Scheduled, Non-Agenda Items
d. Public Hearings/ Agenda Items
e. Old and New Business
f. Reports from Commissioners, Planning Staff, City Attorney
g. Executive Session (if necessary)
h. Adjournment

In the event that a regular Meeting continues until the hour of 10:00 p.m., and such Meeting has not been previously adjourned, further proceedings shall be conducted as follows: 1) Upon Motion and the affirmative vote of a majority of Commissioners present, the Meeting shall be continued for one-half hour until 10:30 p.m., but not later; 2) All public hearings and other items not previously opened shall be opened for the sole purpose of setting the hour and day for the continuation of such hearings and other items; 3) All proceedings shall be continued to the next regularly-schedule Planning Commission Meeting, and the current Meeting concluded by 10:30 p.m.

Rules of Speaking. To obtain the floor, a Commissioner shall first address the Chair, who shall recognize that Commissioner by name and yield the floor. The Chair next generally recognizes that Commissioner who first requests the floor after it has been relinquished, except that the Chair may use discretion in providing for the orderly transition of the floor such that all Commissioners are accommodated (e.g. yielding to a Commissioner next seated to the right or left, etc.). Commissioners shall relinquish the floor after they have addressed the pending issue, and shall endeavor to limit their comments to five (5) minutes per issue.

Public Hearing Procedures – Presentation, Hearing, Deliberation. The Chair shall have discretion to enforce or alter the following procedures as reasonably necessary, to ensure that all public hearings are conducted efficiently and in a manner that provides fundamental fairness and due process to all interested parties. Such procedures shall apply to all portions of the Agenda, with time limits being subject to the Chair's reasonably discretion, generally as follows:

a. The Chair first calls for presentation of the case by Staff;
b. Commissioners may question Staff regarding the presentation;
c. The Chair then calls for presentation by the Applicant;
d. Commissioners may question the Applicant regarding the presentation;
e. The hearing item is then opened to the public for questions or comments on any issue(s) relevant to the case, including proponents and/or opponents of any Application (the Chair has discretion to limit individual testimony to 5 minutes per presentation, and to limit repetitious or redundant testimony);
f. Response or rebuttal by Staff or Applicant, as appropriate, and /or additional questioning by Commissioners, as necessary;
g. After the evidence has been presented in this manner, the Chair closes the public hearing and discussion and deliberation occur among Commissioners. During Commission deliberations, the Applicant, Staff or members of the public may participate for clarification purposes, but only if recognized by the Chair.

Continuance of Scheduled Agenda Item. When it appears that the Commission requires additional time and/or information for proper deliberation and decision, or if the interests of fairness and justice would otherwise be served by a continuance, then the Commission may continue a matter by the vote of a majority of Commissioners present, to a date certain upon motion duly made.

Provided, however, that the Commissioner so moving shall state for the record the reasons for the motion, and the Chair shall allow the Applicant, Staff, or in some cases

proponent(s) and opponent(s), reasonable opportunity to briefly state their position on the proposed continuance. In connection with such a motion, Commissioners shall act in good faith and as a matter of course shall seek to obtain the Applicant's consent and agreement to the continuance, for the record.

After an Item is placed on an Agenda, an Applicant may request that the Item be continued or removed prior to consideration by the Commission. If such a request is not made in advance of the Meeting, then the Commission may hear the Applicant's request on the day of the Meeting, and may grant such request upon a showing of good cause by the Applicant. If for some reason the continuance is denied, then the Applicant shall be advised of his or her right to withdraw the Application and resubmit it at a later date.

Notwithstanding any of the foregoing, when without good cause an Applicant fails to appear for hearing on any regularly scheduled Agenda Item, it shall be the Policy of the Commission to continue the Item once as a matter of course to a date certain, by Motion and without hearing. Upon such continuance by the Commission, the Planning Staff shall notify the Applicant of the failure to appear and continuance. The written Notice shall advise the Applicant of the date certain to which the Item has been continued, and that another failure to appear on the date indicated may result in a finding by the Commission that the Applicant has abandoned the Application, thus justifying denial of the Application.

All continuances shall be to a date certain unless otherwise agreed-upon by the Applicant and the Commission, and further continuance (s) may be requested at or before that time in accordance with these Bylaws.

Public Hearing Procedure-Continued Items. When any scheduled Agenda item is heard by the Commission and then continued to a date certain according the procedure of these Bylaws, then the following procedures shall apply to the continued item:

a. Where an item is continued for the purpose of receiving new or additional information for proper deliberation and decision-making, and the Commission has determined that the interests of fairness and justice would be served thereby, upon receipt of such new or additional information on the continued Hearing date the Commission shall re-open the public portion of the Agenda item, such that proper deliberation and fair debate may occur regarding such new or additional information. Provided, however, that the Chair may in his or her discretion reasonably limit the scope and duration of responsive testimony and evidence, to that which it is relevant to the new or additional information. In that regard, at the continued Hearing the Chair may make such evidentiary rulings as are reasonably necessary to promote efficiency and limit the presentation of irrelevant, redundant or cumulative evidence.
b. Where an item is continued for any other reason (e.g. due to the lateness of the hour; the volume of information previously received; other time constraints; etc.) and the Commission has neither requested nor requires additional information for proper deliberation, then the Commission shall not be required to re-open the

public portion of the Agenda item, except as may be necessary to obtain explanation or clarification of information previously received, including opportunity for response and/or rebuttal; or under such other circumstances as the Commission determines would serve the interests of fairness and justice.

c. The provisions of this section shall not apply unless the continued item has been continued to a date certain for the purpose of receiving new of additional information regarding that item, and such new or additional information shall in fact have been presented and received at the continued Heating. Where no new or additional information is being presented, no public comment is required unless in the Chair's reasonable discretion the interests of fairness and justice so require.

Informational Study Sessions. The Commission may convene from time to time outside of a regular Meeting, in order to conduct such informational and educational Study Sessions, as the Commissioners and/or Staff may deem necessary or appropriate. Such Study Sessions and the specific topic(s) and purpose(s) thereof may be scheduled as recommended by Staff with the consent of at least two (2) Commissioners, and Staff shall prepare a written Agenda and provide reasonable advance public notice of any Study Session. Study Sessions are for informational purposes only, and shall generally be conducted on Thursday evening(s) when there are no items appearing on the regular Meeting Agenda. Study Sessions may also be conducted at other times before, after, or in lieu of a regular Meeting. Study Sessions shall follow the same general Agenda format and procedure as a regular Meeting, but in no case shall any official business be conducted at a Study Session, nor shall there be any discussion, decision-making, rule-making, or other substantive consideration of any Application, Agenda item, or other matter that is pending, forthcoming, or otherwise subject to a formal public hearing. Study Sessions are open to the public, although the Commission is not required to accept public comment unless a majority of Commissioners consent. The Commission may receive information from Staff and/or invited guests, in furtherance of the Study Session purpose(s), but shall not receive any formal testimony or evidence related to or affecting any case(s).

Executive Session. At any regular Meeting or Study Session, upon proper motion by a duly seated Commissioner, the Commission may at any time during the Meeting hold an executive session, pursuant to the provisions of V.T.C. Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551 Open Meetings, for one of the following purpose(s), which shall be announced by the Commissioner making the motion and by the Chair prior to convening the executive session:

a. Receiving legal advice from the City Attorney on specific legal questions;
b. Considering matters required to be kept confidential by federal or state law, rule, regulation, or other lawful privilege;

c. Considering any documents protected by the mandatory non-disclosure provisions of the Texas Open Records Act;

d. Any other lawful purpose, which shall be specified in the motion.

No adoption of any proposed policy, position, resolution, decision, rule, regulation, or other formal action shall occur at any executive session not open to the public.

IV. MOTIONS AND VOTING

Procedure for Motions. After of all evidence has been presented and discussion and deliberation have occurred, the Chair may entertain a motion from any duly seated commissioner. Commissioners should use care in choosing language that accurately states their proposed motion. The moving Commissioner may briefly state his or her reasons for the motion before making it, but should not argue the substance of the motion until it has been seconded. Having spoken once, the Commissioner should not speak again until all other members who wish to speak have had opportunity, except to answer questions or respond comments posed by other Commissioners, or to withdraw or amend the motion. Having made a motion, the moving Commissioner may neither speak nor vote against it.

Another Commissioner seconds the motion. All motions require a second. However, the seconder is not required to favor the motion, and may speak and vote for or against it. Seconding a motion allows the merits of the case to be heard and debated publicly, without regard to outcome. Once seconded, a motion may not be withdrawn without the seconder's consent. If there is no second, the motion fails and the Chair may entertain another motion.

Once a motion is made and seconded, the Chair re-states the motion accurately and asks for discussion. General debate and discussion follow, regarding the merits of the case and the nature of the evidence presented. At the end of discussion or when the question is called, the Chair re-states the motion and calls for a vote.

Voting. Commissioners shall vote orally by a calling of the roll. An affirmative vote of a majority of the Commissioners seated is required to pass a motion recommending approval of any action. Otherwise, the item is deemed denied; except that, where a motion to deny an item or approve it within conditions does not carry, the Chair may entertain another motion, either to approve, approve without conditions, approve with modified conditions, or deny or continue the item, such that the Commission fulfills its duty to clearly recommend some form of action to the City Council.

The Chair announces the result of the vote, and the motion is completed when the result is announced for the record. Results should be announced according to the prepared Resolution(s), along with any amendment(s), paying special attention to the Planning Commission findings, determinations, and conclusions in the Resolution(s).

If the vote results in a tie, the Applicant is entitled to re-hearing of the item within a reasonable time. The Chair shall advise the Applicant that re-hearing should be promptly requested by the Applicant in writing delivered to Staff.

V. EX PARTE CONTACTS AND CONFLICTS OF INTEREST

Ex parte (outside the Meeting) communications and contacts involving a Commissioner about forthcoming quasi-judicial Agenda items are strictly prohibited. If a Commissioner is approached or otherwise engaged by anyone outside a Meeting, with respect to a quasi-judicial Agenda item that is subject of a pending or future Planning Commission Meeting or other public hearing (e.g. City Council, Board of Adjustment, etc.) that Commissioner shall respectfully decline to discuss the matter, and shall instead recommend that it be properly raised in the appropriate public hearing forum. If the contact relates to an item on the Commission Agenda, then at the next appropriate Meeting time the Commissioner shall disclose for the record the nature and extent of the ex parte contact.

A Commissioner, who is engaged or approached outside a Meeting regarding any Agenda item, shall exercise discretion and restraint and shall encourage attendance, participation and discussion in the appropriate public forum.

For purposes of these Bylaws, ex parte communications are deemed to include documents or other writings including text messages, e-mails, all forms of social media, phone calls, discussions, conversations or communications involving a Commissioner outside a Meeting, regarding *an Agenda item or related matter that is the subject of a pending or future Planning Commission Meeting or other public hearing*. Ex parte communications do not include newspaper articles, editorial opinions published by others, and the like. Commissioners should remember that Planning Commission Agenda items are subsequently heard by the City Council at least once (and often twice or more) after the matter is heard at the Planning Commission Meeting(s).

No Commissioner shall participate in or vote with respect to any matter pending before the Planning Commission if that Commissioner has a direct or indirect financial, personal, or official interest in, or conflict with, the matter, of such a nature that it prevents or may prevent that Commissioner from acting impartially, or raises the appearance of impartiality or impropriety. Any Commissioner having such an interest or conflict shall immediately disclose such interest or conflict when it becomes known or apparent, prior to participating in any official action or hearing by the Planning Commission. No Commissioner shall attempt to unduly or inappropriately influence another Commissioner's impartial judgment with respect to any item, beyond debate on the merits.

If an appearance of impropriety might exist or be perceived with regard to a Commissioner's participation in any particular Agenda item, even if no actual conflict of interest exists, then prior to each hearing item so affected, that Commissioner should endeavor to advise and consult the Chair accordingly, stating any concerns, and before proceeding should state for the record whether the Commissioner believes that she or he

can nevertheless act impartially. The Chair shall then advise the Applicant, and shall call upon the Applicant to state for the record any objections that the Applicant may have to that Commissioner's participation, or whether the Applicant consents to such participation. If there is any objection, then the affected Commissioners shall respectfully recuse himself or herself from the Meeting in the interests of fairness to the Applicant, and shall not participate further in any deliberation.

VI. AMENDMENTS TO THESE BYLAWS

These Bylaws may be amended by the majority vote of the Planning Commission, provided that such amendments shall be consistent with Texas law, the Ordinances and Resolutions of City Council.

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF VENUS,

TEXAS, DATED _____, 2022

By: _____ By: _____
Andrew Wilson, Chair Tony Bovinich, Vice Chair

Attest:

By: _____
Callie Green, City Secretary

Chapter 26 SUBDIVISIONS AND DEVELOPMENT[1]

[1]State law reference(s)—Municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.; minimum requirements for subdivisions, 31 Tex. Admin. Code § 364.91.

ARTICLE I. IN GENERAL

Sec. 26-1. Street standards.

All streets constructed in new subdivisions in the city shall be constructed to the standards set out in Attachment A to Ordinance No. 271-2003, on file in the office of the city secretary, which is hereby adopted and incorporated herein for all purposes.

(Ord. No. 271-2003, § 1, 2-11-2003)

Sec. 26-2. Penalty.

Any persons or their agents, servants, or employees violating or failing to comply with any of the provisions of this chapter shall be fined upon conviction not less than $1.00 nor more than $2,000.00, and each day any violation of noncompliance continues shall constitute a separate and distinct offense.

(Ord. No. 271-2003, § 4, 2-11-2003)

Sec. 26-3. Stormwater and drainage standards.

(a) The city hereby adopts the North Central Texas Council of Governments (NCTCOG) iSWM™ Criteria Manual for Site Development and Construction, dated December 2009 and revised January 2015, and adopting any amendments thereafter. The city hereby agrees to participate in the iSWM™ program as prepared by the NCTCOG. The city understands that the program is a living program that is updated as appropriate based on new information, technology and practices.

(b) The iSWM™ criteria manual, as adopted shall be known as the City of Venus Drainage Design Manual. A full copy shall be made available on the city web site and available to developers by email or mail by request.

(c) The City of Venus Drainage Design Manual shall be the governing document for all drainage projects under this chapter and for all development and redevelopment projects.

(d) Any all drainage design plans submitted to the city for review and approval under this chapter shall bear the seal and signature of a licensed professional engineer carrying a valid, current license with the Texas Board of Professional Engineers.

(Ord. No. 412-2015 , § A, 11-9-2015)

Secs. 26-4—26-20. Reserved.

ARTICLE II. RESIDENTIAL SUBDIVISIONS

DIVISION 1. GENERALLY

Sec. 26-21. Intent, purpose, authority, and interpretation.

(a) *Intent.* In the interpretation and application of the provisions of this article, it is the intention of the city council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements, such ordinances shall control.

(b) *Authority.*

(1) The ordinance from which this article is derived was prepared under the authority of chapter 212, subchapter A, Texas Local Government Code, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community.

(2) The procedures and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the city are authorized by the Local Government Code.

(c) *Extraterritorial jurisdiction.* The extraterritorial jurisdiction of the city is now one-half mile from the corporate limits. As the city grows, the extraterritorial jurisdiction will be extended in accordance with the Local Government Code, and the requirements of this article shall be extended into any and all new areas of extraterritorial jurisdiction.

(d) *Purpose.* The purpose of this article is to provide for the orderly, safe, and healthful development of the area within the city and within the area of extraterritorial jurisdiction surrounding the city, and to promote the health, safety, morals, and general welfare of the community. Such purpose is to be promoted by provisions designed to:

(1) Restrict or prohibit the subdivision of lands for uses which are dangerous to public health, safety or welfare; or which would jeopardize property in times of flood; or which, with reasonably anticipated improvements, would cause excessive increases in flood heights or velocities.

(2) Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.

(3) Guide and assist subdivider/developers in correct, expeditious procedures to be followed and to inform them of the general standards which shall be required.

(4) Protect the public interest by controlling the location, design, class and type of streets, sidewalks, utilities and other essential services required in the public interest and/or necessity.

(5) Provide for the public welfare in those essential services required for living, educational, recreational, industrial and commercial purposes.

(6) Implement the Comprehensive plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.

(7) Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces, emphasize significant natural landscapes, and contribute to a valuable public realm.

(8) Secure adequate provisions for water, drainage, sanitary sewer facilities and other public improvements based upon city, state, and federal requirements.

(9) Provide for coordinated development of Venus with established policies of the City.

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(e) *Conformance to most current comprehensive plan.* No plat or subdivision of land within the city and its extraterritorial jurisdiction, as determined by chapter 42, subchapter A, Texas Local Government Code, shall be approved unless it conforms to the most current comprehensive plan of said city and its streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the most current comprehensive plan for the extension of said city and of its roads, streets, alleys, easements, and public highways, regard being had for access to public utilities.

(f) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(g) *Planned unit development.* Upon application by a developer/subdivider, upon review and comment by the city staff, as hereafter provided for, and upon review by the planning and zoning commission (herein after called "the commission"), if there is one, the city council may modify or waive design standards set forth in this article when such developer/subdivider intends and formally applies to utilize the "planned unit (or clustered) development" concept for the development of a parcel of land.

(Ord. No. 243-2001, § 1, 2-19-2001)

Sec. 26-22. Definition of terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building Setbacks means the minimum required distance between any property line and the building. When front building setbacks are expressed as a range (i.e. 10' to 25'), it shall be interpreted as a "front building line" range, within which distance the front building line of the principal structure shall be established.

Building Transparency means when referring to the design of building facades, transparency is the percentage of windows and doors on the façade, intended for two purposes: (1) to break up the scale and massing of the façade and relate the building to the streetscape and public spaces; and (2) to provide connections - visual and perceived - between the activities on the site and the public streetscape or spaces. Therefore, transparency has two measurements: the extent of transparency, which is the percentage of the overall façade, measured at each story but which includes non-transparent components associated with the opening such as molding, casing or frames; and the degree of transparency, which is typically the clarity of the glass used for the opening. The clarity of the glass in the opening is met by a minimum Visible Light Transmission of 60% (VLT = the percent of total visible light that is transmitted through a glazing system) and a maximum Visible Light Reflectance of 15%. (VLR = the percent of total visible light that is reflected by a glazing system) For upper story windows, these measures may be 40% VLT and 20% VLR.

Chief administrative officer means the person designated by the city to administer the provisions of this article.

City engineer means the person designated or retained by the city to perform the duties of city engineer. The city may require that the developer pay all or part of the city's expenses incurred by this person, including preplanning reviews.

Council means the City Council of Venus, Texas.

Easement means a right granted or acquired for the purpose of limited public or semi-public use across, under, or over private land.

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Engineer means a person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Filing means the state-mandated 30-day period for action on any document submitted in accordance with this article under section 212.009, Texas Local Government Code, shall begin when:

(1) The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the city secretary;

(2) The final plat is deemed filed when the approved preliminary plat, along with any stipulations and/or conditions required by the commission, has been filed with the city secretary as a final plat and all necessary fee, documents, certifications and drawings required in this article are in the possession of the city secretary; and

If at any time the city secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.

Front Building line means when established as a requirement for location of the principal building, the distance or a range from the front lot line; at or within which distance the front building line of the principal structure shall be established.

Height means building height, when expressed as a dimension, is measured from the average grade to the highest point of a roof. Average grade is determined by calculating the average of the highest and lowest elevation of finished grade along the front building line parallel to the street. Building heights expressed in both dimension and stories shall use the additional story limits to impact the scale, form, and mass of the building within the permitted overall height.

Lot and *lot of record.*

(1) *Lot* means any land occupied by a building and its accessory buildings, including such open space as is required by ordinances of the city, and having its principle frontage upon a public street or officially approved place.

(2) *Lot of record* means any lot that is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Johnson County or Ellis County, Texas.

Lot Measurements means the following shall be used in interpreting measurements and dimensional standards for lots. In the case of parcels, tracts or other property lines clearly intended to bound buildable areas, these lines may be interpreted as lot lines for the purposes of this code:

1. *Lot Area* means the area bounded by the front, rear and side lot lines, or when expressed as a range, it shall be interpreted as a minimum and a maximum.

2. *Lot Depth* means the horizontal distance between the front and rear lot lines measured at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.

3. *Lot Frontage* means the portion of the lot that establishes the relationship between the building or site and the public realm or street upon which the lot fronts.

4. *Lot Width* means the horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front building line.

Corner lots means applying building, lot and frontage standards to corner lots, lots can be arranged in one of three patterns based on the context of the block and abutting lots:

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a. *Standard Corner* means the building orients to the same front as all other buildings on the same street, and an expanded side setback may apply on the other street side of the lot. Side and rear setbacks apply to the remaining sides.

b. *Reverse Corner* means the building orients to the end-grain of the block (not the same as other buildings on the interior of the block), and the front setback and frontage design applies to that street. The other street-side setback can be the greater of (1) the stated street-side setback for that building type or (2) 10 feet in front of the forward-most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.

c. *Corner Orientation* means the building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.

Most current comprehensive plan means the statement of official public policy containing the goals and objectives of the community, the capital improvements program, the plan for public utilities systems, the land use plan, the major thoroughfare plan, the community facilities plan, the flood management program, the subdivision and zoning regulations, and other development codes, ordinances, policies, and plans promulgated by the city council for the quality and orderly growth of the community.

Plat. A map or chart of the subdivision, lot or tract of land. It shall include the term plan, plat or re-plat, in either singular or plural.

Minor Plat. A plat dividing land into no more than four (4) lots that meets the submission and approval requirements. Such plat is also considered a Final Plat.

Preliminary Plat. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development. The Preliminary Plat shall serve as a means for the City to review and study the proposed division of land or improvements.

Final Plat. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Johnson County or Ellis County, Texas. A Final Plat may also be referenced as a Record Plat or Filing Plat

Plat and *approved plat.*

(1) *Approved plat* means a plat of subdivision which has been approved in accordance with the requirements of this article and which has been filed for record with the county clerk of Johnson County or Ellis County.

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(2) *Plat* means a complete and exact subdivision plan submitted to the council for final approval and which, if approved, shall be submitted to the county clerk of Johnson County or Ellis County for recording.

Setback (or building) line means a line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.

Standard refers to the official city maps, master plan, ordinances, and other specifications of the city.

Story means the part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall be:

a. 9 feet to 12 feet, generally;

b. The first story for residential buildings should be 10 feet to 14 feet;

c. The first story in non-residential buildings should be 12 feet to 20 feet;

d. Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15.

e. Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story, except that the Director may determine that it is not a story (i.e. "walk out basement") provided:

(1) The lot has a grade change of more than 4 feet within the buildable area established by setbacks; and

(2) The building foundation is no more than 2 feet above grade at the highest grade point along the front elevation; and

(3) The grading for the site was not significantly altered to benefit the height of the proposed building in a manner that is incompatible with the scale, massing and relationship to adjacent buildings.

Street, alley and *block.*

(1) *Alley* means any minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on the street.

(2) *Block* means a piece or parcel of land composed of two or more lots, or a single tract platted for the owner's convenience, with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.

(3) *Street* means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

a. *Arterial streets* and *highways* are those which are used primarily for fast or heavy traffic and which are designated in the comprehensive plan as a primary street, expressway, or freeway.

b. *Collector streets* are those which carry traffic from minor streets to a major system of arterial streets and highways, including the principle entrance streets of a residential development and streets for circulation within such development and which are designated in the comprehensive plan as secondary streets.

c. *Minor streets* are those that are used primarily for access to abutting property.

d. *Marginal access streets* are minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to abutting property and protection from through traffic.

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e. *Cul-de-sac* is a short, minor street having but one vehicular access to another street and terminated by a vehicular turnaround. Cul-de-sacs shall not be longer than 600 feet and shall have a turnaround provided at the closed end. They shall have an outside roadway diameter of at least 80 feet and shall have a street-property line diameter of at least 100 feet.

f. *Dead-end street* is a street with only one opening, other than a cul-de-sac.

Subdivision and related terms. The term, "subdivision," shall be interpreted to mean the division of a parcel of land into two or more lots or tracts for the purpose of transfer of ownership, the dedication of streets, alleys, or easements, or for use for building development; provided that a division of land for agricultural purposes into lots or tracts of five acres or more, and not involving a new street or alley, shall not be deemed to be a subdivision. The term "subdivision" includes re-subdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided. The terms, "subdivider" and "developer," are synonymous and are used interchangeably and shall include any person and/or any officer, agent, employee, servant, and trustee thereof who does, or participates in the doing of, any act towards the subdivision of land within the intent, scope, and purview of this article.

(Ord. No. 243-2001, § 2, 2-19-2001)

Sec. 26-23. Penalty.

(a) Any person violating provisions of this article shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in an amount not in excess of $2,000.00. Each violation of this article shall be deemed a separate offense and each day that the violation continues shall be deemed a separate offense. Nothing herein shall prevent the enforcement of this article by another means authorized by law, and this article may be enforced by any or all means. The choice of one remedy is not to the exclusion of any other remedy.

(b) Any person who shall violate any of the provisions of this article, or who shall fail to comply with any of the provisions hereof, within the extraterritorial jurisdiction of the city, shall be filed on in district court, as provided for in the Local Government Code, with the purpose of restraining and enjoining the violation of this article. In addition, utilities will not be extended into the subdivision until the provisions of this article are complied with.

(Ord. No. 243-2001, § 25, 2-19-2001)

Sec. 26-24. Policies and special provisions.

(a) No permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to state law applied to local conditions.

(b) No building, repair, plumbing, electrical or similar permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.

(c) The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(d) The city shall not permit the sale of, or supply of, any electricity, water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(e) On behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this article or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this article.

(f) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the city council of the city shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of subsections (a)—(d) of this section apply to the subdivision and the lots therein. The city secretary shall, when directed by the city council, cause a certified copy of such resolution, under the corporate seal of the city, to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties stating that said resolution no longer apply.

(g) It is provided, however, that the provisions of this section shall not be construed to:

(1) Prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract;

(2) Prohibit the repair, maintenance, or installation of any street or building;

(3) Prohibit the repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, in these instances:

a. Where the last recorded conveyance of such lot or tract prior to passage of this article was by metes and bounds;

b. Where a building is in existence on said lot prior to passage of the ordinance from which this article is derived; or

c. Where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of the ordinance from which this article is derived.

(Ord. No. 243-2001, § 3(1)—(7), 2-19-2001)

Sec. 26-25. Land suitability.

(a) No land shall be subdivided which is held unsuitable for its intended use by the city for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.

(b) However, the city council may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this chapter and other applicable ordinances to make the area, in the opinion of the city council, suitable for its intended use. The city council may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to this article to guarantee performance.

(c) In determining the appropriateness of land subdivision at the site, the city council shall consider the stated purpose and objectives of this article, and:

(1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses;

(2) The danger that intended uses may be swept onto other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions, including flood conditions;

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services provided by the proposed facility to the community;

(6) The availability of alternative locations not subject to flooding for the proposed subdivision and land use;

(7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;

(8) The relationship of the proposed subdivision to the most current comprehensive plan and floodplain management program for the area;

(9) The safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles; and

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(Ord. No. 243-2001, § 3(8), 2-19-2001)

Procedures Summary

	Eligible Applicants			Pre-application Conference	*Neighborhood meeting*	Notice			Review Body		
	Owner	PC	CC			Post	Publish	Mail	Staff	P& Z C	CC
Preliminary Plat	■			•	•	•	•	•	R	R/PH	D/PH
Final Plat	■			•					D	A	
Rezoning	■	■	■	•	•	•	•	•	R	R/PH	D/PH
Planned Development - Regulating Plan	■	■	■	•	•	•	•	•	R	R/PH	D/PH
Conditional Use Permit	■			•	•	•	•	•	R	R/PH	D/PH
Site Plan	■			•					D	A	
Variance	■			•		•	•	•		D/PH	
Text Amendment		■	■				•		R	R/PH	D/PH
Annexation	■		■	•		•	•	•	R		D/PH

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■=Authorized

P&Z C = Planning and Zoning Commission

CC = City Council

R = Review and Recommending Authority

D= Decision Making Authority

PH= Public Hearing Required

Note: Neighborhood Meetings are not required in the Texas Local Government Code, but I suggest that we required them because in many cases it is to the applicant's advantage to meet with citizens/neighborhood groups/HOAs before a submittal is made. In this way, applicants will have addressed or incorporated neighbors' concerns, conflicts, and how the neighborhood feels about the project.

Sec. 26-25. All Applications

a. **Applications and Fees**

1. *Forms.* Applications required under this ordianance shall be submitted to the Planning Department on forms supplied by the Department.

2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the City Council's Annual Fee Resolution. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning Commission or City Council.

3. *Eligible Applicants.* The Procedures Summary Table indicates applicants eligible for each particular application under this ordinance, which include the following:

a. *Owner*. The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.

b. *Planning Commission.* The Planning Commission, acting on its own initiative according to its bylaws and rules of procedure or through recommendations brought to it by city staff.

c. *City Council.* The City Council acting on its own initiative according to its bylaws and rules of procedure or through recommendations brought to it by city staff.

b. **Concurrent Applications**. When a project requires approvals under more than one type of application, the Planning Department may determine that each application may run concurrently based on the following:

1. The similarity of information required for each type of application, or where they require different information, the ability to coordinate information, review criteria and decisions under each application.

2. The similarity of notice, timing, procedures, meetings and review bodies required for each application.

3. The ability of the staff and review bodies to make effective decisions when reviewing the applications concurrently.

In cases where the Planning Department determines applications may run concurrently, the application shall be processed through the highest review level of any of the associated application, and no decision shall be considered final until the last of the related decisions has been made.

c. **Pre-application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in the Procedures Summary Table. The applicant shall confer with the Planning Department and other city staff to discuss the general nature of the proposal, including:

1. Proposed uses, general site layout, and conceptual designs of buildings and open spaces.
2. Impacts of development to existing conditions on the site and the vicinity.
3. Procedural and submittal requirements.
4. Development review processes and review criteria, and in particular whether any special public information and outreach or specific agency or department reviews are necessary.
5. Planning and infrastructure impacts, including the need for any technical studies or outside agency coordination and review.
6. Specific plans or policies affecting the application.
7. Standards and requirements of the City Ordinances applicable to the project.
8. Opportunities to improve or coordinate the preliminary concepts with other private or public investments in the area.

d. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in the Procedures Summary Table. Neighborhood meetings shall meet the following:

1. Be held prior to a formal application to the City.
2. The applicant is responsible for coordinating the meeting location, and the meeting shall be held at a public meeting facility within the City, such as a school, community recreation center, or other convenient and accessible meeting center. The Planning Department may approve the virtual facilitation of the neighborhood meeting in lieu of or in addition to the meeting held at a public meeting facility.
3. The applicant is responsible for all content of the meeting, which at a minimum shall include:
    a. The general nature and scope of the proposed project;
    b. A summary of the proposed land use, including planned or all potential future uses under the request;
    c. The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
    d. Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
4. The applicant is responsible for notification of the neighborhood in the manner and format prescribed by the City on the application forms. The applicant shall receive confirmation of the time and location of the meeting from the Planning Department Staff prior to scheduling and notice.
5. The applicant shall prepare minutes of the meeting including evidence of the notice, attendance, content and presentation, issues and discussion summary, and outcomes of the meeting. These minutes shall be included as part of the formal application.

e. **Staff Review.** Upon receipt of an application, Planning Department Staff shall take the following steps:

1. *Notification of Incomplete Application.*

   a. If an application is determined incomplete, Planning Department Staff shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the incomplete application may be considered withdrawn.

   b. If an application is complete it shall be processed for formal review.

2. *Development Review Committee.*

   a. Specific applications may require review by the Development Review Committee, and Planning Department Staff may determine that any application can be reviewed by the Development Review Committee when it affects issues or facilities significant to other departments and outside agencies.

   b. Planning Department Staff may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. However, in general the applicant shall assume that the following agencies are required to review and comment:

      (1) Gas and electric utilities;

      (2) Telecommunications and cable providers;

      (3) Public safety agencies (police, fire, EMS, health);

      (4) Respective school district(s) in which the subject property is located;

      (5) Water and sewer utilities;

      (6) Ditch companies;

      (7) Special districts; and

      (8) Other local, state, or federal government agencies.

   c. Failure to receive comments from referral agencies may allow Planning Department Staff to delay the application. However, if the applicant demonstrates sufficient due diligence in receiving comments, Planning Department Staff may interpret the failure to comment as consent to the application by the agency.

   d. The applicant shall be responsible for coordinating all subsequent requirements or comments of the City or agencies, and notifying agencies of any changes that may affect their comments on initial plans prior to final review.

3. *Staff Comments.* Planning Department Staff shall coordinate a staff review after receipt of a complete application and provide the applicant the following information in writing:

   a. Recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review on the merits of the application requirements and criteria of this ordinance.

   b. Any supplemental information necessary to support the application or address any comments or recommended changes.

   c. If the applicant chooses not to address any particular comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and justify why the comment was not addressed. The applicant may request to schedule the application for official review based on this justification.

d. If the applicant fails to submit revisions or otherwise address any comments from the Planning Department in writing for more than 120 days, Planning Department Staff may determine the application withdrawn and the review terminated. Any further action will require a new application and fees.

4. *Scheduling.* Applications that have completed Development Review Committee (DRC) and staff review, and addressed any comments, shall be scheduled for further review according to these regulations.

5. *Staff Report.* Planning Staff shall prepare a staff report for applications that require review and decisions by other review bodies that identifies the appropriate policies, plans, regulations and review criteria. Planning Staff shall provide a copy of the report to the reviewing body and to the applicant in association with the public meeting agendas and packets.

f. **Notice.** Notice shall be provided for each application as indicated in the Procedures Summary Table, which shall provide the date, time, place, type and general nature of the application, the general location of the subject property, a description of the proposal, and the location and contact where additional details may be found. Prior to the hearing or review meeting, the applicant shall verify to Planning Department Staff that all required notice has been posted, and the City shall be responsible for mailed and published notice. Required notice shall include the following requirements:

1. *Published*. Where published notice is required, at least 15 days prior to the public hearing or meeting, Planning Staff shall publish the notice on the Midlothian Mirror Newspaper in a manner that best advises the public of the application.

2. *Posted*. Where posted notice is required, notice shall be posted on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:

a. Planning Staff shall determine the number, type and specific location of signs based on the context of the property and supply the signs.

b. The applicant shall ensure that all signs are posted at least 15 days prior to the public hearing or meeting.

c. The notice shall state that the land use proposal is under review and contain the contact information for the Planning Department for specific information about the type of application or nature of the project.

d. The applicant shall make a reasonable good faith effort to maintain posted notice throughout the proceedings. When the public hearing is delayed more than 30 days from the date on the posted notice, the applicant may remove the posted notice and post new signs with the new public hearing date at least 15 days prior to the new public hearing date. Any failure to maintain posted notice beyond reasonable good faith efforts shall not invalidate any subsequent action.

3. *Mailed.* Where mailed notice is required, the City shall mail notice of the date, time, place, type and general nature of the application, general location of the subject property, and a description of the proposal and where additional details may be found. When mailed notice has been properly addressed and deposited in the mail, failure of a party to receive notice shall not invalidate any subsequent action. Notice shall be sent by regular mail to the following, at least 15 days prior to the hearing or review meeting:

a. All property owners within 300 feet shown by the records of the county assessor no more than seven days prior to the date of application;

b. Where notice is not required, or where notice beyond these requirements is determined necessary at the discretion of Planning Staff, mailed notice to all property owners within 1,000 feet may be required in the following situations:

(1) Where large parcel sizes on the perimeter of the project result in notification to only immediately adjacent owners;

(2) Where a large project is more than 1,000 feet in any dimension; or

(3) Other situations where Planning Department Staff determines that additional notice may be necessary due to the context or nature of the project causing potential impacts beyond the required notice distance.

4. *Additional Hearing or Meeting Dates.* For any application where mailed or published notice is required by this ordinance or Texas law, and the reviewing authority adjourns or continues to the review to a certain date, time and location, no new notice shall be required.

g. **Public Hearings.** Where public hearings are required by the Procedures Summary Table, the following procedures apply:

1. The hearing shall be conducted and a record of the proceedings shall be preserved.

2. Any interested person or party may appear and be heard in person or by agent.

3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.

4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time and place of the continued hearing is announced at the original hearing.

5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.

6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.

h. **Action by Review Bodies.** Review bodies shall take the actions indicated in the Procedures Summary Table. A review body may take any action on the application consistent with notice given or criteria in this ordinance, or recommend the same when the review body is a recommending body, including the following:

1. Approve the application.

2. Approve the application, with conditions or modifications that make it more consistent with the standards and approval criteria.

3. Deny the application, with specific reasons for the denial.

4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

i. **Appeals.** The decision shall be final and only appealed as authorized by law. The following appeal procedures apply:

1. Appeals shall be filed with the Planning Department Staff within 15 days of the decision by the decision-making review body.

2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:

a. It was against the express standards of this ordinance;

b. It was not authorized by the discretion and review criteria of this ordinance;

c. It was an unreasonable interpretation or application of the standards;

d. It was erroneous, based on the record and facts review of the decision-making body; or

e. It was otherwise clearly contrary to law.

3. The following persons and entities shall have standing to appeal the action of the review body:

a. the applicant;

b. Planning Department Staff, on behalf of any public official, department or public body; and

c. any other person given the right of appeal by law.

4. The review body designated as the appellate body shall consider the application based on the established record, and within 60 days of the date that the appeal was filed, may take any action authorized by the decision-making review body if it determines that a clear error was made. The procedure and required notice shall be the same as required of the original application.

j. **Technical Studies.** Planning Department Staff, on behalf of any public official, department, or agency, the Planning Commission or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic impact analyses, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Planning Department Staff. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

k. **Permits.** Upon final approval as specified for each application in this section, applicants may apply for all permits necessary to construct buildings, infrastructure and site improvements. Permits necessary to show full compliance with the standards of this code, or other applicable City ordinances, may be required.

l. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from date of denial. Planning Department Staff may permit a refiling of the application no sooner than 1 year when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this code has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the Planning Department Staff determines is substantially different from a previously denied application, when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

Sec. 26-26. Approval required.

(a) The following shall be submitted to the commission for its consideration with relation to the most current comprehensive plan:

(1) All plans, plats or re-plats of land laid out in building lots and for streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto;

(2) Plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts; and

(3) Any addition or plan of streets or public ways, located outside the city limits, within Johnson and Ellis Counties and entirely or in part within the statutory extraterritorial jurisdiction.

(b) Said commission shall submit its recommendation on the items in subsection (a)(1)—(3) of this section to the city council for its official consideration and action.

(c) No such plat or re-plat or dedication or deed of street or public way shall be filed with the county clerk, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the commission and to the city council, and by said city council been duly approved.

(d) A preliminary plat of any proposed subdivision shall be submitted to the commission and city council for approval before the subdivider proceeds with the preparation of the final plat for record.

(e) All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection, during construction, by the proper authority of the city and shall be constructed in accordance with appropriate provisions of this chapter and other applicable ordinances and public engineering standards, including NCTCOG standards.

(Ord. No. 243-2001, § 3(9)—(11), 2-19-2001)

Sec. 26-27. Single-family rural estates.

Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, "estate-type," single-family residential developments are less intensive. Residential developments undertaken pursuant to this section shall conform to the following provisions and are considered exempt from conflicting provisions in this article:

(1) *Definition.* A large lot subdivision is defined as a subdivision in which the minimum lot size is three acres and minimum street frontage for any lot is 60 feet with a minimum lot width of 120 feet at the building setback line.

(2) *Lot standards.* See chapter 34, pertaining to zoning.

(Ord. No. 243-2001, § 3(12), 2-19-2001)

Sec. 26-28. Guarantee of performance.

(a) *Security in lieu of completion.* Prior to the issuance of a building permit, if the subdivider chooses to file security in lieu of completing construction prior to final plat approval for recordation, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved for recordation unless the subdivider has done one of the following:

(1) *Performance bond.* Has filed with the city a bond executed by a surety company holding a license to do business in the state and acceptable to the city and in a form approved by the city in an amount equal to the cost of the improvements required by this article. The construction of the improvements shall be within the time as estimated and approved by the administrator. The performance bond shall be approved as to form and legality by the city attorney.

(2) *Trust agreement.* Has placed on deposit in a bank or trust company in the name of the city and approved by the city, in a trust account a sum of money equal to the estimated cost of all site improvements required by this article, the cost and time of completion as approved by the administrator. Selection of the trustee shall be executed on the form approved by the city and

approved as to form and legality by the city attorney. Periodic withdrawal may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the city engineering department. Such withdrawals shall be approved by the trustee.

(3) *Unconditional guarantee from a federally insured financial institution as approved by the city.* Has filed with the city council a letter, on a form approved by the city, signed by the principal officer of a federally insured financial institution, acceptable to the city, agreeing to pay the city on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under this article. The guaranteed payment sum shall be the estimated costs and scheduling as approved by the administrator. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.

(b) *Guarantee of materials and workmanship.* The subdivider or developer, shall guarantee all materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this article. The subdivider or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of two years after acceptance of the improvements by the city.

(c) *Acceptance or rejection of construction.* If one of the above three types of security is filed by the subdivider under subsection (a) of this section, the city engineer shall inspect the construction of the improvement while in progress and he shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the administrator and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the city attorney shall, on direction of the city council, proceed to enforce the guarantees provided in this article.

(d) *Extension of time.* Where good cause exists, the administrator may recommend to the city council to extend the period of time for completion under this section. Such extension of time shall be reported to the commission and the city council and recorded in the minutes of each body. No such extension shall be granted unless security as provided in this section has been provided by the subdivider covering the extended period of time, including additional costs of review and inspection.

(Ord. No. 243-2001, § 8, 2-19-2001)

Sec. 26-29. Responsibility for payment of off-site/on-site utility installation and other improvement costs.

(a) Upon completion of a utility system and formal acceptance by the city, the installation becomes the property of the city to operate and maintain.

(b) Responsibility for payment for installation cost of other improvements are as follows:

(1) *Streets.* The city may pay, providing funds are available, for street rights-of-way in excess of 60-foot width and for street paving in excess of 28-foot width, except where such extra widths are in commercial developments or where they are not required by the city.

(2) *Bridges.* The city may participate, providing funds are available, in the extra cost of large drainage structures on principal streets shown on the circulation plan.

(3) *Street signs.* Street signs and markers, in accordance with standards adopted by the city, are required at each intersection within the subdivision and at street entrances into the subdivision. The city may

provide and install all street signs at developer's expense. All signs shall be in place by the time the subdivision is open for use.

(Ord. No. 243-2001, § 9(1), (2), 2-19-2001)

Sec. 26-30. Open and Civic Space

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a. **Intent.** The intent of this section is to:

1. Emphasize open space design as a key determinant of Venus' community image and unique identity.
2. Plan and integrate open and civic space systems into the patterns and structure of streets, blocks and lots to create a coordinated public realm.
3. Promote good civic design and create focal points for the community, district, neighborhood or development site to which development and site plans should relate.
5. Integrate natural systems into the design of common or public open spaces to improve stormwater management, and protect water resources.

b. **Open & Civic Space System.** Open and civic spaces platted as part of a development shall generally be laid out according to street networks, block and lot layouts, and the landscape and site amenities of individual lots.

1. *Types and Requirements.* Open and civic spaces designed according to the types and standards of this section may be used to meet the dedication requirements of Section 26-31, as specified in Table Park and Open Space Dedication & Fees.

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Open and Civic Space Types & Requirements			
Type	**Credit Amount Towards Dedication Requirement**		
	Community Park (3ac./1000pp)	**Neighborhood Park (3ac/1000pp)**	**Common Open Space (15ac/1000pp)**
Park—Regional	Y	Y	Y
Park—Community	Y	Y	Y
Park—Neighborhood	N	Y	Y
Park—Local/Pocket	N	Y if 3+ ac. 1.5x if privately maintained and open to public	Y

- Open space types that can meet more than one requirement shall meet the larger-scale requirement first; then any space dedicated beyond what is required could count to the lower-scale requirement.
- Areas marked with a multiplier (i.e. 1.5x) get a bonus and can count to the requirement based on the area times the multiplier.

2. *Location Criteria.* To coordinate open and civic spaces into a system that integrates the public realm with surrounding development, subdivision design, and location of open and civic space types shall consider the following:

a. Connections and integration with public spaces and other civic destinations, such as schools, to improve visibility and access;

b. The opportunity for natural spaces (preserves, trail corridors or parks) to preserve groves of trees, streams, unusual and attractive topography and other desirable natural landscape features and views;

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Park Type

Size:

Regional – 50 + acres

Community – 15-50 acres

Neighborhood – 5 – 15 acres

Local/Pocket – 0.5 – 5 acres; 3+ acres ideal

Service Area:

Regional Park – City Wide

Community - ½ to 1 mile

Neighborhood – ¼ to ½ mile

Local/Pocket – up to ¼ mile

- Parks shall be at least 150 feet wide in all directions (50 feet Pocket Park), except that linear natural features may be designed as a park with portions) as narrow as 40 feet provided it has significant continuity between other open space features.

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- Fronts on at least 1 public street for 150 feet or more (50 feet Pocket Park).
- One shade tree for every 40 feet of street frontage shall be required to relate the park to the public realm, plus other landscape to support the overall park design.
- Between 15% and 50% of the area should be designed for active, programmed or structured recreation such as ball fields, playgrounds or sports courts.
- The remainder of the area should be allocated to ground cover, tree areas, gardens, or other natural or formal landscape for passive recreation.
- When possible, neighborhood or local/pocket parks should be coordinated with school property or neighborhood community centers.

c. **Open & Civic Space Types & Design.** Open and civic spaces shall be designed according to the following types and standards:

d. **Stormwater Facilities.** Stormwater facilities shall be designed and integrated into the open and civic space system. Any area used for stormwater may be counted towards the open space requirement provided:

1. It is integrated into the design of the space in a manner that it is an aesthetic amenity and is consistent with the essential design character of the space.
2. The design does not impact the utility of the space for either purpose (i.e stormwater functions do not compromise the use and value of the space as intended open space and landscape and open space designs do not compromise maintenance and management for stormwater purposes).

3. The maintenance and management of the portion of the facility serving stormwater function is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.

e. Ownership and Management. Open and civic space platted as part of a development shall require specific designation on the final plat as a separate tract. Options for ownership and management of open and civic space include:

1. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.

2. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.

3. Dedication to a public entity as part of the rights-or-way, parks or other community facilities element of the plan.

All open and civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the appropriate clerk and recorders office with the plat designating the open space, prior to any building permits. Dedication to the City or other public entity is subject to acceptance by and at the sole discretion of the City or other public entity.

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Sec. 26-31. Community Facilities and Fees

a. **Intent.** The intent of the community facility and fees standards is to:

1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.

2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.

3. Consider the location of public and community facilities in coordination with the initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are located conveniently in neighborhoods and districts and serve as gateways and focal points for the community.

4. Provide the opportunity to negotiate a fair and equitable price for land needed to develop public or community facilities beyond the impact of the particular project, or alternatively to provide an incentive for land owners to dedicate land for needed facilities where the lack of facilities may otherwise constrain potential future development.

b. **Dedication of Land.** The Planning Commission or City Council may request the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, open space, public safety facilities, school sites or other public or community facilities.

1. The request for dedication shall be based on an official master plan of the entity having jurisdiction over the facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.

2. The dedication may be included on the subdivision plan or a condition of approval of the subdivision plan, at the discretion of the applicant.

3. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat or through approval of the final plat if dedication is to the City. Upon dedication, the applicant may be eligible for credits towards open space requirements.

3. Applicants required to bring water for a development proposal shall enter into a water dedication agreement prior to the approval of any plat, outlining the amount of water dedication, the timing of water rights transfers, and the fee category applicable at the time of permit.

c. **Park and Open Space Dedication.** At the time of final plat approval, the City Council shall determine whether to accept park dedication or have the applicant pay a fee in lieu of dedication, or a combination of dedication and paying the fee.

1. *Dedication Requirement.* All subdivisions proposing dwelling units shall be required to dedicate land and pay development fees for parks as established in the following table.

Park and Open Space Dedication & Fees	
Neighborhood Park Land Dedication (Residential)	3 acres/1,000 people
Community Park Land Dedication (Residential)	3 acres/1,000 people
Common Open Space Dedication (Residential)	15 acres/1,000 people
Common Open Space (Commercial)	Projects under 1 acre - no requirement Projects 1—5 acres, or Industrial Zoning - 5% Projects 5 ± 10 acres - 7.5% Projects 10+ to 20 acres - 10% Projects over 20 acres - 15%
Neighborhood & Community Park Development Fee	Fee established by City Council based on number or people, payable at the time of building permits
* Number of people shall be based on 2.96 people per single-family or two-family dwelling unit, and any multi-family dwelling unit with 3 bedrooms or more; and 1.6 people per multi-family unit with 2 or fewer bedrooms.	

Example: 670 dwelling units x. 2.96 = 1,983.2 people; 1.9832 (per 1,000 people) x 3 acres = 5.95 acres of neighborhood parks and open space required and 5.95 acres of community parks and open space required, and 29.75 acres of common or private open space.

2. *Design and Location.*

a. All property dedicated to the City for Neighborhood or Community Park requirements shall be suitable to meet the requirements for a park. The space shall contain minimum improvements such as curb and gutter, storm drainage, sewer and water service to the property.

b. The City may accept dedications of land to meet the Common Open Space requirement, provided it meets other open space and conservation goals of the City. These spaces may be off-site and non-continuous.

c. The City may accept conservation easements or similar deed restrictions on behalf of the City or other public or community non-profit organization to meet the Common Open Space requirement. In considering whether to accept this, the City may consider the following:

(1) Proximity to City boundaries or eligibility for annexation;

(2) Connections to and integration with other parts of the open space systems and public realm; and

(3) Consistency with other city policies regarding preservation of natural areas, open spaces, agricultural resources or other civic assets.

d. All property dedicated for public or common open space shall:

(1) Meet the standards for any of the open space types in Section 3.02, Open and Civic Spaces;

(2) Be free of natural hazards (i.e., flood plains, steep slopes, water bodies, etc.) and man-made facilities (i.e., detention or retention basins, gas wells, etc.) which inhibit the development and utilization of the space as intended; and

(3) Be preserved from future development and ensured to be maintained as an amenity for surrounding development by plat, deed restrictions, or similar instrument.

3. *Fee in lieu of dedication.* When a subdivision is not within the vicinity of a planned or existing community park and common open spaces, or otherwise cannot dedicate land acceptable to the City for this requirement, the applicant shall pay a fee in lieu of dedication. The fee shall equal the fair market value of the land area required to be dedicated. The Fair market value shall be established by an appraisal commissioned by the City at the applicant's expense. The fee shall be due prior to acceptance of the final plat. All fees collected for the purposes of community park land acquisition shall be placed into a community park development fund to be utilized for the acquisition of land for community park purposes.

4. *Infill Exemption.* Any property considered infill development served by existing parks shall be exempt from the neighborhood and community park land dedication requirement.

e. **Schools**

1. *Dedication or Fees.* As fair contribution for public school sites, all development applications shall dedicate land for a public school site to the School District, or, in the event the dedication of land is not feasible or in the best interests of the School District as determined by the Superintendent, the School District may require a payment of cash in lieu of land dedication or conveyance to the School District. The manner and amount of either type of fair contribution for public school sites shall be as determined by the School District.

2. *Exceptions.* The following uses within the City's boundaries shall be excepted from fair contribution for public school sites:

a. Construction of any nonresidential building or structure;

b. Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

c. Construction of any building or structure for a limited term stay or family care homes, group care homes, hotels, motels, nursing homes or hospices.

3. *Proof of Fee Payment.* If the fair contribution for public school sites includes the payment of cash in lieu of land dedication, it shall be made prior to the recording of the final plat, and the City shall require proof in the form of a letter from the School District Superintendent that the School District has received payment of cash in lieu of land dedication before the issuance of the first residential building permit for the applicable final plat.

4. *Proof of Dedication Acceptance.* If the fair contribution for public school sites includes the dedication of land, it shall be made prior to the recording of the final plat, and the City shall require proof in the form of a letter from the School District Superintendent that the dedication has been made to the School District in accordance with the following requirements before the issuance of the first residential building permit for the applicable final plat:

a. The person or entity has conveyed to the School District, by deed in form acceptable to counsel for the School District, title to the land slated for dedication.

b. At the time not later than the issuance of the first building permit for the land development project, applicant shall also pay or provide for the payment of one-half of street development costs associated with the school site, and shall either provide, or pay or make provision for the payment of, the costs associated with making improvements for water, sewer and utilities stubbed to the dedicated land, and for overlot grading of the dedicated land.

Park Prototypes

Pocket Park/Mini Park

Description

The Pocket Park/ Mini Park is the smallest park classification and is used to address limited or isolated recreational needs- e.g. concentrated or limited populations, isolated development areas, etc. This classification is also intended to address unique recreational needs. These may include (but are not limited to) public use areas in industrial/commercial areas, scenic overlooks, and play areas adjacent to the Central Business District (CBD).

Criteria

- Area – 0.5 to 5 acres; 3+ acres ideal.
- Service area – up to ¼ mile.
- Minimum 50 feet wide in all directions.
- Fronts on at least 1 public street fro 50 feet or more (preferably not a major arterial).
- One (1) shade tree fro every 40 feet of street frontage.
- At least 75 % of site (preferably) should maintain slopes ≤ 4%.
- If possible should be located adjacent to a school site.

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Comfort and Convenience Amenities

Required

- Shade trees
- Seating (benches, seat walls, boulders, etc.)
- Trash receptacles
- Dog waste disposal stations
- Drinking fountains
- Bike racks
- Signage (small identification sign; per City Standards)
- Lighting (safety/security)
- Picnic tables (not required if site is < 0.5 acres)

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Components

Required

- Shelter, small (not required if site is <0.5 acres)
- Open turf
- Loop walk (not required if site is < 0.5 acres)

Neighborhood Park

Description

The Neighborhood Park is intended to serve as the recreational and social focus if a designated neighborhood. It should be developed for both active and passive recreation and accommodate a wide variety of age and user groups- e.g. children, adults, the elderly, and special populations. To create a sense of place, consideration should be given to blending the unique character of the neighborhood with that of the site.

Criteria

- Area – 5 to 15 acres.
- Service area - ¼ to ½ mile.
- Minimum 150 feet wide in all directions.
- Fronts on at least one (1) public street for 150 feet or more (Preferably not a major arterial).
- One (1) shade tree for every 40 feet of street frontage.
- At least 50% of site (preferably) should maintain slopes ≤ 4%.
- Site should be located as close as possible to center of designated neighborhood.
- If possible, site should be located adjacent to a school site.
- If possible, site should be located in close proximity to a trail.

Comfort and Convenience Amenities

Required

- All Pocket Park/Mini Park Comfort and Convenience Amenities
- Signage (large identification and rules signs at major access points; per City Standards)
- Lighting (safety/security; pathway; parking lot)
- Picnic tables
- Restrooms
- Off-street parking

Components

Required

- Shelter, large or small
- Open turf
- Loop walk

Community Park

Description

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The Community Park is larger in size and serves a broader purpose than a Neighborhood Park. Its focus is to meet recreation needs of several neighborhoods or large sections of the community as well as preserve unique landscapes and open spaces. Community Parks allow for group activities and offer other recreational opportunities not feasible (and likely not desirable) at the neighborhood level. Community Parks should be developed for both active and passive recreation activities.

Criteria

- Area – 15 to 50 acres.
- Service area - ½ to 1 mile.
- Minimum 150 feet wide in all directions.
- Fronts on at least one (1) public street for 150 feet or more (Preferably a major arterial).
- One (1) shade tree for every 40 feet of street frontage.
- At least 30% of site (preferably) should maintain slopes ≤ 4%.
- Site should be away from residential areas but close enough to population centers to be convenient to residents.
- Site should have access to City services.
- If possible, site should be located adjacent to a school site.
- If possible, site should be located in close proximity to a trail.

Comfort and Convenience Amenities

Required

- All Pocket Park/Mini Park Comfort and Convenience Amenities
- All Neighborhood Park Comfort and Convenience Amenities
- Signage (comprehensive way-finding system including monumental entry, destination, vehicular/pedestrian directional, informational, etc.)
- Lighting (safety/security; pathway; parking lot)
- Concessions (may be incorporated with shelters and/or restrooms) or food truck pad
- Maintenance facility/yard

Components

Required

- All Neighborhood Park components

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Regional Park

Description

The Regional Park serves a broader purpose and user area than the Community Park. It may be used when Community and Neighborhood Parks are not adequate to serve the needs of the community. Their focus is on meeting both local, community-based and larger, regional recreation. Regional Parks also preserve unique landscapes and open spaces.

Criteria

- Area –50+ acres.
- Service area – City-wide.
- Minimum 150 feet wide in all directions.
- Fronts on at least one (1) public street for 150 feet or more (Preferably a major arterial).
- One (1) shade tree for every 40 feet of street frontage.
- At least 30% of site (preferably) should maintain slopes ≤ 4%.
- Site should be away from developed residential areas but close enough to population centers to be convenient to residents.
- Site should have access to City services.
- If possible, site should be located adjacent to a school site.
- If possible, site should be located in close proximity to a trail.

Comfort and Convenience Amenities

Required

- All Pocket Park/Mini Park Comfort and Convenience Amenities
- All Neighborhood Park Comfort and Convenience Amenities
- All Community Park Comfort and Convenience Amenities

Components

Required

- All Neighborhood Park components
- Playground, destination
- Extensive loop walk or pathway system
- Significant natural areas (with trail system)

ITEM	POCKET PARK/MINI PARK	NEIGHBORHOOD PARK	COMMUNITY PARK	REGIONAL PARK
CRITERIA				
SUBDIVISION ORDINANCE				
Area	½ - 5 acres	5-15 acres	15-50 acres	50+ acres
Service Area	Up to a ¼ mile	¼ to ½ mile	½ to 1 mile	City-wide
Minimum Width	50 feet	150 feet	150 feet	150 feet
Frontage	Along one (1) public street for 50 feet (preferably not a major arterial)	Along one (1) public street for 150 feet (preferably not a major arterial)	Along one (1) public street for 150 feet (preferably a major arterial)	Along one (1) public street for 150 feet (preferably not a major arterial)
Trees	One (1) shade tree for every 40 feet of street frontage	One (1) shade tree for every 40 feet of street frontage	One (1) shade tree for every 40 feet of street frontage	One (1) shade tree for every 40 feet of street frontage

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Other				
Percent of site ≤ 4% slope (minimum)	75%	50%	30%	30%
Locale	_____	Located as close as possible to center of designated neighborhood	Located away from developed residential areas, but close enough to population centers to be convenient to residents	Located away from developed residential areas, but close enough to population centers to be convenient to residents
City Service Access	_____	_____	Yes	Yes
School Proximity	If possible	If possible	If possible	If possible
Trail Proximity	_____	If possible	If possible	If possible
COMFORT & CONVENIENCE AMENITIES				
Shade trees	•	•	•	•
Seating (benches, seats walls, boulders, etc.)	•	•	•	•
Trash receptacles	•	•	•	•
Dog waste disposal stations	•	•	•	•
Drinking fountains	•	•	•	•
Bike racks	•	•	•	•
Signage (all per City standards)	Small identification	Large identification; rules	Comprehensive wayfinding system	Comprehensive wayfinding system
Lighting	Safety/security	Safety/security; pathway; parking lot	Safety/security; pathway; parking lot; facility	Safety/security; pathway; parking lot; facility
Picnic tables	Not required if site < ½ acre	Minimum	Minimum	Minimum
Restrooms	_____	•	•	•
Off-street parking	_____	•	•	•
Concessions	_____	_____	•	•
Maintenance facility/yard	_____	_____	•	•
COMPONENTS				
Shelter-small	Not required if site <	•	•	•

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	½ acre			
Shelter-large	_____	○ (in lieu of OR in addition to small)	○ (in lieu of OR in addition to small)	○ (in lieu of OR in addition to small)
Open turf	•	•	•	•
Loop walk	Not required if site < ½ acre	•	•	• (Extensive system)
Playground, local	○	○	○	○
Playground, destination	_____	_____	○	•
Basketball court	○	○	○ (Light preferred)	○ (Light preferred)
Tennis court	○	○	○ (Light preferred)	○ (Light preferred)
Sand volleyball	○	○	○ (Light preferred)	○ (Light preferred)
Diamond field, practice	_____	○	○	○
Diamond field	_____	_____	○ (Light preferred)	○ (Light preferred)
Rectangular field	_____	○	○ (Light preferred	○ (Light preferred
Pickle ball court	_____	○	○ (Light preferred	○ (Light preferred
Fitness area/course	_____	_____	○	○
Skate park	○	○	○	○
Dog park (off-leash area)	_____	○	○	○
Natural area	○	○	○ (Significant with trail system)	○ (Significant with trail system)
Garden, display	○	○	○ (Significant)	○ (Significant)
Plaza	○	○	○	○
Festival space	_____	_____	○	○
Event space	○ (Small)	○ (Non-amplified open stage, band shell, band stand, etc.)	○ (Amplified amphitheater or equivalent)	○ (Amplified amphitheater or equivalent)
Public art	○	○	○	○
Indoor	_____	_____	○	○

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recreation center				

- Optional
- Required

~~**Sec. 26-30. Dedication of recreational open space and parks.**~~

~~A space equal to three percent of the total property to be subdivided shall be dedicated in fee simple to the city for recreational or conservational use. In lieu of land within the property to be subdivided, the city shall have the option to arrange for the acquisition and dedication of other land of similar value if mutually agreeable to the subdivider and the city or to accept a deposit of money in a trust account in the amount of $100.00 per lot to be used for acquisition of parkland or recreational facilities in another area. No area or facility shall be dedicated for such public purposes unless approved and accepted by the city council.~~

~~(Ord. No. 243-2001, § 9(3), 2-19-2001)~~

Sec. 26-31. Variances.

(a) The city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest in making the findings in this section required. The council shall take into account the nature of the proposed usage of land involved, the existing usage of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare of individuals in the vicinity. No variances will be granted unless the council finds the following:

(1) *Special circumstances or conditions.* That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land.

(2) *Preservation of property right.* That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.

(3) *Effect on other lands in the area.* That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this article.

(4) *Observance of other ordinances.* The council may not authorize a variance that would constitute a violation of any other valid ordinance of the city.

(b) Such findings of the council, together with the specific facts upon which such findings are based shall be incorporated in the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the general health, safety and welfare of citizens may be secured, and substantial justice is done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(Ord. No. 243-2001, § 22, 2-19-2001)

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Sec. 26-32. Repealer; conflicting regulations.

(a) All ordinances, or parts of ordinances, with the exception of the building codes and/or comprehensive zoning regulations of the city, which are inconsistent or in conflict with any of the provisions of this article are repealed.

(b) Where the building codes and/or zoning regulations of the city contain regulations that are more restrictive than the regulations contained herein, the ordinances which are most restrictive shall control.

(Ord. No. 243-2001, § 23, 2-19-2001)

Sec. 26-33. Exceptions to provisions of article.

Plats or subdivisions which have received preliminary approval by the council within one year prior to the effective date of the ordinance from which this article is derived shall be excepted from the requirements of this article, provided that the final plat of such subdivision is approved and filed for record within 180 days after the effective date of the ordinance from which this article is derived, or within one year after the approval date of the preliminary plat, whichever is greater.

(Ord. No. 243-2001, § 24, 2-19-2001)

Sec. 26-34. Plat fees; filing requirement; inspections; compliance; bond.

(a) The following fees shall apply to any person submitting a preliminary plat and a final plat to the city for approval:

(1) Subdivision of five lots or less:

Four hundred dollar subdivision fee.

Fifty dollars per lot or per acre fee whichever is greater.

(2) Subdivision of six to 20 lots:

Eight hundred dollar subdivision fee.

Fifty dollars per lot fee or per acre fee whichever is greater.

(3) Subdivision in excess of 20 lots:

One thousand two hundred dollar subdivision fee.

Fifty dollars per lot or per acre fee whichever is greater.

(4) Revision of preliminary plate: One-half of fee schedule in effect at the time the plat is submitted.

(5) Appeal to city council fee: One hundred twenty-five dollars.

(6) Re-plat application fee: Three hundred fifty dollars.

(7) Maximum fee: The maximum fee charged for a preliminary plat is $6,500.00.

Note(s)—For the orderly process of plat approval, both the preliminary and final plat, including any and all documentation required, must be submitted to the city administrator at least 21 days prior to the date the plat will be presented to the city council for action.

(b) Commencement of any construction work, such as streets construction, storm sewers, curb and/or gutter work, sanitary sewers, meter mains, and electrical utilities shall not take place until the final approved plat

has been filed with the appropriate county clerk and a performance bond, issued by a company licensed to do business in the state, has been presented to the city administrator, in an amount equal to the estimated cost of all infrastructure planned in the subdivision.

(c) All work in the subdivision will be subject to inspection during construction and upon completion of construction by the proper authority of the city.

(d) All construction will comply with appropriate provisions of this chapter and other applicable ordinances and public engineering standards.

(e) Upon completion of the subdivision and the acceptance by the city, a maintenance bond in an amount equal to 40 percent of the performance bond shall be presented to the city administrator, at which time the performance bond will be released by action of the city council.

(Res. of 2-11-2003; Ord. No. 402-2015, § A, 3-9-2015)

Sec. 26-35. Administrative fee.

For any element of the project requiring engineering review, plan review, and similar reviews, the actual costs of these reviews plus a $50.00 administrative fee will be passed on to the developer.

(Ord. No. 297-2005, 2-14-2005; Ord. No. 402-2015, § B, 3-9-2015)

Secs. 26-36—26-60. Reserved.

DIVISION 2. PRELIMINARY AND FINAL PLATS AND REPLATS

Sec. 26-61. Filing procedures.

(a) A subdivider is encouraged to work with city staff in advance of presenting a preliminary or replat to the city for filing. Prior to the city accepting a preliminary plat or replat for filing it must be in compliance with this article and contain all statutory and ordinance required information. It must be accompanied with all necessary fees and documentation. This prefiling review is recommended, but not mandatory. This administrative review is for form and not content.

(b) After the preliminary plat or replat has been reviewed as to form by staff, the subdivider shall be notified of any defects that must be corrected prior to filing. The original or corrected preliminary plat or replat shall be received for filing by the city once this prefiling review is completed. Any preliminary plat or replat that is filed without prefiling review shall be deemed denied for any violation of required form under this article or state law; and must be refiled with new filing fees. The preplatting process is for the benefit of both the subdivider and the city, and refusal of the subdivider to make use of this assistance will result in a strict interpretation of this article and of state law and a resulting denial for all violations as to required form.

(c) A preliminary plat is not deemed filed until it has been reviewed and a letter of approval returned to the city from:

(1) All utility companies that might provide service to the development or have easements in the area of the development;

(2) Water suppliers both public and private; the school district in which the development is to be located; and

(3) Any other agency or department of this state or federal government.

These approvals are a prerequisite to deeming the preliminary plat filed.

(d) During the platting process, any final plat, preliminary plat or replat that is discovered, by city staff or the engineer named by the city to review the instrument, to be in violation of the mandatory requirements of this article and/or a controlling state statute shall be deemed to be in technical denial. This denial can be cured by:

(1) The subdivider requesting in writing a return to an unfiled status while the defect is corrected (the corrected instrument may be refiled and no new fees shall be required for this refilling); or

(2) An appeal to the reviewing entity (planning commission or city council) at its next meeting, agenda requirements permitting, or a special called meeting for this purpose within ten working days of the staff denial, for a determination if the defect is a required form or concept. Rejected documents, during the appeal, are deemed unfiled and time limits are tolled. The appeal will be heard at the next meeting of the commission or council or 30 days, whichever is shortest.

a. If the reviewing entity agrees with the subdivider, the plat, preliminary plat or replat shall be deemed refiled as of the day of the affirmative vote and no new fee shall be required for this refiling.

b. If denied, then the technical denial is affirmed and plat, preliminary plat or replat is deemed to be formally denied.

(e) A plat, preliminary plat or replat shall be submitted to the reviewing entity only if it is in the final form requested by staff or prior review and nothing shall be set for review prior to a corrected document being filed with the city at least 15 days prior to the public hearing or meeting at which it is to be voted upon.

(Ord. No. 243-2001, § 3(13), 2-19-2001)

Sec. 26-62. Preliminary plat—Preliminary planning.

The subdividers shall avail themselves of the advice and assistance of the city officials and consult early and informally with the chief administrative officer, or other person designated, before preparing the preliminary plat and before formal application for its approval, in order to save time and money and make the most of available opportunities.

(Ord. No. 243-2001, § 3(14)(A), 2-19-2001)

Sec. 26-63. Same—Conditional approval.

(a) Upon reaching conclusions informally, as recommended above, regarding the general proposed program and objective, the subdivider shall prepare a preliminary plat (according to this division of this article), together with improvement plans and other supplemental material as applicable in other sections of this article.

(b) Ten copies of the preliminary plat and supplemental materials specified shall be submitted to the city with the filing fee as provided in section 26-34 along with written application for conditional approval at least ten days prior to the council meeting at which it is to be considered. Copies or prints of the proposed subdivision drawn on sheets a maximum size of 18 inches by 24 inches and drawn to a scale of either one inch equals 100 feet or one inch equals 50 feet shall be submitted in the numbers specified in this subsection. In cases of large developments that would exceed the dimensions of the sheet when applying a 100-foot scale, preliminary plans may be one inch equals 200 feet. The ten copies or prints of the proposed subdivision shall show the following:

(1) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for the subdivision.

(2) The name and location of all adjoining subdivisions adjacent to the tract proposed for subdivision, drawn to the same scale and shown in dotted lines and in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout or development of the proposed subdivision. Adjacent unplatted lands shall show property lines and owners of record.

(3) The location and width of all streets, alleys, and ways, existing or proposed, within the subdivision limits. In the case of easements, a written statement as to the easement use shall be included with the plat.

(4) The location of all existing property lines, buildings, sewer or water mains, gas mains, or other underground structures, easements of record, and other existing features within the area proposed for subdivision.

(5) Proposed arrangement of lots and proposed use of same. However, approval of a preliminary plat or final plat with uses so indicated does not constitute approval of such usage.

(6) The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the licensed land surveyor or registered professional engineer platting the tract.

(7) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

(8) Scale, north arrow, date, and other pertinent data.

(9) Contours with intervals of five feet or less shown for the area. All elevations on the contour map shall be referenced to the latest USGS data.

(10) All physical features of the property to be subdivided, including the location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area in subdivision acreage, area draining into subdivision, and other features pertinent to subdivisions. A drainage study shall accompany the preliminary unless waived by the administrative officer. The outline of wooded area or the location of important individual trees may be required.

(c) The following notice shall be placed on the face of each preliminary plat by the developer:

Preliminary Plat—For inspection purposes only.

(d) The chief administrative officer, or other person so designated, shall make a study of the plat and give a written report to the council before its final action on the preliminary plat.

(e) The council shall, within 30 days after the filing of such preliminary plat, act thereon as submitted or modified, and, if approved, the council shall express its approval as conditional or state its disapproval, if any, and its reasons therefore following:

(1) Review of the preliminary plat and other materials submitted for conformity thereof to the regulations; and

(2) Negotiations with the subdivider on changes deemed necessary, and the kind and extent of improvements to be made by the subdivider.

(f) The action of the council shall be noted on two copies of the preliminary plat, referenced, and attached to any conditions required by the council. The chief administrative official shall certify action of the council. One such copy of the plat shall be retuned to the subdivider and the other retained in the files of the city.

(g) Conditional approval of a preliminary plat by the council shall be deemed an expression of approval as to the layout submitted on the preliminary plat and as a guide to the installation of streets, water and sewer, and other required improvements and utilities, and also as to the preparation of the final or record plat. Except as provided for in this article, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted (as provided in subsection (e) of this section) have been met.

(h) Conditional approval of a preliminary plat shall be effective for one year unless reviewed by the council in the light of new or significant information that would necessitate the revision of the preliminary plat. If no development or change in requirement has occurred which would affect the proposed plat at the end of the year of an effective approval, the council may extend its approval another year without the submission of a new preliminary plat by again approving the original preliminary plat. No filing fee is required for such approval.

(Ord. No. 243-2001, § 3(14)(B), 2-19-2001)

Sec. 26-64. Same—Required specifications.

(a) *Physical size.* The preliminary plats shall be prepared on sheets a maximum size of 18 inches by 24 inches, regardless of the size of the subdivision.

(b) *Scale.* The scale should be either one inch equals 100 feet or one inch equals 50 feet, but it may be one inch equals 200 feet in cases of large developments that would exceed the dimensions of a sheet when using a 100-foot scale.

(c) *Contour.* The plat for each subdivision consisting of three acres of more shall be prepared on a topographic base map showing contours at intervals of not more than five feet. Any subdivision smaller than three acres, which, in the opinion of the chief administrative officer would be affected by the topographical features of the terrain, shall also show contours at two-foot intervals. All topographical maps shall be based on sea-level data.

(d) *Other data.* The following data will be shown on the preliminary plat:

(1) The record lot lines, survey abstract lines, corporation lines, and the location of existing utility easements, streets, highways, expressways and freeways that traverse, abut, or are within a reasonable distance of the subdivision;

(2) The proposed locations, widths, and names of streets and the proposed locations and width of alleys, easements, walkways, open channels, and lots;

(3) The title of the proposed subdivision or addition, the name of the subdivider and engineer, and the name of the surveyor or planner platting the tract;

(4) The names and areas of large tracts and/or lot dimensions and addition names of all property abutting or adjoining the subdivision or located across any adjoining streets;

(5) The north point, scale, and data;

(6) The lot or tract numbers, and/or city block numbers, addition names, and dates when recorded;

(7) Plat paper. All preliminary and final plats shall be printed on high-grade, processed paper in blue-line or directed black and white;

(8) Orientation. All plats shall be drawn with north direction to the top or left side of the plat;

(9) Building lines. The proposed building lines shall be shown in conformance with the zoning regulations, building codes or provisions herein.

(Ord. No. 243-2001, § 4, 2-19-2001)

Sec. 26-65. Final plat—Approval procedures.

(a) The final plat shall conform to the preliminary plat as approved and shall incorporate all changes, directions, and additions imposed by the council. The final plat shall not be released for filing until the council has approved detailed engineering plans.

(b) If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which is proposed to the recorded and then developed; provided, however, that such portion conforms to all the provisions of this article.

(c) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, and other engineering details of the proposed subdivision shall be submitted to the chief administrative officer along with the final plat of the subdivision.

(d) Upon receipt of the final plat, accompanied by a final filing fee as prescribed in section 26-34, the chief administrative officer shall check the plat to ascertain its compliance with these provisions and the action of the council. When the copy of the final plat has been checked and found to meet all the general requirements and design standards, the developer or his engineers shall submit 12 copies of the final plat to the chief administrative officer. The chief administrative officer shall stamp on each of the 12 copies the certificate of approval of the council when such final plat has been approved. The developer or his authorized agent shall secure the required number of plats and record them with the county clerks, Johnson and Ellis Counties, within 30 days of the date of the final approval; otherwise the final approval of the council becomes invalid. Six copies of the recorded final plat shall be returned immediately to the chief administrative officer.

(e) Subdivision plats for housing projects, apartment areas, shopping centers, and industrial districts will not be required, except in cases where dedication for streets, street-widening, alleys, or easements are required. Site plans shall be filed with the city for approval by the city council as required by zoning ordinances.

(Ord. No. 243-2001, § 3(14)(C), 2-19-2001)

Sec. 26-66. Same—Required specifications.

(a) *Physical size.* All final plats shall be submitted on sheets of paper 18 inches by 24 inches and drawn to a scale of not less than one inch equals 100 feet. Where more than one sheet is required to encompass the subdivision, an index sheet, 18 inches by 24 inches, shall be filed showing the entire subdivision on one sheet, together with the complete dedication, attests, dates, titles, and seals.

(b) *Exterior boundary and corner markers.* The exterior boundary of the subdivision shall be indicated by a distinct dash line and corner markers by individual symbols.

(c) *Measurements.* The length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the boundary line of the subdivision and along each block. All dimensions along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in table form.

(d) *Identification of plat.* The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers, and accurate reference ties to courses and distances of at least two recognized land corners should be shown.

(e) *Identification of streets.* The names and accurate locations of all streets adjoining, abutting, or within not more than 500 feet of the subdivision shall be shown.

(f) *Identification of utility easement.* The location and dimension of any utility easement adjoining or abutting the subdivision, or proposed within the subdivision, shall be shown.

(g) *Identification of survey monuments.* The description and location of all survey monuments placed in the addition or subdivision shall be shown. In all subdivisions' and additions' corners, a monument, consisting of an iron rod or pipe not less than three-quarters of an inch in diameter and 24 inches in length and set flush with the top of the sidewalk, shall be established at the corner of each block in the subdivision. Lot corner monuments, consisting of iron rods or pipes of a diameter of not less than one-half inch and 18 inches in length and set flush with the top of the sidewalk, shall be placed at all lot corners except corners which are also block corners. In addition, curve point markers of the same specifications as lot corners shall established. All lot corners shall be installed prior to the filing of the final plat.

(h) *Legend.* The final plat shall show a title including the name of the addition or subdivision, the names of the owner and engineer and/or surveyor, scale and location of the subdivision with reference to original land grant or survey, an abstract number, and a north point with true or magnetic north.

(i) *Certificate of ownership.* A certificate of ownership giving a metes and bounds description of the property, dedication of all streets, alley, parkways, and parks where donated to the city, and dedication or reservation of all easements and drainage ways to the public use (signed and acknowledged before a notary public by the owner of the land) shall appear on the face of the plat or on the index sheet of the plats where two or more sheets are required.

(j) *Certificate of engineer or surveyor.* The certificate of the licensed professional or licensed public surveyor who surveyed, mapped, and monumented the land (which certificates shall be attested before a notary public) shall be placed on the face of the plat or index sheet of the plats together with the seals of the engineer or surveyor and notary public. Printed seals and signatures are prohibited except for extra prints that the owner or developer may need certified for other purposes. The certificate of the engineer or surveyor to be placed on the plat shall be worded as shown below:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Venus, Texas.

Signed _____.

(Name and title)

(k) *Tax statement.* At the time the developer files the final plat with the chief administrative officer, such developer shall also file a certificate showing that the taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

(Ord. No. 243-2001, § 5, 2-19-2001)

Sec. 26-67. Development permit.

A development permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities or drainage or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a floodplain shall be certified by a professional engineer competent to make such determination. The city administrator shall issue such development permit when all conditions of this article have been satisfied.

(Ord. No. 243-2001, § 3(15), 2-19-2001)

Sec. 26-68. Replatting.

(a) *Restrictions.* Property shall not be replatted that has been previously platted by a common dedication except with the consent of all directly affected property owners.

(b) *Requirements.* The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. Preliminary plats may be required on replats.

(Ord. No. 243-2001, § 6, 2-19-2001)

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Sec. 26-69. Vested Property Rights

a. **Applicability.** The following applications are "site-specific development plans" which established a vested property right upon any approval or conditional approval according to the procedures and criteria of this code:

1. Site Plan
2. Final Plat

b. **Review Criteria.** The review criteria for a vested property right shall be the same criteria as the applications associated with the proposed development. In addition, when the City Council is considering a request to vest any other property right or development approval, it shall consider the following:

1. The level of planning, urban design, or engineering investment that was necessary for the applicant to reach this point in the application.
2. The extent of details included in the proposal, the certainty associated with future development, and the extent of future reviews that may be necessary to advance the project to construction.
3. The context of the property and the likelihood of future changes in the surrounding area that could impact the project.
4. The potential for policy or regulatory changes at any level of government and to what extent vesting could unreasonably bind future decision makers.
5. Any other aspect of the public health, safety, and welfare.

c. **Effect of Decision**

1. *Notice.* Within 14 days from approval of a vested property right application, the City shall publish notice according to Section 26-25 f.1. The notice shall generally describe the nature and extent of the approval and advise the general public of the site-specific development plan approval and creation of a vested property right pursuant to Chapter 245 of the Texas Local Government Code.
2. *Extent of Vesting.* Vesting shall only occur to the extent of the standards of this ordinance that are reflected in an approved application, and specifically the land use, density, lot sizes and site or building designs in the approved application. Vesting does not include other regulations that are general in nature or that apply equally to all property subject to these regulations. Vesting does not exempt applications from any subsequent review and approvals prior to construction. Vesting does not insulate

a project from other public health and safety codes, including subsequent changes or updates these codes associated with subsequent reviews, including construction drawings and specifications, drainage plans and permits, and building permits.

3. *Time Period.* A property right that has been vested shall remain vested for three years from the date of approval. However, the City Council may agree to a shorter or longer time period for any elective vested property right according to this section. If no building permit or other final permit is issued, or if the applicant does not request an extension within this period, the vested property right shall be terminated. The City shall send notice of the termination to the applicant at least 30 days prior to the termination, or the termination shall otherwise become effective after 30 days notice from the City.

4. *Extensions.* Prior to termination, the applicant may request extension of a vested property right. Planning Staff may grant an extension up to two years. However, any extension of an elective vested property right shall only be approved through the same procedure of the original approval. In approving any extension, Planning Staff or City Council shall find:

   a. There are no changes or alterations that would produce conflicts with this ordinance, or any changes proposed bring the project more in compliance with the current standards.

   b. The application remains consistent with any official plans or policies affecting the area, including any plans or policies adopted since the original approval.

   c. The application is consistent with any conditions of the original approval or the original decision on vesting.

5. *Changes/Adjustments.* A site-specific development approval may be modified or adjusted as provided by this ordinance without affecting the vested property right. However, any change in the plans that would require a new application or a different process than the original approval shall terminate any vested property right under previous approvals to the extent the change impacts that right.

Secs. 26-69—26-95. Reserved.

DIVISION 3. STANDARDS AND SPECIFICATIONS

Sec. 26-96. Conformance; provisions for future; prohibitions; standards.

No preliminary or final plat shall be approved by the city council, and no completed improvements shall be acceptable by the city, unless they conform to the following standards and specifications in this division:

(1) *Conformity with most current comprehensive plan.* The subdivision shall conform to the most current comprehensive plan of the city and parts thereof.

(2) *Provision for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.

(3) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(4) *Standards for construction.* The street and drainage with all appurtenances pertaining to them, and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the existing standards of the city and the North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction as amended. When in conflict, the city standards shall prevail over the NCTCOG standards.

(Ord. No. 243-2001, § 7(intro.), (1), 2-19-2001)

Sec. 26-97. Building site improvements.

(a) No subdivision or part thereof shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby, individually or collectively, significantly increase flood flows, heights, or damages.

(b) Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the federal flood insurance program as adopted by the city.

(c) Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filled as provided in the city's codes and ordinances controlling such activities.

(d) When the city engineer so determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.

(e) When the subdivider does not intend to develop the plat himself, and the city engineer determines that limitations are required to ensure safe development, the city council may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

(f) Floor levels of the buildings are to be a minimum of 12 inches above the top of the center line of the street it faces or 18 inches above natural ground at the site, the grade of which is to be approved by the city. This minimum may be reasonably increased upon specific findings by the city engineer that site drainage characteristics require such increase.

(Ord. No. 243-2001, § 7(2), 2-19-2001)

Sec. 26-98. Streets.

(a) *Street construction.* Materials and workmanship shall conform with city standards for street construction as passed by ordinance of the city council.

(b) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. The city shall provide and install uniform street signs at developer's expense. Should the subdivider choose to provide street signs other than those provided by the city, they shall conform to city standards and shall have approval by the city.

(Ord. No. 243-2001, § 7(3), 2-19-2001)

Sec. 26-99. Sidewalks.

Sidewalks.

1. *Generally.* Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner possible:

a. Sidewalks in the public streetscape or along through access drives.

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b. Parking areas and any perimeter sidewalks, internal walkways or crosswalks associated with the parking areas.

c. Civic or open space, or other common areas designed for active use.

d. Transit stops, station or park and ride location - existing or anticipated.

e. Where connections from sidewalks in the public streetscapes or through access drives is not practical or is too remote, sites shall provide pedestrian connections to any of the above areas or amenities on adjacent sites. Connections directly to adjacent sites shall be made in any case where the connections by sidewalks on public streets or through access ways results in pedestrian routes greater than 300 feet.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 7-2: Internal Sidewalk Widths.

Table 7-2: Internal Sidewalk Widths

Location		Minimum Width
•	Generally; OR	5'
•	Any residential property	
•	Along the facade of a commercial building of 5,000 s.f. or less abutting a parking area; OR	6'
•	Along any through access drive	
•	Along the facade of a commercial building of 5,001 s.f. to 19,999 s.f. abutting a parking area; OR	8'
•	A primary route between the street or parking area and the building entrance.	
•	Along the facade of any commercial building of less than 20,000 square feet with a primary entrance, or similar building with significant public and pedestrian access.	10'
•	Along the facade of a commercial building of 20,000 s.f. or more abutting a parking area or with a primary entrance.	15'
•	Any access designed for both pedestrians and bicycles.	12'
•	Along any parking area with vehicle overhangs;	+ 2' to other required width

3. *Pedestrian Amenities.* Sidewalks and internal pedestrian circulation shall be separated from moving vehicles with curbs, landscape buffers, curbside parking, or similar elements of the circulation and open space system; except crosswalks or other similar limited segments, which may be distinguished paint, brick, or colored or scored concrete and similar design features that signify pedestrian priority.

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~~(a) Sidewalks shall be installed in new subdivisions and will be installed at the expense of the person building the respective structure to the sidewalk.~~

~~(b) All sidewalks shall be not less than four feet in width and shall be of concrete construction.~~

~~(c) Sidewalks shall parallel the street, insofar as possible.~~

~~(d) As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb when the street is paved or at the property line, providing a place for street landscaping, at the option of the subdivider, but all sidewalks in a subdivision shall be uniform in this respect.~~

~~(e) Additional sidewalks shall be provided as deemed necessary by the city council in commercial, industrial, public, and multifamily areas; such additional sidewalks as the subdivider may desire shall be permitted.~~

(Ord. No. 243-2001, § 7(4), 2-19-2001)

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Sec. 26-100. Utilities lines and easements.

a) Intent. The intent of the blocks and lots standards is to:

1) Ensure the proper arrangement of blocks and lots to complement the street network.

2) Arrange blocks, lots and development in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.

3) Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.

4) Promote appropriate site, and buildings in relation to the public realm.

5) Ensure that all lots are buildable according to this ordinance and that all non-developed tracts or other parcels serve an urban design or planning function in relation to the overall development pattern.

b) Block and Lot arrangement

1) General layout. All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on major arterial streets.

2) Block Size and Patterns. All lots shall front on a public street, or on an alternative access or common open space where specifically allowed by these regulations. All side lot lines shall generally be perpendicular to front lines, or radial to any curves along the front lines.

3) Addressing. All lots, tracks, and other parcels shall require an address, including streets and street names.

4) Easements. All blocks shall include easements for all utilities, required improvements, access and open space necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within six inches of final grade before utilities are installed.

(a) All utility lines that pass under a street or alley shall be installed before the street or alley is paved. Where it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.

(b) Overhead utility lines crossing alleys shall be a minimum of 18 feet.

(c) Except where alleys of not less than 20 feet in width are required, easements not less than ten feet in width shall be retained five feet on each side of rear lot lines. Where necessary, easements not less than ten feet in width on each side of side lot lines shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the city engineer. Where the proposed platted area adjoins an unplatted area, the full alley or easement width may be required along the rear of lots adjoining the unplatted areas.

Easements	
Common rear lot lines	10 feet, 5 feet on each lot
Side easements, where necessary	10 feet, 5 feet on each lot

(d) At the option of the subdivider all single phase electric lines and communication lines may be installed underground at the subdivider's cost.

(Ord. No. 243-2001, § 7(5), 2-19-2001)

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Sec. 26-101. Monuments and corner markers.

(a) All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half-inch steel rod, two feet in length.

(b) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers, intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half-inch steel rod or three-quarter-inch pipe, three feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

(Ord. No. 243-2001, § 7(6), 2-19-2001)

Sec. 26-102. Drainage.

(a) *Easement.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate maintenance and future needs.

(b) *Drainage facilities.*

(1) Drainage facilities shall be provided and construction as specified by the city. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.

(2) Plans shall be subject to the approval of the city council. The city engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods.

(3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(4) Storm sewers shall be constructed with reinforced concrete pipe, high density polyethylene (HDPE), or other material, if approved by the city engineer.

(c) *Drainage cost sharing.*

(1) Plans and specifications for the above improvements shall be reviewed by the city engineer for consistency with general development and city engineering standards.

(2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the developer shall prepare, with the approval of the city engineer, plans and specifications to be used by said developer in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the developer.

(3) Storm sewers required to provide drainage from the point where storm water emanates from the subdivision to an adequate drainage point along existing streets, may be provided by the city at its discretion. In the event that the storm drain construction is so great as to be prohibitive for either the subdivider or the city, all areas affected by such drainage shall be omitted from the development. The developers, may, at their option, either provide the necessary storm drainage outside of the subdivision, in the event that the city is unable to do so, or, by specific agreement, provide the same upon a basis for refund over a period of time agreeable to the city council.

(Ord. No. 243-2001, § 7(7), 2-19-2001; Ord. No. 412-2015 , § B, 11-9-2015)

Sec. 26-103. Lots, residential.

All lots shall abut an approved street for a distance of at least 50 feet and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. Lots on culs-de-sac shall also have a 50-foot minimum frontage at the property line. On culs-de-sac, the 50 feet of frontage will be measured at the minimum setback line; such setback line shall be no less than 20 feet from the front property line to the face of the building and shall be required on all lots. Minimum lot area shall be 5,000 (50 by 100) square feet (see table in zoning ordinance).

(Ord. No. 243-2001, § 7(8), 2-19-2001; Ord. No. 711-2020-10 , § 3, 10-12-2020)

Sec. 26-104. Blocks.

Block lengths shall not exceed 600 feet. Single tract blocks, platted for the owner's convenience, are not subject to these restrictions.

(Ord. No. 243-2001, § 7(9), 2-19-2001)

Sec. 26-105. Crosswalk ways.

Crosswalk rights-of-way six feet in width shall be dedicated where deemed necessary by the city council to provide pedestrian circulation or access in schools, playgrounds, shopping centers, and transportation other than community facilities, or to provide pedestrian circulation within the subdivision.

(Ord. No. 243-2001, § 7(10), 2-19-2001)

Sec. 26-106. Conditions attached to plat approval.

The city engineer may attach conditions to the approval of plats for areas subject to development problems in flood hazard areas, including, but not limited to, the following:

(1) Requirements for construction or channel modifications, dikes, levees and other protective measures;

(2) Imposition of operations controls, sureties, and deed restrictions may include floodproofing of intended uses, subject to the individual approval of the city engineer and city, as follows:

   a. Anchorage to resist flotation and lateral movement:

   b. Reinforcement of walls to resist water pressures;

   c. Use of paints, membranes, or mortars to reduce seepage of water through walls;

   d. Addition of mass or weight to structures to resist flotation;

   e. Installation of pumps to lower water levels in structures;

   f. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;

   g. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;

   h. Construction to resist rupture or collapse caused by water pressure or floating debris;

i. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and stormwaters into the buildings or structures (gravity draining of basements may be eliminated by mechanical devices);

j. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flooding; and

k. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

(Ord. No. 243-2001, § 7(11), 2-19-2001)

Sec. 26-107. Building setback lines and minimum lot sizes.

Setbacks for various zoning districts can be found in the zoning ordinance, codified at article II of chapter 34 of this Code.

(Ord. No. 243-2001, § 7(12)(A), 2-19-2001; Ord. No. 711-2020-10 , § 4, 10-12-2020)

Sec. 26-108. Parking requirements.

(a) *Parking space requirements and standards.* Parking space requirements and standards for various subdivision and land use types can be found in article IV of chapter 34, pertaining to zoning.

(b) *Other uses.* As determined by review of the commission:

(1) Parking spaces shall be a minimum of nine feet wide and 18 feet long.

(2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way.

(3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single-family areas (including mobile homes) by an opaque fence or hedge six feet in height or higher.

(4) Parking patterns and arrangements shall conform to city engineering specifications and standards.

(Ord. No. 243-2001, § 7(12)(B), (C), 2-19-2001)

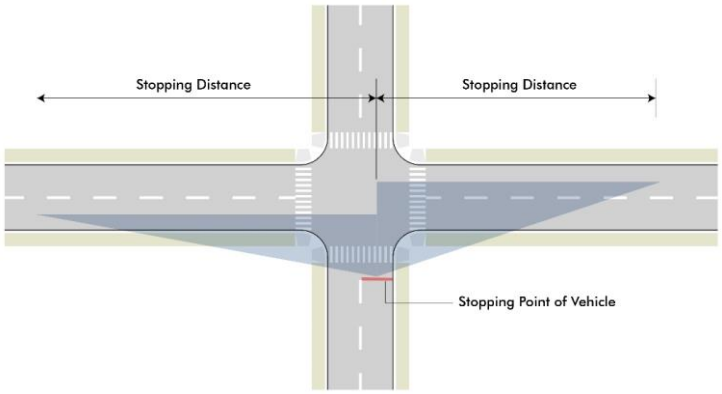
Sec. 26-109. Sight lines at street intersections.

Sight Distances. Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in the following table, Clear Sight Distance.

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Clear Sight Distance	
Design Speed of Intersecting Street	**Intersection Sight Distance (measured along centerline of intersecting street)**
15 mph	105'
20 mph	115'
25 mph	155'
30 mph	200'
35 mph	250'
40 mph	305'
45 mph	360'
50 mph	425'

Source: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets.*



The sight distance for intersecting streets or access points shall be clear of obstructions from on-coming traffic. The distance shall be measured from the stopping point of entering vehicles and be based on the type of control of the intersection and the speeds of oncoming vehicles.

a. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 3-6 to the centerline of the intersecting street.

b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other obstructions between 2.5 and 8 feet and are no closer than 30 feet to the intersecting right-of-way line.

c. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director.

~~The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of 25 feet measured along and from the intersection of right-of-way lines at street intersections.~~

(Ord. No. 243-2001, § 7(12)(D), 2-19-2001)

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Sec. 26-110. Where subdivision is unit of a larger tract.

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided in whole or part as additional units, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative, proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such area. The overall layout, if approved by the city council, shall be attached to the file with a copy of the approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the city council, which may change such approved overall layout only when it finds:

(1) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this article; or

(2) That adherence to the previously approved overall layout either will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

(Ord. No. 243-2001, § 10, 2-19-2001)

~~**Sec. 26-111. Improvements prior to acceptance.**~~

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Sec. 26-111 Required Improvements prior to acceptance.

a. **Intent.** The intent of this section is to:

1. Ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected or otherwise assured of completion prior to the issuance of building permits.
2. Prevent the location or design of a subdivision from placing an undue burden on public utility systems and community facilities serving other areas.
3. Provide appropriate apportionment of costs and offset higher net costs or premature costs to the public necessitated by the subdivision.
4. Protect against subdivisions where soil, subsoil or flooding conditions would create potential dangers to public health or safety.
5. Coordinate subdivisions and construction of required improvements with other anticipated improvements or with future growth.

b. **General Requirements.**

1. All required improvements shall be outlined in the subdivision plan, and be incorporated into the final design at the time of final plat.
2. The applicant shall post a performance bond, letter of credit or similar security instrument drawn in favor of the City in an amount equal to 115% of the estimated cost of the construction of improvements, determined by the City Engineer.
3. The schedule for construction of improvements may be divided into phases according to an approved preliminary or final plat.
4. Required improvements shall be constructed in accordance with the Public Works Standards and Specifications and in accordance with approved plans and profiles and the construction requirements and specifications of the City.

5. Finished plans of all public improvements as built shall be required before the City shall accept improvements. The approved design plans are acceptable if they remain true after construction and if attested to by a registered engineer.

6. The performance guarantee shall be released upon written request by the applicant to the City Administrator or his or her designee, only after all improvements for the subdivision, or any particular phases noted on a phasing plan, are completed, inspected and finally accepted by the City.

7. The applicant shall be responsible for the repair, replacement and maintenance of any required improvement ,which fails to function or meet the standards of the City due to defects in material or workmanship, within 2 years from the date of final acceptance.

d. **Improvements.** The following improvements are required to be constructed with the subdivision, except where facilities sufficient to serve the subdivision exist and have been approved by the City. The size, type and general location of each improvement, and estimated cost shall be included as part of the final plat submittal and review.

1. Easements and utility services, including water lines, sanitary sewer, and other public utilities

2. Easements and drainage systems including storm sewer lines, natural and constructed conveyances, retention/detention ponds, and similar facilities

3. Retaining walls associated with an approved grading plan.

4. Wells.

5. Fire Hydrants.

6. Rights-of-ways and streets.

7. Access and alleys and other required vehicle circulation and parking components, and easements where shared or cross-access is proposed.

8. Curb, gutter, sidewalks, landscape and amenity areas, street lights, and street signs.

9. Traffic signal lights and signs, and any other safety measures in the rights-of-way.

10. Open and civic spaces, whether public, common, or shared.

11. Survey monuments, including range points and lot pins as required by the City Engineer. In general, this shall be at all beginning and end points, all angle points, or any change in radii of a curved line, and no more than 1,400 feet apart on any straight boundary line. In addition, minimum half-inch steel pins shall be set at all lot corners with a Texas registration number of the surveyor responsible for the monument.

12. Communication and electric distribution services and lines, which shall be underground with the exception of meters, terming boxes and other facilities. All facilities shall be in easements or the right-of-way subject to the design specifications and approval of the City through the plat review process. Every effort shall be made to place pedestals in accessible locations close to corner lot lines but to minimize their appearance through streetscape design, landscape materials, or other site planning and urban design strategies that minimize their impact on the public realm.

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~~(a) *Monuments.* Monuments as prescribed herein above shall be placed at all corners as required in this article.~~

(~~c~~b) *Street and alley improvements.*

(1) Before approval and acceptance of any final plat, the developer shall prepare (or have prepared) and submit three copies of the complete engineering plans of streets, alleys, curbs and gutters, storm

sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by qualified engineers, subject to the approval of the plans by the council.

(2) The chief administrative officer shall review the plans and specifications and, if approved, shall mark them "Approved" and return one set to the developer. If not approved, two sets shall be marked, with the objections noted, and returned to the developer for correction.

(3) After approval of the plat and of the plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this article. The developer shall cause the engineer to design, stake, and supervise the construction of such improvements, and shall cause the contractor to construct the said improvements in accordance with these regulations.

(4) The city will inspect the installation of the improvements after:

a. The improvements have been competed and have been found to be installed in accordance with the approved plans and specifications;

b. Upon receipt by the city of a one-year maintenance bond in the amount of 100 percent of the contract price from each separate contractor, along with three sets of "as-built" plans and one set of "as-built" sepias (the plans and sepias to be "as-built"); and

c. Upon receipt of a letter of the contractor's compliance with these regulations, then the chief administrative officer shall receive and approve for the city the title, use, and maintenance of the improvements.

(f~~c~~) *Storm drainage.*

(1) An adequate storm sewer system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions, as established by the city, will not be considered for development until adequate drainage has been provided.

(2) Areas subject to flood conditions as established by the federal insurance administrator will not be considered for development until adequate drainage and elevation of lots, streets, and alleys have been accomplished to meet the requirements of the floodplain map.

(g~~d~~) *Water supply.* All subdivisions shall be provided with an approved water system designed and constructed in accordance with the comprehensive plan and standard specifications of the city. In the corporate limits of the city, all subdivisions will be connected with the city water supply distribution system or an approved private system.

(h~~e~~) *Sewer improvements.*

(1) All subdivisions shall be provided with an approved sewage disposal system and, where the subdivision is inside the city limits, shall be connected to the city sanitary sewer system.

(2) The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations, and appurtenances. The sewage system shall be designed and constructed in accordance with the comprehensive plan and standard specifications of the city.

(i~~f~~) *Underground utilities.* All public or privately-owned underground utilities shall stub out all services from mains in all directions to the property lines in streets and in alleys, where the services shall be stubbed out 18 inches inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.

(ig) *As-built plans.* The developer, or a qualified engineer, shall present the city with a reproducible (sepia) and complete "as-built" set of plans and three sets of blue-line or black-line prints on paper of "as-built" plans for all paving, drainage, structures, water mains, and sewer mains within 60 days after completion of each contract.

(Ord. No. 243-2001, § 11, 2-19-2001)

Sec. 26-112. Withholding of city improvements.

(a) *Pending approval of plat.* The city hereby defines its policy to be such that the city will withhold all city improvements, of whatsoever nature, including the maintenance of streets and the furnishing of sewer facilities and water service, from all additions, the plattings of which have not been approved by the council.

(b) *Pending compliance with regulations.* The city may withhold the issuing of a street number or building permit for the erection of any building in the city on a newly-subdivided parcel of land until all the requirements of the subdivision regulations have been complied with, including the installation of and acceptance by the city of all waterworks, sewer and paving improvements for the area designated.

(c) *Pending filing of final plat.* No construction work shall begin on the proposed improvements in any proposed subdivision prior to the approval of the final plat by the city and the filing of such final plat with the county clerks of Johnson or Ellis Counties, as appropriate.

(Ord. No. 243-2001, § 12, 2-19-2001)

Sec. 26-113. Building lines.

Building lines shall be shown on the final plat on all lots intended for business and residential use and shall provide the minimum setback as required by the zoning regulations and building codes.

(Ord. No. 243-2001, § 13, 2-19-2001)

Sec. 26-114. Public sites and open spaces.

(a) *Public use property.* The subdivider shall give consideration to suitable sites for schools, parks, and other areas for public use, so as to conform to the recommendations of the city council. Any provision for schools, parks, etc., shall be indicated on the preliminary plat.

(b) *Existing topography.* No individual, partnership, firm, or corporation shall deepen, widen, fill, re-route, or change the course or location of any existing ditch, channel, stream, or drainage way, without first obtaining written permission of the city or other agency having jurisdiction.

(c) *Abutting public sites.* In cases where a subdivision contains or abuts a school, park, or playground, the subdivider shall dedicate one-half a normal residential street, 30 feet, and provide for one-half the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way, which is 30 feet, to make the street 60 feet in width, and provide one-half the cost of paving.

(Ord. No. 243-2001, § 14, 2-19-2001)

Sec. 26-115. Requirements and design standards for streets.

(a) *Conformity to master thoroughfare plan.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the master thoroughfare plan of the city, and these factors shall be considered in

their relation to existing and planned streets, to topographical conditions, to public safety, and to their appropriate relation to the proposed uses of land to be served by such streets.

(b) *Exceptions.* When such streets are not on the master thoroughfare plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(c) *Minor streets.* Minor streets shall be laid out so that their use by through traffic will be discouraged.

(d) *Marginal access streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontages, deep lots with rear-service alleys, or such other treatment as may be necessary for adequate protection to residents or property and to afford separation of through and local traffic.

(e) *Reverse strip controlling access.* Reverse strip controlling access to streets shall be prohibited except where its control is definitely placed under the jurisdiction of the city under conditions approved by the council.

(f) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.

(g) *Arterial street intersections.* Arterial street intersections shall be at 90 degree angles. Other street intersections shall be laid out so as to intersect at less than 60 degrees.

(h) *Street right-of-way widths.* Street right-of-way widths shall be as shown on the Master Thoroughfare Plan and, where not shown therein, shall not be less than the following:

Description	Minimum width (in feet)
Major thoroughfare	100*
Secondary thoroughfare	60
Minor residential street	60
Access or service road	60
Minor street—multifamily, restricted business, and industrial areas	60*

*Maximum width, 100 feet, depending upon the location and the city street plan with which the major thoroughfare is to be connected.

(i) *Half-streets.* Half-streets shall be prohibited except when essential to the reasonable development of the subdivision in conformity with other requirements of this article, and where the council finds it shall be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is 60 feet, the first dedication will be 30 feet.

(j) *Cul-de-sacs.* Cul-de-sacs shall not be longer than 600 feet and shall have a turnaround provided at the closed end. They shall have an outside roadway diameter of at least 80 feet and shall have a street-property line diameter of at least 100 feet.

(k) *Connections with existing streets.* New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street name shall be used which

will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the city council.

(l) *Street improvements.* All new streets dedicated within a subdivision shall be improved in accordance with the specifications of the city.

(Ord. No. 243-2001, § 15, 2-19-2001)

Sec. 26-116. Requirements and design standards for alleys.

(a) *Industrial and restricted business districts.* Alleys shall be provided in industrial and restricted business districts, except that the council may waive this requirement where other definite and assured provision is made for service access; such as, off-street loading, unloading, and parking consistent with, and adequate for, the use proposed. Service alleys in restricted business and industrial districts shall be a minimum of 25 feet in width.

(b) *New developments and replatting of old additions.* Alleys shall be required in all new developments and replatting of old additions, unless expressly waived by the council because of drainage or topographical features or because of existing conditions which may preclude the use of an alley in a particular location.

(c) *Paving.* Alleys may be paved in accordance with the city specifications. If any alley is paved, it shall be paved according to paving specifications provided for in this article and adopted by the city council.

(d) *Cutting and grading.*

(1) Alleys shall be cut and graded.

(2) Where the deflection of alley alignment exceeds 30 degrees, a cutback of a minimum of 15 feet, or of such greater distance to provide safe vehicular movement, shall be established on the inside property line, and the paving of the alley shall be cut back in the same manner.

(e) *Dead-end alleys.* Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end as is determined by the city council.

(f) *Access from the alley.* Access to residential property shall be permitted from any alley; however, access from the alley shall not exclude another means of access from the front or side. No side lot access to residential property shall be allowed from any arterial street.

(Ord. No. 243-2001, § 16, 2-19-2001)

Sec. 26-117. Requirements and design standards for blocks.

(a) *Determination of length, width, and shape.* The length, width, and shape of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes and dimensions;

(3) Need for convenient access, circulation, control, and safety of street traffic.

(b) *Specifications for length.* In general, intersecting streets, which determine the block lengths and widths, shall be provided at such intervals as to best serve cross traffic adequately and to meet existing streets, or to comply with customary subdivision practices. Where there is no existing subdivision to control, the block lengths shall not exceed 1,600 feet and shall generally be 1,000 feet—1,200 feet in length; nor shall any block be less than 500 feet in length. However, in conditions where it is appropriate that these standards be

varied, the length may be increased or decreased to meet the existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

(c) *Specifications for width.* Where no existing subdivision controls, the block width or depth shall be platted to give lots with a depth-to-width ratio of generally not more than 2½:1, and in no case more than 4:1, and the platting shall be such that the block width or depth generally shall not exceed 350 feet nor be less than 215 feet. When possible, the block width and length shall be such as to allow two tiers of lots back-to-back to an alley.

(d) *Walkways.* Where blocks in the vicinity of a school, park, or shopping center are platted 1,000 feet or longer, the council may require a walkway near the middle of the block, or at a street that terminates between the streets at the end of the block. The walkway shall not be less than four feet or more than eight feet in width, and shall have a four-foot concrete walk through the block from sidewalk to sidewalk, or to the rear of the property line, if no street exists.

(e) *Sidewalks.* Pedestrian walks not less than four feet wide shall be provided around the perimeter of all blocks.

(Ord. No. 243-2001, § 17, 2-19-2001)

Sec. 26-118. Requirements and design standards for lots.

(a) *Conformity to minimum requirements.* Lot dimensions shall conform to the minimum zoning requirements for the established district.

(b) *Fronting.* Each lot shall face on a public street.

(c) *Key lots.*

(1) Where corner lots are key lots, that is, where some lots face the frontage street and other lots face the side street, the corner lot shall have a front building line on both streets.

(2) Key lots or irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities, including garbage collection, and shall not be less than ten feet.

(d) *Depth.* No lot shall be platted less than 100 feet in depth; however, in cases where an irregularly-shaped tract is platted into lots and remnant piece of property is of sufficient area to plat one or more lots, the council may waive the depth requirement to prevent a hardship on the developer.

(e) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to the street line.

(f) *Double frontage and reverse frontage lots.* Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or where necessary to overcome specific disadvantages of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.

(g) *Alteration of lot size.*

(1) It shall be lawful to increase the size of lots from that originally platted; provided, however, that there is no remaining portion of a lot or a lot smaller than the original lot; and also provided, that the final plat is submitted in accordance with the requirements of a final plat as contained herein above; also, provided that such change is in compliance with the Local Government Code.

(2) No lot shall be replated to reduce the size of the lot originally platted by a common dedicator, unless the consent of all property owners in the same addition has been obtained. Such required consent may be implied where another lot or lots in the addition, as recorded, have already been subdivided and built upon in the manner prescribed above. No lot will be reduced in width below 50-foot frontage with

an area of 5,000 square feet, except for property having a retail business, restricted business, or industrial zone classification and not for residential use, or granted a variance by the board of adjustment.

(h) *Building permits.* When an applicant exhibits a duly executed and recorded deed covering a lot having a minimum dimensions of 50 feet by 100 feet, and such lot is being assessed for city taxes as conforming to the established lot pattern and zoning classification in the block where located, then a building permit may be issued, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

(Ord. No. 243-2001, § 18, 2-19-2001; Ord. No. 711-2020-10 , §§ 5, 6, 10-12-2020)

Sec. 26-119. Requirements for easements.

(a) *Utility easements.* Easements across lots, or centered on rear or side lot lines, shall be provided for utilities where necessary, and shall be of such width as may be reasonably necessary for the utility or utilities using the same.

(b) *Storm or drainage easement.* Where a subdivision is traversed by a watercourse, drainage way, channel, or street there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the chief administrative officer and which will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this easement.

(c) *Exclusion of easement in computing lot area.* The lot area shall be computed exclusive of all easements, except anchor easement for public utilities, alleys, and streets.

(Ord. No. 243-2001, § 19, 2-19-2001)

Sec. 26-120. Utilities required.

Sanitary sewers, storm sewers, water mains, and street improvements, along with all appurtenances pertaining to the same and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the current official standards of the city.

(1) *Services beyond the limits of city systems.* If a proposed subdivision is located beyond the service area of the sewage collection system or beyond the area of the water distribution system, the subdivider shall be required to furnish with his final plat satisfactory evidence, including, but without limitation, the results of soil tests and borings and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or sub-surface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided through the use of approved septic tanks or similar devices.

(2) *Restrictions for permit.* No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the city to the owners or any other person with respect to any property in any subdivision covered by this article until:

a. Such time as the developer and/or owner has complied with the requirements of this article and the approved final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curbs and sewers and alleys, all according to the specifications of the city; or

b. An escrow deposit has been made with the city secretary; such deposit being sufficient to pay for the cost of such improvements and being accompanied by an agreement signed by the developer and/or owner authorizing the city to make such improvements at prevailing city costs, or to have the same made by a private contractor and pay for the same out of the escrow deposit. Cost of such improvements is to be determined by the chief administrative officer and computed on the city costs basis. Should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, the city shall in such case be obligated to make such improvements itself, except that such deposit may be used by the owner and/or developer as a progress payment as the work progresses by making certified requisition to the city secretary when supported by evidence of work done; or

c. The developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the chief administrative officer.

(3) *Extension to extraterritorial jurisdiction.* In the extraterritorial jurisdiction, where a permit is not required, no city water or sewer utilities shall be extended to the development until all sections of this article, applicable to subdivisions in extraterritorial jurisdiction have been complied with. Where no water or sewer utilities are required to be extended to the subdivision in the extraterritorial jurisdiction of the city and where the developer/owner refuses to comply with the applicable regulations of this article, the chief administrative officer of the city shall file action in district court seeking to restrain the developer/owner from violating the applicable provisions of this article, as permitted by the Local Government Code.

(Ord. No. 243-2001, § 20, 2-19-2001)

Sec. 26-121. Street sign requirements.

Within the corporate limits of the city, street signs will be furnished and installed at each intersection by the city at the expense of the subdivider. The subdivider shall pay the city the current standard charge for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the city, street-name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of the type approved by the city and shall be installed in accordance with the standards of the city. The developer shall pay such sum as is computed by the chief administrative officer for street signs, as set out herein, at the time at which the developer submits the final plat for approval, and this sum shall be in addition to the filing fee set forth herein above.

(Ord. No. 243-2001, § 21, 2-19-2001)

Sec. 26-122. Outdoor warning sirens.

(a) *Definitions.*

(1) *Outdoor warning siren* commonly known as a "tornado siren" or a "weather siren" shall mean a siren designed to alert people who are outdoors of approaching or existing hazardous conditions, during dangerous emergency weather conditions, which require immediate protective actions in order to save lives and property.

(2) *Outdoor warning system* shall mean the combination of devices and methods, including, but not limited to the outdoor warning sirens located in the area, text message, phone and electronic mail emergency notification applications, signage, etc. employed by the City of Venus to warn people of dangerous and hazardous conditions.

(b) *Sirens required.* Subdividers shall install outdoor warning sirens if:

(1) The subdivision development consists of 30 or more platted lots; and

(2) Any of the platted lots are over one mile in distance from any other operational outdoor warning siren approved for use and/or operated by the City of Venus; or

(3) The platted subdivision development includes a community park, swimming pool, outdoor fitness area, playground, recreational park, sports playing fields/courts, walking trails, or other community area where people would congregate outdoors.

(c) *Time for installation.* If an outdoor warning siren is required by this section, the city must approve of the location and specifications of the outdoor warning siren and the installation must be completed prior to any acceptance of a final plat by the city and/or city council.

(d) *Siren specifications.* If an outdoor warning siren is required by this section, it shall meet the specifications of the current outdoor warning system and policies of the city and be approved by the public works director, city building inspector, and/or city engineer before installation and construction. Minimum specifications shall include, but are not limited to, remote control activation, oscillating functionality, battery power back-up, compatibility with other city outdoor warning sirens, site easement for maintenance and repair access, and height and amplitude ability to meet state and federal standards.

(e) *Location.* If an outdoor warning siren is required by this section, the subdivider shall submit in their preliminary plat, the location of and the maintenance access easement locations for any and all planned outdoor warning siren for approval by the public works director, city building inspector, and/or city engineer.

(f) *Outdoor warning siren fee.* If required by this section to install outdoor warning siren(s), a subdivider may opt not to install any required sirens and instead pay an outdoor warning siren fee of $250.00 per lot subdivided in the plat to the city. Payment shall be made prior to the acceptance of a final plat by the city and/or the city council. The city shall only use fees collected under this subsection to improve and maintain its outdoor warning system, including the installation of new outdoor warning sirens, if practicable. If invoking this subsection, the maintenance access easement requirements of subsection (e) still apply if outdoor warning sirens are installed by the city anywhere in the subdivision development.

(g) *Appeal.* If a subdivider wishes to challenge or request an exception to the provisions of this section, they may do so in writing and by submitting their appeal request to the city secretary. The city secretary shall then submit the appeal to the city council and include an agenda item for consideration and action for the next scheduled city council meeting.

(Ord. No. 405-2015, § A, 7-13-2015)

Secs. 26-123—26-139. Reserved.

ARTICLE III. NONRESIDENTIAL DEVELOPMENTS

Sec. 26-140. Interpretation and purpose.

(a) In the interpretation and application of the provisions of this article, it is the intention of the city council that the principles, standards, and requirements provided for herein shall be minimum requirements for the development of a nonresidential tract of land in the city (hereinafter referred to as "the city") and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements, such ordinances shall control.

(b) The extraterritorial jurisdiction of the city is now one-half mile from the corporate limits. As the city grows, the extraterritorial jurisdiction will be extended in accordance with chapter 43 of the Texas Local Government Code and the requirements of this article shall be extended into any and all new areas of extraterritorial jurisdiction.

(Ord. No. 261-2002, § 1, 5-14-2002)

Sec. 26-141. Definition of terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City engineer means the city's on-staff engineer or consulting engineer.

Council means the City Council of Venus, Texas.

Developer means and includes any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof who does, or participates in the doing of, any act towards the nonresidential development of land within the intent, scope, and purview of this article.

Easement means a right granted for the purpose of limited public or semi-public use across, under, or over private land.

Nonresidential development. The terms "nonresidential," "development," and "commercial" are synonymous for the purposes of this article and refer to the development of a tract of land for nonresidential purposes.

Public works director means the person designated by the mayor to administer the provisions of this article.

Standard refers to the official city maps, master plan, ordinances, and other specifications of the city.

(Ord. No. 261-2002, § 2, 5-14-2002)

Sec. 26-142. Penalty.

(a) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than $500.00 per offense. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

(b) Any person who shall violate any of the provisions of this article, or who shall fail to comply with any of the provisions hereof, within the extraterritorial jurisdiction of the city, shall be filed on in district court, as provided for in the Texas Local Government Code, with the purpose of restraining and enjoining the violation of this article. In addition, city-owned utilities will not be extended into the development until the provisions of this article are complied with.

(Ord. No. 261-2002, § 17, 5-14-2002)

Sec. 26-143. Preliminary planning.

The developer shall avail themselves of the advice and assistance of the city officials and consult early and informally with the public works director, or other person designated, before preparing the site plan of the proposed development in order to save time and money and make the most of available opportunities.

(Ord. No. 261-2002, § 3, 5-14-2002)

Sec. 26-144. Site plans.

(a) *Purpose.* The site plan is intended to show all the planning factors necessary to enable the proper approving authorities to determine whether the proposed plan for land development is satisfactory from the standpoint of public interest and complies with city ordinances.

(b) *Physical size.* The site plans shall be prepared on sheets a maximum size ~~of~~ of 18 inches by 24 inches ~~24 inches by 36 inches~~, regardless of the size of the development.

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(c) *Scale.* The site plan shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet; provided, that under special conditions, a smaller or larger scale may be accepted when prior approval of the public works director has been obtained.

(d) *Contents.*

(1) *Ownership and identification.*

a. Name of the developer, record owner and volume and page of record ownership in the Johnson County and Ellis County deed records, and land planner, engineer or surveyor.

b. Proposed name of the development.

c. Key map showing location of tract by reference to existing streets or highways.

d. Date of preparation, scale of plan and north arrow.

e. Development boundary lines with dimensions, indicated by heavy lines, and the computed acreage of the development.

(2) *Existing conditions.*

a. The location, dimensions, name and description of all existing or recorded public and private rights-of-way, including easements within the development as well as those intersecting or contiguous with its boundaries or forming such boundaries.

b. The location, dimensions, identification or name of all existing or recorded residential lots, parks and public areas within the development.

c. Permanent structures and uses within the development, including location of houses, barns, walls, wells, tanks and other significant features.

d. The location, dimensions, description and flow lines of existing drainage structures and the location of flow lines and floodplains. Areas which will be inundated by a 100-year flow as defined by the latest revision of the applicable Federal Emergency Management Agency's flood insurance rate maps (FIRM) and flood boundary and floodway maps must be clearly shown.

e. Utilities on the tract or contiguous thereto, specifying size of lines.

f. Topography shown by contour lines on a basis of two-foot vertical intervals. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.

(3) *Proposed Layout.*

a. The location, dimensions, description and purpose of all proposed drainage ways, open spaces, easements, streets, and rights-of-way within the development;

b. All building setback lines;

c. The location of all proposed buildings and their use;

d. Limits of proposed paving;

e. Means of ingress and egress;

f. Areas to be landscaped;

g. Proposed parking layout;

h. Refuse and waste container location;

i. Provisions for drainage;

j. Proposed water utilities, including fire protection; and

k. Proposed sewer utilities;

(4) *Preliminary drainage study.* A preliminary drainage study submitted for approval concurrent with the submittal of any site plan to the city.

(Ord. No. 261-2002, § 4, 5-14-2002)

Sec. 26-145. Improvements prior to acceptance of site plan.

(a) *Procedure; time requirements.*

(1) Before approval and acceptance of the site plan, the developer shall prepare (or have prepared) and submit three copies of the complete engineering plans of storm drainage structures and water and sanitary sewer improvements for the area covered by the plan. The developer shall have these plans prepared by qualified engineers, subject to the approval of the plans by the city. The public works director shall review the plans and specifications and, if approved, shall mark them "Approved" and return one set to the developer. If not approved, comments shall be addressed to the developer's engineer for remedy.

(2) After approval of the site plan and the engineering plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this article. All improvements will be accomplished at the expense of the developer.

(3) Construction must begin within six months from the date of approval of the construction plans. Should construction not have commenced in that time frame, then the approval of the plans shall be rescinded. The plans will be resubmitted for approval to ensure compliance with the city's latest rules and requirements.

(4) The city will inspect the installation of all off-site improvements. The city shall accept the off-site improvements after the following:

a. The improvements have been completed and have been found to be installed substantially in accordance with the approved plans and specifications;

b. Upon receipt by the city of a two-year maintenance bond for all off-site improvements in the amount of 100 percent of the contract price from each separate contractor; and

c. Upon receipt of one set of "as-built" plans and one set of "as-built" sepias.

(b) *Storm drainage.* All developments shall be provided with:

(1) An adequate storm drainage system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

(2) Areas subject to flood conditions as established by the city and/or the federal insurance administrator will not be considered for development until both adequate drainage and elevation of the site have been provided.

(c) *Water supply.* All developments shall be provided with an approved water system designed and constructed in accordance with city rules and regulations. In the corporate limits of the city, all developments will be connected with the city water supply distribution system or an approved private system. Water lines shall be looped where possible.

(d) *Sewer improvements.*

(1) All developments shall be provided with an approved sewage disposal system and, where the development is inside the city limits, shall be connected to the city sanitary sewer system.

(2) The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations, and appurtenances. The sewage system shall be designed and constructed in accordance with city rules and regulations.

(3) In locations where sanitary sewers are not available and where there are no immediate prospects for installation of sanitary sewers, private sewerage systems of an approved type may be installed in conformity with the rules, regulations, and ordinances of the city and county pertaining to public health; provided, however, that in no case shall private sewerage systems be installed without express approval and inspection by the city and county.

(e) *Sidewalks.* Where pedestrian walks are required by the city they shall not be less than four feet wide and shall be provided around the perimeter of the development.

(f) *As-built plans.* The developer shall present the city with one reproducible (sepia) complete "as-built" set of plans and one set of blue-line or black-line prints on paper of "as-built" plans for all off-site paving, drainage, structures, water mains, and sewer mains prior to the city's final acceptance of the improvements.

(Ord. No. 261-2002, § 5, 5-14-2002)

Sec. 26-146. Withholding of permits.

(a) *Pending approval of site plan.* The city may withhold the issuing of a building permit for the erection of any nonresidential building in the city if the site plan has not been approved by the council.

(b) *Pending compliance with regulations.* The city may withhold the issuing of a building permit for the erection of any nonresidential building in the city until all the requirements of these development regulations have been complied with, including the installation of an acceptance by the city of all off-site waterworks, sewer, drainage and paving improvements for the area designated.

(Ord. No. 261-2002, § 6, 5-14-2002)

Sec. 26-147. Requirements for easements.

(a) *Utility easements.* Utility easements shall be provided for utilities where necessary, and shall be a minimum of 20 feet in width. Utility easements adjacent to public streets shall be a minimum of ten feet in width.

(b) *Storm or drainage easement.* Where a development is traversed by a watercourse, drainageway, or channel, there shall be provided a drainage easement or drainage right-of-way conforming substantially with such course. The easement shall contain the 100-year flood and be of such additional width as may be designated by the public works director, and will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this easement.

(Ord. No. 261-2002, § 7, 5-14-2002)

Sec. 26-148. Utilities required.

Sanitary sewers, storm drainage, water mains, and street improvements, along with all appurtenances pertaining to the same and facilities of other agencies as may be required, shall be constructed and installed by the developer in each new development in accordance with the current official standards of the city.

(1) *Proposed development inside corporate limits.* All proposed developments located inside the corporate limits of the city shall connect to the water and sewer utilities at the developer's expense. Where the sewage collection system or the water distribution system does not abut the proposed development, the developer shall be required to pay for and extend such services as required to serve the proposed development.

(2) *Utilities extension not feasible.* Where the sewage collection system or the water distribution system does not abut the proposed development and the extension of such service is not feasible or would pose an economic hardship, the developer shall be required to furnish with his site plan satisfactory evidence, including (but without limitation) the results of soil tests and borings and statements from local and state health authorities, sanitarians, engineers and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided through the use of approved sewage treatment systems.

(3) *Restrictions for permit.* No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the city to the owners or any other person with respect to any property in any development covered by this article until:

   a. Such time as the developer and/or owner has complied with the requirements of this article and the site plan regarding improvements with respect to the installation of streets, drainage, and water and sewer utilities, all according to the requirements of the city; or

   b. The developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the public works director.

(4) Extraterritorial jurisdiction.

   a. In the extraterritorial jurisdiction, no city water or sewer utilities shall be extended to the development until all sections of this article, applicable to developments, have been complied with.

   b. Where the developer/owner refuses to comply with the applicable regulations of this article, the public works director of the city shall file action in district court seeking to restrain the developer/owner from violating the applicable provisions of this article, as permitted by the Texas Local Government Code.

(Ord. No. 261-2002, § 8, 5-14-2002)

Sec. 26-149. Standard specifications.

The Standard Specifications for Public Works Construction as published by the North Central Texas Council of Governments in their latest amended form are adopted as the standard specifications for the city.

(Ord. No. 261-2002, § 9, 5-14-2002)

Sec. 26-150. Engineering and construction standards.

(a) *Drafting standards and design practices.* Drafting standards and design practices shall be equal to those standards and practices representative of the profession in the preparation of plans for construction requiring a high degree of reliability. The developer's engineer shall furnish to the city any working notes, calculations, and supplemental drawings used in the preparation of these plans for the proposed work in the development on request. The developer shall require his engineer to furnish three copies of all plans to be reviewed by the city. These plans shall be sufficiently detailed to enable the facilities to be constructed according to the engineer's intent with limited assistance from the engineer during the construction phase. The responsibility of the developer's engineer to the city shall end when all plans for which he is responsible have been approved by the city, all construction has been completed and accepted by the city, and a set of reproducible "as built" plans of all required construction has been furnished to the city by the engineer.

(b) *Compaction densities.* At his expense the developer shall employ an independent testing lab to test all compaction densities where specific compaction requirements are stated. These results shall be submitted to the city prior to commencing the next phase of work. The cost of all testing shall be borne by the developer.

(c) *Drawings.* Street plan and profile sheets shall be submitted for all proposed streets.

(1) Profiles shall be at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical, or one inch equals 50 feet horizontal and one inch equals five feet vertical. The profile shall include the following minimum information:

a. Top of curb grades at 50-foot interval slopes.

b. Vertical curve data.

c. Beginning and ending stations of vertical curves.

d. Location of utility crossings.

e. Storm drain pipe and elevations may be shown on the same sheet or may be on a separate sheet for clarity, benchmark station and elevations as may be needed for information.

(2) Plans shall include the following minimum information:

a. All widths, stations of P.C. and P.T. for horizontal curves.

b. All horizontal curve data.

c. Distances and bearing.

d. The location of adjacent property corners and lot lines.

e. Lot and block designations.

f. All utilities crossing or adjacent.

g. The size and location of all storm sewer construction and intersecting streets.

(d) *Streets.* Should street, sidewalk or alley construction be required, refer to the city's subdivision ordinance for the requirements.

(e) *Drainage.* Drainage design and requirements shall be in accordance with the city of Fort Worth, Texas, requirements.

(f) *Water system.*

(1) All mains must extend to the borders of the development to facilitate future extensions of the system.

(2) Water lines shall normally be PVC meeting the requirements of AWWA C900 or C905, DR18, Class 150. The minimum water line size for development shall be six inches. Smaller line sizes may be reviewed on a case-by-case basis.

(3) Fire flow detector checks are required on all fire lines to buildings.

(g) *Sewer system.*

(1) Sewer mains must extend to the borders of the development to facilitate future extensions of the system.

(2) Sewer lines shall normally be PVC SDR 35 meeting the requirements of ASTM D 3034. The minimum sewer line size for development shall be eight inches. Smaller line sizes may be reviewed on a case-by-case basis.

(3) The maximum distance between manholes shall be 500 feet. Manholes shall be provided at all points of horizontal change. Manholes shall be provided at all vertical points of intersection.

(4) Grease traps on the service line will be required on all food service types of commercial development.

(Ord. No. 261-2002, § 10, 5-14-2002; Ord. No. 572-2017-08 , § C, 8-14-2017)

Sec. 26-151. Building permits.

(a) When an applicant has an approved site plan and no off-site extension of public utilities is required, and such lot is being assessed for city taxes as conforming to the established zoning classification in the block where located, then a building permit may be issued, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

(b) When an applicant has an approved site plan and the extension of off-site public utilities is required, and such lot is being assessed for city taxes as conforming to the established zoning classification in the block where located, then a building permit may be issued upon completion of the construction of the off-site utilities, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

(Ord. No. 261-2002, § 11, 5-14-2002)

Sec. 26-152. Fees.

(a) *Filling fee.* A filing fee in the amount of $500.00 shall be collected by the city secretary, or a designated representative, when any site plan is tendered to the city for consideration. The fee shall be paid in advance and no action of the city shall be valid until the fees, herein provided, shall have been paid.

(b) *Plan review and inspection fee.* A fee of five percent of the estimated costs of the public improvements for the proposed development as approved by the public works director shall be paid to the city before the city approves the commencement of the construction of the improvements. Actual cost shall not exceed the actual cost to the city for review and inspection.

(c) *Pre-payment required.* No development will be approved or building permit issued by the city until all fees have been paid to the city.

(Ord. No. 261-2002, § 12, 5-14-2002)

Sec. 26-153. Variances.

(a) The city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest in making the findings in this section required. The council shall take into account the nature of the proposed usage of land involved, the existing usage of the land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare of individuals in the vicinity. No variance will be granted unless the council finds the following:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;

(2) That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area;

(3) That the granting of the variance will not have the effect of preventing the orderly development of other lands in the area in accordance with the provisions of this article.

The council may not authorize a variance that would constitute a violation of any other valid ordinance of the city.

(b) Such findings of the council, together with the specific facts upon which such findings are based, shall be incorporated in the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the general health, safety and welfare of citizens may be secured, and substantial justice be done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(Ord. No. 261-2002, § 13, 5-14-2002)

Sec. 26-154. Conflict with other ordinances.

All ordinances, or parts of ordinances with the exception of the building code and comprehensive zoning regulations of the city, which are inconsistent or in conflict with any of the provisions of this article shall be, and the same are, hereby repealed. Where the building code or zoning regulations of the city contain regulations which are more restrictive than the regulations contained herein, the ordinances which are most restrictive shall control.

(Ord. No. 261-2002, § 14, 5-14-2002)

Sec. 26-155. Exceptions to provisions of article.

Site plans which have received preliminary approval by the council within one year prior to the effective date of the ordinance from which this article is derived shall be excepted from the requirements of this article; provided that the site plan of such development is approved and filed for record within 180 days after the effective date of the ordinance from which this article is derived, or within one year after the approval date of the site plan, whichever is greater.

(Ord. No. 261-2002, § 15, 5-14-2002)

Chapter 34 ZONING[1]

[1]**Federal law reference—**Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC § 322(c)(7); limited federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR § 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC § 2000cc et seq.

State law reference(s)—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code, § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008—211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001; regulation of amateur radio antennas by municipalities, V.T.C.A., Local Government Code § 250.002; Texas Religious Freedom Act, V.T.C.A., Civil Practice and Remedies Code § 110.001 et seq.

ARTICLE I. IN GENERAL

Sec. 34-1. Authority.

The ordinance [from which this chapter is derived] was prepared under the authority of chapter 211, Texas Local Government Code, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose, and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

(Ord. No. 242-2001, § 1, 2-19-2001)

Sec. 34-2. Purpose.

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 242-2001, § 2, 2-19-2001)

Sec. 34-3. Definitions.

(a) Rules for words and phrases. For the purposes of this chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes "designed and intended or arranged to be used;" the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this chapter imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this chapter shall govern.

(b) For the purpose of this chapter, certain terms and words are defined and shall have the meanings ascribed in this chapter unless it is apparent from the context that different meanings are intended.

Accessory building means a detached subordinate building located on the sane lot (or a continuous lot in the same ownership) with the principal building, used for an accessory use. If an accessory building is attached to the principal building by a common wall, the accessory building shall be considered part of the main building. For the purposes of this definition, a common wall is defined as a minimum four-foot section of a wall that separates and/or connects adjacent rooms. A detached garage, carport, patio or storage building is included as an accessory building.

~~a subordinate building, the use of which is incidental to that of the main building on the same lot.~~

Administrative official means the city secretary or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

Alley means a public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Apartment means a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment hotel means an apartment house which furnishes services for the use of tenants which are ordinarily furnished by hotels.

Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units, or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

Automobile repair, major, means any area used for general repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision services, including body, frame or fender straightening or repair; paint shop; or vehicle steam cleaning.

Automobile repair, minor, means any area used for minor repair or replacement of parts, tires, tubes, or batteries and minor motor services, such as, grease, oil, spark plug and filter changing of passenger cars and trucks not exceeding 1½ tons capacity, but not including any operation named under "automobile repair, major" or any other similar use thereto.

Automobile sales area means an open area or lot used for the display or sale of automobiles, where no repair work is done.

Automobile service station means any building and/or premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer. In addition, the following services may be rendered and sales made, and no other:

(1) Sale and service of spark plugs, batteries and distributors and distributor parts;

(2) Tire servicing and repair, but not recapping or regrooving;

(3) Replacement or adjustment of automobile accessories;

(4) Radiator cleaning and flushing; provision of water, anti-freeze and other additives;

(5) Washing and polishing and sale of automotive washing and polishing materials;

(6) Greasing and lubrication;

(7) Providing and repairing fuel pumps, oil pumps and lines;

(8) Servicing and repairing of carburetors;

(9) Adjusting and repairing brakes;

(10) Emergency wiring repairs;

(11) Motor adjustments, not involving removal of head or crankcase;

(12) Trailer rental;

(13) Provision of cold drinks, packaged foods (including restaurants), tobacco and similar convenience goods for customers, but only as accessory and incidental to the principal operation;

(14) Provision of road maps and other information material;

(15) Provision of restroom facilities;

(16) Parking lot, as an accessory use; and

(17) Wrecker service.

Uses permissible at a service station do not include body work, transmission or brake overhauling, straightening of frames or body parts, team cleaning, painting, welding, storage of automobiles not in operating condition, nor the operation of a commercial garage as an accessory use.

Automobile wash or laundry. See definition for *Car wash.*

Basement means a building story, the floor line of which is below grade at any entrance or exit, but may have at least one-half of its height above the average level of the adjoining grade level.

Block means that property abutting on one side of a street and lying between the nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Boardinghouse or *lodginghouse* means a dwelling wherein lodging or meals for three or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten or more guestrooms are provided.

Building means any roofed structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

Building height means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building line means a line parallel or approximately parallel to the street line, at a specific distance therefrom, marking the minimum distance from the street line that a building may be erected.

Building official. See definition for *Administrative official.*

Car wash means a building, or port, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

Cemetery means land used, or intended to be used, for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Certificate of occupancy means an official certificate issued by the city secretary which indicates conformance with, or approved conditional waiver from, the zoning regulations and authorized legal use of the premises for which it is issued.

City means the City of Venus, Johnson and Ellis Counties, Texas.

Clinic means a public or private, profit or nonprofit facility for the reception and treatment of outpatient persons, physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.

Club means a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, private (class I), means an establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose, no alcoholic beverages being sold.

Club, private (class II), means a club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission are not allowed in the city in any zoning district.

Community center, public, means any building and grounds owned and operated by the governmental body for the social, recreational, health and welfare of the community served.

Conditional use means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located, and for which a permit is granted.

Convalescent (rest) home means a home designed for the care of patients after they leave the hospital, but before they are released from observation and treatment.

Convenience store. See *Neighborhood convenience center.*

Court means an open, unoccupied space on the same lot with a building, and bounded on two sides by such building, or the open space provided for access to a dwelling group.

Display sign means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.

District means a portion of the territory of the city, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter. The term "R district" shall mean any AG, MH, MHS R-1L, R-1, R-1S, R-2, R-3, or R-4 district; the term "I district" shall mean any I-1 or I-2 district; and the term "C district" shall mean any C-1, C-2 or CB district.

Dwelling group means a group or row of dwellings, each containing one or more dwelling units, and all occupying one lot (as defined in this section) or site, and having a court in common; including a bungalow court or apartment court, but not including an automobile court or automobile camp.

Dwelling unit means a room, or a group of rooms, including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

Dwelling unit, multiple, means a building containing three or more dwelling units.

Dwelling unit, single-family, attached, means a dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate walls, and is designed for occupancy by one family, and is on a separate lot delineated by front, rear and side lot lines.

Dwelling unit, single-family, detached, means a building containing one dwelling unit, and located on a lot or separate building tract, and having no physical connection to a building on any other lot.

Dwelling unit, two-family, means a building containing two dwelling units.

Essential services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions, or as are

required for protection of the public health, safety, or general welfare. For the purpose of this definition, the term "building" does not include "structures" for essential services.

Family means one or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

Farm means an area of three acres or more which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain, and storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, cattle and sheep, including dairy farms with necessary accessory uses, and is used for treating and storing the produce; provided, however, that the operation of such accessory shall be secondary to that of the normal activities.

Floodplain means the relatively flat lowlands adjoining the channel of a river, stream or watercourse which has been, or may be, covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the Army Corps of Engineers requirements.

Frontage means all the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the planning and zoning commission shall determine the frontage for purposes of this chapter.

Garage, private, means an accessory building, or portion of a main building on the same lot, and used for the storage only of private passenger motor vehicles, not more than two of which are owned by others than the occupants of the main building.

Garage, public, means a building or portion of a building, except that defined in this section as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Garage, repair, means a building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto-wrecking establishments or junkyards.

Garden apartment means a multifamily dwelling unit with not more than 2½ stories. The building generally has private outdoor space, either on grade or a private balcony.

Grade means, when used as a reference point in measuring height of building, the average elevation of the finished ground at the exterior walls of the main building.

Gross floor area means the living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges for gable, hip and gambrel roofs.

Home occupation means any occupation, customarily conducted for gain or support, entirely within a dwelling, by a member of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises, and does not change the character thereof.

Hospital may be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its inpatient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and out-patient services, pharmacies, gift shops, flower shops and similar uses;

provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose, and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed⅓ of the total floor area. Whether or not a questionable use is "similar" or an "integral" part of the total purpose shall be subject to determination by the board of adjustment. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.

Hotel means a building, or portion thereof, in which ten or more guestrooms are provided for occupancy for compensation by transient guests.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Junkyard or *salvage yard* means any area used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Kennel means any structure or premises on which more than three dogs, over six months of age and/or more than one litter, are kept.

Land use plan means the long-range plan for the desirable use of land in the city, as officially adopted, and as amended from time to time by the city council, the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs; in the subdividing and use of undeveloped land; and in the acquisition of rights-of-way or sites for public purposes, such as streets, parks, schools and public buildings.

Loading space means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodginghouse means the same as *boardinghouse.*

Lot means the entire parcel of platted land occupied, or to be occupied, by a main building and its accessory buildings, or by a group, such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this title and other applicable law.

Lot, corner, means a lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed 135 degrees.

Lot coverage means the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth means the average depth from the front line of the lot to the rear line of the lot.

Lot, interior, means a lot other than a corner lot.

Lot lines means the property lines bounding a lot as defined in this section.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerks of Johnson and Ellis Counties, or a parcel of land, the deed for which was recorded in the office of the county clerk, Johnson and Ellis Counties, prior to January 1, 1986.

Lot, through, means a lot having its front and rear lines on different streets, or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.

Lot width means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Main building means a building in which is conducted the principal use of the lot on which it is situated.

Manufactured home, HUD-Code, means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which 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. References in this chapter to "mobile homes" shall be taken to be references to HUD-Code Manufactured Home. Mobile homes, as defined in the Manufactured Housing Standards Act, Article 5221f, section 3(a), V.T.C.S., [V.T.C.A., Occupations Code § 1201.001 et seq.] shall not be used as dwelling units within the corporate limits of the city.

Manufactured home park or subdivision means a parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental or sale of lots to persons with HUD-Code manufactured homes (mobile homes).

Manufactured home lot means that part of a parcel of land (manufactured home site) in a manufactured home park which has been reserved for the placement of one HUD-Code manufactured home (mobile home)

Mobile home. See *Manufactured home, HUD-Code.*

Modular home means a dwelling that is constructed in one or more modules at a location other than the home site, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the home site and are joined together, or are erected and installed on a permanent foundation system. The term "modular home" includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term "modular home" shall not mean nor apply to:

(1) Housing constructed of sectional or panelized systems not utilizing modular components;

(2) Any ready-built home which 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; or

(3) Any HUD-Code manufactured home;

(4) Any manufactured home, HUD-Code.

Motel means a building, or a group of two or more buildings, containing guestrooms or apartments, with automobile storage space provided in connection therewith, and used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor lodges, motor courts, motels, and similarly designated groups.

Neighborhood convenience center means centers which carry convenience goods, such as groceries, drugs, hardware, and some variety items, and also includes some service stores. The neighborhood convenience center may contain one or two small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood-serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nonconforming use means use of a building or land, which existed previously, that does not conform to the present regulations as to use for the district in which it is situated.

Nursing home means a structure or building where ill or elderly people are provided with lodging and meals, with or without nursing care.

Open space means that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water may be considered as open space, provided

such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.

Parking area, private, means a permanently surfaced, open area for the same uses as a private garage.

Parking area, public, means a permanently surfaced, open area, other than a street, or other public way, used for parking of automobiles, and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking space means a permanently surfaced area not less than 180 square feet (measured approximately nine feet by 20 feet), either within a structure or in the open, not on a public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

Planned development means land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations, including all lands and buildings, for principal and accessory structures and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, and lots or buildings sites, but also site plans, floor plans, and elevations of all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.

The term "planned development" is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

Private garage means an accessory building, housing vehicles owned and used by the occupant of the main building.

Recreational vehicle means a vehicular, portable structure designed to be transported over the highways, and containing living or sleeping accommodations; such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width.

Roominghouse means a dwelling occupied by a resident family or resident occupant, and three or more rent-paying persons.

Satellite dish means a device used to receive any satellite signal.

School, business or *trade,* means a business organized to operate for a profit and offering instruction and training in a service or art, such as a secretarial school, barber college, beauty school or commercial art school.

School, elementary or high means an institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools. High schools include junior and senior grades.

Screening element (device) or *suitably screened*, as herein referred, means any of the following:

(1) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or

(2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition;

(3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Service stations. See definition for *Automobile service station.*

Shopping center means an area consisting of one acre or more, arranged according to a site plan, to be submitted to and to be approved by the planning and zoning commission and the city council, on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all utilities, drainage structure, paving of streets, parking area, alley, and installation of sidewalks shall be in accordance with the city specifications for each type of improvement.

Story means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

Story, half, means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Streetscape means the appearance or view of a street. The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces that combine to form the street's character.

Structural alteration means any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Towers, radio, television, or *microwave,* means structures supporting commercial antennae for transmitting or receiving any of the radio spectrum (includes structures used for satellites dishes).

Trailer (including automobile trailer and trailer coach) means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer park means any lot or part thereof, or any parcel of land, which is used or offered as a location for one or more trailers.

Thoroughfare means an officially designated, federal, state, or county numbered highway or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the city.

Thoroughfare plan means the official thoroughfare plan of the city, adopted by the city council, establishing the location and official right-of-way width of principal highways and streets in the city, together with all amendments thereto subsequently adopted.

Townhouse or *row house* means three or more dwelling units attached by common vertical walls.

Use means the purpose for which land, or a building or structure thereon, is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

Use, accessory, means a subordinate use on the same lot with the principal use and incidental and accessory thereto.

Used car lot means a lot or tract of land used for the sale, or display for sale, of two or more previously owned motor vehicles designed for use upon the public roads or for pleasure off public roads, but not including farm implements, manufactured homes, campers and recreational vehicles, or construction equipment, such as cranes, bulldozers and related equipment and trucks over one ton capacity.

Vehicle service center means a center for the repair and maintenance of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

Yard means an open space, other than a court, on the same lot with a building.

Yard, front, means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, rear, means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, side, means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

Zoning map means the official zoning map of the city, together with all amendments subsequently adopted.

(Ord. No. 242-2001, § 4, 2-19-2001; Ord. No. 242-2001, § 5(J), 2-19-2001; Ord. No. 711-2020-10 , § 7, 10-12-2020)

Sec. 34-4. Violation and penalties.

The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than $1.00 or not more than $2,000.00, and each day any violation of noncompliance continues shall constitute a separate and distinct offense.

(Ord. No. 242-2001, § 35, 2-19-2001)

Sec. 34-5. Administration, enforcement and fees.

(a) *Administration.* The city secretary, or designee, is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this chapter. If the administrative official finds that any of the provisions of this chapter are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The city secretary, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, and discontinuance of any illegal work being done, or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(b) *Interpretation and appeals.* It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the zoning board of adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by law.

(c) *City council duties.* It is further the intent of this chapter that the duties of the city council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this chapter. Under this chapter, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the

repeal of this chapter, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection (d) of this section.

(d) *Fees.* The city council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for the administration, permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. No. 242-2001, § 3, 2-19-2001)

Sec. 34-6. Compliance with regulations.

The regulations set by the ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided:

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations specified in this chapter for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified in this chapter for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this chapter.

(4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section, shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

(Ord. No. 242-2001, § 5(K), 2-19-2001)

Sec. 34-7. Zoning map.

(a) *Official zoning map.* The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this chapter.

(b) *Map certified.* The official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: This is to certify that this is the official zoning map adopted as part of Ordinance No. 242-2001 of the City of Venus, Texas.

(c) *Location of map.* The official zoning map shall be in the custody of, and shall remain on file in the office of the city secretary.

(d) *Public inspection of map.* The official zoning map, or a copy, shall be available for public inspection for all matters which are of public record.

(e) *Amendment of official zoning map.* When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.

(f) *Official zoning map replacement.* The city council may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the zoning ordinance of the City of Venus, Texas.

(g) *Interpretation.*

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.

(2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter section lines, or quarter-quarter section lines.

(4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the board of adjustment shall interpret the district boundaries.

(Ord. No. 242-2001, § 5(C)—(I), 2-19-2001)

Sec. 34-8. Home occupations.

(a) [*Purpose.*] The purpose of the home occupation provision is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessory use in all residential districts, and are subject to the requirements of the district in which the use is located, in addition to the following:

(1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.

(2) The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.

(3) No more than 25 percent of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation. ~~of the area of one story of the principal building shall be devoted to the home occupation.~~

(4) There shall be no exterior alterations which change the character thereof as a dwelling, other than those signs permitted in the district.

(5) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.

(6) No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.

(7) The home occupation shall not create any increase in vehicular flow or parking by more than two additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.

Any deliveries shall be from vehicles 16 feet or less or rated 8,000 pound gross vehicle weight or less, except for limited larger vehicles at a frequency typical of the principal residential use.

(8) No more than one advertising sign with a maximum of four square feet of a non-illuminating nature may be placed on the main building., and within at least 10 feet of the primary entrance.

(9) Only up to 10 customer or patron visits per day shall be permitted and limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.

(10) The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales are transacted no more than once per week.

(11) Any person operating a home occupation shall submit any local, state, of federal government or agency licenses necessary for the proposed business.

(b) *Examples of home occupations.* The following are examples of uses that can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as home occupations: handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring (music lessons included), millinery, attorney, and realtor.

(c) *Prohibited uses.* The following uses have a tendency to violate the provisions for home occupations, and thereby, impair the character of residential areas. Therefore, the uses specified shall not be permitted as accessory uses in residential districts: auto repairs, painting of vehicles or boats, private schools, photo studios, dance instruction, television repair, animal and pet-related services, including a veterinarian, grooming, kennel or animal daycare, bed and breakfast or boarding or rooming house, clinics, hospitals, or residential care services, cosmetology services (barber shop or beauty parlor), repair services related to automobiles, motorcycles, large household applies or other large-scale machinery, restaurants, dispatching of more than one vehicle to and from the residential premises (i.e towing services, repair service, taxis, etc.) and child day care center.

(d) *Interpretation of home occupations.* The board of adjustment shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial zones of this chapter.

(Ord. No. 242-2001, § 5(P), 2-19-2001)

Sec. 34-(To be determined) Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

A. Accessory Uses, Generally. All principal uses shall include accessory uses subject to the following general standards:

1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
2. The use is on the same lot as the principal use or otherwise clearly associated with an active principal use.
3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of the property in the vicinity.

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4. No use or structure may be constructed, maintained or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging, or disturbing to the adjacent property.
5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
6. There are no unusual traffic patterns or increases in operational activity that impact the use and design of streets and public spaces differently than other allowed uses.
7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.

B. Accessory Dwelling. Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex.
2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
3. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
4. One additional parking space shall be provided on site.
5. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principal building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinated to the principal dwelling through the location of parking access, building entrances and other design features that accommodate the dwelling.
6. The applicant shall demonstrate proof of adequate utility services for both the principal and accessory unit in order to not pay an additional tap fee.

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Sec. 34-9. Annexed territory.

(a) *Annexed territory to be zoned AG.* All territory, hereafter annexed to the city, shall be temporarily classified as AG Agricultural District until permanent zoning is established by the city council, except as provided in subsection (c) of this section]. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(b) *Regulations for temporary AG districts.* In an area temporarily classified as AG:

(1) No person shall erect, construct or add to any building or structure, or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the city, as required in this chapter.

(2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in an AG district, unless and until such territory has been classified in a zoning district other than an agricultural district.

(3) An application for a permit for any use, other than that specified above, shall be made to the administrative official and referred to the planning and zoning commission for consideration and recommendation to the city council. The planning and zoning commission, in making its recommendation, shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council, after receiving and reviewing the recommendations of the planning and zoning commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy, or may disapprove the application as its findings may indicate appropriate in the public interest.

(c) *Concurrent rezoning and annexation.* Application for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation.

(Ord. No. 242-2001, § 7, 2-19-2001)

Sec. 34-10. Classification of new and unlisted uses.

(a) It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1) The zoning administrative official shall refer the question of any new or unlisted use to the planning and zoning commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.

(2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and, after public hearing, determine the zoning district or districts within which such use should be permitted.

(b) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use, as is determined appropriate after giving consideration to the facts and recommendations.

(Ord. No. 242-2001, § 8, 2-19-2001)

Sec. 34-11. Conditional uses.

(a) Applicability. A conditional use permit provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the varying design and operational characteristics of particular application of the use, or due to conditions in the area where the use if proposed, they may be considered appropriate based on a case-specific review.

Review Criteria. A conditional use permit shall be reviewed

(b) ~~(a)~~ a~~A~~fter public hearing and proper notice, and after recommendation by the planning and zoning commission, the city council may authorize the issuance of conditional use permits when the council finds all of the following conditions present:

(1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;

(2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;

(3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

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(4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;

(5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and

(6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

(7) Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.

(8) The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

(9) The recommendations of professional staff or other technical review associated with the application.

(10) Whether any additional site-specific conditions are necessary to meet the purposes and intent of this ordinances and the intent or design objectives of any applicable subsections of these ordinances, or to mitigate any other potential impacts that are specific to the proposed use.

(c) Review Procedure. The general requirements are specific to conditional use applications.

1. Applications may be accompanied by site plan or site improvement permit where they are necessary to review conformance with standards of this code and any performance criteria for the particular uses.
2. The conditional use permit application review shall be coordinated with City Staff.
3. After receipt of all comments from City Staff or any other necessary referral agencies, the applicant shall meet with Planning Staff to review the recommendations of the agencies and schedule the application for review by City Council.

(d~~b~~) Prior to the granting of any conditional use, the city council may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in subsections (1) through (10~~6~~) of this section. In all cases in which conditional uses are granted, the council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a right to the use, and the conditional use may be canceled at the city council's sole discretion.

(e~~c~~) No application for a conditional use which has been denied wholly or in part by the city council shall be resubmitted for a period of six months from the date of said denial.

(f) Effect of decision. Approval of a conditional use permit shall authorize the applicant to apply for a building permit and other applicable development or construction permits. Approval shall be valid for one year, and City Council may grant a one-year extension. Any application not acted upon according to the approval conditions within this period shall be void. (This period requiring action on the permit is distinct from any duration of an approved permit, which may expire and require periodic review and renewal of the conditional use permit). Any amendment to a conditional use permit shall require the same process as the original approval. A conditional use may be revoked by City Council through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or the use has otherwise violated the provisions of these ordinances.

(Ord. No. 242-2001, § 6, 2-19-2001)

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Sec. 34-12. Nonconforming uses.

(a) *Intent.*

(1) Within the districts established by this chapter, or amendments that may later be adopted, there exist lots and uses of lands, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before the ordinance [from which this chapter is derived] was passed and amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed. It is further the intent of this chapter that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings and structures or uses prohibited elsewhere in the same district.

(2) Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a building or structure, a nonconforming use of land, or a nonconforming use of buildings and land in combination shall not be extended or enlarged after passage of the ordinance [from which this chapter is derived] by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(3) Any use accessory to a principal nonconforming use shall not be permitted absent the principal use, and continuation of accessory uses shall not avoid any abandonment period for the nonconforming principal use. No additional accessory building or use not present when the nonconforming use was established shall be permitted

(b) *Nonconforming lots of record.* In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of the ordinance [from which this chapter is derived]. This provision shall apply even when such lots fail to meet the minimum requirements for area, width, or both, as governed by section 34-61; however, all other provisions of section 34-61 shall apply. Any required variances shall be obtained only through the zoning board of adjustment.

(1) *Conformance, When.*

a. The lawful use of a building or land existing at the date of enactment of the ordinance [from which this chapter is derived], although such does not conform to the provisions hereof, may be continued, but if nonconforming use is discontinued for a period of six consecutive calendar months, it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof.

b. The use of land, if changed from a nonconforming use, shall be in conformity with the provisions of this chapter.

(2) *Repairs cost ceiling.* The total structure repairs or alterations in a nonconforming building shall not, during its life, exceed 50 percent of the assessed value of the building unless changed to a conforming use. The use of a nonconforming building may be changed to another nonconforming use of the same or more restricted classification.

(3) *Extension,* When. A nonconforming use of a building or land shall not be extended unless changed to a conforming use.

(4) *Classification changes.*

a. Whenever the nonconforming use of a structure is changed to a use of a more restricted classification, such use shall not thereafter be changed to a use of a less restricted classification.

b. For the purpose of this regulation, uses permitted in R-1L districts shall be deemed to be those in the most restricted classification.

(5) *Restoration.* A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than 50 percent of its assessed value may be restored. If the damage is in excess of 50 percent of its assessed value or restoration is not started within a period of one year and carried diligently to completion, application for restoration shall be made to the board to permit such restoration. Property owners as shown by the city tax records on the effective date of the ordinance [from which this chapter is derived], shall be able to restore their property, regardless of the extent of destruction, without making application to the board. However, said restoration shall comply with all construction codes then in effect within the city.

(6) *Applicability.* The provisions of this section shall apply to any use that may become nonconforming due to a change in the classification of the district in which located, from the effective date of the ordinance making the change.

(7) *Board-approved use* conforms. Any use which is permitted in a district only upon action of the board of adjustments shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a conditional permit for such use.

(8) Nonconforming Signs. Existing signs, which do not conform, to the specific provisions of these regulations are designated as nonconforming signs. With the exception of signs designated as historic signs, nonconforming signs must be brought into compliance with these ordinances or mjst be removed when any of the following conditions exist:

a. Whenever there is a change in the ownership of the real property upon which the sign is located.

b. When the property or premises upon which the sign is located is vacant for a period of at least six months.

c. When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds 50% of its total replacement cost of becomes a hazard or potential hazard.

d. When there is a zone change initiated by the business or property owner.

e. When a sign and/or sign structure is abandoned, including empty frames.

f. When an existing structure, upon which the sign is located, is relocated, replaced, or changed in size, location, height or setback.

g. When the sign itself is relocated, replaced, or changed in size, location, height or setback.

h. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.

i. When improvements are being made to the 25 percent or more of the façade of a building on which a nonconforming sign is located.

(9) Burden of Proof. The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section.

(108) *Time limits.*

a. After the adoption of this section, any nonconforming use that is hereinafter created by the passage of a zoning change shall be allowed to continue for a period of not more than three years. After that three-year period, the continued use will be in violation of this chapter and all

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future use of the property must be in compliance with then existing zoning requirements. It will not be a defense to prosecution under this chapter or future zoning ordinances that the use was a nonconforming use; the nonconforming statues will have expired.

b. The city council may extend the nonconforming use status for an additional period up to five years beyond the first three-year period, if a request for hearing is filed with the city within 90 days of the zoning change and the city council finds that the failure to grant the extension would cause great financial hardship to the landowner for improvements to the property. The city council shall only consider the reimbursement of investment in improvements to the property such as construction, repair and remodeling of the property or structure and not the loss of income or profit in granting an extension which may be for less than five years.

c. If the property when purchased or occupied was used for residential purposes and later an addition lawful zoning use of the property was added without discontinuing the residential use, then no extension may be granted unless there can be a showing that an expenditure on improvements was substantial and that those improvements are of no benefit to a residential use. Improvements or repairs done after the zoning change may not be considered.

d. Nothing in this section or chapter shall be deemed to repeal Ordinance 194-96, section 2 or any time period running thereunder.

(Ord. No. 242-2001, § 27, 2-19-2001)

Sec. 34-13. Planning and zoning commission.

(a) *Duties and powers.* The planning and zoning commission shall have all powers, discretion, and duties established by the V.T.C.A. Local Government Code chs. 211 and 212. The planning and zoning commission shall have the following additional responsibilities:

(1) Provide analysis and recommendations to the city council regarding the Comprehensive Plan and other plans related to land use, thoroughfares, infrastructure, open space and recreation and related long-range growth policy per city council's direction; and amendments to this ordinance and to the zoning map.

(2) Provide guidance to the city council in accomplishing coordinated, adjusted, and harmonious development of the City of Venus and its environs that will, in accordance with the present and future needs, best promote health, safety, order, convenience, and general welfare, as well as efficiency and economy in the process of development.

(3) At the request of city council, the ability to conduct studies, analysis, and public hearings regarding amendments to relevant sections of this ordinance; the zoning map; the zoning districts; the City of Venus' Comprehensive Plan; any other applicable plans; or portion thereof for the purpose of recommending revision or adoption by the city council as required or permitted by the Texas Local Government Code.

(4) In carrying out its duties the planning and zoning commission considerations may include, but are not limited to surveys of present conditions; projections of future growth of the City of Venus; Site plans of individual projects; the relationship of developments to the surrounding environment and the community; adequate provision for vehicular and pedestrian circulation; the promotion of safety from fire, floodwaters and other dangers; adequate provision for light, air and solar access; the promotion of healthful distribution of population; the promotion of good and financially solvent civic design and arrangement; wise and efficient expenditure of public funds; the promotion of energy conservation; the protection of environmentally sensitive areas; the adequate provision of public utilities, open space

and other public requirements; provisions of this ordinance; and input from the staff, the applicant, and the general public.

(b) *Organization and membership.*

(1) The planning and zoning commission shall consist of seven members appointed by the city council as provided below:

a. Each position on the commission shall be given a numerical designation beginning with the number 1 and ending with the number 7.

b. The terms of the odd-numbered positions (places 1, 3, 5 and 7) shall expire in odd-numbered years and the terms of even-numbered positions (places 2, 4 and 6) shall expire in even-numbered years. Commission members may be appointed to successive terms.

c. The initial terms for the commissioners in places 2, 4 and 6 shall be three years, and thereafter shall be two years.

d. Each city council member shall appoint a commissioner for Places 1-5.

e. The commissioner for Place 6 shall be selected by a majority vote of the city council.

f. The commissioner for Place 7 shall be appointed by the mayor.

g. A council member may not appoint any person related within the second degree by affinity or within the third degree by consanguinity to a member of the city council or to any other member of the planning and zoning commission.

h. All members of the planning and zoning commission shall reside within the city limits of the City of Venus.

(2) The term of office of the members of the planning and zoning commission shall be two years. All terms of the members shall commence from the time of appointment by the city council. The standard appointment date for new terms shall be July 1 of each calendar year.

(3) Vacancies due to other reasons than from the expiration of a commissioner's term shall be filled for the remainder of the unexpired term by the appointment of the city council. The appointment procedure for vacancies is the same as for an original appointment.

(4) The planning and zoning commission shall elect from its membership a chair, a vice-chair and such officers as it may deem necessary during the first commission meeting after city council appointment.

(5) Members shall serve at the will and pleasure of the city council. Any member of the planning and zoning commission may be removed by majority vote of the city council, after public hearing for absence, inefficiency, neglect of duty, or malfeasance in office. If the city council removes a member of the commission, it shall file with the minutes of the hearing a written statement of the reasons for such removal.

(c) *Meetings, hearings and procedures.*

(1) All meetings and hearings of the planning and zoning commission are subject to state laws governing open meetings.

(2) Any action calling for a formal vote shall take place only at a public meeting.

(3) Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statutes of the State of Texas.

(4) The planning and zoning commission may adopt its own rules of procedure consistent with Texas law and city ordinances. All meetings and hearings of the planning and zoning commission shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure.

(5) The planning and zoning commission shall keep a written record of its proceedings. The city secretary or a representative designated by the commission shall serve ex officio as secretary of the commission but shall have no vote.

(6) The planning and zoning commission shall hold regular meetings and shall designate the time and place of the meetings. The planning and zoning commission may hold special meetings as provided in its rules of procedure.

(Ord. No. 242-2001, § 28, 2-19-2001; Ord. No. 679-2019-06 , § 2, 6-10-2019)

Sec. 34-14. Board of adjustment.

(a) *Organization of board of adjustment.* There is hereby created a board of adjustment, herein referred to as the board, which shall be organized, appointed, and function as follows:

(1) The board shall consist of five members who are residents of the city, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairperson. Vacancies shall be 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.

(2) All cases to be heard by the board will always be heard by a minimum of 75 percent of the number of regular members.

(3) The city council may appoint two alternate members of the board who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson of the board or city secretary, as the case may be. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

(4) Each position on the board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 5. The terms of the odd-numbered positions (places 1, 3, and 5) shall expire in odd-numbered years and the terms of even-numbered positions (places 2 and 4) shall expire in even-numbered years. Board members may be appointed to successive terms.

(5) Each alternate position on the board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 2. The terms of the odd-numbered positions shall expire in odd-numbered years and the terms of even-numbered positions shall expire in even-numbered years. Board alternate members may be appointed to successive terms.

(6) Appointments of members and alternate members of the board shall be made at the first regular city council meeting in the month of June of each year. Newly appointed members and alternate members shall be installed at the first regular board meeting after their appointment. If there is a sitting board, they shall continue to serve.

(b) *Operational procedure.*

(1) The board shall adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this chapter or state law. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson or in his absence, the acting chairperson, may administer oath and compel the attendance of witnesses.

(2) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(3) Appeals to the board can be taken by any person aggrieved or by an officer, department, or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within 15 days after the decision has been rendered by the administrative official by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.

(4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with the officer, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application or notice to the officer from whom the appeal is taken and on whom due cause is shown.

(5) No appeal to the board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from a previous ruling of the board on any appeal to such body unless other property in the immediate vicinity has, within the said six months period, been changed or acted on by the board or city council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the board prior to the expiration the of six-month period, but such conditions shall in no wise have any force in law to compel the board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(6) At a public hearing relative to any appeal, any interested party may appear in person, or by agent, or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the board on any appeal. Any special exception or variance granted or authorized by the board, under the provisions of this chapter, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action of the board, unless said board shall have, in its action, approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said 90-day period, or such extended period as the board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

(c) *Actions of the board of adjustment.*

(1) In exercising its powers, the board may, in conformity with the provisions of the statutes of the state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of 75 percent of the number of regular members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this chapter or to effect any variance in said chapter.

(3) Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer, or any officer, department, or board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

(d) *Notice of hearing before board of adjustment required.* The board shall hold a public hearing on all appeals made to it, and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. Measurements shall be taken inclusive of public streets. Such notice shall be given no less than ten days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the city at least ten days prior to the date set for hearing, which notice shall state the time and place of such hearing.

(e) *Jurisdiction of board of adjustment.* When, in its judgment, the public convenience and welfare will be substantially served, and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established, and take action, relative to the continuance and discontinuance of a nonconforming use:

(1) Consider applications for conditional uses as set forth in section 34-11;

(2) To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the administrative official in the enforcement of this chapter;

(3) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in section 34-7 apply;

(4) Initiate, on its motion or cause presented by interested property owners, action to bring about the discontinuance of a nonconforming use;

(5) Require the discontinuance of a nonconforming use under any plan, whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;

(6) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of section 34-12;

(7) Permit the enlargement of a nonconforming use in accordance with the provisions of section 34-12;

(8) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure, and provided that such actions conform to the provisions of section 34-12;

(9) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard;

(10) Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land, which differs from other parcels of land in the same district by being of such area, shape

or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

(Ord. No. 242-2001, § 29, 2-19-2001)

Sec. 34-15. Amendments.

(a) [*Effect on comprehensive plan.]* The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the city council.

(b) *Amendment initiation.* [Amendments to the zoning regulations may be initiated by the following]:

(1) City council on its own motion;

(2) Planning and zoning commission; or

(3) Request by owner or agent of owner of property to be changed.

(c) *Procedure.* All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.

(1) The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation.

(2) Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing and the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

(d) *Public hearing and notice.* Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing thereon.

(1) Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten days before such hearing is held to all owners of property which is located within the area proposed to be changed, within 200 feet of such property or within 200 feet of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail.

(2) No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state law.

(3) If the city council sits as the planning and zoning commission, the Local Government Code section 211.006 controls notice.

(e) *Commission report.* The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may, but need not, include reasons for such decision. The commission may defer its report for not more than 60 days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the commission fails to finally report after 60 days, it would be deemed to have recommended negatively to the proposal.

(f) *Forwarding final report.* Every proposal, receiving a final report by the commission, shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

(g) *Withdrawal.* Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

(h) *Council hearing and notice.* The city may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council.

(1) Notice of council hearing shall be given by publication one time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon.

(2) Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

(i) *Application not to be considered for another 12 months after denial of request for rezoning.* No application for rezoning shall be considered within 12 months of denial of a request by the city council for the same classification on the same property.

(j) *Protest against change.* In case of a protest against such change, signed by the owners of 20 percent or more either of the land included in such proposed change or of the land within 200 feet thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(k) *Council action on application.* The proponent of any zone change shall satisfy the city council that either the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

(l) *Site plan and supporting documents required; petition for zoning district change or conditional use.* When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection (l), prior to rendering a decision thereon.

(1) The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

(2) The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

a. Site plan. Meeting all of the requirements of a preliminary plat, as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute

to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

1. Existing and proposed zoning district;
2. General outline of extensive tree cover areas;
3. Drainage ways and 100-year floodplain limits;
4. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
5. Proposed internal, non-vehicular circulation linkages, such as pedestrian paths and hike trails, bike trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
6. A tabular summary schedule indicating:
    i. The gross acreage and percent of each type of zoning category proposed;
    ii. The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multifamily townhouse, etc., including the total gross project acreage;
    iii. The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street;
    iv. The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single-family, two-family, etc.);
    v. Proposed maximum lot coverage by building types (i.e., 1/F, 2/F, M/F, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

b. Architectural drawings. Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

c. Written documents. In narrative form on sheets 8½ inches by 11 inches, including:
    1. Statement on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc;
    2. Legal description of the total site area proposed for rezoning, development, or conditional use permit;
    3. A development schedule indicating the approximate date when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
    4. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;

5. Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
6. Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;
7. Statement as to how and when the applicant proposes to provide water and sewer to the development; and
8. Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

(Ord. No. 242-2001, § 30(L), 2-19-2001)

Sec. 34-16. Repealer.

All ordinances or parts of ordinances (except section 20 of Ordinance 169-87 which is specifically not repealed) not consistent, or conflicting with, the provisions of this chapter are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this chapter shall be only to the extent of such inconsistency, and in all other respects, this chapter shall be cumulative of other ordinances regulating and governing the subject matter covered in this chapter. Any cause of action accruing prior to the passage of the ordinance [from which this chapter is derived] shall continue as if the ordinance [from which this chapter was derived] was not passed or any other ordinance had not been repealed.

(Ord. No. 242-2001, § 31, 2-19-2001)

Sec. 34-17. Engrossment and enrollment clause.

The city secretary of the city is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the city council and filing the ordinance in the ordinance records of the city.

(Ord. No. 242-2001, § 33, 2-19-2001)

Sec. 34-18. Publication clause.

The city secretary is hereby directed to post or publish in the official newspaper of the city, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the city, provided that the official newspaper is a weekly paper, as authorized by section 52.011 of the Texas Local Government Code.

(Ord. No. 242-2001, § 34, 2-19-2001)

Secs. 34-19—34-46. Reserved

ARTICLE II. DISTRICTS

Sec. 34-47. Establishment of districts.

(a) For the purposes of this chapter, the city is hereby divided into 18 districts as follows:

AG	Agricultural District
R-1L	Single-Family Large Lot District
R-1	Single-Family Residential District
R-1S	Single-Family Small Lot District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential, Low Density District
R-4	Multiple-Family Residential, High Density District
C-1	Restricted Commercial District
C-2	General Commercial District
CB	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
MH	Manufactured Home Park District
MHS	Manufactured Home Subdivision District
PD	Planned Development District
S	Sign Overlay District
FP	Floodplain Overlay District
H	Historical Overlay (This does not appear below Floodplain Overlay District)

(b) Floodplain designation overlay.

(1) Intent. The floodplain designation overlay is intended to protect areas that are susceptible to periodic or occasional inundation due to natural weather cycles, rare weather events, or changing weather and climate patterns. The district preserves the ecological functions of watercourses, wetlands, and areas susceptible to floods and protects or limits any investments in and around these areas.
Notwithstanding the foregoing, there shall be a district known as an FP Floodplain [Overlay] District, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing districts and be zoned FP Floodplain.

(2) Applicability. The Floodplain Overlay District is intended to promote low impact uses that preserve the function of floodways and to ensure that any structures built in the area are protected from inundation and do not alter flood patterns. Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned FP Floodplain, the restrictions contained in the FP Floodplain [Overlay] District shall be applicable to said tract or portion thereof and shall take precedence over the other zoning district regulations.

(Ord. No. 242-2001, § 5(A), (B), 2-19-2001; Ord. No. 711-2020-10 , § 8, 10-12-2020)

Sec. 34-48. AG Agricultural District.

(a) *Purpose.* The AG Agricultural District is intended to be used primarily in areas where agricultural uses should be retained, where scattered non-farm growth should be prevented, and as a temporary classification for newly annexed lands.

(b) *Uses permitted.* The following uses shall be permitted:

(1) Any customary agricultural use, building, or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.

(2) Single-family detached residential dwellings.

(3) Churches and parish houses; cemeteries and crematories for the human dead; schools and colleges, including dormitories; public buildings and structures of the recreational, cultural, administrative and public service type; parks, playgrounds, and neighborhood recreational centers.

(4) Private noncommercial recreation areas, including country clubs, riding stables, swim clubs, and similar uses.

(5) Dairies and related establishments for processing milk products, not including retailing.

(6) Public utilities and railroad rights-of-way and tracks, not including terminals, railroad yards, reservoirs, water towers, pumping plants, or storage yards.

(c) *Conditional uses.* The following uses shall be permitted only if expressly authorized by the city council:

(1) Hospitals for human care and veterinary hospitals of any kind, provided that the hospital grounds shall be distant at least 200 feet from any residential district.

(2) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district, provided there is no yard or garage for service or storage, and provided further that the premises upon which the utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood, and not objectionable as to noise, odor, vibration or other disturbances.

(3) Radio and television transmitter tower.

(4) Satellite dishes.

(5) Essential services. Defined in section 34-3.

(6) Bunkhouse.

(d) *Accessory uses.* Accessory uses, buildings, or structures customarily incidental to any aforesaid permitted or conditionally permitted uses, including the following:

(1) Temporary fruit stands on any premises used for agricultural purposes.

(2) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with article IV of this chapter.

(3) Swimming pools.

(e) *Area, yard; height; and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear) maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(Ord. No. 242-2001, § 9, 2-19-2001)

Sec. 34-49. R-1L Single-Family Residential, Large Lot District.

(a) *Purpose.* The R-1L Single-Family Residential, Large Lot District is established to allow for larger lots with one-family dwelling structures per three or more acres lot. This district is intended to provide for residential lands to accommodate more rural settings and accessory yard uses. These lots shall be located in groups, blocks, or areas (there can be no single lot zoning in this district) where the accessory uses of the land do not either materially or in an obnoxious manner influence neighboring properties.

(b) *Uses permitted.* The following uses shall be permitted:

(1) One-family dwellings, detached.

(2) Agricultural uses, such as horse ranching and riding, but not including commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, or other fur-bearing animal farms and rat farms. Buildings and structures used for sheltering or feeding livestock shall be located not less than 25 feet from any adjoining lot in any residential district.

(3) Parks and playgrounds.

(4) Accessory uses, including but not limited to, the following:

a. Athletic field and playfields, noncommercial, including stadiums or grandstands.

b. Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and the employees' immediate families.

(c) *Conditional uses.* The following conditional uses may be allowed in an R-1L district subject to the provisions of section 34-11, and the distances specified in this subsection shall prevail unless they are modified by the board of adjustment in accordance with the provisions of section 34-11.

(1) Public utility and public service uses as follows:

a. Electric substations.

b. Gas odorizing stations and gate stations.

c. Radio and television towers.

d. Satellite dishes.

e. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur, or team tracks.

f. Telephone exchanges and transmission equipment buildings.

g. Privately owned water pumping stations and water reservoirs.

(2) Outdoor recreational premises, clubs, and grounds for swimming, tennis, boating, skiing, and other sports accessory clubhouses and maintenance buildings.

(3) Churches, parish houses, and convents.

(4) Public and private schools.

(5) This limited use zoning allows the following exceptions to other ordinances of the city:

a. Front building line: 50 feet.

b. Side building line: ten feet.

c. No out buildings in front of house.

d. Utility easements will be 15 feet.

e. No barbed wire fencing on the street side of a lot.

f. The grass and weed regulations of the city shall apply to the area of the house and one acre, set aside as homestead, and the area between the homestead and the street. Cultivation of hay behind this reserved front area shall be permitted. (Height in excess of 36 inches shall be prima facie evidence that the grass and/or weeds are not being cultivated.)

g. The animal regulations of the city shall apply in this zoning classification with the following exceptions:

1. On a two-acre tract, one head of livestock may be kept (the term "livestock" means a horse or cow or one of each);

2. One additional head of livestock may be added for each additional one acre;

3. All livestock shall be pastured behind the house or the side of the house that faces the street in front of the lot, as determined by the front building line. Key lots may have two front building lines;

4. No barn shall be within 75 feet of the main structure; and

5. Livestock shall always be maintained in a clean environment.

h. Driveways are to be concrete unless they are longer than 75 feet. [For driveways] longer than 75 feet, the owner may opt to concrete only the first 40 feet from the public road, and the remainder may be asphalt or approved road base and gravel.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of section 34-62, [entitled] "Schedule of District Regulations."

(e) *Automobile parking space regulations.* For automobile parking requirements, see article IV of this chapter.

(f) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 10, 2-19-2001; Ord. No. 325-2007, § 1, 2-12-2007)

Sec. 34-50. R-1 Single-Family Residential District.

(a) *Purpose.* The R-1 Single-Family Residential District is the predominant single-family housing district in the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped, should be zoned in this district. Development in the R-1 district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.

(b) *Uses permitted.* The following uses shall be permitted:

(1) One-family dwellings, detached and constructed on site. Manufactured homes are prohibited from occupying sites in the R-1 district.

(2) Parks and playgrounds.

(3) Accessory uses, including, but not limited to, the following:

a. Athletic fields and playfields, noncommercial, including stadiums and grandstands.

b. Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

(c) *Conditional uses.* The following conditional uses may be allowed in the R-1 district, subject to the provisions of section 34-11, and the distances specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of section 34-11.

(1) Public utility and public services uses as follows:

a. Electric substations.

b. Gas odorizing stations and gate stations.

c. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur or team tracks.

d. Telephone exchanges and telephone transmission equipment buildings.

(2) Colleges and universities, provided that the zoning lot shall not be less than 40 acres.

(3) Churches, parish houses, and convents.

(4) Public and private schools.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(e) *Automobile parking space regulations.* For parking space requirements, see section article IV of this chapter.

(f) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 11, 2-19-2001)

Sec. 34-50A. R-1S Single-Family Residential, Small Lot District.

(a) *Purpose.* The R-1S Single-Family Residential, Small Lot District is established to allow for smaller lots. This district is intended to provide denser urban or suburban settings than provided by other residential zoning districts. Development in the R-1S district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.

(b) *Uses permitted.* The following uses shall be permitted:

(1) One-family dwellings, detached and constructed on site. Manufactured homes are prohibited from occupying sites in the R-1S district.

(2) Parks and playgrounds.

(3) Accessory uses, including but not limited to, the following:

a. Noncommercial athletic fields and playfields, including stadiums and grandstands.

b. Temporary buildings for storage of building materials and equipment for construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

(c) *Conditional uses.* The following conditional uses may be allowed in the R-1S district, subject to the provisions of section 34-11, and the distance specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of section 34-11.

(1) Public utility and public service uses as follows:

a. Electric substations.

b. Gas odorizing stations and gate stations.

c. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-or-way for switch, lead, spur or team tracks.

d. Telephone exchanges and telephone transmission equipment buildings.

(2) Colleges and universities, provided that the zoning lot shall not be less than 40 acres.

(3) Churches, parish houses, and convents.

(4) Public and private schools.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, entitled "schedule of district regulations," and other applicable provisions of article III of chapter 34, entitled "supplementary district regulations."

(e) *Automobile parking space regulations.* For parking space requirements, see article IV of chapter 34.

(f) *Landscaping.* For landscaping requirements, see article V of chapter 34.

(Ord. No. 711-2020-10 , § 9, 10-12-2020)

Sec. 34-51. R-2 Two-Family Residential District.

(a) *Purpose.* The R-2, Two-Family Dwelling District, is established to stabilize and protect characteristics of low-density residential areas. This district may be suitable as a buffer zone between single-family and higher intensity uses. Development in the R-2 district is limited primarily to two-family dwellings and certain community and recreational facilities to service residents of the district.

(b) *Permitted uses.* The following uses shall be permitted: Two-family dwellings with additional lot area required herein and constructed on site. Manufactured homes are prohibited form occupying sites in the R-2 district.

(c) *Conditional uses.* Permitted conditional uses shall be any use allowed as a conditional use in the R-1 district, subject to the provisions of section 34-11.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, "Schedule of District Regulations," and other applicable provisions of article III of this chapter, "Supplementary District Regulations."

(e) *Automobile parking space regulations.* For parking space requirements, see article IV of this chapter.

(f) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 12, 2-19-2001)

Sec. 34-52. R-3 Multiple-Family Residential, Low Density District.

(a) *Purpose.* The R-3 Multiple-Family Residential, Low Density District is established to meet the needs for medium density residential areas, where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

(b) *Uses permitted.* The following uses shall be permitted:

(1) Multiple-family dwellings and clustered multiple family dwellings, which clustered multiple-family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed;

(2) Two-family dwelling units;

(3) Churches, parish houses, and convents;

(4) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes;

(5) Parks.

(c) *Conditional uses.* The following conditional uses may be allowed in an R-1L[R-3] District subject to the provisions of section 34-11, and the distances specified in this subsection shall prevail unless they are modified by the board of adjustment in accordance with the provisions of section 34-11.

(1) Public utility and public service uses as follows:

a. Electric substations.

b. Gas odorizing stations and gate stations.

c. Radio and television towers.

d. Satellite dishes.

e. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur, or team tracks.

f. Telephone exchanges and transmission equipment buildings.

g. Privately owned water pumping stations and water reservoirs.

(2) Outdoor recreational premises, clubs, and grounds for swimming, tennis, boating, skiing, and other sports accessory clubhouses and maintenance buildings.

(3) Churches, parish houses, and convents.

(4) Public and private schools.

(5) This limited use zoning allows the following exceptions to other ordinances of the city:

a. Front building line: 50 feet.

b. Side building line: ten feet.

c. No out buildings in front of house.

d. Utility easements will be 15 feet.

e. No barbed wire fencing on the street side of a lot.

f. The grass and weed regulations of the city shall apply to the area of the house and one acre, set aside as homestead, and the area between the homestead and the street, cultivation of hay

behind this reserved front area shall be permitted. (Height in excess of 36 inches shall be prima facie evidence that the grass and/or weeds are not being cultivated.)

g. The animal regulation of the city shall apply in this zoning classification with the following exceptions:

1. On a two-acre tract, one head of livestock may be kept (the term "livestock" means a horse or cow or one of each);
2. One additional head of livestock may be added for each additional one acre;
3. All livestock shall be pastured behind the house or the side of the house that faces the street in front of the lot, as determined by the front building line. Key lots may have two front building lines;
4. No barn shall be within 75 feet of the main structure; and
5. Livestock shall always be maintained in a clean environment.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(e) *Automobile parking space regulations.* For automobile parking requirements, see article IV of this chapter.

(f) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 13, 2-19-2001)

Sec. 34-53. R-4 Multiple-Family Residential, High Density District.

(a) *Purpose.* The R-4 Multiple-Family Residential, High Density District is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters.

(b) *Permitted uses.* The following uses shall be permitted:

(1) Any use permitted in the R-3 district, except two-family dwelling units;

(2) Libraries and museums;

(3) Hospitals, sanitariums, nursing homes, and personal care facilities.

(c) *Conditional uses.* The following conditional uses may be allowed in the R-4 district subject to the provisions of section 34-11.

(1) Any use allowed as a conditional use in the R-3 district, except one-family and two-family dwelling units, unless permitted above;

(2) Hotels and motels, provided that the zoning lot shall be not less than two acres;

(3) Offices for professional uses, such as (without limitation due to enumeration), building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

(d) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section

34-62, [entitled]"Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(e) *Automobile parking space regulations.* For parking space regulations, see article IV of this chapter.

(f) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 14, 2-19-2001)

Sec. 34-54. C-1 Restricted Commercial District.

(a) *Purpose.* The C-1 Restricted Commercial District is established to accommodate the shopping needs of residents in adjacent residential areas. This district is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1 district should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

(b) *Generally.*

(1) Business uses above the ground floor are permitted on any floor above the ground floor, except in those buildings where dwelling units are established.

(2) All business establishments shall be retail or service establishments which deal directly with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.

(3) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings of permanent structure.

(4) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1½ tons capacity when located within 150 feet of a residence district boundary line.

(c) *Uses permitted.* The following uses shall be permitted:

(1) Existing residential dwelling units and lodging used as such on the effective date of the ordinance [from which this chapter is derived];

(2) Dwelling units may not be located on the second floor of a ground floor business use.

(3) Neighborhood retail sales and service uses such as:

a. Art shops, artist's and professional studios, beauty parlors, clothing stores, drugstores, grocery stores, markets, or supermarkets, hardware stores, household appliance and fixture repair shops, post office stations and self-service laundries;

b. Shops for the following and similar occupations: barber, cabinet maker, electrician, jeweler, watchmaker, locksmith, optician, painter, plumber, shoemaker and tailor;

(4) Business offices;

(5) Professional offices, such as doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;

(6) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;

(7) Bakeries, cafes, confectioneries, ice cream shops, and restaurants which prepare foodstuffs for on-site retail sale only;

(8) Automobile parking lots and structures;

(9) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property, but not including any use permitted in a C-2, I-1, or I-2 district;

(10) Churches;

(11) Public utility and public service uses as follows:

a. Electric substations;

b. Gas odorizing stations, and gate stations;

c. Radio and television towers;

d. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur or team tracks;

e. Telephone exchanges and transmission equipment buildings;

f. Privately owned water pumping stations and water reservoirs;

(12) Printer;

(13) Antique shops;

(14) Art galleries and museums;

(15) Banks and financial institutions;

(16) Camera and photographic supply stores;

(17) Coin and philatelic stores;

(18) Department stores;

(19) Dry goods stores;

(20) Florist shops and conservatories;

(21) Furniture stores;

(22) Furrier shops, including the incidental storage and conditioning of furs;

(23) Household appliance stores, including radio and television sales and services;

(24) Leather goods and luggage stores;

(25) Loan offices;

(26) Musical instruments sales and repair; office supply stores; optical sales;

(27) Physical culture and health services and reducing salons;

(28) Picture framing;

(29) Sewing machine sales and service, household appliances only;

(30) Sporting goods stores;

(31) Tailor shops;

(32) Telegraph offices;

(33) Theater, indoors;

(34) Ticket agencies, amusement;

(35) Tobacco shops;

(36) Travel bureaus and transportation ticket offices;

(37) Radio and television studios and stations;

(38) Schools, trade.

(d) *Conditional uses.* The following conditional uses may be allowed in the C-1 District subject to the provisions of section 34-11.

(1) Hotels and motels, provided that the zoning lot shall be not less than two acres.

(2) Dwelling units, restricted to a total gross floor area of 5,000 square feet above the ground floor of a commercial building.

(3) Other uses as may be permitted by the board of adjustment under section 34-14.

(e) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(f) *Automobile parking space regulations.* For parking space regulations, see article IV of this chapter.

(g) *Screening.* In the C-1 district, whenever a C-1 use abuts the R-1L, R-1, R-1S, R-2, R-3, R-4, a wall or fence of not less than six feet nor more than eight feet in height is required.

(h) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 15, 2-19-2001; Ord. No. 711-2020-10 , § 11, 10-12-2020)

Sec. 34-55. C-2 General Commercial District.

(a) *Purpose.* The C-2 General Commercial District is established to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service, and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot be accommodated in the C-1 Restricted Commercial District.

(b) *Generally.*

(1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.

(2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building, except for incidental display of sale or seasonal retail items and such incidental display shall be permitted.

(3) Accessory off-street parking is required for C-2 districts as provided in section 34-121.

(c) *Uses permitted.* The following type of uses shall be permitted:

(1) Any use permitted in the C-1 district;

(2) Existing residential dwelling units and lodging uses as such on the effective date of the ordinance [from which this chapter is derived];

(3) Cleaning and dyeing facilities;

(4) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;

(5) Creameries and ice cream plants;

(6) Hotels, apartment hotels and motels;

(7) Ice plants, cold-storage plants;

(8) Laundries, including automobile washes;

(9) Mortuaries;

(10) Pumping stations;

(11) Radio (AM or FM) or television broadcasting stations or transmitters and microwave radio relay structures;

(12) Repair and storage garages;

(13) Telephone exchanges;

(14) Theaters, lodges, assembly halls, auditoriums;

(15) Tire repair shops;

(16) Auto body operations;

(17) Spray-painting operations;

(18) Auction rooms;

(19) Automobile accessory stores;

(20) Automobile service stations, including the incidental storage of rental trucks and trailers, except that trucks and trailers for storage or rental may not be parked within the public right-of-way;

(21) Blueprinting and photostating establishments;

(22) Business machine sales and service establishments;

(23) Carpet and rug stores;

(24) Catering establishments;

(25) China and glassware stores;

(26) Clothing and costume rental stores;

(27) Employment agencies;

(28) Exterminating shops;

(29) Floor covering;

(30) Fraternal, philanthropic and eleemosynary uses;

(31) Hospitals and sanitariums;

(32) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;

(33) Laboratories for research development and testing;

(34) Meat markets, including sale of meat and meat products to restaurants, hotels, clubs and other similar establishments, when such sale is conducted as part of the retail business on the premises;

(35) Orthopedic and medical appliance and supply stores;

(36) Paint and wallpaper stores;

(37) Phonograph, record, sound equipment and sheet music stores;

(38) Schools for music, dance business or trade;

(39) Taxidermists;

(40) Upholstery shops;

(41) Water softener sales and services;

(42) Vehicle service centers;

(43) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or to enjoyment of, or to value of, any property, but not including any of the following uses:

a. Any use permitted only in an I-1 or I-2 district;

b. Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or

c. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.

(d) *Conditional uses.* Conditional uses in the C-2 district shall include:

(1) Any uses not specifically enumerated in section 34-54 that can be considered commercial in character.

(2) Machinery and equipment sales and service establishments for equipment under 1½ tons gross weight.

(e) *Area, yard, height, and lot coverage requirements.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(f) *Automobile parking space regulations.* For parking space regulations, see article V of this chapter.

(g) *Screening.* In the C-2 district, whenever a C-2 use abuts an R-1L, R-1, R-1S, R-2, R-3, or R-4 use, a wall or fence of not less than six feet nor more than eight feet in height is required. Natural screening may be substituted for a wall or fence upon approval of the city council. Refer to article IV of chapter 8 for further clarification.

(h) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 16, 2-19-2001; Ord. No. 711-2020-10 , § 12, 10-12-2020)

Sec. 34-55A. CB Central Business District.

(a) *Purpose.* The CB Central Business District is intended to be used primarily in a single, high-density area to serve as the commercial and cultural city center core (or "downtown") of the city. The district is designed primarily for commercial, retail, planned-unit and mixed-use developments.

(b) *Generally.*

(1) All business establishments shall be retail or service establishments which deal directly with customers. All goods produced on the premises shall be sold to customers only on the premises where produced unless otherwise authorized in this section.

(2) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings of permanent structure.

(3) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half tons capacity when located within 150 feet of a residential district boundary line.

(c) *Uses permitted.* The following uses shall be permitted:

(1) Any use permitted in the C-1 and C-2 districts, except those excluded in (d) below or designated conditional uses in (e) below;

(2) Residential dwelling units (apartments) are permitted above a ground floor business;

(3) Business uses above the ground floor are permitted on any floor above the ground floor, except in those buildings where residential dwellings are established;

(4) Parks;

(5) Single-family, two-family and multi-family residential lots and lodging uses present on the effective date of the ordinance from which this section is derived. Upon the demolition of any such residential or lodging units or termination of any such use, the restrictions established for this district shall take effect.

(d) *Uses prohibited.* The following uses are prohibited:

(1) Single- and two-family and multi-family residential lots; mobile, manufactured and modular home parks and subdivisions;

(2) Any use permitted only in I-1 or I-2 districts;

(3) Cleaning and dyeing facilities;

(4) Golf driving ranges;

(5) Creameries and ice cream plants; ice plants, cold-storage plants;

(6) Spray-painting operations;

(7) Repair/storage garages and other incidental storage;

(8) Rental cars, trucks, and trailers by automobile renters or service stations;

(9) Hospitals, sanitariums, nursing homes, and personal care facilities;

(10) Laboratories for research development and testing;

(11) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses;

(12) Any use which is objectionable to a reasonable person by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.

(e) *Conditional uses.* The following conditional uses may be allowed in the CB district subject to the provision of section 34-11.

(1) Boardinghouse (bed-and-breakfast), hotels and motels;

(2) Automobile service station operations, body shops and tire shops;

(3) Creameries and ice cream plants.

(f) *Area, yard, height, and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, entitled "schedule of district regulations," and other applicable provisions of article III of chapter 34, entitled "supplementary district regulations."

(g) *Automobile parking space regulations.* For parking space regulations, see article IV of chapter 34.

(h) *Screening.* Unlike other commercial districts (C-1, C-2), the CB zoning district does not require natural screening, walls or green belts when abutting residential uses, lots or districts (AG, R-1L, R-1, R-1S, R-2, R-3, R-4).

(i) *Landscaping.* For landscaping requirements, see article V of chapter 34.

(Ord. No. 711-2020-10 , § 10, 10-12-2020)

Sec. 34-56. I-1 Light Industrial District.

(a) *Statement of purpose.* The I-1 Light [Industrial] District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 district is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of material, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the I-2 district may be permitted in the I-1 district.

(b) *Generally.* Uses permitted in the I-1 district are subject to the following conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings, unless otherwise indicated in this section;

(2) All storage within 100 feet of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.

(c) *Uses permitted.* Uses permitted in the I-1 district shall be as follows:

(1) Advertising products, such as signs and billboards;

(2) Ambulance, bus, train, and taxi stations, truck yards;

(3) Awnings, Venetian blinds, and window shades;

(4) Dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages; (This use is better suited for I-2)

(5) Boat-building of small craft and other similar assembling;

(6) Bottling or distribution plants, milk or soft drinks;

(7) Building materials yard, contractor's yard, lumberyard;

(8) Cameras and other photographic equipment;

(9) Ceramic products, such as pottery, figurines, and small glazed tiles;

(10) Cleaning and dyeing plants; (This use is better suited for I-2)

(11) Cosmetics and toiletries, drugs, perfumes, and perfumed soaps, and pharmaceutical products;

(12) Electrical appliances, such as lighting fixtures, irons, fans, and toasters;

(13) Electrical equipment assembly, such as home radio and television receivers and home-movie equipment, but not including electrical machinery;

(14) Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry-cell batteries;

(15) Electronic instruments;

(16) Furniture refinishing using a manufacturing or chemical dipping process;

(17) Insecticide and pesticide, packaging only;

(18) Jewelry;

(19) Machine shops and fabrication of metal not more than ten gauge in thickness;

(20) Medical, dental, and optical supplies;

(21) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, and heat treatment;

(22) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;

(23) Milk and ice cream processing; (This use is better suited for I-2)

(24) Monument works;

(25) Musical instruments;

(26) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;

(27) Photo-finishing associated with a manufacturing process;

(28) Repair of farm, household, office machinery or equipment;

(29) Scientific and precision instruments;

(30) Sheet metal shops;

(31) Silverware, plate and sterling;

(32) Shell egg business, candling, cartoning, and distributing;

(33) Existing commercial and residential uses in use as such on the effective date of the ordinance [from which this chapter is derived];

(34) Public utility and public service uses as follows:

a. Bus stations, bus terminals, bus turnaround (off-street), bus garages, and bus lots;

b. Electric substations;

c. Gas regulator stations, mixing stations, and gate stations;

d. Radio and television towers;

e. Railroad passenger stations;

f. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards;

(35) Radar installations and towers;

(36) Stadiums, auditoriums, and arenas, open or enclosed;

(37) Storage and warehousing establishments;

(38) Storage yards, but not including junkyards;

(39) Trailer sales and rental, for use with private passenger motor vehicles;

(40) Weighing stations;

(41) Wholesaling establishments;

(42) Accessory uses, including but not limited to the following: temporary buildings for construction purposes for a period not to exceed the duration of such construction;

(43) Other wholesale, light manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property;

(44) Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.

(d) *Conditional uses.* The following conditional uses may be allowed in the I-1 district subject to the provisions of section 34-11:

(1) Amusement establishments, livestock exhibition halls, including fairgrounds, permanent carnivals, kiddie parks, and other similar outdoor amusement facilities;

(2) Asphalt and concrete hatching or ready-mix plants;

(3) Concrete products casting;

(4) Dwelling units may be permitted only as an accessory use and only for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;

(5) Gasoline and oil storage, wholesale, provided all applicable safety regulations are complied with, and provided, however, that the location is approved by the board of adjustment;

(6) Motor freight terminals;

(7) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;

(8) Restaurant;

(9) Theaters, automobile drive-in; or

(10) Automobile and motorized vehicle and equipment display, sales, and service.

(e) *Density; area, yard, height, and lot coverage requirements.* The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations," and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations."

(f) *Automobile parking space regulations.* For parking space regulations, see article IV of this chapter.

(g) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 17, 2-19-2001)

Sec. 34-57. I-2 Heavy Industrial District.

(a) *Statement of purpose.* The I-2 Heavy [Industrial] District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

(b) *Generally.* Uses permitted in the I-2 district are subject to the following conditions:

(1) All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section;

(2) All storage within 100 feet of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.

(c) *Uses permitted.* The following uses shall be permitted:

(1) Existing commercial and residential uses used as such on the effective date of the ordinance [from which this chapter is derived];

(2) Uses permitted in I-1 districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;

(3) Paper and paper products;

(4) Motor freight terminals;

(5) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;

(6) Feed mixing and grinding plants;

(7) Foundry or metal fabrication;

(8) Concrete products casting, mixing and products manufacture;

(9) Meat product processing;

(10) Cartage establishments;

(11) Tire manufacture;

(12) Storage of petroleum products, wholesale;

(13) Automobile, airplane and other similar assembling.

(d) *Conditional uses.* The following conditional uses may be allowed in the I-2 District subject to the provisions of section 34-11: Any use allowed as a conditional use in the I-1 district, unless permitted above.

(e) *Density, area, yard, height, and lot coverage requirements.* The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 34-62, [entitled] "Schedule of District Regulations", and other applicable provisions of article III of this chapter, [entitled] "Supplementary District Regulations".

(f) *Automobile parking space regulations.* For parking space regulations, see article IV of this chapter.

(g) *Landscaping.* For landscaping requirements, see article V of this chapter.

(Ord. No. 242-2001, § 18, 2-19-2001)

Sec. 34-58. MH Manufactured Home Park District.

(a) *Purpose and scope.* It is the purpose of the MH Manufactured Home Park District to provide areas for the location of manufactured homes in an attractive, moderate density setting and ensure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use. It shall be unlawful for any person to park, place or locate a manufactured home anywhere in the corporate city limits unless it meets the requirements of this section.

(b) *Principal permitted uses.*

(1) HUD-Code manufactured home (mobile home);

(2) Public parks, playgrounds, recreational and community center buildings and grounds, public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature;

(3) Any principal building or any swimming pool shall be located not less than 100 feet from any other lot in any residential district.

Note(s)—Mobile homes as defined in the Manufactured Housing Standards Act, Article 5221f, section 3(a), V.T.C.A., shall not be used as dwelling units in the city.

(c) *Conditional uses.* All conditional uses permitted in the R-1 Single-Family [Residential] District.

(d) *Accessory uses.* All accessory uses permitted in the R-1 Single-Family [Residential] District.

(e) *Height regulations.* No principal structure shall exceed 2½ stories or 35 feet in height, and no accessory structure shall exceed one story, or 20 feet in height.

(f) *Manufactured home park plan required.* The manufactured home park plan shall comply with the city's subdivision ordinance.

(g) *Enlargement.*

(1) Any enlargement or extension of any existing manufactured home park shall require application for a building permit as if it were a new establishment.

(2) Existing facilities to comply. No enlargement or extensions to any manufactured home park shall be permitted unless the existing facility is made to conform with all of the requirements for new construction for such an establishment.

(h) *Minimum standards and requirements.* Manufactured home parks shall be designed and maintained in accordance with the following requirements:

(1) *Park area.* The minimum manufactured home park shall be ten acres.

(2) *Manufactured home lots.* Minimum requirements [for manufactured home lots are as follows]:

Area	4,500 sq. ft.
Width	50 ft.
Front Yard	25 ft.
Rear Yard	20 ft.
Side Yard	10 ft.

(i) *General requirements.*

(1) *License requirements and regulations.* Manufactured home rental community license required. It shall be unlawful for any person to maintain or operate within the city any manufactured home rental community unless such person shall first comply with the following and obtain a license therefore.

a. Pre-existing rental communities.

1. Notwithstanding the provisions of this chapter, a license shall be issued within 30 days to any manufactured home rental community which was in operation prior to the adoption of the ordinance [from which this chapter is derived], for operations only to the extent that they were carried on at such date of the adoption.

2. All pre-existing rental communities obtaining licenses as set out in this section shall be considered legal nonconforming uses. At any time that the ownership of a legally nonconforming manufactured home rental community operating under this chapter is transferred, the manufactured home rental community shall be required to conform with all sections of this chapter before a license to the new owners will be issued. Ownership transfer is defined as a majority stock transfer or a transfer of title to the real property except for a bona fide gift, devise or descent.

3. Any manufactured home rental community annexed and/or subdivision constructed after the adoption of the ordinance [from which this chapter is derived], shall likewise comply as described in this section.

4. Application for a manufactured home rental community license shall be in writing, signed by the applicant, and shall contain the following:

(i) The names and addresses of the applicant and owner, if not the same.

(ii) The location survey and legal description of the manufactured home rental community by metes and bounds.

(iii) A complete plan of the rental community with lot numbers.

(iv) Design and engineering drawings properly sealed. Plans of all buildings, lots and other improvements constructed including water and, sewer installations shall be in accordance with city standards.

(v) Such further information as may be requested by the city to enable the city to determine if the manufactured home rental community will comply with the legal requirements.

(vi) The application and all accompanying plans shall be filed in triplicate. The city secretary, city code enforcement, city engineer, city fire marshal and city planning and zoning commission shall investigate the application and inspect

the plans. If the manufactured home rental community is in compliance with all provisions of this chapter and all other applicable ordinances or statues, the planning and zoning commission may approve the application. The city secretary at the direction of the planning and zoning commission shall issue the license.

(vii) The license application form for a manufactured home rental community shall be obtained from the city secretary at the fee of $100.00. Such license shall expire on December 31 of the year in which it is issued and must be renewed on a yearly basis.

b. The city council may revoke any license to maintain and operate a manufactured home rental community when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the rental community is being maintained and operated in full compliance with the law of this chapter, the fee for which shall be set by the city council.

c. The city council may revoke any manufactured home rental community license upon recommendation of the planning and zoning commission in case any of the provisions hereof are violated. However, before the license may be revoked, the city council must give a ten-day notice, delivered in person or by registered mail to the holder of the license, and after ten days, a hearing thereon. After the license has been revoked, the license may be reissued if the reasons for the revocation have been duly corrected.

d. The license certificate issued under the provisions of this article shall be conspicuously posted in the office of the manufactured home rental community at all times.

(j) *Manufactured home park regulations.*

(1) Each manufactured home rental community shall be provided with a structure to be known and marked as the offices, in which shall be kept copies of all records pertaining to the management and supervision of the rental community, as well as all rules and regulations of the rental community and such records, rules and regulations to be available to be available for inspection.

(2) It shall be the duty of the licensee to keep a register containing a record of all occupants located within the manufactured home rental community. The register shall contain the following information:

a. Name and address of each occupant and/or owner.

b. Make, model, serial number, year and size of home.

c. The make, model and year of all recreational vehicles, camping or travel trailers, coaches, and motor homes used as dwelling temporary.

d. The date of arrival and of departure of each of the above.

The manager of the rental community shall keep the register available in the office for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall be kept up to date and shall not be destroyed for a period of two years following the date of registration.

(3) It shall be the duty of the owner of each manufactured home rental community, his agent, representative or manager, to prescribe rules and regulations for the management of the rental community, to make adequate provision for the enforcement of such rules, and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such manufactured home rental community. Copies of such rules and regulations shall be furnished to each

occupant upon registration and a copy to the planning and zoning clerk. In addition thereto, it shall be the duty of the owner, his agent, representative or manage to comply.

(4) It shall be the responsibility of the manufactured home rental community owner or his agent to maintain said rental community in a safe, clean and sanitary condition and:

a. Provide that each structure shall be installed in accordance with the state regulations and skirted within 30 days after being placed on a lot or pad.

b. Provide that the city secretary shall be notified upon approval of the installations by state inspectors.

c. Provide for regular inspection of water and sanitary conveniences.

d. Provide for the collection and removal of garbage, other waste materials and refuge.

e. Provide for the removal of any unsightly, wrecked, abandoned or junked vehicles, machinery or equipment.

f. Inspected by city code enforcement.

(5) It shall be unlawful for any person operating a manufactured home rental community or occupying a manufactured home to construct or permit to be constructed in such rental community or in connection with such manufactured home any additional structure, building or shelter in connection with or attached to a manufactured home except; however, awnings of wood or metal may be attached to such manufactured home as well as portable, prefabricated home storage or living areas which meet the following requirements:

a. A building permit from the city secretary.

b. Strength of materials and structure to meet minimum of the city building code.

c. Such room shall be completely dismantled and/or removed from the site at the time the manufactured home to which it is an accessory is moved.

d. Finished in appearance to be as near the same as possible to the manufactured home to which it is an accessory.

e. The length must not exceed the length of the manufactured home to which it is an accessory.

f. The width shall not exceed the width of the manufactured home.

g. Any structure building or shelter added to or placed on a manufactured home site shall meet all of the setback requirements contained in this chapter.

h. Only one such room for dwelling purposes per manufactured home shall be permitted.

(k) *Subdivision ordinance variations.*

(1) [*Refuse containers.*] Centrally located refuse containers having a capacity of three cubic yards or larger shall be provided, one for each 30 lots. Such containers shall be designed so as to prevent spillage, container deterioration, and to facilitate cleaning around them. Refuse and garbage shall be removed from the park at least twice each week. These containers shall be screened and set apart by at least 25 feet from any dedicated right-of-way or manufactured home.

(2) [*Fire hydrants.*] Fire hydrants must follow both of two rules:

a. No structure shall be further away, in a direct line, than 500 feet from a fire hydrant.

b. Hydrant spacing along a water main shall not exceed 500 feet.

(3) [*Bottled gas.*] Bottled gas for cooking and or heating purposes shall not be used at individual manufactured home lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinder containing bottled gas shall be located in a manufactured home, under or within ten feet of any manufactured home and 25 feet of any street or drive. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.

(4) [*Street lights.*] Street lights within the manufactured home rental community or subdivision shall be provided along all internal streets at 300-foot intervals. Each fixture shall have a minimum 200-watt lamp of high-pressure sodium.

(5) *Parking.* All areas used for automobile access and parking shall comply with the applicable provisions of this chapter, provided that there shall be at least two off-street parking spaces for each manufactured home lot, and one additional space for each three lots to accommodate guests.

(6) *Entrance to manufactured home parks.* No vehicular entrance to, or exit from, any manufactured home park, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

(7) *Landscaping unused areas.* All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width shall be established and maintained within the manufactured home park along the exterior boundaries.

(8) *Screening.* Screening shall be provided according to the following requirements:

a. In the event that a manufactured home park backs or sides upon a residential, commercial, or industrial district, a solid masonry screening fence not less than six feet in height shall be erected and maintained along the property line dividing the two districts;

b. A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the district; and

c. No such screening fence shall be so erected as to obstruct the vision of motorists at alley, street or drive intersections.

(9) *Access.* Each manufactured home park shall abut a public street, and each manufactured home lot shall have direct access to a private interior street.

(10) *Concrete slab.* Each manufactured home lot shall be equipped with a concrete slab of sufficient size to support the wheels and front parking jack. Said slab shall have a minimum horizontal dimension of eight feet by ten feet and a minimum thickness of four inches.

(11) *Utilities.* Each manufactured home unit shall be equipped with one electrical outlet. Manufactured home units not equipped with water and sewer facilities shall be located no more than 200 feet from the community utility building, which shall provide separate toilet and shower facilities for each sex.

(12) *Recreational areas.* There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreational site or sites shall have a minimum area of at least eight percent of the gross land area of the manufactured home park.

(13) *Length of occupancy.* No trailer or manufactured home shall remain in a manufactured home park for a period exceeding ten days without connection to the permanent sanitary sewer system of the park.

(14) *Recreational vehicles and boat storage.* A storage area must be provided within each Manufactured home park for the parking and storage of boats and recreational vehicles. Said storage area shall be of

sufficient size to accommodate all boats and recreational vehicles in the manufactured home park. Said storage area shall be screened with a six-foot solid fence.

(15) *Camping/travel trailers.*

a. It shall be unlawful for any person to park, place or locate a camping or travel trailer in any place, in the city except in accordance with this section.

b. No camping or travel trailer may be place in a manufactured home rental community or approved campground for over ten days out of any period of 30 consecutive days. The owner of the manufactured home rental community shall keep a record book showing the day and time of arrival of each travel trailer, the license number, the owner or resident of the trailer, a description of the travel trailer, and upon departure, show the date and time of leaving. Entries shall be made in this book promptly upon arrival of such travel trailer, and these books shall be open to inspection by officers of the city at any time. Special camping or travel trailer or recreational vehicle parking areas shall be subject to the requirements for records and length of stay.

c. It is specifically provided that camping or travel trailers may be located, for storage purposes only, on the premises of the owner of the camping or travel trailer or city approved storage area within a manufactured home rental community.

d. It shall be unlawful for any person to park, place or locate a HUD-Code manufactured home in any place in the city other than a duly licensed manufactured home subdivision, unless the manufactured home is temporarily located on business property for purpose of sale by a dealer in manufactured homes.

(l) *Additional requirements.* In addition to the foregoing, the city council may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such manufactured home park as it may deem necessary for the protection of adjacent properties and public interest.

(Ord. No. 242-2001, § 19, 2-19-2001)

Sec. 34-59. MHS Manufactured Home Subdivision District.

(a) *Purpose and scope.* The [MHS] Manufactured Home Subdivision District is designed to provide areas for the location of manufactured homes in an attractive, low density setting and ensure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use.

(b) *Principal permitted uses.*

(1) HUD-Code manufactured home (mobile); and

(2) Public parks, playgrounds, recreational and community center buildings and grounds, public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.

(3) Any principal building or any swimming pool shall be located not less than 100 feet from any other lot in any residential district.

Note(s)—Mobile homes as defined in the Manufactured Housing Standards Act, Article 5221f, section 3(a), V.T.C.S., shall not be used as dwelling units in the city.

(c) *Conditional uses.* All conditional uses permitted in the R-1 Single-Family [Residential] District.

(d) *Accessory uses.* All accessory uses permitted in the R-1 Single-Family [Residential] District.

(e) *Height regulations.* No principal structure shall exceed one story or 20 feet in height, and no accessory structure shall exceed one story or 20 feet in height.

(f) *Minimum standards and requirements.* Manufactured home subdivisions shall be designed and maintained in accordance with the R-1 Single-Family [Residential] District [provisions] of this chapter. All manufactured [home] subdivisions must meet all of the requirements in the R-1 Single-Family [Residential] District of this chapter].

(Ord. No. 242-2001, § 20, 2-19-2001)

Sec. 34-60. PD Planned Development District.

(a) *Purpose and scope.* The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. Planned development zoning shall require the submission and approval of a development site plan. The city council, after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission, may require the creation of planned development districts when any of the following developments are being considered:

(1) Large shopping center;

(2) Housing development on tracts of five acres or more;

(3) Industrial parks or districts on tracts of ten acres or more;

(4) Medical center or hospital;

(5) Civic center and/or community center;

(6) Office, motel or hotel center on tracts of two acres or more;

(7) Recreation center;

(8) Research park or scientific research center; or

(9) A combination of uses, which are not customarily allowed in any one of the districts established in this chapter.

(b) *Application procedures.* Application for a PD district shall be made in the same manner as an application for any amendment to the zoning ordinance and shall include the following additional information:

(1) *Proposed uses.* An application for a PD district shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance.

(2) *Development requirements.*

a. An application for a PD district shall include a list of development requirements which may be incorporated into the PD ordinance. Development requirements may include, but not be limited to, density, lot size, unit sizes, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the council may deem appropriate.

b. Standards set forth in specific zoning districts will be used as guidelines for planned developments. Modifications of standards may be considered if the modification substantially meets the intent of this chapter and improves the overall development design, or if a unique

project design is proposed which cannot readily be accommodated through other districts. Pecuniary reasons shall not be the sole reason for modifying standards.

(3) *Concept plan.*

a. An application for a PD district shall include a concept plan showing the relationship to existing natural features and adjacent properties and uses.

b. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.

(c) *Development site plan.* Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD district. The approval of a development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied.

(1) *Compliance with approvals.* The development site plan must comply with all provisions of the PD ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If, in the judgment of the planning and zoning commission, a development site plan does not comply with the provisions of the PD ordinance and the concept plan incorporated therein, the planning and zoning commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the PD ordinance, including all requirements for notices and public hearings. If a PD ordinance does not specify development standards or has not incorporated a concept plan, the development plan approval shall specify such standards. Development requirements on such development plans may be revised under the same review, notice and approval procedures as applied to the original approval of the plan, and application to amend the PD ordinance shall not be required.

(2) *Review process.* The development plan review process shall include review by the planning and zoning commission, referral by the planning and zoning commission to the city council with a recommendation, and review and final approval of the development plan by the city council.

(3) *Modifications.* The planning and zoning commission may recommend, and the council may require, such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.

(4) *Requirements.*

a. *General information.* Twenty copies of development site plan; vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, [and] scale (not less than one inch equals 100 feet).

b. *Site/adjacent property information.* Site, indicating boundaries and project phase lines, if any; public or private rights-of-way and easements on site or abutting or intersecting the site; and adjacent properties, with zoning and existing uses identified.

c. *Building layout.* Existing and proposed structures; front, side and rear building setback lines; proposed categories of use of structures; elevation views or renderings indicating architectural design; building materials proposed and window orientations (one copy required); number of stories, in height and feet; gross floor area; and location of entrances and exits.

d. *Circulation and parking.* Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches; street drives and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; and location, width and curve radii for required fire lanes.

e. *Drainage/utilities/services.* Existing and proposed topography, reflecting proposed handling of on-site surface drainage; limits of the 100-year floodplain and floodway as shown on current FIA mapping, including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed water and sanitary sewer layout; existing and proposed fire hydrant locations; proposed locations for solid waste container pads.

f. *Screening/open space/recreational facilities.* Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, etc.); location of open play areas and playgrounds with play equipment; landscape plan.

g. *Living units.* Table showing type of units by size, number of bedrooms, and number of each type; floor plans for all units.

(d) *Administrative action.* Upon approval of a development site plan by the city council and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized by the planning and zoning commission when such changes will not cause any of the following circumstances to occur:

(1) A change in the character of the development;

(2) An increase in the ratio of the gross floor area in structures to the area of any lot;

(3) An increase in the intensity of use;

(4) A reduction in the originally approved separations between buildings;

(5) An increase in the problems of circulation, safety, and utilities;

(6) An increase in the external effects on adjacent property;

(7) A reduction in the originally approved setbacks from property lines;

(8) An increase in ground coverage by structures;

(9) Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and

(10) Change in the locations, lighting or orientation of originally approved signs.

(e) *Standards for townhouse developments.* Development of townhouse projects shall be considered within the scope of the PD planned development zoning classification, thereby providing flexibility in planning and design, and allowing the application of innovative and creative development concepts. The following standards are set forth as guidelines for the preparation of a development plan as required by section 34-57(b). Consistent with the intent of the planned development district, these standards may be modified as may serve the best interest of the community upon approval of the development plan.

(1) *Townhouse lots.* The following minimum requirements should apply to each townhouse lot:

a. Area of lot: 3,000 square feet;

b. Depth of lot: 100 feet, except where the lot backs to a freeway, expressway, or thoroughfare, in which case the minimum depth of lot shall be 110 feet;

c. Width of lot: 26 feet;

d. Front yard setback: 20 feet; and

e. Exterior side yard: Where a side lot line abuts a street, the width of the side yard shall be 15 feet.

Access to townhouse lots shall be adequate to provide fire protection and sanitation service.

(2) *Spacing between buildings.* Dwelling units should be in groups of not less than three townhouse units nor more than seven townhouse units; in no event should more than one-fourth of the total building groups contain seven townhouses. The total length of any one group of units should not exceed an overall length of 225 feet. There shall be a minimum space of 36 feet between building groups and 15 feet between the end of a building and a street, private drive, or alley.

(3) *Open space.* No less than 40 percent of the total gross land area should be open space which shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space should be used exclusively for the purpose of installation of recreational facilities and green or landscaped areas. Floodplains, or any standing surface water, other than swimming pools, may be considered open space if specifically approved by council.

(4) *Density.* The average density of townhouse units should not exceed eight units per acre. The density is to be computed by taking the gross land area of each townhouse tract and dividing the total number of dwelling units within the tract.

(5) *Living area in each townhouse unit.* The minimum living area for a one-bedroom townhouse unit shall be 850 square feet; two or more bedroom units shall have a minimum of 1,200 square feet living area, exclusive of garages, breezeways, patios, and porches.

(6) *Exterior fire-resistant construction.* All main buildings shall be of exterior fire resistant construction having exterior walls constructed of brick, stone, concrete block, or other masonry, or materials of equal characteristics, or as approved in the review of the development plan.

(7) *Fire walls.* Within each townhouse complex, a four-hour, fire-rated fire wall shall be placed every 4,500 square feet. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of the roof deck and conform to the other requirements for fire walls as outlined in the building code for the city. All other townhouse unit separation walls shall be of a two-hour rating.

(8) *Utilities.* All utilities shall be placed underground, except installations above ground shall be permitted when approved by the city council under the following circumstances:

a. Above-ground installations of transformers;

b. Where utility lines cross a major drainage channel or depression of such depth as to make underground installation impractical; and

c. At the point where the utility enters the development.

(9) *Parking regulations.* Two and one-half parking spaces shall be provided off the street for each townhouse unit. Each townhouse should provide a carport or garage and shall have a capacity for two motor vehicles ([including] pickup and vans not exceeding three-fourths ton capacity) The additional one-half parking space per unit shall be placed in groups scattered through the development to accommodate the guests of the homeowners. No more than 50 percent of the additional off-street parking spaces shall be located on private or public streets or alleys.

(10) *Recreational facilities.* Recreational and community facilities, including community buildings, swimming pools, and playground areas, shall be considered in the review of the development plan.

(11) *Recreational vehicles and equipment.* Adequate storage areas for the storage of recreational vehicles and equipment shall be considered in the review of the development plan.

(12) *Screening.* Screening shall be provided according to the following requirements:

a. In the event that a townhouse development backs up or sides upon a R-1, R-1S, R-2, R-3, or C district, a solid masonry screening fence of not less than six feet nor more than eight feet shall be erected and maintained along the property line separating the two districts;

b. A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the townhouse development; and

c. No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.

(13) *Construction requirements.* All streets, parking areas, access drives, sidewalks, and drainage structures constructed on private or public property shall be approved by the city and constructed in accordance with the city's specifications and requirements.

(14) *Homeowners' association.* Before approval of any plat containing any common area, it shall be necessary to assure the city that provisions have been made for adequate upkeep and maintenance of such area and facilities. The city may, by ordinance, provide for maintenance at the expense of the property owners, and provide for a lien against the property of the members, as in the case of individual homeowners. The power of the city to file a lien shall be recited in the bylaws of the association.

(Ord. No. 242-2001, § 21, 2-19-2001; Ord. No. 711-2020-10 , § 13, 10-12-2020)

Sec. 34-61. FP Floodplain District.

(a) *Floodplain prefix to district designation.*

(1) The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under state law. Further public notice to all downstream property owners within the city with like FP zoning is required prior to any such zoning action.

(2) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

(b) *Permitted uses.* In this district, no land shall be used except for one or more of the following permitted uses, to the extent that they are not prohibited by other regulations or ordinances, and provided that such uses do not require above-ground structures, filling or storage of material or equipment, except as herein specifically authorized.

(1) Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.

(2) Electrical substation.

(3) All types of local utilities, including, but not limited to, water distribution and wastewater collection systems, water and wastewater treatment facilities and water quality/monitoring stations or other structures required to provide water and sewage, telephone, gas and electrical services.

(4) Parks, community centers, playgrounds, public golf courses.

(5) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.

(6) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.

(7) Parking areas associated with a part of contiguous land use. No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section. There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this chapter.

(d) *Conditions for adding FP prefix designation.* The city council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The city council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

(e) *Conditions for removal of FP prefix designation.* The city council, in considering and determining its decision relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish to the city, fill and development plans, and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the city engineer certifies information furnished is adequate for review and comment as required in this section.

(Ord. No. 242-2001, § 22, 2-19-2001)

Sec. 34-62. Schedule of district regulations.

[The following table represents a summary of district regulations:]

	Districts													
	R-1L	R-1	R-1S	R-2	R-3	R-4	MH	MHS	C-1	C-2	CB	I-1	I-2	AG
Maximum height (ft.)	—	35	35	35	45	45	35	35	45	50	50	50	50	50
Minimum side yard interior (ft.)	10	8	5	8	8	8	[G]	8	[A]	[A]	[A]	[A]	[A]	20
Minimum side yard corner lot street side (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	25
Minimum rear yard (ft.)	25	25	20	25	25	25	[G]	25	[A]	[A]	[A]	[A]	[A]	25
Minimum front yard (ft.)	50	25	20	25	25	25	[G]	25	[A]	[A]	[A]	[A]	[A]	35
Minimum lot area (sq. ft.)	3 acres	7,000	5,000	10,000	[B]	[C]	6,500	10,000	[A]	[A]	[A]	—	—	2 acres
Minimum ~~building size~~conditioned living space (sq. ft.) [I]	1,450	1,~~250~~ 400	1,250	1,~~250~~ 400	850	[D]	[G]	1,~~250~~ 400	[E]	[E]	[E]	—	—	1,000
Masonry (percent)[F]	80	80	80	80	80	80	—	80	80	80	80	80	—	80
Minimum lot width (ft.)	120	70	50	80	80	80	[G]	80	[A]	[A]	[A]	[A]	[A]	75
Minimum lot depth (ft.)	200	100	100	100	100	100	[G]	100	[A]	[A]	[A]	[A]	[A]	120
Maximum building area (percent)	40	50	50	50	50	50	50	50	[A]	[A]	[A]	[A]	[A]	40

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[A] None required except where a nonresidential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this chapter.

[B] Lot area shall be not less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten units may be constructed per acre.

[C] Lot area shall be not less than 7,500 square feet for each dwelling or dwelling group have three dwelling units and not less than 1,000 square feet of lot area, in addition, for each additional dwelling unit over three in number. A maximum of 16 units may be constructed per acre.

[D] Minimum building size shall be: for one bedroom unit—650 square feet; two bedroom—780 square feet; three bedroom—930 square feet.

[E] Requirements for residential construction shall be the same as for the R-4 District; nonresidential construction minimum building size shall be 500 square feet.

[F] Masonry requirements shall mean a brick, stone or similar material veneer attached to an outside wall.

[G] See Section 19 [codified as section 34-58] for additional manufactured home district regulations.

[H] [Reserved]

[I] R-2 residential units must comply with all R-2 restrictions regardless of which district the unit is located in.

[J] Minimum conditioned Living Space " As that phrased is defined in the current edition of the International Building Code, as most recently adopted by the City."

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The schedule of district regulations notwithstanding, the exterior of additions and/or modifications to existing non-masonry single-family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure.

(Ord. No. 242-2001, § 23, 2-19-2001; Ord. No. 259-2002, § 1, 3-12-2002; Ord. No. 711-2020-10 , § 14, 10-12-2020)

Secs. 34-63—34-82. Reserved

ARTICLE III. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 34-83. Structures to have access.

Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(Ord. No. 242-2001, § 5(L), 2-19-2001)

Sec. 34-84. Visibility at intersections.

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as [to materially impede] traffic visibility to interfere the corner. This visibility area shall be a triangle measured 25 feet from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two feet in height and vegetation should not droop to less than ten feet from the ground.

(Ord. No. 242-2001, § 5(M), 2-19-2001)

Editor's note(s)—[Concerning] fences, walls, and hedges, refer to the city's [fencing provisions] for specific restrictions

Sec. 34-85. Height and area exceptions.

The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

(1) Churches, schools, and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side, and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each foot of additional height above the height otherwise established for the district in which such building or structure is to be located.

(2) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, television antennas, microwave radio relay or broadcasting towers, masts or aerials, and necessary mechanical appurtenances are hereby excepted from the height regulations of this section.

(3) When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located, and was of record as such at the time of the passage of the ordinance [from which this chapter is derived], such lot may be occupied by one family subject to the setback, rear yard, and side yard regulations for the district in which it is located.

(Ord. No. 242-2001, § 5(O), 2-19-2001)

Sec. 34-86. Screening elements and fences.

(a) In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings, to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term "screening element" as used herein is defined in section 34-3. The term "fence" as used herein is defined in the city's fence ordinances.

(b) *Traffic visibility at intersections.* On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of the intersection.

(c) *Traffic visibility at interior lots.* On an interior lot in any district, nothing shall be erected placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

(d) *Residential districts, general.*

(1) Screening elements and fences shall be restricted to a maximum height of six feet, measured from the adjacent grade line, except as otherwise allowed.

(2) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet nor more than eight feet from any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than 3½ feet in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

(e) *Nonresidential districts, general.*

(1) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet nor more than eight feet.

(2) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than 3½ feet.

(3) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet nor more than eight feet in height.

(4) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet nor more than eight feet in height.

(5) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.

(6) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.

(7) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(f) *Barbed wire fences.*

(1) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

(2) Barbed wire strands may be placed on top of permitted fences and screening elements in an industrial or general commercial district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than eight feet nor the bottom strand lower than six feet from the adjacent grade line.

(g) General Design- All Fences & Walls. In general all fences and walls shall met the following standards.

(1) Location. All fences and walls shall be located as follows:

a. At least 18 inches from any right-of-way, or from any easement for access associated with the edges of the right-of-way or other connections that are part of the access and circulation strategy.

b. At least 3 feet from any sidewalk on a side street unless designed to the front fence standards.

c. At least 6 feet from any sidewalk on a collector street or higher, or at least 10 feet if the sidewalk is attached.

d. All fences or walls located along adjacent to lot lines shall be constructed so that either:

(1) The face of the fence is on the property line; or

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(2) The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences or walls, shall provide t least one gate for access and maintenance equipment.

(2) Height. The height limits shall include any retaining wall or berm that a fence is built on.

(3) Sports and Recreation fences. Fences for sports and recreation facilities, or for aby other similar public facility, may be up to 10 feet generally; or up to 18 feet for tennis courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

(4) Construction fences. Temporary fences for construction may be up to 10 feet or as otherwise specified in constriction permits.

(5) Flood areas. No fence shall be located in any flood areas in a way that could impede water, collect debris, or which cannot be anchored to prevent floatation, collapse or lateral movement during flood periods.

Residential Fences & Walls	
Front	• 3' high if solid • 4' high if at least 50% open • Any front fencing on a collector street or higher shall be installed under Home Owner's Association design standards to maintain uniform frontages on all lots.
Side and Rear	• 6' if behind the front building line • Meet the front fencing standards for all areas in front of the building line, or within 3 feet of any sidewalk.
Residential Perimeter	• Only allowed under ownership of the Home Owner Association, or City or other government entity. • Requires low maintenance, high quality, aesthetic design: ○ Metal, brick or treated wood. ○ At least 3 rails ○ Masonry posts at least every 60'; 2'x2' with sloped column cap. ○ No more than 60% of perimeter, remainder of 40% breaks include intersecting streets, common or public open space, pedestrian entryways, or private lot fences meeting the front or side street fence standards. ○ No more than 400' without a break (pedestrian or vehicle access or other similar opening.) ○ No more than 100' without offsets in plane at least 40' long. 8' deep with landscape clusters; or 4' deep with fence that is at least 75% open.

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Commercial & Mixed fences & Walls

Commercial	• 3' high maximum on front or around any required landscape area.
	• 8' high maximum on any internal side or rear lot.
	• No more than 25% of any street frontages
	• No more than 50% without an offset in the plane for any perimeter fence.
	• Perimeter fence shall be low maintenance, hiugh quality, aesthetic design:
	  ○ Stone, brick, masonry, scored concrete, vinyl, or metal with dark finish.
	  ○ Wood shall not be used as a primary material on perimeter fences.
	  ○ No chain link allowed.

Industrial Fences & Walls

Industrial	• 3' high maximum on front or around any required landscaped area. • 10' high on rear, internal side or elsewhere beyond the building setbacks. • May include barbed wire only where necessary for security purposes, and if at least 6' high, no more than 4 strands, and no more than 45 degree angle from vertical. • No height limit for any temporary noise barriers for oil and gas facilities.

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(Ord. No. 242-2001, § 24(A), 2-19-2001; Ord. No. 344-2008, § 1, 6-9-2008)

Sec. 34-87. Accessory buildings.

The following regulations shall govern the location, size, and use of any accessory buildings:

(1) No accessory building shall be erected in any required yard area as stipulated in this chapter, except as allowed in this section.

(2) No accessory building shall be erected within ten feet of any other building~~.~~, or other distance specified by applicable building codes. Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location and orientation except detached residential

garages may be located within five feet of the main dwelling, and except as the provisions of subsection (5) of this section are met.

(3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building set-back line) governing the district in which such garage or carport is located.

(4) No detached residential garage or carport shall be erected or placed within eight feet from any side lot line.

(5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building, but shall not encroach in any required front yard:

a. Small sheds. Accessory buildings 200 square feet or less, and less than 12 feet tall, shall be limited to:

1. 1 per lot or 1 per each 5,000 square feet or less, whichever is more; up to a maximum of 3;

2. Be located behind the rear building line of the principal building; and

3. Be no closer than 3 feet from the rear or side property line.

(6) Accessory Building-Residential. In any residential district, accessory buildings over 200 square feet shall meet the following:

a. No more than 1 per lot, except that apartment complexes in the R-3 district may have 1 per principal building.

b. Located behind the front building line and at least 60 feet from the front lot line.

c. Be at least 10 feet from the rear lot line, except that an accessory garage accessed from ab alley may be setback 5 feet from the rear lot line.

d. Be at least 5 feet from the side lot line, except that on corner lots, they shall have the same street-side setback as the principal building.

e. Maximum height of 1.5 stories or no higher than the principal building, whichever is less. The following massing standards apply:

i. The first story wall height shall be no more than 10 feet above the finished floor , except gables, dormers or other subordinate walls may be support the roof structure.

ii. The roof peak or other top structure shall not exceed 24 feet above finished floor for pitched roofs with a 6:12 pitch or greater and no more than 16 feet for flat or shed roofs below a 6:12 pitch.

f. Maximum footprint of 400 square feet or 50% of the principal building footprint, whichever is greater, but no more than 1,600 square feet.

g. Be constructed with materials, architectural details and style, and roof forms that are compatible with the principal building.

h. Accessory buildings may be attached to the principal building by an open-roofed structure, an enclosed breezeway, or other manner that ensures is clearly a secondary mass from the principal building.

~~, and may not occupy more than 30 percent of the rear yard.~~

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~~(6) No accessory building shall be higher than the main building and in no case be in excess of 18 feet in height.~~

~~(7) No accessory building shall be erected or placed within three feet of any side or rear lot line and shall not encroach upon any easement.~~

(Ord. No. 242-2001, § 24(B), 2-19-2001)

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Sec. 34-88. Projections of buildings, structures, and appurtenances into required yards.

(a) Open or lattice enclosed fire escapes may project into a required yard not to exceed five feet. The ordinary projections of chimney's pilasters shall be permitted by the city secretary when placed so as not to obstruct light and ventilation.

(b) Terraces, balconies, decks, uncovered porches and ornamental features, which do not extend more than four feet from the side wall line and being at least seven feet above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least four feet from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight feet from the front or rear wall line. This exception shall be limited to no more than 20% of the surface area of a building elevation.

(c) An unenclosed porch containing not more than 40 square feet may project into a required front yard for a distance not to exceed five feet.

(d) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed, except for necessary structural supports, and not less than five feet from any side lot line.

(e) Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches, or as otherwise excepted in subsections (a) through (d) of this section.

(f) Unenclosed and unroofed decks or patios at or below the first floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet to any

(Ord. No. 242-2001, § 24(C), 2-19-2001)

Sec. 34-89. Height of other structures.

No other structures on land zoned R1, R2, R3, or R4 shall be higher than the primary residence, and in no case in excess of 18 feet in height.

(Ord. No. 242-2001, § 24(E), 2-19-2001; Ord. No. 344-2008, § 1, 6-9-2008)

Secs. 34-90—34-119. Reserved

ARTICLE IV. PARKING AND STORAGE

Sec. 34-120. Parking, storage or use of major recreational equipment and vehicles.

a) Intent. The intent of the Access and Parking standards is to:

1. Emphasize the importance of site access for multiple modes of transportation.

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2. Provide the optimal amount of vehicle parking for individual sites.

3. Promote parking designs that that minimize runoff, incorporate low impact design features, and infiltrate storm water into the ground.

b) Applicability. Access and parking shall be shown on site plans. Also, these standards:

1. All new development, buildings or uses on a site.

2. A change of use or business for an existing site or building or additions to existing buildings, except to the extent necessary to account for non-conforming site conditions.

34.121. Access and Circulation

c) Driveways. Driveways shall be designed according to the following.

1. Width, Location and Spacing. Driveway location and spacing shall be limited based on the street design

2. Where driveway spacing limit or prohibit access, shared driveways, common access lanes or alleys internal to blocks are preferred.

3. Driveway spacing may be averaged along a block for residential lots or on local streets to allow the best arrangement considering grades, building and lot layouts.

4. Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, after considering alternatives such as access from the side street, shared driveways, common frontage lanes, rear alleys, or through access drives.

c) Setbacks. Except for where shared or common access is permitted and executed through easements, driveways shall be set back from side or rear lot lines as stated below:

Driveway Setbacks	
Access	Setback from side or rear lot line
Residential access<6 units	2'+
Residential access 7-40 units	5'+
Non-residential access and residential access to 41+units	10+
Shared access	May be on the property line

c) General Design Standards. All access shall meet the following design standards.

1) Sufficient on-site storage to accommodate queued vehicles waiting to park or exit without interfering with street traffic.

2) Provisions for circulating between adjacent parcels shall be provided by through access drives, cross access easements, and other shared access provisions to protect the function, design and character of public streets.

3) Driveway spacing and design shall be located so that safe ingress and egress is provided, considering the function and design speed of the street from which the access is provided, and minimizing potential conflicts of all modes of transpiration including pedestrians, bicycles, and vehicles.

4) Landscape, buildings, and other site elements at access points shall be designed to meet the sight distance requirements.

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5) Any access from state highway shall only be permitted as authorized and approved by the Texas Department of Transportation.

(c) Applicability. Access and parking shall be shown on site plans. Specifically standards apply to:

(a) No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard, except that such equipment may be parked anywhere on a residential premises not to exceed 24 hours during loading or unloading.

(b) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two consecutive weeks.

(c) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(Ord. No. 242-2001, § 24(D), 2-19-2001)

Sec. 34-121. Parking space regulations.

(a) *Automobile parking space regulations.* Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in this article, off-street parking spaces shall be provided as follows:

Use Of Building or Site		Minimum Number of Parking Spaces Required
Residential		
	Single-family	2.0 per dwelling unit
	Two-family	2.0 per dwelling unit
	Multifamily	2.5 per dwelling unit
	Efficiency and one bedroom	1.5 per dwelling unit
	Two or more bedrooms	2.0 per dwelling unit

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Commercial		
	Offices and banks	3.3 per 1,000 sq. ft. gross floor area
	Clinics and doctors' offices	8.0 per 1,000 sq. ft. gross floor area
	General retail	4.0 per 1,000 sq. ft. gross floor area
	Shopping centers	5.5 per 1,000 sq. ft. gross floor area
	Car wash	0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below
	Restaurants	0.3 per seat
	Hotels, motels	1.25 per rentable room plus 0.5 per employee on any one shift
	Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
Entertainment		
	Bowling alleys/pool halls	5.0 per 1,000 sq. ft. gross floor area
Industrial		0.8 per employee on any one shift
Auditoriums and theaters		0.3 per seat
Churches (Sanctuary)		1.0 per four seat
Churches (Additional space)		1.0 per 1,000 square feet
Elementary and junior high school		1.0 per staff members
Hospitals		1.2 per bed plus 1.0 per three staff members on any one shift
Nursing homes		1.0 per five beds plus 1.0 per two staff members on any one shift
Wholesale storage and jobbing		1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking

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(2) Off-street reservoir parking shall be provided for an automatically operated car wash equal to three times the maximum capacity of the car wash, and for a manually operated car wash equal to six times the maximum capacity of the car wash, for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time.

(3) The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

(4) Where a building or a site contains two or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.

(5) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than 35 feet in length, 12 feet in width, and 15 feet in height.

(6) For the purpose of this subsection (a), one parking stall shall be not less than 175 square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls, then each such stall shall be considered a parking stall as required herein.

(7) A driveway for access to any single parking space or to a parking lot shall be not less than 11 feet in width nor more than 30 feet in width at the property line along the street and shall be so located as to minimize traffic hazard and congestion.

(8) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than 500 feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than 1,000 feet from such premises, except as otherwise provided in this section or other section of this article.

(9) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements; provided that, where it is found by the board of adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the board of adjustments may reduce the total of number of parking stalls to be jointly provided.

(10) All parking spaces required for any use and provided in compliance with the provisions of this section on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

(11) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefore shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.

(12) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the board of adjustments may reduce the parking space requirements for any use distance not more than 800 feet from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.

(13) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the board of adjustments has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within 500 feet thereof in some measure or in full measure, the board of adjustments may establish a reasonable time period within which any use within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of subsection (10) of this section may be applied by the board.

(14) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use to and from the area in which such use is located, is other than by private automobile, the board may reduce, by an amount not to exceed 50 percent, the space required for parking stalls for such use.

(15) In a case where it is clearly shown by the applicant to the satisfaction of the board that the provision of the amount of space required in this subsection for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the board may reduce such requirement.

(b) *Residential off-street parking.*

(1) *Purpose.* It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection (b) is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the city.

(2) *Definitions and restrictions.* It shall be illegal for any person to park, or to allow to be parked on any property under his control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1L, R-1, R-1S, or R-2, under this chapter unless:

a. Said area is a part of a hard-surfaced driveway or parking area;

b. Said area is a part of a required hard-surfaced driveway that provides access to a garage, carport or off-street parking area required by this article;

c. Said area is part of a side yard which is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence;

d. The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard-surfaced" as used in this subsection (b) shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the city inspector;

e. A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15 percent of any residential front yard, except for front yards with a front footage width of less than 70 feet, in which case the maximum width for a single driveway shall be 11 feet;

f. A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27 percent of any residential front yard, provided that the maximum width of a driveway shall not exceed 24 feet in any case and shall not exceed 18 feet for front yards with a front footage width of less than 70 feet;

g. A triple-width driveway running from the street to a garage or other parking area shall not utilize more than 33 percent of any residential front yard, provided that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a front footage width of less than 80 feet;

h. A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or

i. Circular driveways used for turnarounds or through traffic shall not utilize more than 30 percent of any residential front yards or corner side yards with a front footage or less than 80 feet.

c) Bicycle Parking. All-non residential or multifamily uses within 600 feet of an existing or future bicycle route or trail or other related bicycle transportation plan shall provide bicycle parking spaces.

Bicycle Parking	
Activity	Required Spaces
Primary or secondary school	30% of the student capacity
Retail or office uses	10% of the required vehicle spaces
Recreation and community facilities	15% of the required vehicle spaces
Other institutional, employment, industrial or entertainment uses	5% of required vehicle spaces
Multi-unit residential buildings	1 per dwelling unit, 1.5 per dwelling unit with 2 or more bedrooms

Bicycle parking shall be designed according to the following standards:

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1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames, and have 2 feet x 6 feet clearance for each bicycle.
2. Structures that serve another primary function but are designed to meet these standards, may count to this requirement.
3. Bicycle parking shall be located in well-lit area with convenient and safe pedestrian circulation and be on pavement or all-weather, dust-free stabilized surface.
4. Bicycle parking for non-residential uses shall be located within 100 feet of the primary entrance.
5. At least 50% of required bicycle parking for residential uses, employment uses, or other similar uses where bicycles are likely to be parked for longer than 4 hours, shall be located within the building or other all-weather and secure enclosure.

d) Accessible Parking. Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the American with Disabilities Act (ADA) guidelines for quantity, design and location.

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(Ord. No. 242-2001, § 25, 2-19-2001; Ord. No. 711-2020-10 , § 15, 10-12-2020)

Secs. 34-122—34-140. Reserved

ARTICLE V. LANDSCAPING

Sec. 34-141. Purpose.

These landscaping regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city. The standards contained in this section are deemed to be minimum standards and shall apply to all new construction occurring within zoning districts R-1L, R-1, R-1S, R-2, R-3, R-4, CB, C-1, C-2, I-1, and I-2.

(Ord. No. 242-2001, § 26, 2-19-2001; Ord. No. 711-2020-10 , § 16, 10-12-2020)

Sec. 34-142. Permits.

(a) No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the city. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.

(b) Prior to the issuance of a certificate of occupancy of any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required in section 34-143.

(1) In any case in which a certificate of occupancy is sought at a season of the year in which the city determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a certificate of occupancy may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping.

(2) Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six months of the date of the application and shall give the city the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

(Ord. No. 242-2001, § 26(A), 2-19-2001)

Sec. 34-143. Landscape plans.

(a) Prior to the issuance of a building, paving, grading, or construction permit for any use other than single-family dwellings, a landscape plan shall be submitted to the city. The city shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(b) Landscaping plans shall be prepared by a landscape architect, landscape contractor or landscape designer knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:

(1) Minimum scale of one inch equals 50 feet;

(2) Location of all trees to be preserved;

(3) Location of all plants and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, or other landscape features;

(4) Species of all plant material to be used;

(5) Size of all plant material to be used;

(6) Spacing of plant material where appropriate;

(7) Layout and description of irrigation, sprinkler or water systems, including placement of water sources;

(8) Description of maintenance provisions for the landscape plan;

(9) Persons responsible for the preparation of the landscape plan.

c) Landscape design

a. Design objectives. Landscape plans shall meet the following design objectives:

1. Frame important streets and emphasize gateways with streets, landscape massing and other vertical elements.

2. Promote storm water management and prevent erosion through infiltration, storage or conveyance that utilize natural landscape elements and site features.

3. Improve resource and energy efficiency with landscape arrangements that consider water usage, slope and drainage patterns.

d) Site Elements and Planting Requirements. The required landscape shall ve based on different elements of the site.

Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
Streetscape and Frontage: The area between the front	1 large tree per 40' of lot frontage	N/A	N/A

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building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	OR 2 large trees per 40' if buildings setback more than 40'		
	Corner lots shall meet this requirements on street side lot lines at a rate of 50% of the streetscape and frontage requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 25'		
Foundation. Areas along the building frontage used to provide accents and soften larger expanses of buildings	1 ornamental tree per 30' of building frontage for buildings setback more than 20' from the front lot line.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1 up to 50% of the requirement	8 shrubs per 30' of building frontages. 3 ornamental grasses may be substituted foreach shrub up to 50% of the requirement
	Side elevations on corner lots shall provide this standard on at least 25% of the building. Any other elevation permitted to be within 30' of a public street or publicly accessible area shall meet this requirement on the entire façade.		
Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate storm water	1 large tree per 40' of parking perimeter; AND 1 large tree per 40 parking spaces (allocated to the perimeter, medians or islands) Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the requirement.	Evergreen trees may be substituted for large trees at a rate of 2 for 1, for up to 50 5 of the perimeter requirement that does not face a front lot line.	8 shrubs per 30' of perimeter. 3 ornamental grasses may be substituted for each shrub up to 50% of the requirement.

e) Buffer & Screening Design

A. Design Objectives. Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives:

1. Areas of parking or circulation bear streets or property lines require physical barriers or landscape transitions to soften impacts of surface parking areas and provide low-level headlight screening.

2. Commercial uses or parking and services abutting residential property require a screen and buffer using a combination of dense vegetation or fences and walls compatible with the buildings on the site.

3. Areas that transition to different uses or building scale require landscape areas to soften transitions.

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4. Service and utility areas of buildings and sites shall be screened with architectural features, fences or landscape to limit visibility or noise from adjacent property or streetscapes.

5. Utilize berms, vertical landscape elements, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity high-intensity elements of a site or building in relation to adjacent property and public rights-of-way.

6. Address three layers of scale, including large (shade) trees (high-30'+), evergreen or ornamental trees (mid-6 to 30'), shrubs, annuals and perennials, and ground cover (low-under 6') in a way that mostly directly mitigates the potential impacts and adjacencies.

e) Buffer planting. The planting requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width exists independent of and may include any setback, parking perimeter buffer or other open space requirement such that the larger requirement will control. Efficient site design can allow the area to meet both requirements. Where these areas overlap, the plants may meet both requirements, provided the design objectives are met and the greater of the requirements applies.

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Buffer Planting Requirements	
Type and Applicability	Buffer Planting Requirement
Type I - A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.	Width: 6' minimum Planting: 1 large tree per 40' or 1 ornamental per 20' 1 shrub per 2.5 feet Variation: the shrub rate may be reduced in combination with the following: • A 2.5' TO 4' decorative wall or fence as an alternative or in more constrained areas along the streetscape; • 3' berm provides low screening and physical separation in wider areas in association with the required parking landscape.
Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets	Width: 15' minimum Planting: 1 large tree per 40' or 1 ornamental per 20' 1 shrub per 5' 1 evergreen tree per 20' Variation: A 6' fence or ornamental wall compatible with the materials of the building may be used with a lesser combination of plants (up to 50% less), or with a smaller space (8' minimum).
Type III – A densely planted area intended to mitigate noise and create a visual barrier between intense site conditions or potentially incompatible land use adjacencies, or for large scale uses along major streets.	Width: 30' minimum Planting: 1 large tree per 50' • 1 ornamental per 30' • evergreen tree per 20' Variation: Other combination of shrubs, evergreens, understory plantings, 3'- 4 ' berms or fences or walls that provide a visual 6'- 7' barriers. Berms shakk have a maximum slope of 3:1 and shall

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	not be constructed within the drip line of any tree.

f) Buffer Locations. Buffers shall be required as indicated.

Buffer Types & Application

Zoning Adjacent to Development	Zoning of Proposed Development					
	C-2, I-1 & I-2	CB	C-1, C-2	C-1	R-2, R-3, R-4, MH	R-1L, R-1, R-1S
R-1L, R-1, R-1S	Type III	Type III	Type II	Type II	Type II	Type II*
R-2, R-3 & R4, MH	Type III	Type III	Type II			
C-1	Type III	Type II				
CB	Type II					
C-2, I-1 & I-2						
Other	Parking areas within 50 feet of any public street or through access drive shall have a Type I buffer for lots under 50 spaces, and a Level II buffer for lots 50 spaces or more. Any lots that back to a collector or arterial street shall require a Type III buffer. Any lots adjacent to a highway or expressway shall require a Type III buffer, except that the width shall be increased to 100' for residential development and 50' for commercial or industrial development. Agriculture uses that may use occasional heavy equipment or machinery should be buffered from residential uses with a Type III buffer. In cases where residences are proposed in proximity to existing agriculture, the buffer shall be incorporated into the residential project design.					

* Type II buffers are only required in R1L, R-1, and R-1S districts for permitted non-residential uses adjacent to residential lots.

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g) General Screening. All of the following shall be screened from streets or adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, open space, buffers and other site requirements do not adequately screen these elements, Planning Staff may require additional planting to achieve the design objectives.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground, wall or roof-mounted.
2. Permanent or temporary outdoor storage areas.
3. Trash enclosures.
4. Utility stations or fixtures.
5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
6. Non-residential parking lots within 30 feet of residential lots.

My suggestion is to replace section 34-144 with the Plant requirements table from above../¿¿

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(Ord. No. 242-2001, § 26(B), 2-19-2001)

Sec. 34-144. Minimum landscaping requirements.

(a) *Landscaping percentage for street yard area.* The street yard area is the area between the building front line and the front of the property (right-of-way) line. For all parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least ten percent of the street yard shall be permanent landscape area. For all parcels having 250 feet or more of frontage, at least 15 percent of the street yard shall be permanent landscape area. The required landscaping shall consist of a mixture of plant materials consisting of grass and/or ground covers, plants, shrubbery and trees of a variety of sizes as approved on the landscape plan. The street yard shall be defined as the area between the building front and the front property line.

(b) *Landscaping adjacent to public rights-of-way.* A minimum ten-foot landscape buffer (interior parkway) adjacent to the public right-of-way of any public thoroughfare is required. Corner lots fronting on two thoroughfares shall be required to observe the ten-foot buffer on both frontages. All other street frontages shall observe a minimum five-foot landscape buffer. Developers shall be required to plant one large tree per 40 linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design. The landscaped portion of interior parkways may be included in the required street yard area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.

(c) *Landscaping within off-street parking areas.* Landscape areas within off-street parking areas should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide and shall equal a total of at least 16 square feet per parking space. There shall be a landscaped area with at least one tree within 60 feet of every parking space. There shall be a minimum of one tree planted in the parking area for every ten parking spaces within parking lots with more than 20 spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

(d) *Screening of parking areas adjacent to a public right-of-way.* At least 75 percent of the frontage of parking areas adjacent to a public right-of-way within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet or a low masonry wall or earthen berm of equal height. Use of a wall or earthen berm for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall or earthen berm.

(e) *Percentage of overstory trees.* A minimum of 50 percent of the total trees required for the property shall be overstory trees as specified on the approved plant list. Accent trees shall be used under existing or proposed overhead utility lines.

(f) [*Driveways.*] Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with city regulations.

(g) *Residential buffer yards.* For any development in R-3, R-4, C-1, C-2, I-1, I-2 and H-I zoning districts which abut districts zoned residential or mobile home there shall be a minimum 20-foot-wide green belt of live plant material of the evergreen variety, planted on six-foot centers, for the entire distance along which the development abuts the residential or mobile home districts. Where a fire lane is required, the green belt may be reduced to ten feet.

(h) *Multifamily buffer yards.* For any development in C-1, C-2, I-1, I-2 zoning districts which abuts a district zoned multifamily there shall be a minimum 20-foot-wide green belt of live plant material of the evergreen variety, planted on six-foot centers, for the entire distance along which the development abuts the residential or multifamily districts. Where a fire lane is required, the green belt may be reduced to ten feet.

(Ord. No. 242-2001, § 26(C), 2-19-2001)

Sec. 34-145. General standards.

All required landscaped areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs, and other plants. Plant materials used in conformance with the provisions of this article shall conform to the standards of the American Standard for Nursery, or equal thereto. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. The following criteria and standard shall apply to landscape materials and installation:

(1) *Trees.* Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread. Overstory trees shall be a minimum of three inches in caliper (measured six inches above the ground) and seven feet in height at time of planting. Accent trees shall be a minimum of one inch in caliper (measured six inches above the ground) and five feet in height at time of planting. The following list of trees may be used when landscaping:

Overstory Trees (range from 30 to 60 feet)	
Bald Cypress	*Taxodium distichum*
Cedar Elm	*Ulmus crassifolia*
Lacebark Elm	*Ulmus parvifolia*
Pecan	*Carya illinoensis*
Chinese Pistache	*Pistacia chinensis*
Bur Oak	*Quercus macrocarpa*
Red Oak	*Quercus shumardii*
Sweet Gum	*Liquidambar styraciflua*
Green Ash	*Fraxinus pensylvanica*
Live Oak	*Quercus virginiana*

Western Soapberry	*Sapindus drummondii*
Post Oak	*Quercus stellata*
Black Jack Oak	*Quercus marilandica*
Eastern Red Cedar	*Juniperus virginiana*
Southern Magnolia	*Magnolia grandiflora*
Slash Pine	*Pinus elliottii*
Japanese Black Pine	*Pinus thunbergii*
Austrian Pine	*Pinus nigra*
Afghan Pine	*Pinus eldarica*

Accent Trees (range from 10 to 20 feet)	
Redbud	*Cercis canadensis*
Crape myrtle	*Lagerstroemia indica*
Yaupon Holly	*flex vomitoria*
Bradford Pear	*Purus calleryana, Bradford*
Texas Sophora	*Sophora affinis*
Wild Plum	*Prunus americana*
Crab Apple	*Malus augustifolia*
Deciduous Holly	*Ilex decidua*
Flameleaf Sumac	*Rhus copallina*
Cherry Laurel	*Prunus caroliniana*
Chaste Tree	*Vitex agnus-castus*

(2) *Shrubs and hedges.* Shrubs and hedges shall be a minimum of one foot in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen, which will be two feet high within one year after time of planting. The following list of shrubs and hedges may be used when landscaping:

Shrubs and Hedges	
Dwarf Crape Myrtle	*Lagerstroemia indica nana*
Dwarf Burford Holly	*Ilex comuta, bar fordii nana*
Dwarf Chinese Holly	*Hex cornuta, rotunda*
Frasers Photinia	*Photinia fraseri*
Purple Sage	*Leucophyllum frutescens*
Purple Leaf Japanese Barberry	*Berberis thunbergii atropurpurea*
Pampas Grass	*Cortaderia selloana*
Nandina	*Nandina domestica*
Juniper Supp.	*Juniperus chinensis*
Fountain Grass	*Pennisetum sp.*

(3) *Ground covers.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting. The following list of ground covers may be used when landscaping:

Ground Covers (ranges from 18 feet)	
Juniper Supp	*Juniperus horizontalis or procumbens*

Periwinkle	*Vinca major*
Liriope	*Liriope muscari*
Asian Jasmine	*Trachelospermum asiaticum*
Confederate Star Jasmine	*Trachelospermumjasminoides*

(4) *Vines.* Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified. The following list of vines may be used when landscaping:

Vines	
Coral Honeysuckle	*Lonicera sempervirens*
Carolina Yellow 7 Jasmine	*Gelsemium sempervirens*
Lady Banksia Rose	*Rosa baksiae*
Cross Vine	*Bignonia capreolata*
Sweet autumn clematis	*Clematis paniculata*
Virginia Creeper	*Parthenocissus qirinquefolia*
Boston Ivy	*Parthenocissus tricuspidata*

(5) *Grass.* Lawn grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.

(6) *Perennial and Annual Flowers.* The following list of plant materials may also be used when landscaping:

Perennial and Annual Flowers	
Chrysanthemum	*Chrysanthemum supp.*
Canna	*Canna generalis*
Copper Leaf	*Acalyopha Wilkesiana*
Periwinkle	*Catharanthus roseus*
Iris	*Iris supp.*
Lantana	*Lantana Camera*
Daffodil	Narcissus Jonquil, Tazetta and King Alfred
Petunia	*Petunia hybrida*
Marigold	*Tagetes supp.*
Tulip	*Tulipa supp.*
Zinnia	*Zinnia supp.*
Caladium	*Caladium hortulanum*
Pink Beauty	*Candidura*
Moss Rose or Portulaca	*Portulaca grandiflora*
Wild Flowers	

(Ord. No. 242-2001, § 26(D), 2-19-2001)

Sec. 34-146. Tree credits.

(a) Any trees preserved on a site meeting the herein specification may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

Circumference of Existing Tree at 4 to 5 feet Above Ground (in inches)	Credit Against Tree Requirement
6 to 8	1.0 tree
9 to 30	1.5 trees
31 to 46	2.0 trees
47 or more	3.0 trees

(b) Due to the limited height and size, mesquite trees will receive only 50 percent of the above credit for tree preservation. All other existing trees may receive credit if they are not on the city's approved plant material list but approved by the city. Should any required tree designated for preservation in the landscape plan, the owner shall replace the tree with a three-inch minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured 4½ feet above natural grade.

(Ord. No. 242-2001, § 26(E), 2-19-2001)

Sec. 34-147. Maintenance of landscaping.

All landscaping shall be the responsibility of the property owner. It shall be permanently maintained and shall have either an irrigation system installed, meeting all applicable requirements of the city, or shall be located within 75 feet of a bibcock, faucet, or other water source.

(1) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.

(2) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(3) Plant materials which die shall be replaced with plant material of similar variety and size.

(Ord. No. 242-2001, § 26(F), 2-19-2001)

Sec. 34-148. Sight distance and visibility.

Landscape planting shall not be erected or installed in such a manner as to interfere with traffic viewer or impose a safety hazard. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections.

(1) Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area as described below shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extends into the cross-visibility area. The triangular areas are:

a. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

b. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of

25 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

(2) Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any accessway pavement.

(3) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city, the requirements set forth in this section may be reduced to the extent to remove the conflict.

(Ord. No. 242-2001, § 26(I), 2-19-2001)

Sec. 34-149. Enforcement.

(a) The provisions of this section shall be administered and enforced by the city.

(b) If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the city shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, or agent shall have 30 days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter.

(Ord. No. 242-2001, § 26, 2-19-2001)

APPENDIX A. NOTES ON ZONING ORDINANCE

(1) Page 15, section 5, K., (1) [34-6(1)]: Any time a structural alteration takes place on an existing piece of property, including new development, zoning regulations are applicable to that activity.

(2) Page 16, section 5, 0., (3) [34-85(3)]: This applies to lots that were of record before the adoption of the ordinance.

(3) Page 18, section 7 [34-9]: If annexed territory is developed, permanent zoning may be adopted for the new territory immediately after annexation.

(4) Page 49, section 23 [34-62]: These setbacks are fairly standard throughout zoned cities. However, the city can change them if they are not suitable to administer or hinder development.

(Ord. No. 242-2001, app. A, 2-19-2001)

APPENDIX B. TABLE OF COMMON USES

Use	AG	R-1L	R-1	R-1S	R-2	R-3	R-4	C-1	C-2	CB	I-1	I-2	MH
Livestock	X	X*											
Dairies	X												
Churches	X	X*	X*	X*	X*	X	X	X	X	X			X*
Parks	X	X	X	X	X	X	X			X			X
Single-family unit	X	X	X	X									
Schools	X	X*	X*	X*	X	X	X	X	X	X			X*
Hospital	X*						X						
Radio tower	X*	X*						X	X	X	X	X	
Public utilities	X	X*						X	X	X			
Athletic fields	X	X	X	X	X	X	X						X
Private water station		X*	X*	X*	X*	X*	X*	X	X	X			X*
Electric substation		X*	X*	X*	X*	X*	X*				X	X	X*
Two-family residential					X	X							
Multiple-family units						X	X						
Day care						X	X						
Multiple-family (high density)							X						
Manufactured home													X
Libraries and museums							X	X	X	X			
Hotel/motel							X	X*	X*	X*			
Professional offices							X	X	X	X			
Medical and dental clinic								X	X	X			
Bakery, restaurant, cafe, ice cream shops								X	X	X			
Parking lots								X	X	X			
Candy shop								X	X	X			
Printer								X	X	X			
Antiques								X	X	X			
Art gallery								X	X	X			
Financial institutions								X	X	X			
Camera, photography stores								X	X	X			

Coin, philatelic stores								X	X	X			
Department stores								X	X	X			
Florist								X	X	X			
Furniture store								X	X	X			
Furriers								X	X	X			
Appliances								X	X	X			
Leather, luggage								X	X	X			
Loan office								X	X	X			
Locksmith								X	X	X			
Musical instruments								X	X	X			
Reducing salons								X	X	X			
Sporting goods								X	X	X			
Tailor								X	X	X			
Telegraph office								X	X	X			
Theater								X	X	X			
Tobacco shop								X	X	X			
Travel bureau								X	X	X			
Cleaning and dyeing facility									X				
Ice plant									X				
Laundries and automobile washes									X	X			
Mortuary									X	X			
Pumping station									X	X			
Radio/TV broadcast station									X	X			
Repair and storage garage									X				
Telephone exchange									X		X	X	
Tire repair shop									X				
Auto body operations									X	X*			
Spray-paint operations									X				
Auction room									X	X			
Automobile service station									X	X*			
Blueprinting									X	X			
Floor covering									X	X			
Research lab									X				

Interior decorator									X	X			
Meat market									X	X			
Upholstery									X	X			
Taxidermist									X	X			
Advertising products											X	X	
Ambulance, bus, train, yard											X	X	
Awnings, blinds, shades											X	X	
Pharmaceutical products											X	X	
Electrical appliances											X	X	
Electrical instruments, supplies											X	X	
Furniture refinishing											X	X	
Jewelry											X	X	
Medical supplies											X	X	
Machine shop											X	X	
Metal finishing											X	X	
Metal stamping											X	X	
Machinery repair											X	X	
Orthopedic appliances											X	X	
Scientific instruments											X	X	
Sheet metal shop											X	X	
Silverware											X	X	
Shell egg business											X	X	
Bus station, terminal											X	X	
Radar installation											X	X	
Radio/TV station											X	X	
Trade schools											X	X	
Stadiums, auditoriums											X	X	
Warehouse											X	X	
Factory outlet store											X	X	
Amusement											X*	X*	
Asphalt, concrete											X*	X	

plant													
Gasoline/oil storage											X*	X	
Restaurant											X*	X*	
Milk processing											X	X	
Paper products												X	
Railroad freight terminals												X	
Feed mixing and grinding												X	
Foundry or metal fabrication												X	
Meat processing												X	
Cartage establishment												X	
Tire manufacturing												X	
Automobile, airplane assembly												X	

Note: * Indicates a conditional use or a restricted use. Please refer to the district regulations.

This table does not list every use within each district and is for information only. Please refer to the district regulations for uses not listed, or for further clarification.

(Ord. No. 242-2001, app. B, 2-19-2001; Ord. No. 711-2020-10 , § 17, 10-12-2020)

Case Report – Stallion Ranch – Preliminary Plat
Planning and Zoning Commission – July 28, 2022
City Council - August 8, 2022

To: Planning and Zoning Commission
Mayor and City Council

From: Oscar Ortiz, CNU-A

Request: Consider a Preliminary Plat for a 275-lot Planned Development with an underlying R-1S zoning. The subdivision contains 13 open space lots and 17 blocks, Stallion Ranch, being 73.524 acres out of the William Hill Survey Abstract Number 379, Johnson County, generally located south of County Road 109 and east of S. FM 157 in the City of Venus.

Owner: LGI Homes, Texas, LLC.

Engineer: Pape-Dawson Engineers, Inc. Plano, TX

Location: Generally located south of County Road 109 and east of S. FM 157.

Existing Zoning: PD-Planned Development with underlying Single-Family R-1S zoning.

Existing Use: Undeveloped Land

Proposed Land Uses: Single-Family homes, park, open space, and dog park.

Surrounding Zones:
North: Single-Family Residential (R-1) and Agricultural (AG)
South: Johnson County
East: Johnson County
West: Johnson County

Introduction: The applicant is requesting the approval of the Preliminary Plat for approximate 73.534 acre parcel known as Stallion Ranch PD. The Preliminary Plat would create 275 residential lots, park, and a dog park. The Preliminary Plat also shows the location of several easements, trail, streets, open space tract, detention pond, and other land dedications.

Background: A Development Agreement/Pre-Annexation Agreement was completed on October 1, 2021. Stallion Ranch was annexed to the City of Venus on October 12 2021 by Ordinance No. 739-2021-10. Then, the property was rezoned from Agricultural (AG) to Planned Development (PD) by Ordinance No. 741-2021-11 on November 8, 2021.

Analysis: The Preliminary Plat covers 73.524 acres in one lot, which will be developed in one Phase. The minimum lot area for interior lots is 5,500 sq. ft. and 6,000 for corner lots. A maximum of 20 percent of lots may be 1,250 sq. ft. minimum dwelling size, and the remainder of lots must be 1,500 sq. ft. dwelling size. A typical lot size is 50 ft. by 110 ft.

The subdivision provides an amenity area of 3.6 acres with playground equipment, benches, covered pavilion, dog park and pond. Residential streets have a minimum of 29 ft. ROW back-

to-back, a divided entry parkway with approximately 90-foot ROW and 25 ft. wide paved lanes back-to-back. There are two points of access, no homes front the parkway, and parking is prohibited. Trees planted on the ROW by the developer shall be maintained by the HOA.

A 5-foot sidewalk with ADA ramps will be installed along C.R. 109 with streetlights, and a 6-foot minimum meandering concrete trail from one side of the entry parkway to the amenity area. All internal residential streets have 4-foot sidewalks on both sides installed at time of home construction in the ROW and maintained by the lot owner.

No more than 20 percent of homes constructed shall have a garage that encroaches more than 5 ft. into the front setback. All homes have front-entry garages; all homes must have at least 80 percent masonry of the total building.
All homes must have front yard, side yard, and rear yard sodded and

Stormwater will convey into an on-site detention pond. The subdivision is not within the 100-year floodplain. Water will be provided by Mountain Peak Special Utility District and sewer will be provided by the City of Venus.

The Planning and Zoning Commission and City Council shall use the following criteria and determine if it is adequate to serve the development and meet the city's adopted master plans for those facilities: roads, water, wastewater, storm drainage, park facilities, open spaces, easements and rights-of-way. The Planning and Zoning Commission has authority to recommend approval of this preliminary plat subject to conformance with the regulations of the Subdivision Ordinance. The Commission may recommend and the Council may take the following action regarding this plat:

a. Approve the Plat as presented;
b. Approve with conditions; or
c. Deny the Plat

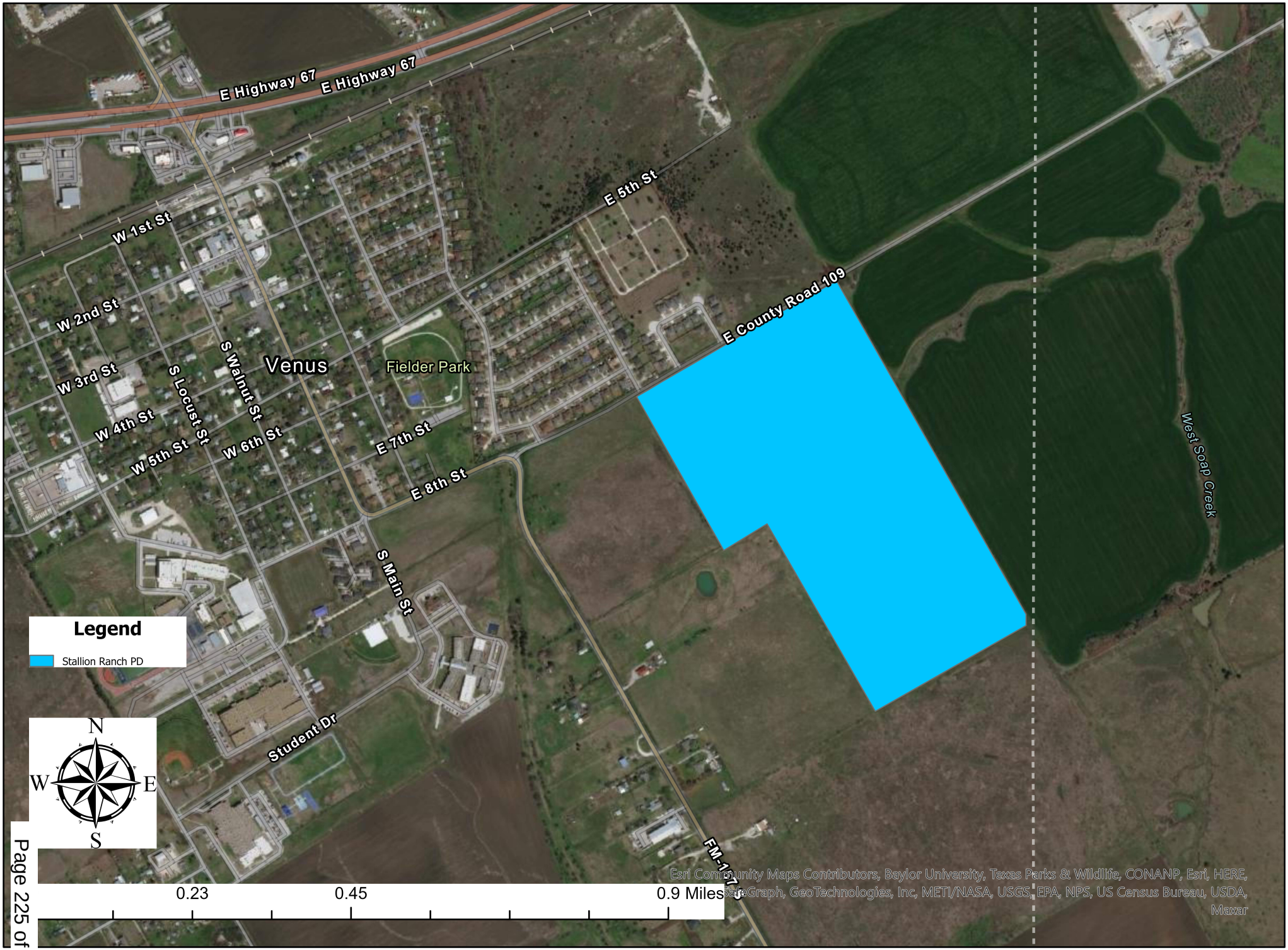
Any added conditions or a motion to deny must include specific references to the Subdivision or other ordinances that are not met by the plat.

Staff Recommendation:

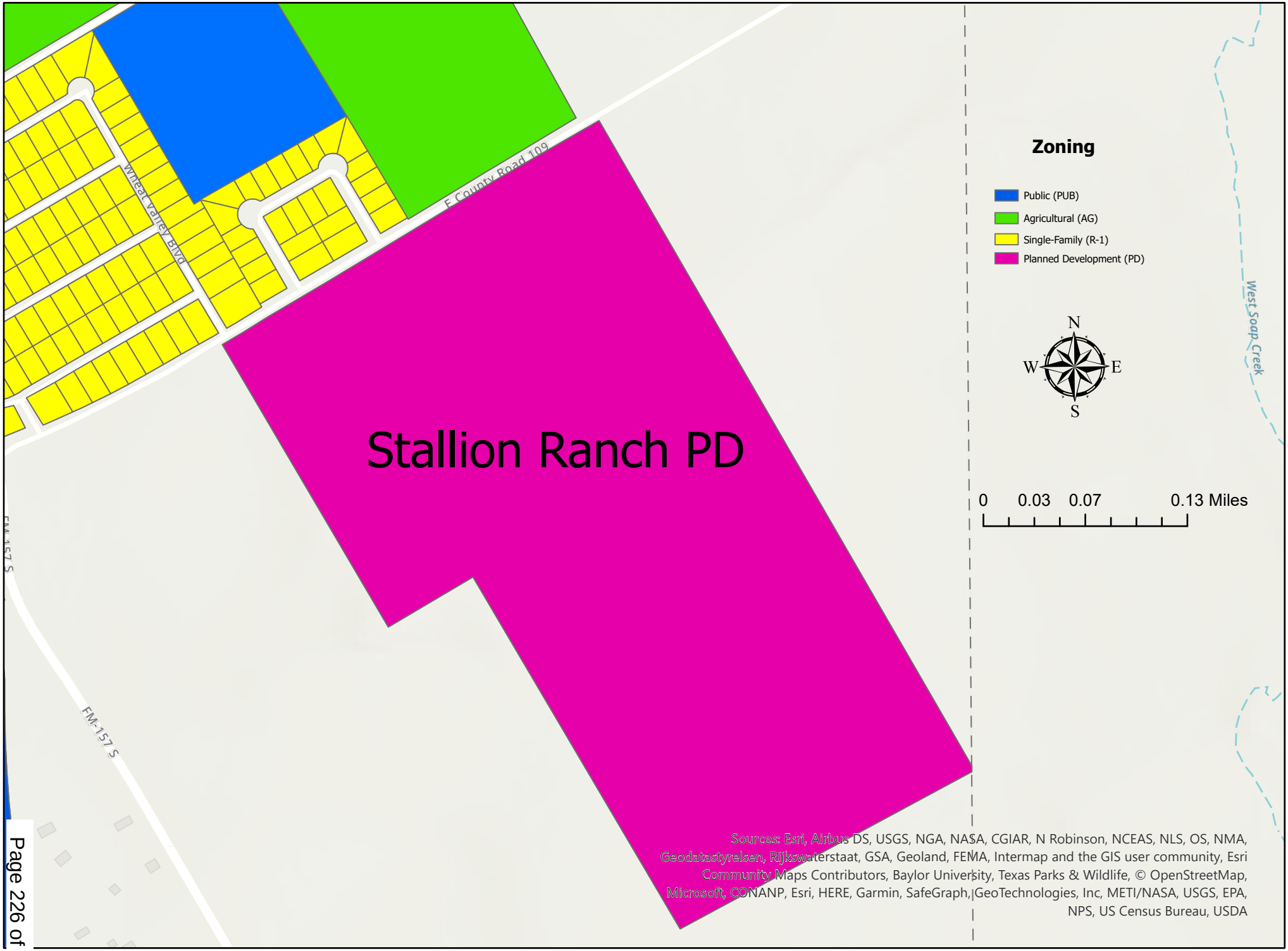
Staff recommends that the Planning and Zoning Commission approves the Preliminary Plat for a 275-lot Planned Development with an R-1S underlying zoning subdivision as presented.

Sample Motion: I move to approve/deny the Preliminary Plat for a 275-lot Planned Development with an R-1S underlying zoning as presented.

Attachments: Vicinity Map
Zoning Map
Preliminary Plat
PD Land Use Regulations



Stallion Ranch PD Vicinity Map

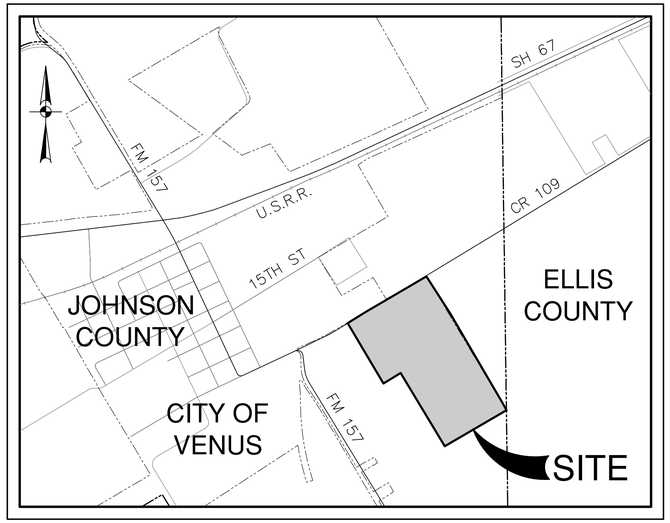

Zoning
Public (PUB)
Agricultural (AG)
Single-Family (R-1)
Planned Development (PD)
N
W
E
S
0 0.03 0.07 0.13 Miles
Stallion Ranch PD
Wheatley Valley Blvd
E County Road 109
FM-157 S
West Soap Creek
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Baylor University, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Zoning Map

STALLION RANCH

CITY OF VENUS, TEXAS

PRELIMINARY PLAT



LOCATION MAP
NOT-TO-SCALE

Sheet List Table

Sheet Description	Sheet No.
COVER SHEET	1
PRELIMINARY OVERALL LAYOUT	2
SIGNATURE BLOCKS, NOTES, & DETAILS	3
EXISTING OFFSITE DRAINAGE AREAS	4
PRELIMINARY DRAINAGE PLAN	5
PRELIMINARY SANITARY SEWER PLAN	6
PRELIMINARY WATER PLAN	7
PRELIMINARY WATER PLAN	8

MAY 2022

OWNED/DEVELOPER:

LGI HOMES, LLC
1450 LAKE ROBBINS DRIVE, SUITE 430
THE WOODLANDS, TX 77380
PH: (972) 467-5214
CONTACT: ELAINE TORRES

PREPARED BY:

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH
5810 TENNYSON PARKWAY, STE 425 I PLANO, TX 75024 I 214.420.8494
TEXAS ENGINEERING #470 I TEXAS SURVEYING FIRM #10194390

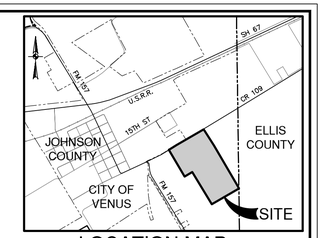
SURVEYOR:

MCKIM & CREED
4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TEXAS 75001
PH: (817) 484-5695
TBPLS FIRM NO. 10177602

PD JOB NO. 70076-15 STALLION RANCH-PRELIMINARY PLAT

Date: May 17, 2022, 11:27am User ID: ocmroe
File: W:\projects\7000\76.15\2.0 Design\2.2 Survey\2.2.7 Plat\PrePlat\CSPPL-70076-15.dwg

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.



LOCATION MAP

NOT-TO-SCALE

SCALE: 1"= 100'

0' 100' 200' 300'

LEGEND

D.R.E.C.T.	DEED RECORDS, ELLIS COUNTY, TEXAS	ROW	RIGHT-OF-WAY
D.R.J.C.T.	DEED RECORDS, JOHNSON COUNTY, TEXAS	VAR WID	VARIABLE WIDTH
M.R.E.C.T.	MAP RECORDS, ELLIS COUNTY, TEXAS	BSL (SURVEYOR)	BUILDING SETBACK LINE
M.R.J.C.T.	MAP RECORDS, JOHNSON COUNTY, TEXAS	●	FOUND IRON ROD (UNLESS NOTED OTHERWISE)
CIRF	½" IRON ROD WITH A PLASTIC CAP FOUND	(#)	BLOCK NUMBER
	20' BUILDING SETBACK LINE	○	FUTURE 1/2" IRON ROD SET
	15' UTILITY EASEMENT LINE		
1	100' UTILITY EASEMENT - TEXAS POWER & LIGHT CO. VOL. 260, PG. 545 & VOL. 891, PG. 360 D.R.J.C.T.		

BENCHMARKS

BM #1	BM #2	BM #3	BM #4
N: 6843484.59	N: 6844142.24	N: 6842018.38	N: 6841503.41
E: 2402247.81	E: 2403398.75	E: 2404780.54	E: 2403813.79
ELEV: 656.331	ELEV: 644.257	ELEV: 644.832	ELEV: 654.204

OWNER/DEVELOPER
LGI HOMES-TEXAS, LLC
1450 LAKE ROBBINS DRIVE, SUITE 430
THE WOODLANDS, TEXAS 77380
TEL: (281) 210-5484
FAX: (281) 210-2601
REPRESENTATIVE: ELAINE TORRES

SURVEYOR
MCKIM & CREED
4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TEXAS 75001
TEL: (817) 484-5695
TBPLS FIRM NO. 10177602

DATE OF PREPARATION: MAY 17, 2022

PRELIMINARY OVERALL LAYOUT - FOR REVIEW PURPOSES ONLY OF

STALLION RANCH

BLOCK 1 - BLOCK 17

BEING A 73.524 ACRES SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379 IN THE CITY OF VENUS ETJ, JOHNSON COUNTY, TEXAS .

275 RESIDENTIAL LOTS
13 COMMON AREA LOTS

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH
5810 TENNYSON PKWY, STE 425 I PLANO, TX 75024 I 214.420.8494
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10194390

SHEET 2 OF 8

PRELIMINARY PLAT - FOR REVIEW PURPOSES ONLY

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C2	325.00'	8°04'32"	N28°39'51"W	45.77'	45.81'
C3	25.00'	58°32'52"	S53°54'01"E	24.45'	25.55'
C4	50.00'	273°04'28"	N53°21'47"E	68.79'	238.30'
C5	25.00'	29°36'00"	N4°53'59"W	12.77'	12.92'
C6	275.00'	13°00'08"	N26°12'03"W	62.27'	62.41'
C7	25.00'	87°40'09"	N76°32'12"W	34.63'	38.25'
C8	275.00'	11°16'51"	S53°59'18"W	54.06'	54.14'
C9	25.00'	97°18'16"	S01°8'15"E	37.54'	42.46'
C10	325.00'	31°51'01"	N33°01'53"W	178.35'	180.66'
C11	25.00'	51°25'14"	S42°49'00"E	21.69'	22.44'
C12	50.00'	276°07'57"	N69°32'22"E	66.83'	240.97'
C13	25.00'	43°22'03"	N5°55'19"E	18.47'	18.92'
C14	275.00'	31°28'40"	N31°30'03"W	149.19'	151.08'
C15	25.00'	107°34'40"	S78°58'17"W	40.34'	46.94'
C16	275.00'	6°35'38"	S21°53'08"W	31.63'	31.65'
C17	25.00'	84°53'53"	S23°51'38"E	33.75'	37.04'
C18	645.00'	39°49'36"	N46°23'46"W	439.37'	448.34'
C19	645.00'	16°05'38"	N18°26'09"W	180.58'	181.17'
C20	25.00'	75°31'12"	S48°08'57"E	30.62'	32.95'
C21	325.00'	52°17'35"	N59°45'45"W	286.43'	296.62'
C22	25.00'	105°14'43"	S86°14'19"E	39.73'	45.92'
C23	275.00'	87°36'28"	N2°39'55"W	380.71'	420.49'
C24	625.00'	21°23'49"	S35°46'15"E	232.05'	233.41'
C25	25.00'	35°34'21"	N42°51'30"W	15.27'	15.52'
C26	50.00'	273°54'39"	S76°18'38"W	68.26'	239.03'
C27	25.00'	60°26'37"	S3°02'39"W	25.17'	26.37'
C28	25.00'	79°20'44"	S67°44'40"E	31.92'	34.62'
C29	75.52'	68°44'55"	N64°46'47"W	85.28'	90.62'
C30	75.00'	24°35'09"	N17°59'05"W	31.94'	32.18'
C31	74.08'	42°35'32"	S26°42'52"E	53.81'	55.07'
C32	325.00'	54°21'53"	N20°33'17"W	296.94'	308.37'
C33	25.00'	73°05'07"	S29°54'54"E	29.77'	31.89'
C34	325.00'	26°34'23"	N53°10'16"W	149.38'	150.73'
C35	25.00'	80°23'35"	S80°04'52"E	32.27'	35.08'
C36	25.00'	90°00'00"	S14°43'20"W	35.36'	39.27'
C37	575.00'	16°31'07"	N22°01'06"W	165.20'	165.78'
C38	75.00'	58°49'51"	S43°10'28"E	73.67'	77.01'
C39	50.00'	138°22'22"	N3°24'12"W	93.47'	120.75'
C40	75.00'	58°49'51"	S36°22'04"W	73.67'	77.01'
C41	275.00'	9°50'22"	N11°52'19"E	98.62'	98.74'
C42	25.00'	114°30'05"	S40°27'32"E	42.05'	49.96'
C43	275.00'	22°34'05"	N71°00'23"E	107.62'	108.32'
C44	25.00'	64°3'14"	N27°36'43"E	26.58'	28.02'
C45	50.00'	270°16'08"	N49°21'50"W	70.54'	235.85'
C46	25.00'	26°02'54"	S72°44'47"W	11.27'	11.37'
C47	325.00'	27°10'14"	N73°18'27"E	152.68'	154.12'
C48	25.00'	79°36'47"	S47°05'11"W	32.01'	34.74'
C49	75.00'	52°29'33"	N33°31'34"E	66.33'	68.71'
C50	25.00'	90°00'00"	S14°46'21"W	35.36'	39.27'
C51	325.00'	19°27'10"	S20°30'04"E	109.81'	110.34'
C52	25.00'	71°32'24"	N46°32'41"W	29.23'	31.22'
C53	25.00'	95°30'10"	S49°56'02"W	37.01'	41.67'
C54	425.00'	48°49'49"	S22°13'57"E	351.34'	362.21'
C55	25.00'	21°11'18"	S57°14'30"E	9.19'	9.25'
C56	50.00'	269°02'32"	N66°41'07"E	71.30'	234.78'
C57	25.00'	62°59'39"	N10°17'27"W	26.12'	27.49'
C58	475.00'	45°32'30"	S19°01'01"E	367.69'	377.56'
C59	25.00'	77°18'53"	N34°54'12"W	31.23'	33.73'
C60	325.00'	42°23'44"	S52°21'47"E	235.03'	240.48'
C61	25.00'	90°00'00"	N76°09'55"W	35.36'	39.27'
C62	25.00'	90°00'00"	N13°50'05"E	35.36'	39.27'
C63	25.00'	18°17'46"	N40°18'47"W	7.95'	7.98'
C64	50.00'	137°53'08"	S19°28'54"W	93.32'	120.33'
C65	25.00'	29°35'23"	N73°37'47"E	12.77'	12.91'
C66	325.00'	12°08'37"	S64°54'24"W	68.75'	68.88'
C67	25.00'	82°08'26"	N29°54'29"E	32.85'	35.84'
C68	555.00'	15°19'14"	N18°49'21"W	147.96'	148.40'
C69	25.00'	90°30'18"	N71°44'07"W	35.51'	39.49'
C70	1470.00'	8°44'35"	S58°38'26"W	224.10'	224.32'
C71	1525.00'	13°35'03"	N61°03'40"E	360.72'	361.56'
C72	1475.00'	4°31'51"	N65°52'15"E	116.61'	116.64'
C73	25.00'	94°41'10"	N16°15'44"E	36.77'	41.31'
C74	595.00'	0°56'14"	S29°59'49"E	9.73'	9.73'
C75	25.00'	39°50'35"	N49°26'59"W	17.04'	17.38'
C76	50.00'	275°15'38"	S68°15'33"W	67.39'	240.21'

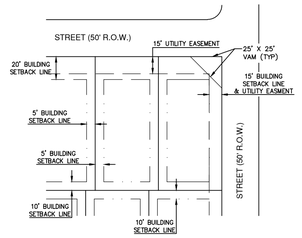
CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C77	25.00'	56°21'18"	S21°17'17"E	23.61'	24.59'
C78	25.00'	90°32'25"	S76°44'09"E	35.52'	39.51'
C79	25.00'	90°00'00"	N13°59'39"E	35.36'	39.27'
C80	325.00'	24°27'11"	S18°46'46"E	137.66'	138.71'
C81	25.00'	51°55'56"	N32°31'08"W	21.89'	22.66'
C82	50.00'	276°02'37"	S79°32'12"W	66.88'	240.89'
C83	25.00'	42°32'35"	S16°17'13"W	18.14'	18.56'
C84	275.00'	26°01'17"	S17°59'43"E	123.82'	124.89'
C85	25.00'	90°00'00"	S76°00'21"E	35.36'	39.27'
C86	275.00'	31°35'13"	N43°12'02"E	149.69'	151.61'
C87	25.00'	92°40'59"	N18°56'04"W	36.17'	40.44'
C88	645.00'	32°46'17"	S48°53'25"E	363.91'	368.92'
C89	25.00'	88°26'21"	N76°43'27"W	34.87'	38.59'
C90	25.00'	91°58'24"	S13°04'11"W	35.96'	40.13'
C91	555.00'	31°03'06"	S48°26'34"E	297.12'	300.78'
C92	25.00'	97°26'34"	N67°18'36"E	37.58'	42.52'
C93	25.00'	11°36'14"	N38°12'48"W	41.84'	49.57'
C94	50.00'	203°25'47"	S6°41'58"W	97.92'	177.53'
C95	75.00'	71°49'13"	N72°30'15"E	87.98'	94.01'
C96	325.00'	23°02'05"	S48°06'41"W	129.78'	130.66'
C97	25.00'	92°19'51"	N13°27'48"E	36.07'	40.29'
C98	25.00'	88°15'16"	N76°49'22"W	34.81'	38.50'
C99	25.00'	90°04'30"	S13°5'7'24"W	35.38'	39.30'
C100	325.00'	32°37'55"	N42°40'41"E	182.61'	185.10'
C101	25.00'	87°19'42"	S70°01'35"W	34.52'	38.10'
C102	555.00'	32°45'24"	N49°55'53"W	313.00'	317.30'
C103	25.00'	96°26'54"	N14°40'16"E	37.29'	42.08'
C104	1520.00'	8°37'35"	S58°34'56"W	228.63'	228.85'
C105	1475.00'	5°22'47"	N56°57'32"E	138.44'	138.49'
C106	25.00'	89°16'14"	S75°42'58"E	35.13'	38.95'
C107	25.00'	90°00'00"	S13°50'05"W	35.36'	39.27'
C108	275.00'	90°53'15"	N75°43'17"W	391.91'	436.23'
C109	275.00'	47°04'10"	N6°44'35"W	219.62'	225.92'
C110	325.00'	10°52'43"	S11°21'09"W	61.61'	61.71'
C111	25.00'	91°46'21"	N51°47'57"E	35.90'	40.04'
C112	25.00'	90°40'59"	S36°58'23"E	35.57'	39.57'
C113	475.00'	11°25'40"	N2°39'17"E	94.58'	94.74'
C114	25.00'	58°18'34"	S26°05'44"W	24.36'	25.44'
C115	50.00'	132°23'42"	N10°56'51"W	91.49'	115.54'
C116	25.00'	58°18'34"	S47°59'25"E	24.36'	25.44'
C117	475.00'	17°13'34"	N27°26'55"W	142.27'	142.81'
C118	575.00'	9°31'36"	S31°17'54"E	95.49'	95.61'
C119	25.00'	58°22'45"	S2°39'16"W	24.39'	25.47'
C120	50.00'	274°45'05"	S74°28'06"W	67.72'	239.77'
C121	25.00'	38°04'53"	N43°52'00"W	16.31'	16.62'
C122	625.00'	7°52'31"	S28°45'49"E	85.84'	85.91'
C123	25.00'	91°32'09"	N13°04'01"E	35.83'	39.94'
C124	25.00'	90°00'00"	S76°09'55"E	35.36'	39.27'
C125	25.00'	90°00'00"	S13°50'05"W	35.36'	39.27'
C126	25.00'	89°42'01"	N76°18'54"W	35.26'	39.14'
C127	425.00'	39°50'00"	N11°32'54"W	289.56'	295.47'
C128	25.00'	101°32'13"	N59°08'13"E	38.73'	44.30'
C129	275.00'	38°55'46"	S50°37'47"E	183.27'	186.85'
C130	25.00'	116°18'53"	S39°31'41"W	42.48'	50.75'
C131	25.00'	142°05'13"	N11°16'16"W	47.29'	62.00'
C132	25.00'	90°00'00"	S75°1'3.39"E	35.36'	39.27'
C133	275.00'	11°35'54"	S24°25'42"E	55.57'	55.67'
C134	25.00'	87°31'06"	S38°33'20"E	34.58'	38.19'
C135	275.00'	11°35'17"	S10°59'52"W	55.52'	55.62'
C136	325.00'	47°04'10"	N6°44'35"W	259.55'	266.99'
C137	25.00'	76°44'32"	S8°05'36"W	31.04'	33.49'
C138	325.00'	23°08'49"	N34°53'28"E	130.41'	131.30'
C139	25.00'	93°41'46"	S70°09'57"W	36.48'	40.88'
C140	275.00'	32°42'30"	N46°37'55"W	154.87'	156.99'
C141	525.00'	47°04'10"	N6°44'35"W	419.27'	431.30'
C142	25.00'	84°48'59"	N55°16'38"E	33.72'	37.01'

TRACT SUMMARY TABLE					
TRACT	AREA (SQ. FT.)	AREA (ACRES)	USE	OWNED BY	MAINTAINED BY
BLK 1 LOT 29	85376 SF	1.96 AC	OPEN SPACE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 1 LOT 30	7606 SF	0.17 AC	LIFT STATION	CITY OF VENUS	CITY OF VENUS
BLK 1 LOT 31	1067 SF	0.02 AC	OPEN SPACE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 2 LOT 13	19290 SF	0.44 AC	OPEN SPACE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 3 LOT 6	48094 SF	1.10 AC	OPEN SPACE/DRAINAGE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 4 LOT 25	76094 SF	1.75 AC	OPEN SPACE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 5 LOT 30	64260 SF	1.48 AC	OPEN SPACE/DRAINAGE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 6 LOT 10	72783 SF	1.67 AC	PARK	STALLION RANCH HOA	STALLION RANCH HOA
BLK 6 LOT 11	86854 SF	1.99 AC	OPEN SPACE/DRAINAGE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 11 LOT 9	14116 SF	0.32 AC	OPEN SPACE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 13 LOT 18	19824 SF	0.46 AC	OPEN SPACE/DRAINAGE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 15 LOT 10	22144 SF	0.51 AC	OPEN SPACE/DRAINAGE	STALLION RANCH HOA	STALLION RANCH HOA
BLK 16 LOT 1	15121 SF	0.35 AC	PARK	STALLION RANCH HOA	STALLION RANCH HOA

SUBDIVISION DATA TABLE			
DESCRIPTION	NUMBER	AREA (SQ. FT.)	AREA (ACRES)
LOTS	275	1851054 SF	42.5 AC
OPEN SPACE	13	532629 SF	12.22 AC
ROW		819025 SF	18.80 AC
TOTAL	288	3202708 SF	73.52 AC

NOTES

1. THIS PLAT IDENTIFIES PRELIMINARY NEED AND LOCATIONS FOR STORM WATER STORAGE FACILITIES KNOWN AS DETENTION PONDS. IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE OWNER OR OWNER'S DESIGNEE OF ANY SPECIFIC LOT OR TRACT WITHIN THE PLATTED SUBDIVISION THAT THE OWNER OR OWNER'S DESIGNEE OF LOTS OR TRACTS SHALL BE RESPONSIBLE TO PROVIDE FOR THE FINAL DETENTION VOLUME MITIGATION DURING THE SITE DEVELOPMENT. THE PRELIMINARY DETENTION STORAGE VOLUME ESTIMATE IS NOTED AT EACH LOCATION. THE FINAL DETAILED ANALYSIS DETENTION VOLUME AND REQUIRED EASEMENT MAY BE MORE OR LESS THAN SHOWN ON THIS PLAT. THE DETENTION POND DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF VENUS SUBDIVISION ORDINANCES AND NCTCOG ISWM CRITERIA MANUAL FOR SITE DEVELOPMENT AND CONSTRUCTION CURRENT AT THE TIME THE FINAL STORMWATER MANAGEMENT PLAN IS SUBMITTED.
2. BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM 1983 NAD83 (NA2011 EPOCH 2010.00).
3. NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP PANEL NO. 48251C0250J, DATED 12/4/2012.
4. SETBACKS SHALL BE IN ACCORDANCE WITH THE PRE ANNEXATION DEVELOPMENT AGREEMENT.
5. RIGHT-OF-WAY AND STREET WIDTHS SHALL BE IN ACCORDANCE WITH THE PRE ANNEXATION DEVELOPMENT AGREEMENT.
6. SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH SECTION 26-99, SIDEWALKS WITHIN CHAPTER 26, - SUBDIVISIONS AND DEVELOPMENT FROM THE CITY OF VENUS CODE OF ORDINANCES
7. PUBLIC UTILITY EASEMENT WIDTH BEING PROVIDED IN ACCORDANCE WITH SECTION 26-100. - UTILITY LINES AND EASEMENTS WITHIN CHAPTER 26, - SUBDIVISIONS AND DEVELOPMENT FROM THE CITY OF VENUS CODE OF ORDINANCES
8. A FIVE-FOOT (5') WIDE SIDEWALK WITH ADA RAMPS SHALL BE PROVIDED ALONG CR 109 WITHIN THE 60' RIGHT-OF-WAY DEDICATION IN ADDITION TO STREET LIGHTS.
9. NO MORE THAN ONE -SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT. NO COMMERCIAL USE SHALL BE ALLOWED ON ANY OF THE LOTS.
10. MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF THE CURB STREET OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT APPLICATION.
11. IN ACCORDANCE WITH THE CITY OF VENUS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN AN APPROXIMATE TOTAL OF 888.422 CUBIC FEET (20.4 ACRE FEET) OF STORM WATER RUNOFF
12. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT, IF IT IS DETERMINED, AT THE DEVELOPMENT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
13. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
14. EACH PURCHASED CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF A LOT IN THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEWER, ELECTRICITY AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.
15. LEGEND DENOTES 1/2" IRON ROD SET UNLESS OTHERWISE NOTED.
16. ALL PUBLIC UTILITY EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF FIFTEEN (15) FEET IN THE FRONT AND BACK LOT LINES, FIVE (5) FEET ON THE SIDES OF THE LOT. BY SIGNING THIS PLAT DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.
17. THIS SUBDIVISION HAS SANITARY SEWER SERVICE FROM THE CITY OF VENUS.
18. AS PER LOCAL GOVERNMENT CODE REQUIREMENTS, SANITARY SEWER MUST BE CONNECTED TO A RESIDENCE PRIOR TO THE COUNTY PROCESSING A FINAL CLEARANCE FOR A WATER METER. A SEWER TAP INSPECTION SHALL BE PROVIDED FROM THE ENTITY SERVICE PROVIDER PRIOR TO RECEIVING A CLEARANCE FOR WATER METER(S).
19. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTING PLAN (SWP3) REQUIREMENTS.
20. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODPLAIN IS PROHIBITED.
21. THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS STALLION RANCH SHALL REMAIN AS OPEN CHANNELS AND SHALL BE MAINTAINED BY THE STALLION RANCH HOA.
22. THE CITY OF VENUS WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
23. THE CITY OF VENUS WILL NOT BE RESPONSIBLE FOR AND DAMAGE, PERSONAL INJURY, OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
24. THE CITY OF VENUS HAS A RIGHT BUT NOT A DUTY TO ENTER ONTO PROPERTY AND CLEAN ANY OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO TREES, PLANTS, DIRT, OR BUILDINGS WHICH OBSTRUCT THE FLOW OF WATER THROUGH DRAINAGE EASEMENTS.



EASEMENT & BUILDING LINE LOCATIONS TYPICAL

NOT-TO-SCALE

MINIMAL BUILDING SETBACKS
MINIMUM FRONT YARD: 20 FEET
MINIMUM SIDE YARD: 5 FEET OR EASEMENT WHICHEVER IS GREATER
MINIMUM SIDE YARD-CORNER LOT: 15 FEET
MINIMUM SIDE YARD-CORNER KEY LOT: 20 FEET
MINIMUM REAR YARD: 10 FEET
MAXIMUM LOT COVERAGE OF BUILDINGS: 60%
HEIGHT OF STRUCTURES (MAXIMUM)
MAIN STRUCTURE (FEET): 35 FEET

1. LOT WIDTH TO BE MEASURED AT FRONT BUILDING SETBACK LINE
2. LOTS FRONTING CUL-DE-SACS AND KNUCKLES MAY HAVE MINIMUM LOT DEPTH OF 100 FT.
3. A MAXIMUM OF 20% OF SF5 LOTS MAY BE 1,250 SF. MINIMUM DWELLING SIZE. REMAINDER OF SF5 LOTS MUST BE 1,500 SF. MINIMUM.
4. CORNER LOTS WHERE A HOME WITH SIDE-ENTRY GARAGE IS CONSTRICTED SHALL BE SUBJECT TO A 15-FOOT MINIMUM SIDE YARD SETBACK.
5. NO MORE THAN TWENTY PERCENT (20%) OF HOMES CONSTRUCTED SHALL HAVE A GARAGE THAT EXTENDS MORE THAN FIVE FEET (5') FORWARDS OF THE REMAINING STRUCTURE.
6. A KEY LOT IS A CORNER LOT WHICH BACKS TO THE SIDE YARD OF AN ADJACENT LOT.
7. A DEVELOPER INSTALLED, 6' MINIMUM WIDTH, MEANDERING CONCRETE TRAIL SHALL BE INSTALLED ALONG ONE SIDE OF THE ENTRY PARKWAY TO THE AMENITY AREA.
8. ALL INTERNAL RESIDENTIAL STREETS SHALL BE SERVED BY MINIMUM FOUR-FOOT (4') WIDE SIDEWALKS ON BOTH SIDES OF THE STREET, INSTALLED AT TIME OF HOME CONSTRUCTIONS IN THE RIGHT OF WAY AND MAINTAINED BY THE LOT OWNER OR HOA.

METES AND BOUNDS DESCRIPTION

BEING A 73.5240 ACRE TRACT OF LAND SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379, JOHNSON COUNTY, TEXAS AND BEING ALL THAT CERTAIN CALLED 75.19 ACRE TRACT OF LAND, TRACT II DESCRIBED IN WARRANTY DEED FROM GRANTOR SEVEN S RANCH, INC TO GRANTEE LGI HOMES-TEXAS LLC, AND RECORDED IN INSTRUMENT NUMBER 2021-42520 OF THE DEED RECORDS OF JOHNSON COUNTY TEXAS;

BEGINNING AT A POINT FOR CORNER IN THE CALLED CENTER OF COUNTY ROAD 109 (SIXTY FOOT (60') RIGHT-OF-WAY) AND BEING IN THE NORTHEAST LINE OF SAID WILLIAM HILL SURVEY, SAME BEING THE SOUTHEAST LINE OF THE RADFORD BERRY SURVEY, ABSTRACT NUMBER 26, AND BEING AT THE NORTH CORNER OF SAID 75.19 ACRE TRACT OF LAND, SAME BEING THE EAST CORNER OF THAT CERTAIN CALLED 101.33 ACRE TRACT OF LAND DESCRIBED IN DEED TO JEFF D. MCGREGOR AND DOW ANNA MCGREGOR AND RECORDED IN VOLUME 2178, PAGE 935 OF SAID DEED RECORDS AND BEING IN THE SOUTHEAST LINE OF COUNTY ROAD 109 (SIXTY FOOT (60') RIGHT-OF-WAY);

THENCE SOUTH 31°13'36" EAST WITH THE NORTHEAST LINE OF SAID 75.19 ACRE TRACT, SAME BEING THE SOUTHWEST LINE OF SAID 101.33 ACRE TRACT AT A DISTANCE OF 30.00 FEET PASSING AN AXLE FOUND FOR REFERENCE AND CONTINUING A TOTAL DISTANCE OF 2509.49 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE EAST CORNER OF SAID 75.19 ACRE TRACT SAME BEING THE NORTH CORNER OF THAT CERTAIN CALLED 23.29 ACRE TRACT OF LAND TO HAU NGO AND LONG T. NGUYEN AND RECORDED IN INSTRUMENT NUMBER 2015-13044 OF SAID DEED RECORDS AND BEING IN THE SOUTHWEST CORNER OF SAID 101.33 ACRE TRACT;

THENCE SOUTH 59°20'46" WEST WITH THE SOUTHEAST LINE OF SAID 75.19 ACRE TRACT, SAME BEING THE NORTHWEST LINE OF SAID 23.29 ACRE TRACT A DISTANCE OF 1,145.65 FEET TO A 5/8" IRON ROD FOUND FOR CORNER AT THE SOUTH CORNER OF SAID 75.19 ACRE TRACT SAME BEING THE EAST CORNER OF THAT CERTAIN CALLED 38.080 ACRE TRACT OF LAND DESCRIBED IN DEED TO LAM NGUYN AND RECORDED IN INSTRUMENT NUMBER 2012-9914 OF SAID DEED RECORDS;

THENCE NORTH 30°36'44" WEST WITH THE SOUTHWEST LINE OF SAID 75.19 ACRE TRACT, SAME BEING THE NORTHEAST LINE OF SAID 38.080 A DISTANCE OF 1,372.90 FEET TO A POINT FOR CORNER AT AN INSIDE ELL CORNER IN THE SOUTHWEST LINE OF SAID 75.19 ACRE TRACT SAME BEING THE NORTH CORNER OF SAID 38.08 ACRE TRACT;

THENCE SOUTH 59°21'14" WEST WITH THE NORTHWEST LINE OF SAID 38.080 ACRE TRACT A DISTANCE OF 331.02 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN OUTSIDE ELL CORNER IN THE SOUTHWEST LINE OF SAID 75.19 ACRE TRACT SAME BEING THE EAST CORNER OF THAT CERTAIN CALLED 25.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO MJKA CORPORATION, INC AND RECORDED IN INSTRUMENT NUMBER 2016-24977 OF SAID DEED RECORDS;

THENCE NORTH 30°25'53" WEST WITH THE SOUTHWEST LINE OF SAID 75.19 ACRE TRACT, SAME BEING THE NORTHEAST LINE OF SAID 25.00 ACRE TRACT AT A DISTANCE OF 1,094.11 FEET TO A 1/2" IRON ROD FOUND FOR REFERENCE IN THE SOUTHEAST LINE OF SAID COUNTY ROAD AND CONTINUING A TOTAL DISTANCE OF 1,124.11 FEET TO A POINT FOR CORNER AT THE WEST CORNER OF SAID 75.19 ACRE TRACT SAME BEING THE NORTH CORNER OF SAID 25.00 ACRE TRACT AND BEING IN THE ABOVE MENTIONED COUNTY ROAD 109;

THENCE NORTH 59°03'23" EAST WITH THE NORTHWEST LINE OF SAID 75.19 ACRE TRACT, AND WITH SAID COUNTY ROAD 109 A DISTANCE OF 1,446.28 FEET BACK TO A **POINT OF BEGINNING** AND **CONTAINING** 73.5241 ACRES OF LAND OF WHICH 0.9962 ACRES LINE WITHIN SAID COUNTY ROAD 109, AND 0.085 ACRES IN A "MATERIAL ENCUMBERED NON-BUILDABLE AREA" LEAVING A NET OF 3,155,582 SQUARE FEET OR 72.4424 ACRES OF LAND, OR LESS.

OWNER'S ACKNOWLEDGMENT & DEDICATION

WHEREAS LGI HOMES, LLC. A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH THE UNDERSIGNED, THEIR DULY AUTHORIZED AGENT, IS THE OWNER AND DEVELOPER OF STALLION RANCH, THE SAID 73.524 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO LGI HOMES-TEXAS LLC. RECORDED IN INSTRUMENT NUMBER 2021-42520 OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS OUT OF THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379, IN THE CITY OF VENUS, JOHNSON COUNTY, TEXAS.

_____
ELAINE TORRES (REPRESENTATIVE)

_____
DATE

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, ELAINE TORRES KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE\SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS
THE _____, DAY OF _____, 2022.

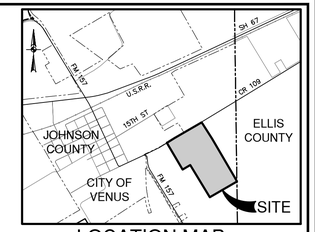
_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I, _____, A REGISTERED PUBLIC SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND AND THAT ALL LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVE HAVE BEEN PROPERLY MARKED ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED ON AS A FINAL SURVEY DOCUMENT



LOCATION MAP

NOT-TO-SCALE

CITY COUNCIL APPROVAL

THIS IS TO CERTIFY THAT THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE _____, DAY OF _____, 2022.

_____
MAYOR

_____
CITY SECRETARY

COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF JOHNSON COUNTY CLERK IN THE STATE OF TEXAS THE _____, DAY OF _____, 2022.

ATTEST:

_____
BECKY IVEY, COUNTY CLERK

OWNER/DEVELOPER
LGI HOMES-TEXAS, LLC
1450 LAKE ROBBINS DRIVE, SUITE 430
THE WOODLANDS, TEXAS 77380
TEL: (281) 210-5484
FAX: (281) 210-2601
REPRESENTATIVE: ELAINE TORRES

SURVEYOR
MCKIM & CREED
4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TEXAS 75001
TEL: (817) 484-5695
TBPLS FIRM NO. 10177602

DATE OF PREPARATION: MAY 17, 2022

SIGNATURE BLOCK, NOTES, & DETAILS FOR REVIEW PURPOSES ONLY OF

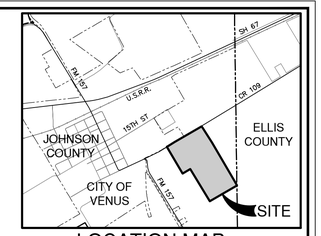
STALLION RANCH

BLOCK 1 - BLOCK 17

BEING A 73.524 ACRES SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379 IN THE CITY OF VENUS ETJ, JOHNSON COUNTY, TEXAS .

275 RESIDENTIAL LOTS
13 COMMON AREA LOTS

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I



LOCATION MAP

NOT-TO-SCALE

SCALE: 1"= 200'

0' 200' 400' 600'

PRE-DEVELOPMENT DRAINAGE AREA CALCULATIONS							
Area No.	Area (ac)	Runoff Coeff.	CA	Frequency Factor	Tc (min)	I100 (in/hr)	Q100 (cfs)
Offsite							
OFF-1	19.06	0.67	12.77	1.25	30	5.77	92.11
OFF-2	33.88	0.66	22.36	1.25	30	5.77	161.28
OFF-3	28.39	0.66	18.74	1.25	30	5.77	135.14
OFF-4	18.17	0.65	11.81	1.25	30	5.77	85.18
TOTAL	99.50						473.71

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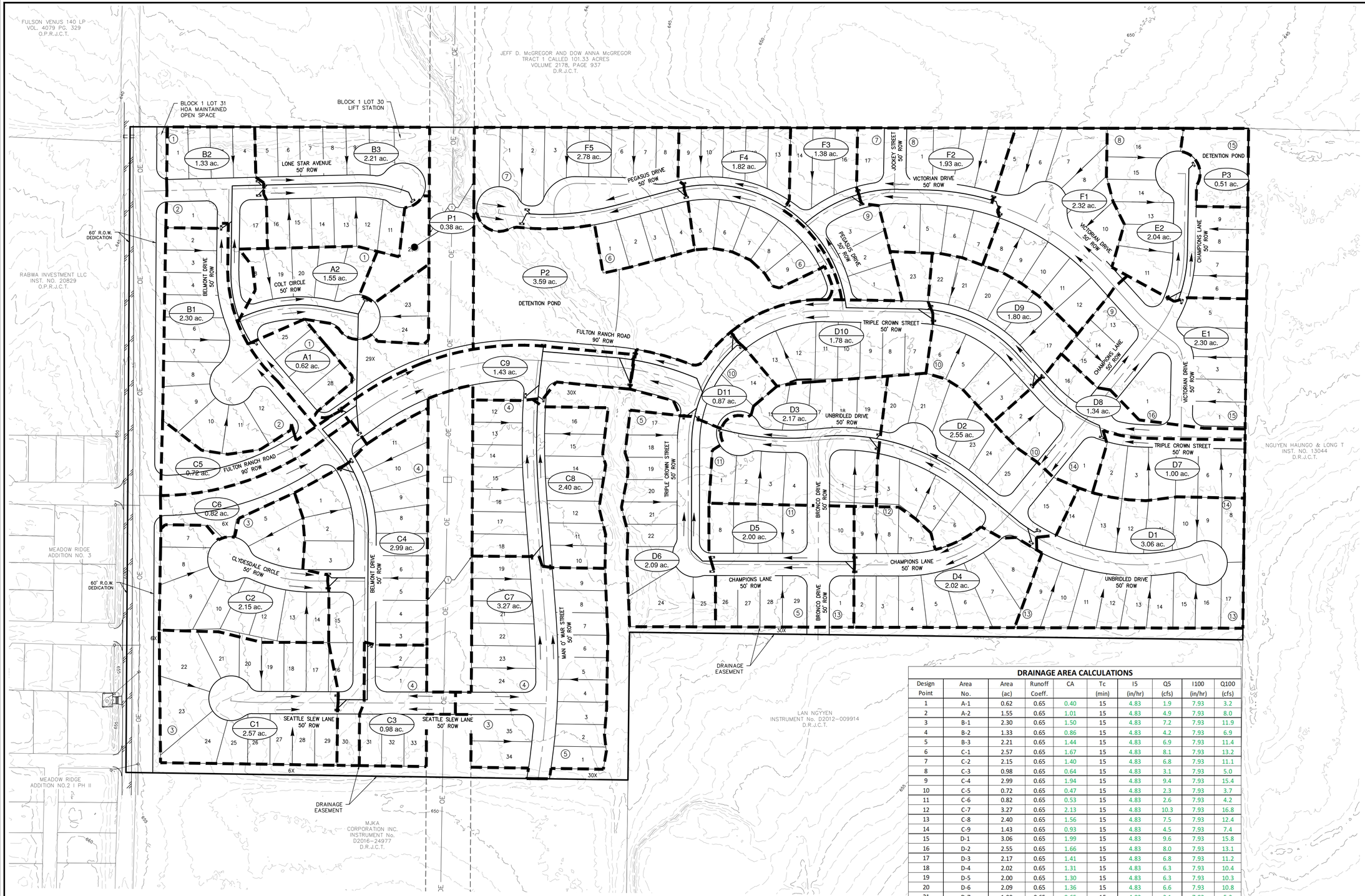
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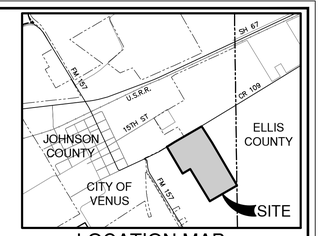
EXISTING OFFSITE DRAINAGE AREAS - FOR REVIEW PURPOSES ONLY
OF
STALLION RANCH
BLOCK 1 - BLOCK 17

BEING A 73.524 ACRES SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379 IN THE CITY OF VENUS ETJ, JOHNSON COUNTY, TEXAS .

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13 COMMON AREA LOTS

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH
5810 TENNYSON PKWY, STE 425 I PLANO, TX 75024 I 214.420.8494
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10194390





LOCATION MAP

NOT-TO-SCALE

SCALE: 1"= 100'

0' 100' 200' 300'

NOTES:

1. SITE TO DETAIN TO EXISTING CONDITIONS.
2. NO OFFSITE EASEMENT WILL BE REQUIRED FOR DRAINAGE PURPOSES.

DRAINAGE AREA CALCULATIONS

Design Point	Area No.	Area (ac)	Runoff Coeff.	CA	Tc (min)	I5 (in/hr)	Q5 (cfs)	I100 (in/hr)	Q100 (cfs)
1	A-1	0.62	0.65	0.40	15	4.83	1.9	7.93	3.2
2	A-2	1.55	0.65	1.01	15	4.83	4.9	7.93	8.0
3	B-1	2.30	0.65	1.50	15	4.83	7.2	7.93	11.9
4	B-2	1.33	0.65	0.86	15	4.83	4.2	7.93	6.9
5	B-3	2.21	0.65	1.44	15	4.83	6.9	7.93	11.4
6	C-1	2.57	0.65	1.67	15	4.83	8.1	7.93	13.2
7	C-2	2.15	0.65	1.40	15	4.83	6.8	7.93	11.1
8	C-3	0.98	0.65	0.64	15	4.83	3.1	7.93	5.0
9	C-4	2.99	0.65	1.94	15	4.83	9.4	7.93	15.4
10	C-5	0.72	0.65	0.47	15	4.83	2.3	7.93	3.7
11	C-6	0.82	0.65	0.53	15	4.83	2.6	7.93	4.2
12	C-7	3.27	0.65	2.13	15	4.83	10.3	7.93	16.8
13	C-8	2.40	0.65	1.56	15	4.83	7.5	7.93	12.4
14	C-9	1.43	0.65	0.93	15	4.83	4.5	7.93	7.4
15	D-1	3.06	0.65	1.99	15	4.83	9.6	7.93	15.8
16	D-2	2.55	0.65	1.66	15	4.83	8.0	7.93	13.1
17	D-3	2.17	0.65	1.41	15	4.83	6.8	7.93	11.2
18	D-4	2.02	0.65	1.31	15	4.83	6.3	7.93	10.4
19	D-5	2.00	0.65	1.30	15	4.83	6.3	7.93	10.3
20	D-6	2.09	0.65	1.36	15	4.83	6.6	7.93	10.8
21	D-7	1.00	0.65	0.65	15	4.83	3.1	7.93	5.2
22	D-8	1.34	0.65	0.87	15	4.83	4.2	7.93	6.9
23	D-9	1.80	0.65	1.17	15	4.83	5.7	7.93	9.3
24	D-10	1.78	0.65	1.16	15	4.83	5.6	7.93	9.2
25	D-11	0.87	0.65	0.57	15	4.83	2.7	7.93	4.5
26	E-1	2.3	0.65	1.50	15	4.83	7.2	7.93	11.9
27	E-2	2.04	0.65	1.33	15	4.83	6.4	7.93	10.5
28	F-1	2.32	0.65	1.51	15	4.83	7.3	7.93	12.0
29	F-2	1.93	0.65	1.25	15	4.83	6.1	7.93	9.9
30	F-3	1.38	0.65	0.90	15	4.83	4.3	7.93	7.1
31	F-4	1.82	0.65	1.18	15	4.83	5.7	7.93	9.4
32	F-5	2.78	0.65	1.81	15	4.83	8.7	7.93	14.3

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ADDISON, TEXAS 75001
TEL: (817) 484-5695
TBPLS FIRM NO. 10177602

DATE OF PREPARATION: MAY 17, 2022

PRELIMINARY DRAINAGE PLAN - FOR REVIEW PURPOSES ONLY OF

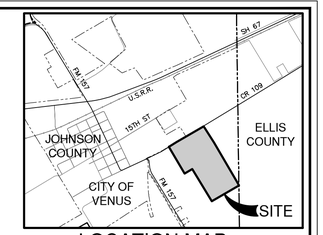
STALLION RANCH

BLOCK 1 - BLOCK 17

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13 COMMON AREA LOTS

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TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10194390



LOCATION MAP

NOT-TO-SCALE

SCALE: 1"= 100'

0' 100' 200' 300'

FULSON VENUS 140 LP
VOL. 4079 PG. 329
O.P.R.J.C.T.

JEFF D. McGREGOR AND DOW ANNA McGREGOR
TRACT 1 CALLED 101.33 ACRES
VOLUME 2178, PAGE 937
D.R.J.C.T.

RABWA INVESTMENT LLC
INST. NO. 20829
O.P.R.J.C.T.

MEADOW RIDGE ADDITION NO. 3

MEADOW RIDGE ADDITION NO.2 I PH II

NGUYEN HAUNGO & LONG T
INST. NO. 13044
D.R.J.C.T.

LAN NGYYEN
INSTRUMENT No. D2012-009914
D.R.J.C.T.

MJKA CORPORATION INC.
INSTRUMENT No.
D2016-24977
D.R.J.C.T.

EX. 6" FORCE MAIN

CONNECT TO EXISTING 6" FORCE MAIN

CUT AND CAP EXISTING 6" FORCE MAIN TO THE WEST

60' R.O.W. DEDICATION

EXISTING 6" FORCE MAIN TO BE ABANDONED

DEMO EXISTING MEADOW RIDGE LIFT STATION AND ROUTE FLOW TO PROPOSED STALLION RANCH LIFT STATION

BLOCK 1 LOT 31
HOA MAINTAINED
OPEN SPACE

BLOCK 1 LOT 30
LIFT STATION

6" FORCE MAIN

LONE STAR AVENUE
50' ROW

BELMONT DRIVE
50' ROW

COLT CIRCLE
50' ROW

FULTON RANCH ROAD
90' ROW

CLYDESDALE CIRCLE
50' ROW

SEATTLE SLEW LANE
50' ROW

MAN O' WAR STREET
50' ROW

PEGASUS DRIVE
50' ROW

JOCKEY STREET
50' ROW

VICTORIAN DRIVE
50' ROW

TRIPLE CROWN STREET
50' ROW

CHAMPIONS LANE
50' ROW

UNBRIDLED DRIVE
50' ROW

BRONCO DRIVE
50' ROW

DRAINAGE EASEMENT

DRAINAGE EASEMENT

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DATE OF PREPARATION: MAY 17, 2022

PRELIMINARY SANITARY SEWER PLAN FOR REVIEW PURPOSES ONLY OF STALLION RANCH

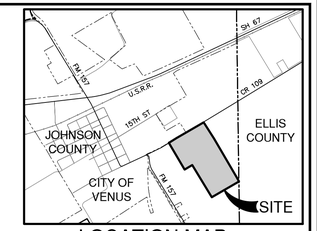
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SHEET 6 OF 8



LOCATION MAP

NOT-TO-SCALE

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TRACT 1 CALLED 101.33 ACRES
VOLUME 2178, PAGE 937
D.R.J.C.T.

NGUYEN HAUNGO & LONG T
INST. NO. 13044
D.R.J.C.T.

LAN NGYYEN
INSTRUMENT No. D2012-009914
D.R.J.C.T.

MJKA
CORPORATION INC.
INSTRUMENT No.
D2016-24977
D.R.J.C.T.

MEADOW RIDGE
ADDITION NO. 3

MEADOW RIDGE
ADDITION NO.2 I PH II

E. COUNTY RD. 109

EX-W

OE

BLOCK 1 LOT 31
HOA MAINTAINED
OPEN SPACE

BLOCK 1 LOT 30
LIFT STATION

60' R.O.W. DEDICATION

LONE STAR AVENUE
50' ROW

8" WATER LINE

BELMONT DRIVE
50' ROW

COLT CIRCLE
50' ROW

FULTON RANCH ROAD
90' ROW

CLYDESDALE CIRCLE
50' ROW

SEATTLE SLEW LANE
50' ROW

PEGASUS DRIVE
50' ROW

JOCKEY STREET
50' ROW

VICTORIAN DRIVE
50' ROW

TRIPLE CROWN STREET
50' ROW

CHAMPIONS LANE
50' ROW

UNBRIDLED DRIVE
50' ROW

BRONCO DRIVE
50' ROW

MAN O' WAR STREET
50' ROW

12" WATER LINE

DRAINAGE EASEMENT

MATCH LINE- SHEET 8

NOTES:

1. AUTOMATIC FLUSH VALVES WILL BE INSTALLED AT EACH DEAD END.
2. WATER PLAN ASSUMES CITY OF VENUS TO SERVE PROPERTY AND DECERTIFICATION WILL BE APPROVED BY THE TCEQ PUC. WATER PLAN SUBJECT TO CHANGE PENDING NEGOTIATIONS WITH MOUNTAIN PEAK.

OWNER/DEVELOPER
LGI HOMES-TEXAS, LLC
1450 LAKE ROBBINS DRIVE, SUITE 430
THE WOODLANDS, TEXAS 77380
TEL: (281) 210-5484
FAX: (281) 210-2601
REPRESENTATIVE: ELAINE TORRES

SURVEYOR
MCKIM & CREED
4275 KELLWAY CIRCLE, SUITE 144
ADDISON, TEXAS 75001
TEL: (817) 484-5695
TBPLS FIRM NO. 10177602

DATE OF PREPARATION: MAY 17, 2022

PRELIMINARY WATER PLAN
FOR REVIEW PURPOSES ONLY
OF

STALLION RANCH

BLOCK 1 - BLOCK 17

BEING A 73.524 ACRES SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379 IN THE CITY OF VENUS ETJ, JOHNSON COUNTY, TEXAS .

275 RESIDENTIAL LOTS
13 COMMON AREA LOTS

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH
5810 TENNYSON PKWY, STE 425 I PLANO, TX 75024 I 214.420.8494
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10194390

SHEET 7 OF 8

PRELIMINARY PLAT - FOR REVIEW PURPOSES ONLY

MATCH LINE- SHEET 7

E. COUNTY RD. 109

FM 157 S

FM 157 S

O.H.E.

100' UTILITY EASEMENT
TEXAS POWER & LIGHT CO.
VOL. 260, PG 545
COL. 891, PG.360
D.R.J.C.T.

15' PROPOSED
WATER EASEMENT

LAN NGYYEN
INSTRUMENT No. D2012-009914
D.R.J.C.T.

MJKA
CORPORATION INC.
INSTRUMENT No.
D2016-24977
D.R.J.C.T.

25' TEMPORARY
CONSTRUCTION EASEMENT

EXISTING 8"
WATER LINE

EX-8"-W

15' PROPOSED
WATER EASEMENT

VENUS ISD
VOL. 4568 PG. 260
O.P.R.J.T.

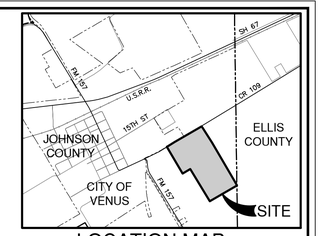
KAMY REAL ESTATE TRUST
INST. NO. 24884
O.P.R.J.C.T.

FUTURE TXDOT
R.O.W.

VENUS PRIMARY SCHOOL
VENUS ISD
VOL. 1658 PG. 870
O.P.R.J.C.T.

CONNECT TO
EXISTING 8"
WATER LINE
N:6841293.9105
E:2400876.8497

EXISTING 8"
WATER LINE



LOCATION MAP
NOT-TO-SCALE

SCALE: 1"= 100'

0' 100' 200' 300'

NOTES:
1. AUTOMATIC FLUSH VALVES WILL BE INSTALLED AT EACH DEAD END.
2. WATER PLAN ASSUMES CITY OF VENUS TO SERVE PROPERTY AND DECERTIFICATION WILL BE APPROVED BY THE TCEQ PUC. WATER PLAN SUBJECT TO CHANGE PENDING NEGOTIATIONS WITH MOUNTAIN PEAK.

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DATE OF PREPARATION: MAY 17, 2022

PRELIMINARY WATER PLAN
FOR REVIEW PURPOSES ONLY
OF
STALLION RANCH
BLOCK 1 - BLOCK 17

BEING A 73.524 ACRES SITUATED IN THE WILLIAM HILL SURVEY, ABSTRACT NUMBER 379 IN THE CITY OF VENUS ETJ, JOHNSON COUNTY, TEXAS .

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13 COMMON AREA LOTS

PAPE-DAWSON ENGINEERS
DALLAS I SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH
5810 TENNYSON PKWY, STE 425 I PLANO, TX 75024 I 214.420.8494
TBPE FIRM REGISTRATION #470 I TBPLS FIRM REGISTRATION #10194390

EXHIBIT "D"
DEVELOPMENT STANDARDS
CONDITIONS FOR PLANNED DEVELOPMENT
ZONING CASE No. _____

These standards apply to the 73.524 ACRES commonly known as Stallion Ranch.

I. GENERAL CONDITIONS:

A. This planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein. All regulations not specifically defined in this PD will be subject to the City of Venus City Code of Ordinances.

Planned Development - Single Family	
	SF5
Maximum Number of Lots	**280**
Lot Size *(Minimum)*	
Lot Area (Sq. Ft.)	5,500 for Interior Lots 6,000 for Corner Lots
ot Width (feet)[1]	50
Lot Depth (feet)[2]	110
Lot Depth of Double Frontage Lots (feet)	110
Dwelling Regulations *(Minimum)*	
Dwelling Size (Sq. Ft.)[3]	1,250 / 1,500
Setback Yard Requirements - Main Structures	
Minimum Front Yard (ft)	20
Minimum Side Yard (ft)	5
Minimum Side Yard - Corner Lot (ft)[4]	10
Minimum Side Yard - Corner Key Lot (ft) [5]	20
Minimum Rear Yard (ft)	10
Minimum Rear Yard - Double Frontage Lot (ft)	20
Maximum Lot Coverage of Buildings	60%
Height of Structures *(Maximum)*	
Main Structure (feet)	35

1 Lot Width to be measured at front building setback line.
2 Lots fronting cul-de-sacs and knuckles may have minimum lot depth of 100 feet
3 A maximum of 20% of SF5 lots may be 1,250 sf minimum dwelling size. Remainder of SF5 lots must be 1,500 sf minimum.
4 Corner lots where a home with side-entry garage is constructed, shall be subject to a 15-foot minimum side-yard setback.
5. A Key Lot is a Corner Lot which backs to the side yard of an adjacent lot.

B. Type SF5 Lots: The area and building standards for Type SF5 Lots are as follows and as set forth in Table 1:

(a) Minimum Lot Size. The minimum lot size for Type SF5 Lots shall be 5,500 square feet. A typical lot will be 50' x 110' but may vary as long as the requirements in Table 1 are accommodated.

(b) Minimum Lot Width. The minimum lot width for Type SF5 Lots shall be fifty feet (50'), measured at the front building line.

(c) Minimum Yard Setbacks.

1) Minimum Front yard Setback: The minimum front yard setback for Type SF5 Lots shall be twenty feet (20').

2) Minimum Side yard Setbacks

i. The minimum side yard setbacks shall be five feet (5') on interior lots

ii. For corner lots, the minimum side yard setbacks shall be ten feet (10') on the street side and five feet (5') on the interior side. Where a home with side-entry garage is constructed facing the side street, the minimum street side yard setback shall be 15 foot minimum.

3) Minimum Rear yard Setbacks. The minimum rear yard setback shall be ten feet (10').

4) Permitted Encroachment:

i. Front porches, roof eaves, balconies, suspended planter or flower boxes, box or bay windows, awnings and chimneys may encroach into the front yard setback up to five feet (5')

(d) Minimum Floor Space. Each dwelling constructed on a Type SF5 Lot shall contain a minimum of 1,500 square feet of floor space subject to the following. Up to twenty (20) percent of the homes may have a smaller square footage but in no case less than 1,250 square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling.

(e) Height. The maximum height for structures on Type SF5 Lots shall be thirty-five feet (35').

II. SPECIAL CONDITIONS:

A. Maximum number of homes: 280

B. Minimum required amenity area: 3.6 acres in total with playground equipment, benches, covered pavilion and pond with fountain as shown on Concept Plan.

C. Residential streets shall be a minimum of 29' (back-to-back) as shown in Exhibit G.

D. Divided entry parkway as shown on Concept Plan with approximately 90' right-of-way and 25' wide paved lanes (back-to-back) in each direction as shown in Exhibit G. This shall be considered two points of access. No homes will front the parkway and no parking shall be allowed. Any trees planted within the right of way (ROW) by Developer shall be maintained by the HOA.

E. A Developer installed, 6' minimum width, meandering concrete trail shall be installed along one side of the entry parkway to the amenity area.

F. All internal residential streets shall be served by minimum four-foot (4') wide sidewalks on both sides of the street, installed at time of home construction in the right of way and maintained by the lot owner or HOA.

G. No more than twenty percent (20%) of homes constructed shall have a garage that extends more than five feet (5') forward of the remaining structure.

H. All homes may have front entry garages.

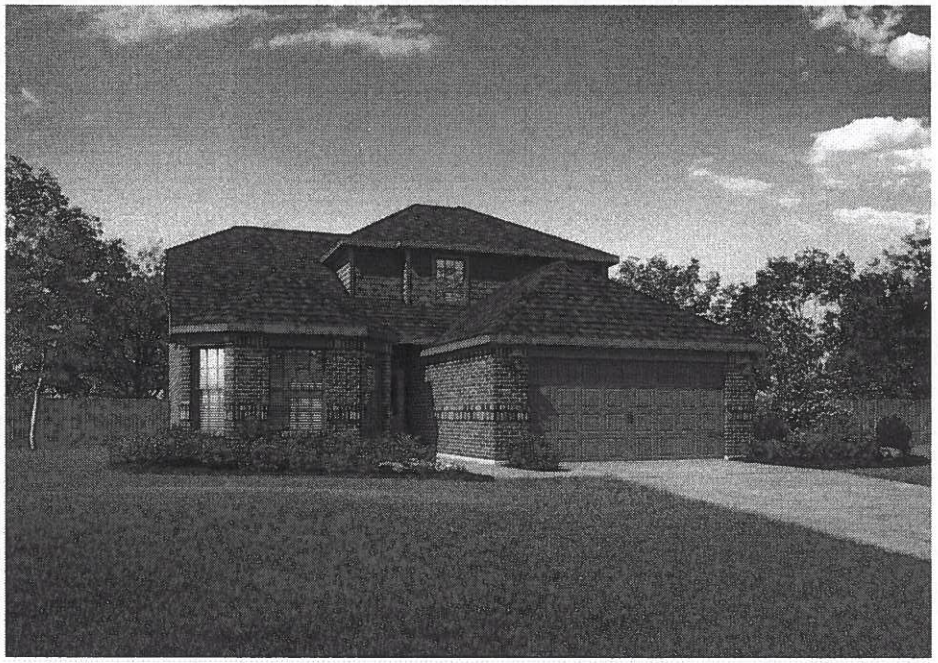
III. EXTERIOR MATERIALS:

A. All homes shall have exterior walls of at least eighty (80) percent Masonry of the total building exclusive of doors, windows, window boxes, and non-brick areas above the top plate line, dormers, gables, and roofs. Masonry shall be defined as brick, natural stone, cast stone or stucco applied in a three-coat finishing process. No Exterior Insulation Finishing System (EIFS) shall be permitted.

B. Examples of home product are shown below.









IV. RESIDENTIAL LANDSCAPE:

A. Turf - Front, side and rear yards shall be sodded.

B. Landscape Beds - All homes shall include a minimum of ninety (90) square feet of landscape beds with plants from the Permitted Plants List (Exhibit H) which may be shrubs, perennials, ornamental grasses, groundcovers or accent trees along with hardwood mulch at least 2.5" in depth in the front yard.

C. Trees – To promote diversity and visual interest, homes shall sequentially alternate tree planting as follows:

   a. At least one 3" Canopy Tree in Group 1 from the Permitted Canopy Tree List (see Exhibit H), or

   b. At least two Accent Trees from the Permitted Accent Tree List, or

   c. At least one 3" Canopy Tree in Group 2 of the Permitted Canopy Tree List.

D. Tree planting – Front yard Canopy Trees shall be planted in a staggered manner relative to the curb. Trees on a residential lot shall be planted at least 3' closer/further from the front lot line than the Canopy Tree on the immediately adjacent lot.

E. Additional Corner Lot Requirements:

   a. Corner lots shall include an additional 3" Canopy Tree, planted in the street side yard, beyond the requirements above.

   b. Corner lots shall include an additional 45 square feet of landscape beds beyond the requirements above.

V. SIDEWALKS AND WALKWAYS:

A. All residential streets shall be served by minimum four-foot (4')-wide concrete sidewalks on both sides of the street constructed in the right of way at time of home construction. Sidewalks shall be maintained by the lot owner or HOA. All sidewalks within the community shall be completed by the Developer within four years of the issuance of a certificate of occupancy of the first home.

B. All homes shall have a minimum three-foot (3') wide concrete walkway connecting the front door of the residence to the sidewalk described above.

VI. FENCES:

A. Side and rear yards shall be fenced with maximum six-foot (6')-high wood fences with metal posts installed inside the yard to not be visible from the street.

B. Wood fences shall be stained with a common, community-wide, semi-solid color specified in the recorded covenants as Pecan and consistent color and quality to Ready Seal No. 515.

C. Side yard fence returns shall be located at least fifty (50) feet from the front lot line and in no case any closer than five (5) feet from the front corner of the home.

VII. GARAGES:

A. All homes shall have a minimum of two (2) enclosed parking spaces in a garage.

B. Garage doors shall be painted or stained consistent with the trim/accent color of the home.

VIII. ENTRY MONUMENT, SCREENING, AND AMENITY IMPROVEMENTS:

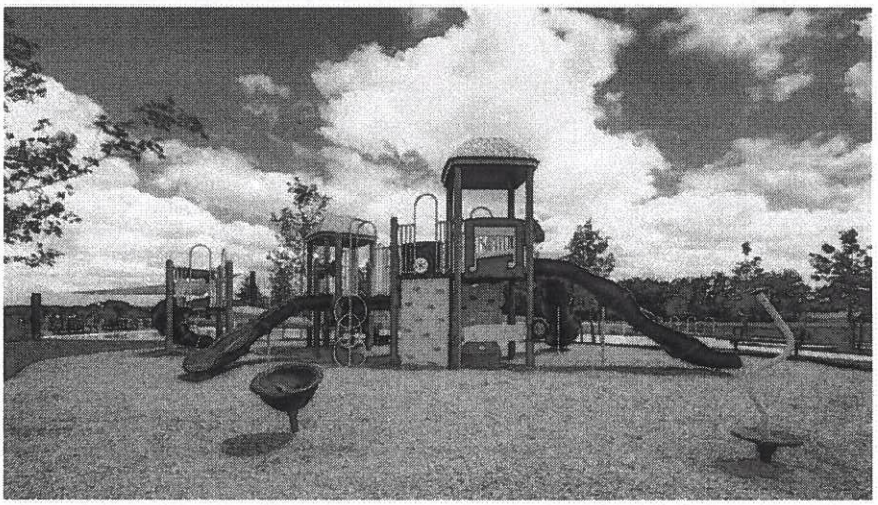
A. The Developer shall install lighted masonry monument(s) at the entry to the neighborhood, but located so to not create a sight visibility problem. Example of entrance as shown below:



B. The Developer shall install screening where lots back to County Road 109 using a combination of fencing and landscape, which shall be maintained by the HOA.

C. Common area(s) no smaller than 3.6 acres in total shall be fully developed within six months of the City's acceptance of the public improvements and dedicated to the HOA for maintenance. Until such time as the Developer turns over control of the HOA to a homeowner elected board, the Developer shall be financially responsible for the utilities, insurance, repair or replacement of all features and fixtures installed in the common area(s) either directly or by funding the deficit of the HOA. The amenities shall include the following:

a. Playground equipment



b. Benches



c. Covered pavilion.



d. Pond with fountain(s)



IX. HOMEOWNERS' ASSOCIATION (HOA)

A. The Developer shall establish a mandatory HOA prior to occupancy of any homes in the neighborhood. The development standards outlined herein shall be included in the recorded Covenants, Conditions and Restrictions (CCRs) of the HOA.

B. All common areas shall be dedicated to the HOA

C. Easements for the HOA's maintenance of features in the public right of way such as entry monuments, concrete trails, lighting. and landscape shall be permitted by the City.

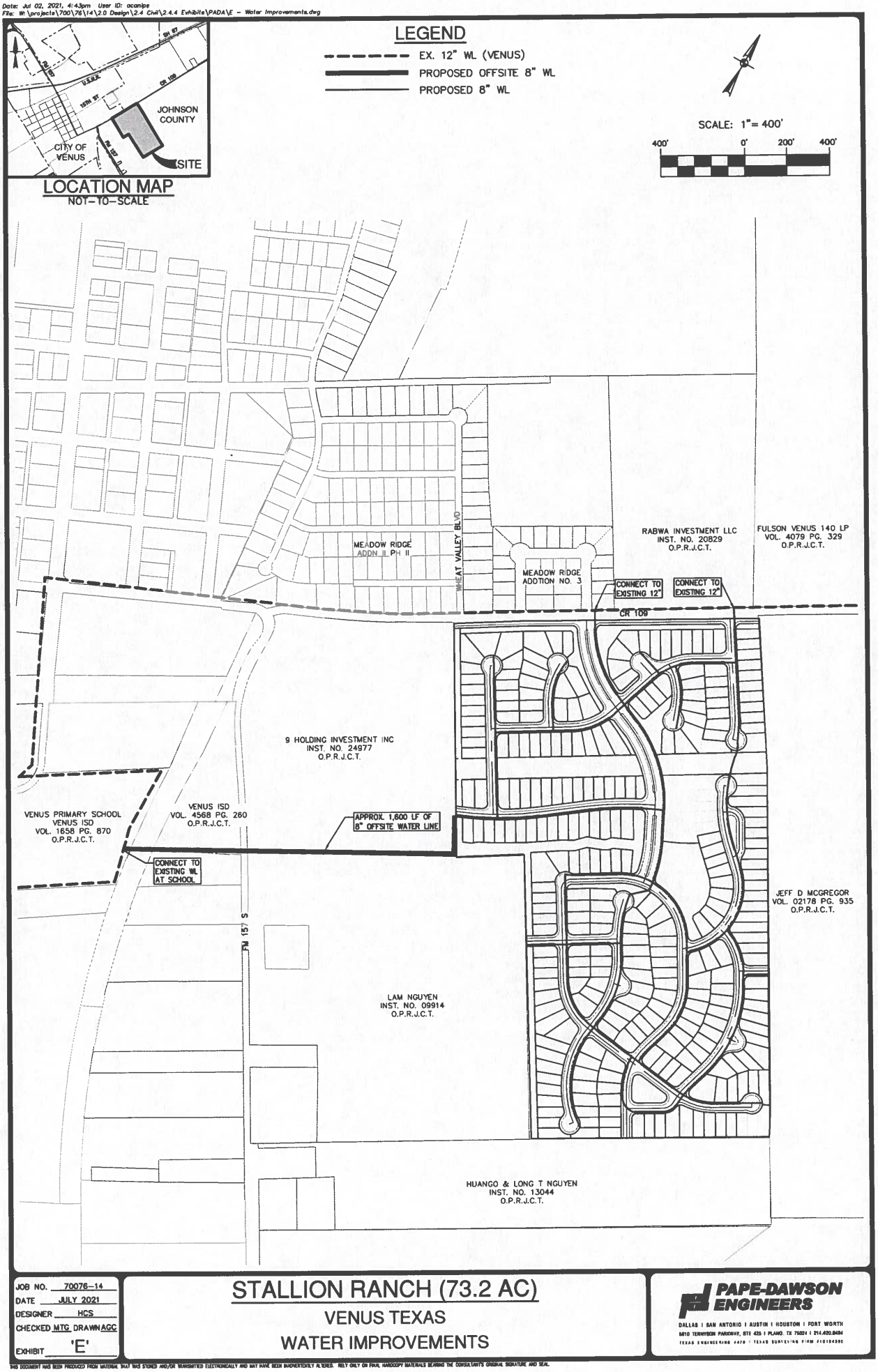
X. OTHER RELATED REGULATIONS

A. Satellite Dishes. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted.

B. Air Conditioners. No window or wall air conditioning units will be permitted on homes or other structures. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

C. Plan Repetition. Plan elevations shall repeat no closer than every fourth (4th) home on the same side of a street and every third (3rd) home on the opposite side of the street.

Date: Jul 02, 2021, 4:43pm User ID: acampe
File: W:\projects\70076\14\2.0 Design\2.4 Civil\2.4.4 Exhibits\PADAVE - Water Improvements.dwg



JOB NO. 70076-14
DATE JULY 2021
DESIGNER HCS
CHECKED MTG DRAWN AGC
EXHIBIT 'E'

STALLION RANCH (73.2 AC)

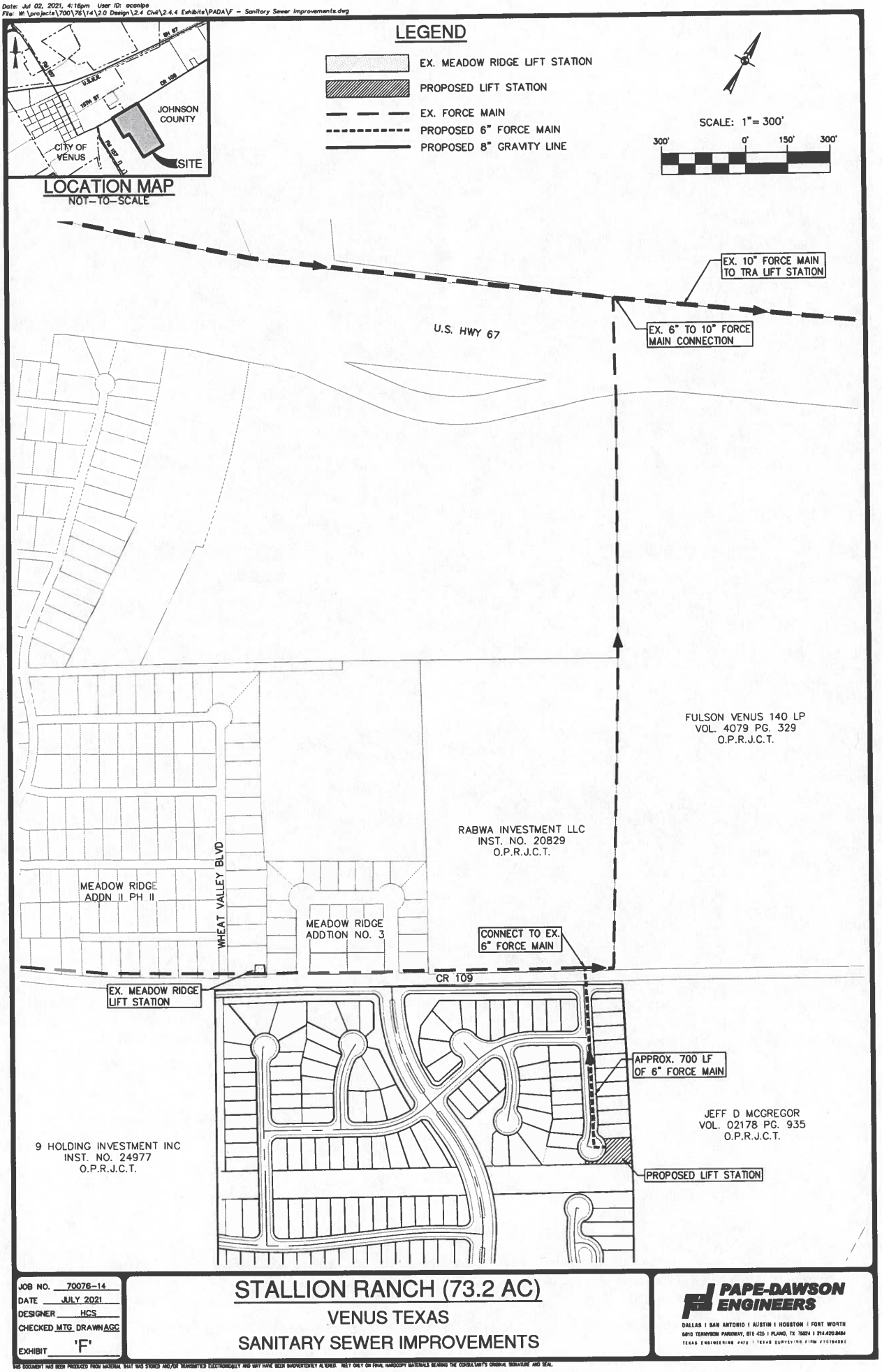
VENUS TEXAS

WATER IMPROVEMENTS

PAPE-DAWSON ENGINEERS
DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
2800 TENNYSON PARKWAY, STE 425 | PLANO, TX 75024 | 214.420.8484
TEXAS ENGINEERING #470 | TEXAS SURVEYING FIRM #10194300

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

Date: Jul 02, 2021, 4:16pm User ID: aconlpe
File: W:\projects\700\76\14\2.0 Design\2.4 Civil\2.4.4 Exhibits\PADA\F - Sanitary Sewer Improvements.dwg



JOB NO. 70076-14
DATE JULY 2021
DESIGNER HCS
CHECKED MTG DRAWN AGC
EXHIBIT 'F'

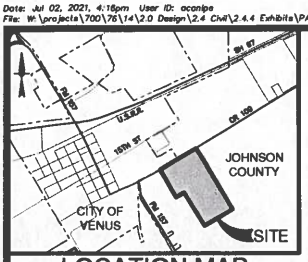
STALLION RANCH (73.2 AC)

VENUS TEXAS

SANITARY SEWER IMPROVEMENTS

PAPE-DAWSON ENGINEERS
DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5810 TENNYSON PARKWAY, STE 425 | PLANO, TX 75024 | 214.420.0484
TEXAS ENGINEERING #470 | TEXAS SURVEYING FIRM #10194300

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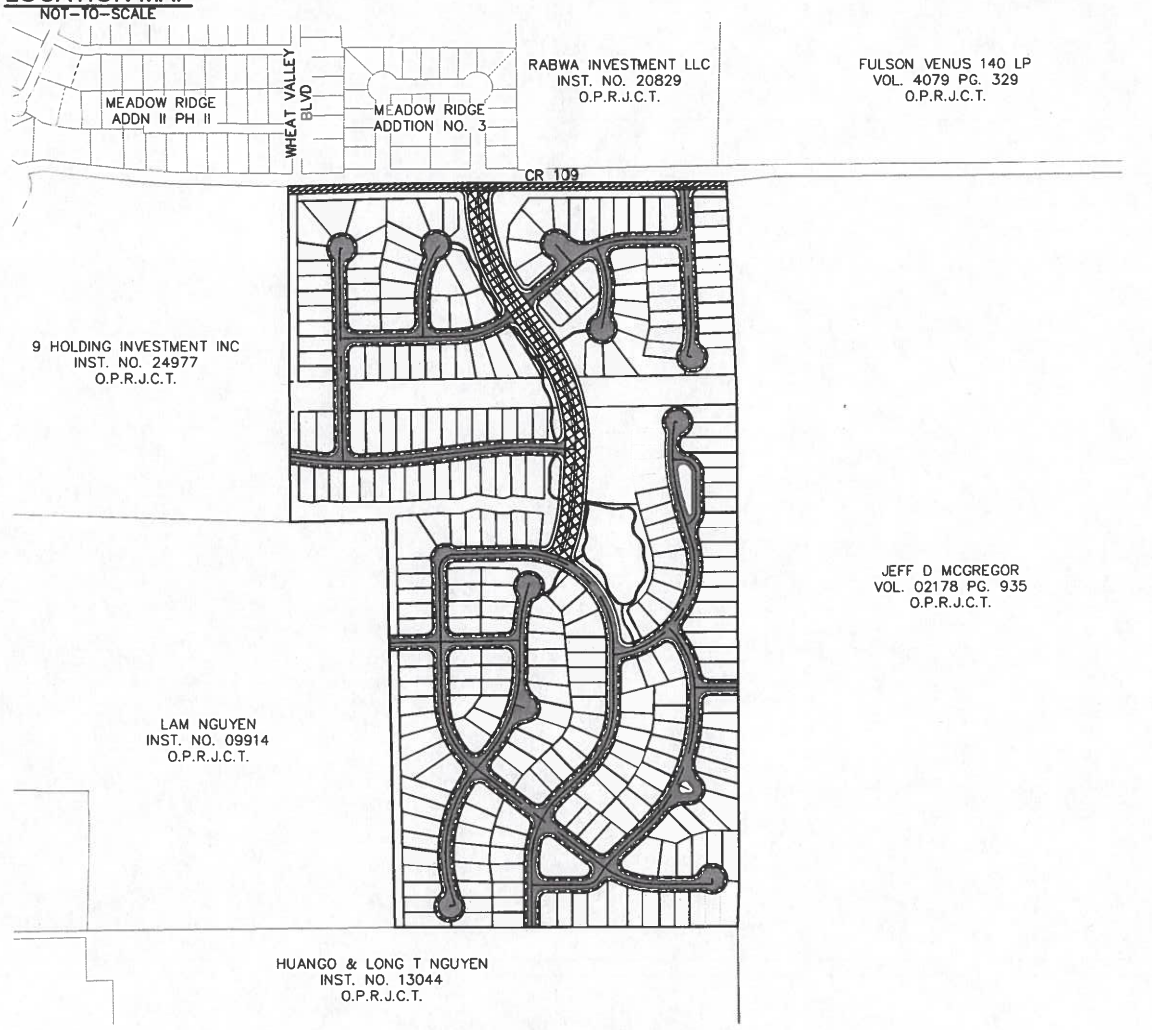


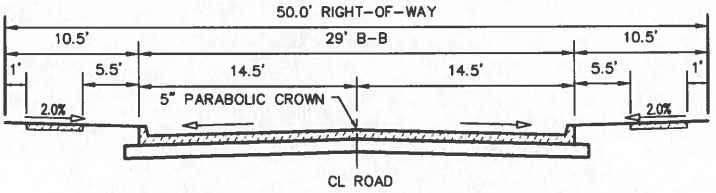
LOCATION MAP
NOT-TO-SCALE

LEGEND

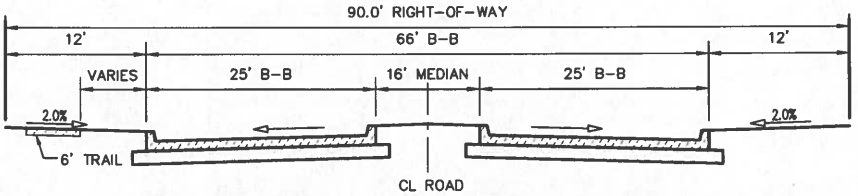
- PROPOSED LOCAL STREET (50' ROW)
- PROPOSED ENTRY STREET (90' ROW)
- R.O.W. DEDICATION (CR 109)
- 6' TRAIL
- 4' SIDEWALK

SCALE: 1"= 400'
400' 0' 200' 400'





TYPICAL ROADWAY SECTION - RESIDENTIAL (50' ROW)
N.T.S.



TYPICAL ROADWAY SECTION - ENTRY ROAD (90' ROW)
N.T.S.

JOB NO. 70076-14
DATE JULY 2021
DESIGNER HCS
CHECKED MTG DRAWN AGC
SHEET 'G'

STALLION RANCH (73.2 AC)
VENUS TEXAS
ROADWAY FACILITIES

PAPE-DAWSON ENGINEERS
DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5910 TENNYSON PARKWAY, STE 425 | PLANO, TX 75024 | 214.420.0494
TEXAS ENGINEERING #470 | TEXAS SURVEYING FIRM #10194500

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Exhibit H – Permitted Plant List

Trees

Canopy Trees (Group #)

American Elm (1)
Bur Oak (1)
Cedar Elm (1)
Lacebark Elm (1)
Live Oak (1)
Shummard Red Oak (1)
Texas Persimmon (1)

Accent Trees

Desert Willow
Eleagnus
Eve's Necklace
Mexican Plum
Mexican Red Bud
Possum Haw
Vitex
Wax Myrtle

Canopy Trees (Group 2)

Caddo Maple (2)
Chinquapin Oak (2
Southern Magnolia (2)
Texas Ash (2)
Teas Red Oak (2)
Western Soapberry (2)

Shrubs

Abelia
Agave
American Beautyberry
Aromatic Sumac
Barberry
Bridal Wreath Spirea
Compact Nandina
Coral Berry
Dwarf Burford Holly
Dwarf Burning Bush
Dwarf Chinese holly
Dwarf Crepe Myrtle
Dwarf Pomegranate
Dwarf Spirea
Dwarf Wax Myrtle
Dwarf Yaupon holly
Eleagnus
Flowering Quince
Fragrant Mimosa
Harbor Dwarf Nandina
Hypericum
Italian Jasmine
Leatherleaf Mahonia
Miniature Crepe Myrtle
Nellie R. Stevens Holly
Oakleaf Hydrangea
Purpleleaf Japanese
Red Yucca
Rose of Sharon (Althea)
Rosemary
Semi-Dwarf Crepe Myrtle
Smooth Sumac
Standard Nandina
Texas Sage
Turk's Cap

Groundcovers/Vines

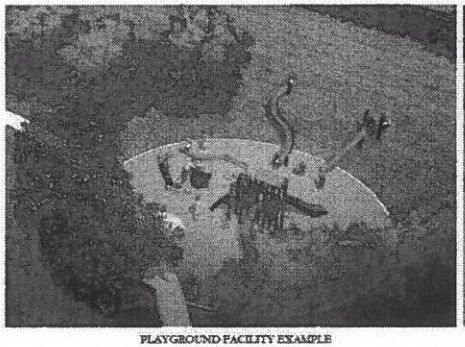
Asiatic Jasmine
Avens, White
Carolina Jessamine
Coral Honeysuckle
Frog Fruit
Ground Ivy
Hardy Plumbago
Horseherb
Liriope or Lily Turf
Mondo or Monkey Grass
Pigeonberry
Purpleleaf Euonymus
Santolina
Sedum
Snake Herb
Virginia Creeper
Wood Violet

Ornamental Grasses

Big Bluestem
Blue Grama
Blue Lovegrass
Broomsedge
Busy Bluestem
Canada Wildrye
Dwarf Maiden Grass
Dwarf Pampas Grass
Eastern Gamma Grass
Feather Reed Grass
Hamelin's Fountain Grass
Indiangrass
Inland Sea-Oats
Little Bluestem
Maiden Grass
Mexican Feathergrass
Morning Light Maiden
Muhly
Ravenna Grass
Sedge
Sideoats Grama
Silver Bluestem
Slitbeard Bluestem
Standard Fountain Grass
Switchgrass
Variegated Japanese Silver Grass

Perennials

Black Eyed Susan
Blackfoot Daisy
Blue Mist Flower
Butterfly Bush
Cardinal Flower
Cedar Sage
Coreopsis
Damianita
Flame Acanthus
Four nerve Daisy
Mealy Blue Sage
Mexican Oregano
Pink Skullcap
Purple Coneflower
Rockrose
Russian Sage
Texas Lantana
Winecup
Yellow Columbine



PLAYGROUND FACILITY EXAMPLE



GRASS MOUND EXAMPLE



SITE FURNITURE EXAMPLE



SHADE STRUCTURE EXAMPLE

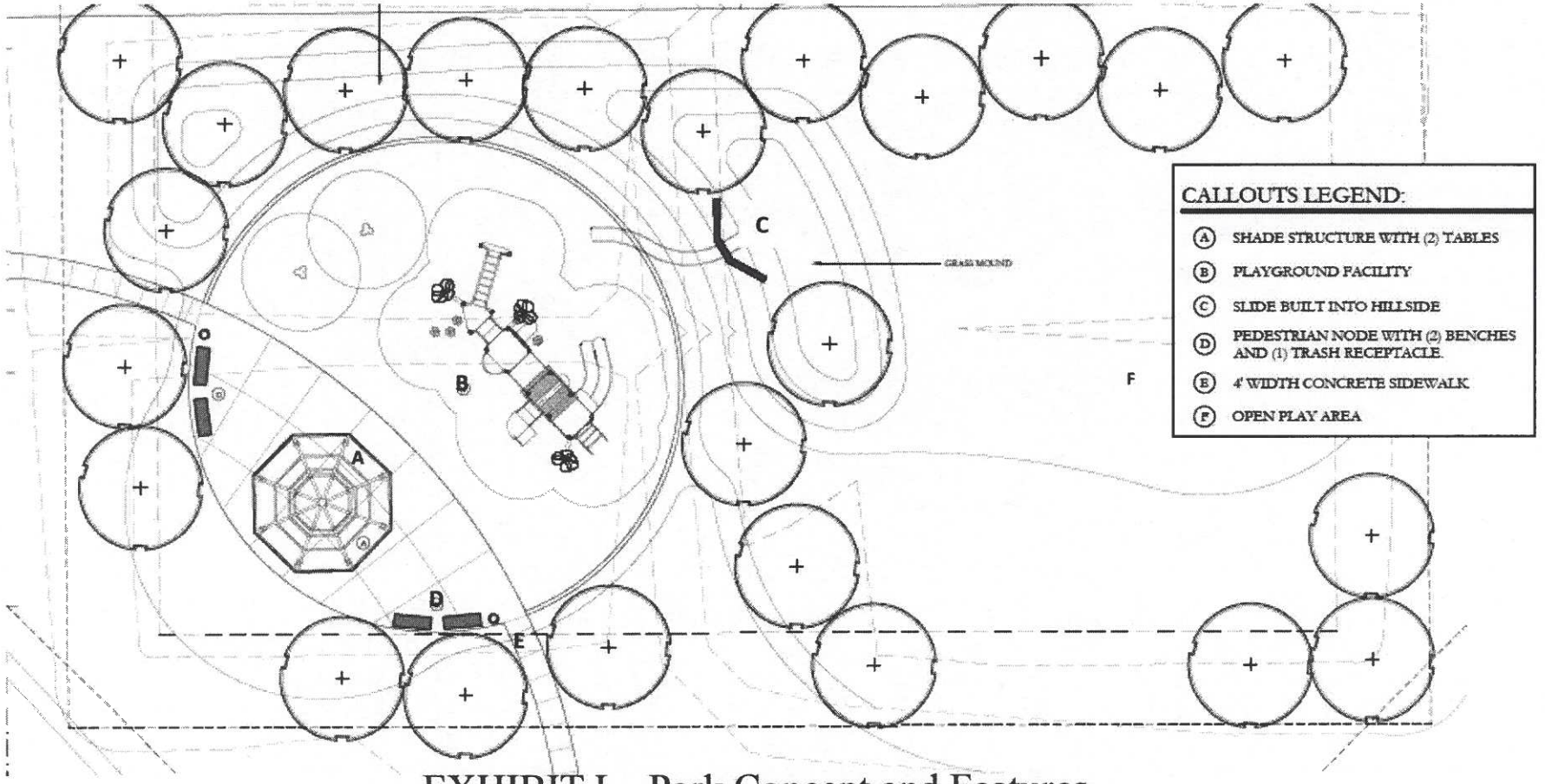


EXHIBIT I – Park Concept and Features