



# **Development Guide**

## **Introduction**

This Development Guide is intended to help current and prospective businesses, developers, investors, and financial institutions understand the procedures and requirements to build, renovate or locate a business in Rockdale. This Guide is not all encompassing and we urge all interested parties to contact the City of Rockdale prior to purchasing property, constructing new improvements or renovating current property so we can insure that your ideas and plans meet City ordinances and regulations.

This Guide contains the following sections:

- Summaries of various services in the community;
- A copy of the Subdivision Ordinance;
- A map showing the city limits and the extra-territorial jurisdiction;
- A copy of the Zoning Ordinance;
- A zoning map;
- A matrix showing the types of land use allowed in each zoning district;
- A summary showing typical examples of the kinds of businesses in each zoning classification;
- Summary sheets showing the most common regulations for commercial and single family residential zoning districts; and
- A fee schedule.

We also encourage you to visit the Rockdale Chamber of Commerce to understand more about the services, materials and quality of life in Rockdale. Our businesses, residents and location make Rockdale an exciting and prosperous place to live.

Thank you for your interest in Rockdale and we look forward to helping you develop your business and investment in our community.

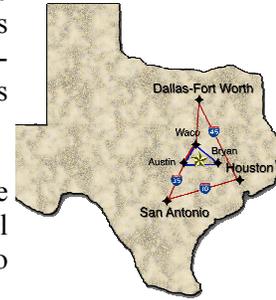
Sincerely,

The City of Rockdale

## About Rockdale

Located at the intersection of U.S. Highways 77 and 79, Rockdale is located in south-central Milam County. In 1873 Rockdale was settled when the railroad was constructed. It was named in 1874 by Mrs. B.F. Ackerman whose husband had sold the International-Great Northern Railroad most of the acreage for the town site. The town remained a primarily agricultural community until 1952 when the Aluminum Company of America (ALCOA) built an aluminum processing plant south of town and utilized the area's lignite reserves for aluminum production.

Rockdale is located about 50 minutes from Austin, 55 minutes from College Station and 60 minutes from Waco and about 2 hours from Dallas. The City's current population is about 5,366 and includes a variety of home sizes and values. The City boasts a highly skilled labor force and job training opportunities are available.



Recreational opportunities abound including hunting, fishing, and boating in the rolling Central Texas hills. Ten acres of public parks, a public swimming pool and tennis courts also provide recreation as well as Fair Park, which is home to the annual Jubilee Days and Rockdale Fair.

Location is one of our assets but other features of the town include good highways to all surrounding areas, new schools, and part of the El Camino Real de los Tejas, deemed a national trail by the National Park Service. Notable historic markers are located throughout the town and surrounding area.

Our climate allows for a variety of activities throughout out the year. From fairs to tennis tournaments to BBQ cook-offs, Rockdale is a community full of entertaining events.

## City Officials

The City of Rockdale City Council is comprised of a Mayor and six Councilmembers, three members from the East District and three members from the West District. The City Council appoints a city manager who is responsible for the daily administration of the city government. The city manager appoints the department heads who carry out the services of the City.

Main Telephone Number      (512) 446-2511  
Fax Number                      (512) 446-6258  
Address:                          505 W. Cameron  
   P.O. Box 586  
   Rockdale, Texas 76567



## Agendas and Minutes

The regular City Council meeting is on the second Monday of each month at 5:30 PM in the City Council chambers at City Hall, 505 W. Cameron Avenue. The public is invited to attend the City Council meetings. The agendas are posted on the front window and the back door (entrance to the Council Chambers) at City Hall and at the Police Department at least 72 hours prior to the meeting. Advisory boards meet on an as needed basis. Agendas for advisory board meetings are also posted on the front window of City Hall and the back door at City Hall at least 72 hours prior to the meeting.

To request an item be placed on the City Council agenda, citizens must complete a “Request for Placement on Agenda” form, available at City Hall. The form must be completed and submitted to the City by 12:00 noon on the Monday a week prior to the regularly scheduled Council meetings.

### **Boards and Commissions**

Airport Board-makes recommendations to the City Council for policies, upkeep and operation of the H.H. Coffield Regional Airport.

Building Standards Commission– makes recommendations to the City Council on regulations for substandard buildings and hears appeals to the Building Official’s decisions on substandard buildings.

Cemetery Committee– provides advice to the City Council on the operation and maintenance of the city-owned cemeteries.

Electrical Board-hears appeals of determinations by the electrical inspector.

Fair Park Committee-provides advice to the City Council on the operation, maintenance and needs of Fair Park.

Library Board– makes recommendations to City Council on equipment, books and furnishings for the Library.

Municipal Development District Board—administers the sales tax collected by the Municipal Development District and provides funding for projects related to economic development.

Museum Board– provides advice to the City Council on the operations and maintenance of the museum.

Park Board– provides advice to the City Council on security, safety, improvements and maintenance of the city’s parks.

Planning and Zoning Commission-makes recommendations to the City Council on zoning regulations, considers requests to re-zone property, and provides advice to the City Council on the future development and planning of the community.

Rockdale Housing Authority-administers the rental of apartments for low-income residents.

Rockdale Development Board - provides advice to the City Council and the Chamber of Commerce on Economic Development of Rockdale and the immediate area, formulates a plan and structure for economic development.

### **Airport**

The City’s municipally-owned airport, also known as H.H. Coffield Regional Airport, is located on Highway 77, minutes from Rockdale. The airport has a 3,084 foot runway, hangars and a lounge for transient pilots. The airport runway and parking apron recently underwent paving improvements. The City of Rockdale is receptive to a property lease arrangement for pilots who wish to construct their own hangar at the airport.

Common Traffic Advisory Frequency (CTAF): 122.900 Hz

Aeronautical sectional chart: Houston

Tie-in FSS: No

Tie-in FSS ID: CXO

Tie-in FSS Name: Montgomery County

Tie-in FSS Toll-Free Number: 1-800-WX-BRIEF

Elevation: 474 feet (estimated)

Air traffic control tower: No

Runway surface type condition: Asphalt

Edge lights intensity: Non-standard

### Code Enforcement

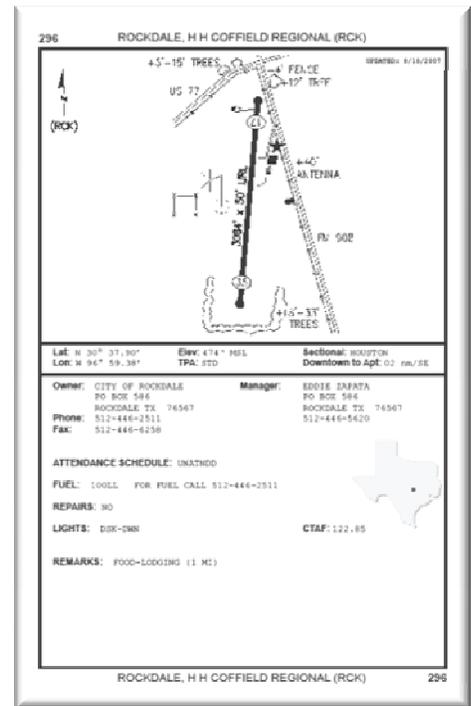
The City currently enforces the following codes:

- 2005 National Electrical Code
- 2006 Edition of the International Building Code
- 2006 International Residential Code for one- and two-family dwellings
- 2006 Edition of the International Mechanical Code
- 2006 Edition of the International Plumbing Code
- 2006 Edition of the International Fire Code
- 2006 Edition of the International Fuel Gas Code
- 2006 Edition of the International Energy Conservation Code
- 2006 Edition of the International Property Maintenance Code

### Economic Development

The City of Rockdale offers economic development incentives to prospective businesses. The City's tax abatement policy provides for two methods for granting a tax abatement. The first method is for a graduated reduction of 80% abatement the first year, 65% abatement the second year, 50% abatement the third year, 35% abatement the fourth year, and 20% abatement the fifth year. Beginning with the sixth year, the property would be taxed at 100% of its appraised value.

The second method calculates tax abatement on a combination of job creation/retention and increased value. If 1 to 5 jobs are created, the property may receive a 10% abatement, if 6 jobs are created the property may receive an 11% abatement, if 7 jobs are created the property may receive a 12% abatement and each additional job qualifies for a 1% increase in the abatement up to 50%. If the increased value from the improvements is from \$10,000 to \$100,000 the property may receive a 10% abatement, if the increased value is \$110,000 the property may receive 11% tax abatement, if the increased value reaches \$120,000 the property may receive a 12% abatement and each additional \$10,000 in increased assessed



value qualifies for an additional 1% in the abatement up to 50%. The tax abatement would be for five years and beginning the sixth year, the property would be taxed at 100% of its appraised value.

In addition, the Rockdale Development Board reviews the tax abatement requests and makes a recommendation to the City Council on whether or not to grant the tax abatement.

Incentives for prospective businesses may also include waiver of business permit fees, extension of utility systems, and relocation assistance.

The Rockdale Chamber of Commerce and the Rockdale Development Board are actively involved in the recruitment and retention of businesses. The Rockdale Municipal Development District provides funding for municipal improvements and development related projects.

### **Fire and Rescue Services**

Fire response is provided through the Rockdale Volunteer Fire Department. The department has approximately 40 volunteers and consists of one rescue unit, two vehicles for grass fires, and three pumpers. The department also houses the hazardous materials trailer for Milam County.

### **Law Enforcement**

The Rockdale Police Department is located at 140 W. Cameron Avenue. The non-emergency telephone number for the Police Department is (512) 446-3436. The Police Department is responsible for traffic enforcement, investigation of criminal activity and public safety.

The Police Department provides dispatch services for the City of Rockdale, the Rockdale Volunteer Fire Department, the ambulance service, and the Milano volunteer fire department. The current Police Department staffing includes 9 sworn police officers and 4 dispatchers with one Office Administrator who is also a dispatcher.

The City of Rockdale is also served by the Milam County Sheriff's Office.

### **Lucy Hill Patterson Memorial Public Library**

The Lucy Hill Patterson Memorial Public Library is located at 201 Ackerman Street. The Library is open from 10:00 AM until 6:00 PM Tuesdays, Wednesdays and Fridays and from 10:00 AM until 8:00 PM on Thursdays and from 10:00 AM until 2:00 PM on Saturdays. The Library has 33,727 volumes and 15 computers available to patrons for internet access and word processing.

The Library offers children's programs, inter-library loan, books on tape and CD, a genealogy section, paperback exchange, IRS forms (in season), book sales, PC printing, internet access for patrons (children under 18 years old must have a parental permission slip on file), microfilm reader/printer, large print books, copy services (\$.25 per copy), videos, CD and audio cassettes, and laminating machines. No food or drink is allowed in the library. Smoking is prohibited, shoes and shirt are required and no pets. All children under 7 years old must be accompanied by an adult.

The telephone number for the Library is (512) 446-3410 and the fax number is (512) 446-5597.

## **Medical Facilities**

Rockdale is served by the Little River Healthcare System. The Richards Memorial Hospital, the Family Care Center, and the Little River Clinic-Rockdale are located inside the city limits. The health care system provides general and specialized health services including allergy/immunology; cardiology; Ear, Nose and Throat; Electrophysiology; Family Medicine; Gastroenterology; General Surgery, Gynecology; Internal Medicine; Nephrology; Neurosurgery; Oncology; Orthopedics; Physical Medicine & Rehabilitation; Podiatry; Pulmonology; and Urology.

## **Parks and Recreation**

The City has four parks: Veteran's Park, Fair Park, Moultry Park and the Skate Plaza. Currently, a fifth park, Sumuel Park is being developed. All parks close at 11:00 PM each evening.

Veteran's park contains picnic areas, the City swimming pool which is open during the summer months, and a jogging trail. Playscapes and lighted tennis courts are also located at Veteran's Park.



Fair Park contains a pavilion, rodeo arena, horse training track, show pavilion and meeting rooms. In addition, the George Patterson Community Center is located at Fair Park.

Moultry Park contains playscapes and basketball courts. The Skate Plaza includes ramps and a bowl for skateboarding and closes at dark each day.

## **Planning and Zoning**

The City's Comprehensive Master Plan was adopted in 2002. The Comprehensive Master Plan includes the Thoroughfare Plan, the Water Plan, the Wastewater Plan and the Drainage Plan.

The current zoning ordinance was adopted in September, 2005. The Zoning Ordinance includes the following zoning districts:

Agricultural District— District "A"  
Single Family Residential 1-District "R-1"  
Residential 1 Commercial— District "R-1C"  
Residential 1 Estate—District "R-1E"  
Residential Multi-Family—District "R-2"  
Residential Multi-Plex—District "R-3"  
Manufactured Home Subdivision—District "M-1"  
Manufactured Home Park—District "M-2"  
Central Area—District "CA"  
Commercial Light—District "C-1"  
Commercial Intense—District "C-2"  
Industrial—District "I"  
Planned Unit Development—District "PUD"  
Governmental—District "GOV"

plus overlay districts.

Applications for re-zoning property may be obtained from City Hall and must be returned to the City Secretary. The Planning and Zoning Commission will schedule a public hearing on the requested re-zoning and make a recommendation to the City Council. The City Council also will schedule a public hearing and make a decision on whether or not to grant the re-zoning.

### **Schools**

The Rockdale Independent School District includes Rockdale High School, Rockdale Junior High School, Rockdale Intermediate School and Rockdale Elementary School. The District has approximately 1,750 students and 120 classroom teachers. The school district has 140 total employees. Besides the curriculum, the Rockdale Independent School District also has extracurricular activities including athletics, art club, B.P.A., FCCLA, FCA, FFA, Golden Girls, National Honor Society, Project Graduation, Spanish Club, and Student Council.

### **Trash Removal**

Trash removal is provided by Waste Management of Texas, Inc. Trash is picked up twice per week for commercial and residential customers. In addition, the City provides a bulky waste collection site at the Public Works facility, 301 Mill Street from 8:00 AM until 4:00 PM, Mondays through Fridays except holidays. Commercial customers may arrange to have special waste collection such as dumpsters from Waste Management.

### **Water and Sewer Service**

The City of Rockdale provides both water and sewage treatment, distribution and collection for its citizens. The city's water treatment plant, located on Mill Avenue, has the capacity to treat 3.66 million gallons per day. The Texas Street water plant has the capacity to treat 1.58 million gallons per day for a total system capacity of 5.24 million gallons per day. The City has two elevated water storage tanks. The Mill Street elevated storage tank can hold 150,000 gallons of water and the Allday elevated storage tank can hold 200,000 gallons of water. In addition, the City also has a 285,000 gallon groundwater storage tank on Mill Street and a 500,000 gallon ground storage tank on Texas Street.



The city's sewer treatment plant, located on Beverly Street, has the capacity to treat 2,500,000 gallons per day.



*City of Rockdale, Texas*

*Subdivision Ordinance*

**CHAPTER 9**

**SUBDIVISION REGULATIONS**

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**ARTICLE 9.100 DEFINITIONS****Sec. 9.101 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Chapter. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Access means a way of approaching or entering a property.

Adjacent means abutting and directly connected to or bordering.

Administratively Complete means a plat tendered to the City Secretary with all of the appropriate fees, documents, data and information required in this Chapter that has received an opinion from the City Engineer that the plat complies with the subdivision requirements. The City Engineer shall consult with the City Planner, Public Works Director and/or City Manager to ensure completeness of the plat prior to issuing an opinion.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant means a person applying for plan or plat approval under this Chapter.

Approval means the final approval in a series of required actions. For instance, the approval date of a plat requiring approval of the Commission and then the Council is the date of Council approval.

Arterial Street or Thoroughfare means a principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with State and Interstate Highways.

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land, drainage channels, or a combination thereof.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

Building or Setback Line means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Building Permit means a permit issued by the City of Rockdale which is required prior to commencing construction or reconstruction of any structure.

Buffer means a barrier constructed of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

Centerline, when referring to a waterway or drainage, means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

City means the City of Rockdale, Texas.

City Manager means the chief administrative officer of the City of Rockdale, Texas or his/her designated representative.

City Council or Council means the Rockdale City Council.

City Engineer means the City Engineer for the City or his/her designated representative.

City Limits means within the incorporated boundaries of the City.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Manager and/or Council, including but not limited to the City Engineer, to review and/or comment and report on development plans.

City Standard Details and Specifications means a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Collector Street means a street that collects traffic from local streets and serves as the most direct route to a major or minor arterial street and is intended as a connecting street between a residential district and thoroughfares, highways or business district.

Commission means the Planning and Zoning Commission of the City, or the City Manager if a Planning and Zoning Commission is not operational.

Comprehensive Master Plan or Master Plan means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means land intensities; land subdivision; circulation; and community facilities, utilities and services; and, if none, means professional urban planning and engineering practices.

Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development.

Contiguous means adjacent property whose property lines are shared or are separated by only a street, alley, easement or right-of-way.

Corner Lot means a lot located at the intersection of and abutting on two (2) or more streets.

County means Milam County, Texas.

County Appraisal District means the Milam County Appraisal District.

Crossfall means the transverse slope as related to a given longitudinal slope and measured by the rise to run ratio.

Crosswalk means a strip of land dedicated for public use and which is reserved across a lot or block for the purpose of providing pedestrian access to adjacent areas.

Cul-de-Sac means a minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a permanent turnaround.

Dead End Street means a street, other than a cul-de-sac, with only one outlet.

Dedication means the grant of an interest in property for public use.

Design Storm means a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Development means a subdivision of land as defined herein or the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, and the deposit of refuse, waste or fill. Lawn and yard care,

including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development Plan means a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Double Frontage Lot means a lot which runs through a block from street to street and which abuts two (2) or more streets.

Drainageway see Waterway.

Drainfield means private sewage facility, disposal area, trench or bed utilized for final wastewater disposal.

Drive Approach means a paved surface connecting the street to a front lot line.

Driveway means the surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

Dwelling Unit means a residential unit designed to accommodate one (1) household.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Escrow Funds means a deposit of cash or other approved security with the local government or approved bank or other financial institution in-lieu of a performance or maintenance bond.

ETJ Limits means the limits of the City's extraterritorial jurisdiction as granted under Chapter 42, Local Government Code, being 1 mile from each furthest point of the City limits encircling the entire City limit, plus any contiguous property voluntarily joining the City's ETJ.

Filing Date means, with respect to plats and plans, the date of their first public hearing before the Commission regarding such plat or plan; provided that, with respect to the required Council approval of Preliminary Plans, the Filing Date for such Council approval shall be the date of the first public hearing by the Council.

Final Plat means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all

lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Flood Plain means channel of a waterway and the adjacent land area subject to inundation during the design storm.

Floodway means channel of a waterway and the adjacent land areas that must be reserved in order to discharge the design storm without cumulatively increasing the water surface elevation.

Front Yard means a space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Governing Body means the City Council of the City of Rockdale, Texas.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Individual On-Site Wastewater System or Septic System means all systems and methods used for the disposal of sewage, other than organized sewage disposal systems. Private sewage facilities are usually composed of three (3) units: the generating unit (the residence, institution, etc.), treatment unit, and the disposal unit (the drainfield that may be an absorption trench or bed, or an evapotranspiration bed). A Private Sewage Facility includes a septic tank, seepage tile sewage disposal system or any other on-lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations.

Industrial means non-residential use of any site involved in manufacturing and/or external storage of goods; any site generating significant negative externalities, such as noise, dust, glare, etc. and/or any site where hazardous materials are stored and/or generated.

Interior Lot means a lot other than a corner lot and, bounded by a street on only one (1) side.

Landscape Development means trees, shrubs, ground cover, vines or grass installed in planting

areas.

Legal Lot means either a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations in effect at the time of its creation, or a tract of land having existed in its present configuration prior to October 1, 1927.

Legally Platted Lot a lot which is part of a subdivision approved by the City and recorded in the Official County Records.

Letter of Credit means a letter from a bank or other reputable creditor acceptable to the City that guarantees to the City that upon failure of the subdivider to fulfill any improvement requirements that at the City's request, funds will be provided to the City to complete the specified improvements.

Living Unit Equivalent or L.U.E. means a unit of measure which represents the quantity of water utilized and wastewater generated on an average annual daily basis from a single-family, detached residence of average size and occupancy and which is the standardized measure used for service units.

Local Health District means the Milam County Health District.

Local Street means a street designed for the sole purpose of providing access.

Lot means a subdivision of a block or other parcel intended as a unit for transfer of ownership, or for development, or for occupancy and/or use.

Minor Street means a local street designed primarily for access to abutting residential properties. A minor street does not include a street designed or required to be designed for through traffic.

Multifamily Residence means a single structure designed to accommodate four (4) or more households.

Natural Channel means the topography of a waterway prior to construction, installation of improvements or any regrading.

Natural Drainage means a stormwater runoff conveyance system not altered by development.

Neighborhood means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, back of access) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the residents of said subdivision.

Official County Records means the Official Records of Milam County, Texas.

Off-Site Improvements means any required improvement which lies outside of the property being developed.

One Hundred (100) Year Flood Plain means that flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Overland Drainage means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Parent Tract means tract or lot as described by deed or plat, which includes one (1) or more lots that are being subdivided.

Park Fund means a special fund established by the City to retain monies paid by developers in accordance with the payment in-lieu of park land dedication provisions of these regulations and to be used for the purchase of park land or improvements in the vicinity of the subdivided property for which funds have been collected.

Planning and Zoning Commission means the City of Rockdale Planning and Zoning Commission.

Playscape means any structure permanently anchored to the ground that is designed for recreational purposes. Sports courts such as basketball or tennis courts are not considered playscapes.

Preliminary Plan or Preliminary Plat means a generalized plan that meets the requirements of this Chapter and that indicates the boundaries of a tract or tracts under common ownership, identifies the purpose of the proposed development and the proposed land use, general lot or parcel layout, community use or public areas, and street alignments.

Primary Structure means a structure in which the principal use of the lot is conducted. For example, for single family residential lots, the house is the primary structure.

Privacy Fence means an opaque fence or screen at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch.

Public means, with respect to land and interests in land within the City limits, the City; and, with respect to land and interests in land within the ETJ limits, the general public.

Public Use means places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

Rear Yard means a space extending across the full width of the lot between the principal building

and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A replacement tree shall be one of the following species of tree or any other ornamental trees approved by the City:

American Elm	Bald Cypress	Bur Oak
Lacebark	Live Oak	Chinquapin Oak
Montezuma Cypress	Pecan	Cedar Elm
Monterey Oak	Afghan Pine	Big tooth Maple
Chinese Pistachio	Western Soapberry	Blanco Crabapple
Carolina Buckthorn	Crape Myrtle	Deciduous Holly
Desert Willow	Flame leaf Sumac	Golden Rain Tree
Japanese Black Pine	Mexican Buckeye	Mexican Plum
Mountain Laurel	Rough Leaf Dogwood	Texas Persimmon
Texas Red Bud	Yaupon Holly	Chinese Flame tree
Chitalpa	American Smoketree	Elm

Required Yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Residential or Minor Street means a street which is intended primarily to serve traffic with a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Reserve Strip means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the City.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-Way means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Same Ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or

unincorporated associations in which a stock holder, partner, or associate or a member of his/her/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary Structure means any structure that is subordinate and incidental to the primary structure; and is subordinate in area, extent and purpose to the primary structure; and contributes to the comfort, convenience or necessity of the occupants, business or industry in the primary structure, and is located on the same lot as the primary structure.

Setback or Building Line means a line or lines designating the interior limit of the area of a lot between said line and the corresponding line within which area structures may not be erected. The building lines generally provide the boundaries of the buildable area of any given lot.

Side Yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Significant Tree means a native, living tree including any Live Oak, Spanish Oak, Cedar Elm, Shin Oak, Bald Cypress, Post Oak, Pecan, Bur Oak or other such hardwood tree indigenous to Central Texas. A list of Significant Trees can be provided by City Staff.

Slope means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Standard Specifications and Codes of the City shall be applied to all improvements constructed within the City and shall be in accordance with all revisions, as may be adopted by the City of Rockdale.

Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street Side Yard means the side yard of a corner lot abutting the street right-of-way.

Street Width means the shortest distance between the lines, which delineate the rights-of-way of a street.

Street Yard means a space extending across the length and/or width of a lot between the street right-of-way and the closest faces of the buildings on the lot.

Structure means anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be

considered structures unless located within a public utility or drainage easement.

Structural Integrity means the ability of a structure to maintain stability against normal forces experienced by said structure.

Subdivider means any person, developer, firm, partnership, corporation or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision means the division or redivision of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, drainage facilities, park or other portion intended for use by the public, or for the use of any owner, purchaser, renter, occupant, person or entity.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the City's transportation system.

Urbanization means the process of constructing public improvements required to support suburban or urban land use.

Variances means a grant of relief to a person from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Working Days means Monday through Friday exclusive of City recognized holidays.

Yard means an open space that lies between the principal or accessory building or buildings and the nearest lot line.

Yard Depth means the shortest distance between a lot line and a yard line.

Yard Line means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

**Sections 9.102 through 9.109 Reserved.**

**ARTICLE 9.110 GENERAL PROVISIONS**

**Sec. 9.111 Purpose**

(a) The purpose of this Chapter is to provide for orderly, safe and healthful development to promote the health, safety, morals and general welfare of the community. From and after the passage of this Chapter, all plats and subdivisions of land within the corporate limits of the City, and all plats and subdivisions of land outside the corporate limits of the City that the Council may be petitioned to include within the corporate limits of the City by an extension of said corporate limits, and all tracts within the City's extraterritorial jurisdiction, shall conform to the following rules and regulations.

(b) The system of improvements for thoroughfares, water and wastewater services, other utilities, drainage, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.

(c) The provisions contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of this Chapter, the interests of the public as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges.

(d) This Chapter is designed and intended to achieve the following purposes, and shall be administered so as to:

- (1) Assist orderly, efficient and coordinated development of land within the City's jurisdiction.
- (2) Provide neighborhood conservation and prevent the development of slums and blight.
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- (4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community.

- (5) Provide the most appropriate design for each tract being subdivided.
- (6) Provide an attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets and building lines.
- (7) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (8) Preserve the natural beauty and topography of the municipality and ensure appropriate development with regard to these natural features.
- (9) As appropriate, reconcile any differences of interest among the developer, other property owners and the City.
- (10) Establish adequate and accurate records of land subdivision.
- (11) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the City's jurisdiction.
- (12) Standardize the procedure and requirements for developing property and submitting plans for review and approval.
- (13) Protect and provide for the public health, safety, morals and general welfare of the community.
- (14) Provide a healthy environment for the present and future citizens; an environment designed to reasonably secure safety from fire, flood and other dangers; and to provide that land be subdivided in a manner to attain such goals and benefits for the community.
- (15) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community.
- (16) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land.

- (17) Guide public and private policy and action in providing adequate and efficient transportation systems, water and wastewater systems, public utilities, and other public amenities and facilities.
- (18) Encourage the development of a stable, prospering economic environment.

(e) Certain minimum standards for land use, construction and development within the City limits are contained in the City's Zoning Ordinance, applicable building and plumbing codes, City Standard Details and Specifications, and this Chapter. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design within both the City and its extraterritorial jurisdiction should be of a quality to carry out the purpose and spirit of the policies expressed in the Master Plan and in this Chapter, rather than be limited to the minimum standards required herein.

**Sec. 9.112 Authority**

(a) This Chapter is adopted pursuant to the police powers of general law cities, and under authority of the Constitution and general laws of the State of Texas, including, but not limited to, *Chapt. 212, Tex. Loc. Gov't. Code*.

(b) In accordance with the City's police powers and authority, and as specifically authorized by *Chapt. 212, Tex. Loc. Gov't. Code*, and other applicable laws, the Planning and Zoning Commission, as a condition of subdivision plat or replat approval, shall require the owners and developers of land who desire to subdivide, plat or replat, or lay out any land for development within the City or its extraterritorial jurisdiction, for urban development or other purpose, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places or facilities of adequate width and size and to coordinate street layouts and street planning with the City's Master Plan, with other municipalities, and with county, state and federally designated highways, as they may deem best in the interest of the general public, in order to provide for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities.

**Sec. 9.113 Jurisdiction**

Except as specifically provided otherwise herein, this Chapter shall apply to all subdivisions and all related land development activities, as they are both defined herein, and all land, any part of which is located within the jurisdiction of the City. The jurisdiction of the City shall be defined as follows:

- (a) The corporate limits of the City of Rockdale, Texas; and
- (b) The extraterritorial jurisdiction of the City of Rockdale, Texas; and

(c) Any additional area outside (a) and (b) above as permitted by law and which has been approved by the Council.

**Sec. 9.114 Policy**

In order to carry out the purposes hereinabove stated, it is hereby declared to be the policy of the City to consider the subdivision and/or development of land as subject to the control of the municipality, pursuant to the Master Plan, if any, as adopted or amended from time to time, for the orderly, planned, efficient and economical development of the City and its jurisdiction. This Section shall be administered such that:

(a) Land to be subdivided and/or developed shall be of such nature, shape and location that with proper and careful design and development it can be safely used for building purposes without danger to health or risk of fire, flood, erosion, landslide or other menace to the general welfare.

(b) A Final Plat shall not be recorded until the necessary public utilities and facilities and other required improvements exist or arrangements are made for their provision.

(c) Buildings, lots, blocks and streets shall be arranged so as to provide for an attractive and healthful environment and to facilitate fire protection, and provide ample access to buildings for emergency equipment.

(d) Land shall be subdivided and developed with due regard to topography and existing vegetation with the object being that the natural beauty and natural resources of the land shall be preserved to the maximum extent possible.

(e) Existing features which would add value to development or to the City as a whole, such as scenic and special features, both natural and man-made, historic sites, and similar assets shall be preserved in the design of the subdivision whenever possible.

**Sec. 9.115 Application**

(a) The provisions of this Chapter, including design standards and improvement requirements, shall, except as specifically provided otherwise in this Chapter, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity:

- (1) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided, including multiple divisions to the same property in which one or more subdivided lots are less than five (5) acres;
- (2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require

the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;

- (3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, City or County Ordinances in effect at the time of such subdividing or platting;
- (4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots in order to achieve a more developable site, except as otherwise provided herein;
- (5) Any Planned Unit Development for which two (2) or more lots, tracts, or parcels are designed, established or created for occupancy, use or a building site, or for which a building permit, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements is required by the City;
- (6) The platting of any existing legal deed-divided unplatted lot, parcel, site or tract;
- (7) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the City into lots, parcels, sites or tracts;
- (8) Any plat having received approval from the Commission or the Council for which said approval has expired; or,
- (9) The dedication of any street or alley through any tract of land, regardless of the area involved.

(b) There may be occasions when the City Council deems it appropriate to allow a delay in the implementation of certain elements of this Chapter. On those occasions, a development agreement shall be used in accordance with the City policy.

**Sec. 9.116 Exemptions**

- (a) The provisions of this Chapter shall not apply to:
  - (1) Sales of land by metes and bounds in tracts of five (5) acres or more in area and not requiring the dedication of any easements, drainage facilities, land or roadways for use of any purchaser or member of the public, except as otherwise specifically provided in this Chapter;
  - (2) Cemeteries complying with all State and local laws and regulations;
  - (3) Divisions of land created by order of a court of competent jurisdiction;

- (4) Any subdivision of land for which a Preliminary Plan or Final Plat has been filed with the City on or before the effective date of this Chapter, excluding any such plan or plat for which approval has expired or hereafter expires, the ordinance in effect at the time of the adoption of this Chapter shall continue to be effective as to the pending plats provided no substantive change is made to the plat as provided herein; or
- (5) The combination of two (2) platted lots for the creation of a more developable site and the Planning and Zoning Commission finds that:
  - (A) The proposed use is the same as that for which the subdivision was platted by the subdivider; and
  - (B) No increase is anticipated in the estimated traffic generation or utility demands; and
  - (C) Offsite stormwater runoff is neither increased nor concentrated.

(b) The provisions of this Chapter shall not apply to the division of an existing legal lot, said division being caused by the City's acquisition of a part of said legal lot, when the Council finds that the acquisition by the City is in the best interest of the public health, safety and welfare of the citizens of Rockdale and/or its extraterritorial jurisdiction. Upon the Council so finding, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this Chapter and other applicable City regulations. In creating said division, the Council is empowered to attach to the resulting parcels acquired by the City, and the remainder parcels not acquired by the City upon agreement with the owner, such conditions as it finds reasonable and necessary to offset any adverse effects resulting from the City's acquisition as a part of the original legal lot, in so far as any such condition is not contrary to the spirit and intent of the Chapter.

(c) The provisions of this Chapter shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the City in a manner to regulate:

- (1) the use of any building or property for any lawful purpose;
- (2) the bulk, density or number of buildings on a tract or parcel of land;
- (3) the floor to area ratio of any building to be constructed on any lot; or
- (4) the number of residential units that can be built on an acre of land.

(d) Division of any property or portion of property into multiple smaller tracts with one or more of any of the subdivided tracts being five (5) acres or less shall not qualify any of the tracts for an exemption herein.

(e) No property shall be considered exempt under subsection (a) (1) or (2) unless so certified by the City Engineer. All divisions of land within the City limits or ETJ that may be exempt from this Chapter shall not be recognized as legal lots until the proposed division is presented to the City Engineer for determination as to whether the division of property qualifies for an exemption as set forth above. Failure to receive a letter from the City Engineer for a division of any tract, parcel or lot shall be deemed a violation of this Chapter.

**Sec. 9.117 Enforcement of Regulations**

(a) No subdivision of land within the City or its extraterritorial jurisdiction may be recorded until a Final Plat, accurately describing the property to be subdivided and platted, has been approved by the City in accordance with this Chapter and applicable laws, signed and dated by the Chair of the Planning and Zoning Commission and/or other designated officers of the City, and filed in the Official County Records.

(b) No building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to any land within the City limits; and no flood plain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to land within the ETJ Limits:

- (1) For any parcel or plat of land which was developed after the effective date of, and not in conformity with, the provisions of this Chapter; and/or
- (2) Until, (i) all improvements required by this Chapter, have been constructed and accepted by the City, or (ii) assurances for the completion of improvements have been provided in accordance with this Chapter.

(c) No excavation or clearing of land, or construction of any public or private improvements shall take place or commence, within six (6) months preceding the date of application for the approval of any development or subdivision; and no such excavation, clearing of land or construction shall begin within any proposed subdivision until such time as the City Engineer approves the plans and specifications for such subdivision.

(d) This Chapter may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this Chapter, with respect to any land or development within the City, by fine and penalties as provided herein.

**Sections 9.118 through 9.119. Reserved.**

**ARTICLE 9.120 PLATTING**

**Sec. 9.121 General Procedure**

- (a) Plans for the development of land within the scope of this Chapter shall be drawn and submitted to the Commission and Council for their approval or disapproval, as provided in herein.
- (b) Notwithstanding any provision of this Chapter to the contrary, a developer shall not commence construction activities within the City’s jurisdiction, including clearing and/or rough grading, before first obtaining all the City approvals required by this Chapter.
- (c) Generally, the subdivision process is comprised of four (4) individual steps, including the Pre-conference Meeting, Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.
- (d) Plats shall not be considered filed until administratively complete. The City staff and City Engineer shall notify the applicant not later than 45 days after receipt of a plat of any deficiencies or the plat shall be deemed administratively complete and placed on the next available Planning and Zoning agenda. Plat applications containing deficiencies in required documentation, information, fees or other requirements provided herein shall not be considered filed with the City until the deficiencies are corrected and the City Engineer issues an opinion of administrative completeness, which shall be determined within 45 days of receipt of the correction of deficiencies. The plat shall be deemed filed when scheduled for the Planning and Zoning agenda for purposes of this Chapter.

**Sec. 9.122 Pre-Conference Meeting**

Prior to submitting any plats, any applicant shall schedule a pre-conference meeting through the City Secretary. The City Secretary shall coordinate with the City Manager the appropriate staff to attend the pre-conference meeting. The pre-conference meeting shall be scheduled within 30 days of the request. No plats shall be accepted until a pre-conference meeting has occurred. At the pre-conference meeting, the applicant shall outline the proposed subdivision in sufficient detail through a concept drawing including the lots, lot dimensions, location of streets, detention facilities and other improvements.

**Sec. 9.123 Preliminary Plat**

- (a) **Purpose.** The Preliminary Plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A Preliminary Plat shall be required for any subdivision of land, except as otherwise provided for in this Chapter.
- (b) **Format.** It is recommended that the Preliminary Plat be drawn on twenty-four by thirty six inch (24"x36") sheet(s) at a scale of one (1) inch equals one hundred feet (1"=100') with all

dimensions labeled accurately to the nearest foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one (1) inch equals four hundred feet (1"=400') shall be attached to the plat. Twenty copies must be provided with each submittal.

(c) **Content.** The Preliminary Plat shall include all of the tracts intended to be developed at one (1) time, and any off-site improvements required to accommodate the project. The Preliminary Plat shall contain or have attached thereto:

- (1) General Information.
  - (A) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).
  - (B) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.
  - (C) The date, scale, and north indicator.
  - (D) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one (1) inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
  - (E) The owner's name, deed or plat reference and property lines of property within three hundred (300) feet of the subdivision boundaries as determined by the most recent tax rolls.
  - (F) Certification and signature blocks as required by the City and the County.

For the City the following notice shall be placed on the face of each preliminary plat by the subdivider: "Preliminary Plat for Review Purposes Only"

The following certificates shall be on the preliminary plat by the subdivider:

"Recommended for [Approval] [Denial]"

---

Chairman, Planning and Zoning Commission Date

City of Rockdale, Texas

[Approved][Denied] for Preparation of Final Plat

\_\_\_\_\_  
Mayor, City of Rockdale, Texas

\_\_\_\_\_  
Date”

- (G) The total acreage of the property to be subdivided and the subtotals by land use.
- (2) Existing Conditions.
  - (A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.
  - (B) The location of existing water courses, dry creek beds, wells, sinkholes and other similar topographic features.
  - (C) Significant Trees, within the boundaries of the subdivision and of 12-inch caliper and larger, shall be shown accurately to the nearest one (1) foot, Critical Root Zones of these trees shall also be shown.
  - (D) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.
  - (E) Areas subject to flooding shall be shown, delineating the regulatory one hundred (100) year floodplain, and any other floodplains identified in the City’s Master Drainage Plan.
  - (F) Topographic data indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.
  - (G) The locations, sizes and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.
  - (H) The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements or other public rights-of-

way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

- (I) The location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.
- (3) Improvements.
- (A) The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this Chapter.
  - (B) The developer shall include five copies of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
  - (C) The location, dimensions, names and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.
  - (D) The location of building setback lines indicated by dashed lines on the plat.
  - (E) Numbers to identify each lot and each block.
  - (F) The lengths of each proposed property line of all lots. The area of each non-rectangular lot shall be provided.
  - (G) Significant Trees to remain during construction showing the Critical Root Zones as solid circles, and Significant Trees designated to be removed showing the Critical Root Zones as dashed circles.
  - (H) Replacement Trees shall be shown on the Preliminary Plat based on a replacement ratio (inches removed to inches planted) of:
    - a) 2:1 (50% replacement) for Significant Trees twelve (12) inches in caliper and larger, and
    - b) Replacement Trees shall not be required for the removal of trees smaller than twelve (12) inches in caliper.

- (I) Proposed major categories of land use by acreage showing compatibility of land use with, or proposed variance from, the Master Plan.
  - (J) Proposed number of residential and non-residential lots, tracts or parcels of the subdivision together with the estimated:
    - a) number of LUEs required for each category of lots; and
    - b) traffic volume to be generated by all proposed development other than single family residential.
  - (K) Proposed and existing arterial and collector streets to serve the general area.
  - (L) Location of sites for parks, schools and other public uses, and all areas of common ownership.
  - (M) Significant drainage features and structures including any regulatory one hundred (100) year flood plains.
  - (N) Significant existing features on or within 200 feet of the property, such as railroads, roads, buildings, utilities and drainage structures.
  - (O) Approximate boundaries and anticipated timing of proposed phases of development.
  - (P) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property, which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those established minimum standards as defined in this Chapter.
  - (Q) Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.
  - (R) A proposed phasing plan for the development of future sections.
- (4) Support Documents.
- (A) A drainage study, consisting of a Drainage Area Map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this Chapter and good engineering practices, shall be

provided to ensure the property will be developed in accordance with City drainage policies.

- (B) Utility demand data, consistent with the proposed uses indicated on the Preliminary Plat, to determine the adequacy and the consistency of proposed utility improvements.
  - (C) A letter of certification, when applicable, that the plat has been submitted to the County Health District for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the City limits).
- (5) Accuracy of Data. The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the City, excepting that data which can only be obtained from the City.
- (d) **Procedure.** A Preliminary Plat for any proposed subdivision of land, that has been found to be administratively complete, shall be submitted to the City for Commission approval.
- (1) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the Commission at which the Preliminary Plat is to be heard, along with the following:
    - (A) Completed application forms and the payment of all applicable fees.
    - (B) A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate park land or pay fees-in-lieu of said dedication if such dedication or fees apply.
    - (C) A petition requesting annexation, if applicable.
    - (D) A letter requesting any variances from the provisions of this Chapter.
    - (E) Any attendant documents needed to supplement the information provided on the Preliminary Plat.
  - (2) For projects located within the City's extraterritorial jurisdiction, one (1) extra copy of the above referenced items must be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Preliminary Plan approval.
  - (3) City staff shall review all Preliminary Plat submittals for completeness at the time of application. If, in the judgment of City staff, the Preliminary Plat submittal

substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

- (4) Prior to the Commission meeting at which the Preliminary Plat is presented, City staff shall review the plat for consistency with City ordinances, codes, policies and plans.
- (5) City staff shall prepare a report analyzing the Preliminary Plat submittal and recommending either the approval or disapproval of the Preliminary Plat. This report shall be available at least five (5) working days prior to the Commission meeting.
- (6) If the developer chooses to withdraw the Preliminary Plat, in writing, by noon of the third working day preceding the meeting Commission, the submittal may appear on the next Commission agenda after repayment of the applicable fees.

(e) **Notification.** All owners of property (as determined by the most recent tax rolls from the County Appraisal District), any part of which is located within three hundred (300) feet of the perimeter of the land to be developed, shall be notified by mail.

- (1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the City Standard Details and Specifications.
- (2) The City shall publish a public notice at least once in a newspaper of general circulation in the City not fewer than fifteen (15) nor more than thirty (30) days prior to said public hearing.
- (3) The City shall mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within three hundred (300) feet of the perimeter of the property included within the Preliminary Plan.

(f) **Approval.** The Commission, after holding public hearings in accordance with City ordinances and codes, shall act on the request for Preliminary Plat approval.

- (1) The failure of the Commission to act within thirty (30) days of the Preliminary Plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.
- (2) Zoning of the tract, if applicable, that shall permit the uses proposed by the Preliminary Plat, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the Council prior to approval of the Preliminary Plat.

- (3) Approval of the Preliminary Plat shall not constitute approval of the Final Plat, but shall constitute a vesting of the right to develop under City ordinances, codes and policies in effect on the date of the approval provided that neither the Preliminary Plat nor any subsequent plat or permit has been, or is, allowed to expire.
  - (4) The developer should be aware that specific approvals from other agencies may be required.
  - (5) Upon approval of the Preliminary Plat, the developer shall furnish one (1) mylar reproducible copy of the approved Plat to be kept on file at the City as public record.
- (f) **Expiration.**
- (1) The approval of the Preliminary Plat shall expire twelve (12) months after the filing date, unless
    - (A) a corresponding Final Plat on all, or a portion of, the land approved on the Preliminary Plat is filed, or
    - (B) an extension is granted by the Commission in accordance with this Chapter.
  - (2) If a Preliminary Plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the Commission and Council and the approval by both bodies. All fees shall be repaid as if the plat were initially being submitted.
- (g) **Extension.** The developer may apply for an extension, in writing, prior to the end of the initial twelve (12) month period, stating reasons for needing the extension and demonstrating pursuit of approvals for Construction Plans and/or Final Plat in accordance with this Chapter. Upon receipt of this written request, the Commission may, at its discretion, grant up to a two (2) year extension so long as the Preliminary Plat remains consistent with the Master Plan and/or ordinances of the City.
- (h) **Revision.** If a revision to a previously approved Preliminary Plat is required, then no application for Final Plat shall be accepted until the revised Preliminary Plat has been submitted and approved by the Commission. This signed, approved document shall be kept on file as public record in the offices of the City.
- (i) **Responsibility.** Notwithstanding the approval of any Preliminary Plat by the Council, Commission or the City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

**Sec. 9.124 Construction Plans**

(a) **Purpose.** Construction plans, based upon the approved Preliminary Plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the Preliminary Plat phase and required by this Chapter and other applicable City ordinances, codes and policies, shall be submitted to the City for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing City infrastructure shall also be submitted to the City for approval. The plans shall be kept by the City as a permanent record of required improvements in order to:

- (1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.
- (2) Provide data for evaluation of materials, methods of construction and design.
- (3) Provide documentation of approved public improvements to ensure that all such improvements are built to City standards and specifications.
- (4) No Final Plat shall be certified by the City, and no construction activities shall commence, until such time as Construction Plans completely describing the on-site and off-site improvements required by this Chapter and other applicable City ordinances and codes, have been approved by the City Engineer.

(b) **Format.** Drawings shall be on twenty-four inch by thirty-six inch (24"x36") sheets at generally accepted horizontal and vertical engineering scales. Five complete copies shall be provided with each submittal.

(c) **Content.** Construction plans shall include all on and off-site improvements required to serve the proposed development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a registered professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:

- (1) Cover Sheet.
  - (A) the appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.
  - (B) a location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
- (2) Street and Roadway Systems.

- (A) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets and special structures;
  - (B) Vertical layouts and alignments showing existing and proposed center line, right and left right-of-way line elevations along each proposed roadway;
  - (C) Typical right-of-way cross sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications;
  - (D) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations; and
  - (E) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information;
- (3) Drainage Improvements.
- (A) Detailed design of all drainage facilities as indicated in the Preliminary Plat phase, including typical channel or paving section, storm sewers and other storm water control facilities.
  - (B) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
  - (C) Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
  - (D) Attendant documents containing design computations in accordance with this Chapter, and any additional information required to evaluate the proposed drainage improvements.
  - (E) Five copies of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
- (4) Erosion and Sedimentation Controls.
- (A) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

- (B) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
  - (C) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
  - (D) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
  - (E) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
- (5) Water Distribution Systems.
- (A) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the Preliminary Plat phase and in accordance with the City Standard Details and Specifications.
  - (B) The existing and proposed location of fire hydrants, valves, meters and other fittings.
  - (C) Design details showing the connection with the existing City water system.
  - (D) The specific location and size of all water service connections for each individual lot.
  - (E) Attendant documents containing any additional information required to evaluate the proposed water distribution system.
- (6) Wastewater Collection Systems.
- (A) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the Preliminary Plat phase, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.
  - (B) Plan and profile drawings for each line in public right-of-ways or public

utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.

- (C) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
  - (D) Detailed design for lift stations, package plants or other special wastewater structures.
  - (E) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for State Health Department approval.
- (7) Street Lighting. The location, size, type and description of street lights according to City Standard Details and Specifications.
  - (8) Street Signs. The location, size, type and description of street signs according to City Standard Details and Specifications.
  - (9) Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.
  - (10) Improvements for Parks and other Public and Common Areas - as identified and/or approved on the Preliminary Plat.
  - (11) The location, size and description of all Significant Trees (to remain and to be removed), and Replacement Trees to meet the requirements of this Chapter.
  - (12) Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by this Chapter.
  - (13) Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.
  - (14) Cost Estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.
- (d) **Procedure.** After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and review fee, shall be submitted to the City Engineer for approval.
- (1) Construction Plans may be submitted for review and approval simultaneously with a Final Plat, provided however that the Final Plat shall not be approved until the

Construction Plans have been approved. If the Construction Plans and the Final Plat are to be reviewed simultaneously, a complete application for Construction Plans and a complete application for Final Plat must be submitted to the City simultaneously.

- (2) City staff shall review all Construction Plan submittals for completeness at the time of application. If in the judgment of the City, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- (3) The City Engineer shall review the Construction Plans to insure compliance with this Chapter, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.
- (4) For projects located within the City's extraterritorial jurisdiction, the Construction Plans and attendant documents shall be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.

(e) **Approval.** Within thirty (30) days of the date on which all required information has been accepted for review, the City Engineer shall either approve or disapprove the Construction Plans.

- (1) If the Construction Plans are disapproved, the City Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Construction Plans into compliance.
- (2) If Construction Plans are approved, then the City Engineer shall sign the cover sheet of the Construction Plans, returning one (1) signed copy to the applicant and retaining the other signed copy for City records.
- (3) The developer should be aware that specific approvals from other agencies may be required.
- (4) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(f) **Revision.** Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the developer and City Engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.

(g) **Responsibility.** Notwithstanding the approval of any Construction Plans by the Council,

Commission or the City Engineer, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

### **Sec. 9.125 Final Plat**

(a) **Purpose.** The Final Plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land.

- (1) A Final Plat shall be required for all subdivisions of land.
- (2) The Final Plat shall conform to the approved Construction Plans and approved Preliminary Plat.

(b) **Format.** The Final Plat shall be drawn on eighteen inch by twenty-four inch (18"x24") mylar sheets at a scale of one (1) inch equals one hundred feet (1"=100') with all dimensions labeled accurately to the nearest one tenth (1/10) of a foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one (1) inch equals four hundred feet (1" = 400') shall be attached to the plat. Twenty copies shall be submitted with each submittal.

(c) **Content.** The Final Plat shall include all of the tracts intended to be developed at one (1) time, and shall contain or have attached thereto:

- (1) General Information.
  - (A) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City; provided however, that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section number.
  - (B) The date, scale, north point, addresses of the owner of record, developer, registered public surveyor, and registered professional engineer if required, platting the tract. The engineer and surveyor shall affix their seals to the plat in conjunction with the signing of the certification requirements.
  - (C) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one (1) inch equals two thousand feet (1" = 2,000'). The latest edition

of the USGS 7.5 minute quadrangle map is recommended.

- (D) Identification and location of proposed uses and reservations for all lots within the subdivision.
  - (E) The owner's names and the property lines of property within three hundred (300) feet of the subdivision boundary, together with the respective plat or deed references as determined by the most recent tax rolls.
  - (F) Certification, signature and revision blocks as required by the City and County, including but not limited to the following:
    - a) Certification from a registered professional engineer and approval by the State Health Department (if applicable) that water satisfactory for human consumption is available in adequate supply at the time of submission, except that such certification is not required if the property will be served by the City water system.
    - b) Certification from the County Health District that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of septic tank or other means of disposal has been approved by the County Health District. Said certificate shall show the limitations, if any, of such approval.
  - (G) Lot area, width and depth, public utility and drainage easements, and setbacks shall conform to the requirements as established for the designated land use as set forth in this Chapter.
- (2) Existing Conditions.
- (A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.
  - (B) Areas delineating the regulatory one hundred (100) year floodplain, if applicable. This information must be certified by a registered professional engineer.
  - (C) The location, dimensions, names and descriptions of all existing and recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from current deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

- (D) Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the subdivision or is contiguous to the subdivision boundary.
- (3) Survey Control Information.
- (A) True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner which shall be accurately described on the plat and rotated to the state plane coordinate system. Using said system, X and Y coordinates shall be identified for four (4) property corners.
  - (B) The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.
  - (C) Suitable primary control points to which all dimensions, bearings and similar data shall be referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.
  - (D) Sufficient data shall be shown on the plat for each lot to prove mathematical closure.
- (4) Improvements.
- (A) The location, bearings, distances, widths, purposes and approved names of proposed streets, alleys, easements and rights-of-way to be dedicated to public use.
  - (B) Streets. Provide complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, long chord with bearing) between all lot corner pins.
  - (C) Water Courses and Easements. Provide distances to be provided along the side lot lines from the right-of-way line or the high bank of a stream. Traverse line to be provided along the edge of all major waterways in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.
  - (D) The property lines and number designations of all proposed lots and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines. The surveyor shall certify that all lots meet the City's minimum requirements set forth herein.

- (E) The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks and open spaces; common ownership; or subsequent development.
  - (F) The location of building setback lines, as required by the City's Zoning Ordinance and indicated by dashed lines on the plat, and the location, dimensions, and descriptions of all required easements within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.
  - (G) The proposed location of sidewalks for each street, to be shown as a dotted line inside the proposed right-of-way lines.
- (5) Support Documents. The following supporting documents must accompany the Final Plat:
- (A) Developer shall include five copies of the approved application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
  - (B) If a subdivision is located in an area served by any utility other than the City, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the utility's intent to serve the property, except that said letters are not required if the easements conform to those approved on the Preliminary Plat.
  - (C) If the construction of all improvements needed to serve the subdivision is not completed prior to the filing of the plat for recordation then the developer must provide financial assurance for the completion of the remainder of those improvements in accordance with this Chapter.
- (6) The applicant shall be responsible for verifying the accuracy of all data submitted.
- (d) **Procedure.** After approval of the Preliminary Plat and Construction Plans for a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for Commission approval before recordation.
- (1) A Final Plat may be submitted for review and approval simultaneously with Construction Plans, provided however that the Final Plat shall not be approved until the Construction Plans have been approved. If the Final Plat and Construction Plans are to be reviewed simultaneously, a complete application for Final Plat and a complete application for Construction Plans must be submitted to the City simultaneously.

- (2) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the Commission at which the Final Plat is to be heard, along with the following:
  - (A) Completed application forms and the payment of all applicable fees.
  - (B) Any materials or documents required by the Commission and/or Council as a condition of Preliminary Plat approval.
  - (C) A letter requesting any variances from the provisions of this Chapter, if not previously approved as part of the Preliminary Plat, and posted pursuant to the requirements of this Chapter.
  - (D) Twenty (20) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Final Plat.
  - (E) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
  - (F) Performance and maintenance guarantees as required by the City.
  - (G) Any attendant documents needed to supplement the information provided on the Final Plat.
- (3) For projects located within the City's extraterritorial jurisdiction, one (1) extra copy of the above referenced items must be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Final Plat approval.
- (4) City staff shall review all Final Plat submittals for completeness at the time of application. If, in the judgment of City staff, the Final Plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- (5) Prior to the Commission meeting at which the Final Plat is presented, City staff shall review the plat for consistency with City codes, policies and plans.
- (6) City staff shall prepare a report analyzing the Final Plat submittal, as well as any comments received concerning the Preliminary Plat, and recommending the either approval or disapproval of the Final Plat. This report shall be available at least five (5) working days prior to the Commission meeting.

- (7) If the developer chooses to withdraw the Final Plat, in writing, by noon of the third working day preceding the meeting Commission, the submittal may appear on the next Commission agenda after repayment of the applicable fees.
- (e) **Notification.** Public notification of Final Plats filed as part of an approved Preliminary Plat shall not be required.
- (f) **Approval.** The Commission, after holding a public hearing, shall act on the request for Final Plat approval.
  - (1) The failure of the Commission to act within thirty (30) days of the Final Plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.
  - (2) For Final Plats submitted simultaneously with Construction Plans, the failure of the Commission to act within thirty (30) days of the later of the filing date or the Construction Plan approval date shall be deemed an approval of the Final Plat, except as otherwise agreed to by the developer.
  - (3) The developer shall begin construction of the required public improvements or file a financial surety instrument for the improvements within six (6) months after Final Plat approval by the Commission, or such approval of the Final Plat shall be void.
  - (4) Unless the Final Plat is recorded in the Official County Records within twelve (12) months after approval by the Commission, such approval of the Final Plat shall be void, except that the developer may apply in writing to allow extension of approval prior to the end of such twelve (12) month period, stating just cause therefore, and the Commission may grant an extension not to exceed one (1) year.
  - (5) Zoning of the tract, if applicable, that shall permit the proposed use, or any pending zoning amendment necessary to permit the proposed use shall, have been adopted by the Council prior to approval of the Final Plat.
  - (6) The developer should be aware that specific approvals from other agencies may be required.
  - (7) The City Engineer and developer's engineer must certify that the design standards of Article 9.130 have been complied with and that the development and improvements meet sound engineering practices.
- (g) **Revision.** If revision of the Final Plat is required by the Commission, then the Final Plat shall not be recorded until the revised Final Plat has been resubmitted and approved by City staff for compliance with the Commission's requirements, and the Council's requirements, if any, established by the Council during its consideration of the Preliminary Plan.

(h) **Recordation.**

- (1) Prior to the recordation of the Final Plat, one (1) original copy of the Final Plat shall be submitted to the City for signatures, and
  - (A) The Final Plat shall have been approved by the Commission pursuant to the provisions of this Chapter.
  - (B) All conditions of Final Plat approval established by the Commission shall have been determined to be complete by City staff.
  - (C) Construction plans for all required improvements shall have been approved by the City Engineer.
  - (D) Fees-in-lieu of parkland dedication as required by this Chapter, if applicable, shall have been paid.
  - (E) Performance and maintenance guarantees for all required improvements shall have been established pursuant to this Chapter.
  - (F) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
  - (G) Written acceptance of all improvements required by this Chapter by the City Engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this Chapter, shall be received by the City.
  - (H) Applicable fees pursuant to City ordinance shall be paid, including, but not limited to, all professional fees, engineer, and attorney fees incurred by the City for or with respect to the review, processing and approval of the application for the approval of the subdivision plat.
  - (I) Notes shall be added to the plat describing any variances approved by the Commission.
- (2) City staff shall, upon determination that all provisions of this Chapter have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Chairperson of the Commission, and the Mayor, as attested to by the City Secretary.

- (3) Once the original Final Plat has been certified by the Chairperson of the Commission and the Mayor, City staff shall notify the developer that the original Final Plat is ready for reproduction.
  - (4) The developer, at his/her own expense, shall make two (2) photographic mylar copies of the original, signed Final Plat, and return the photographic mylar copies and the original Final Plat to the City Engineer for recordation.
  - (5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.
  - (6) City staff shall, after the photographic mylar copies and the original Final Plat have been duly recorded in the Official County Records, return the original Final Plat to the developer within five (5) working days by notifying the developer that the original Final Plat is available for pick-up at the office of the City Engineer.
  - (7) The City shall keep one (1) photographic mylar copy of the original approved Final Plat on file as public record.
- (i) **Responsibility.** Notwithstanding the approval of any Final Plat by the Council, Commission or the City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

**Sec. 9.126 Amended Plats**

(a) **Purpose.** An Amended Plat that meets all of the informational requirements set forth in this Chapter may be approved and recorded by the City without vacation of the preceding plat, without a public hearing, and without approval of other lot owners within the platted subdivision provided that any persons with a vested interest affected by the plat amendment signs the plat and application; and that the purpose of the Amended Plat is:

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

(b) **Format.** The format of an Amended Plat shall be the same as the format for a Final Plat.

(c) **Content.** The content of an Amended Plat shall be the same as the content requirements for a Short Form Final Plat.

(d) **Procedure.**

- (1) The Amended Plat may be submitted without re-approval of a Preliminary Plat or Construction Plans. The Amended Plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the City for approval before recordation of the plat.
- (2) Legible prints, as indicated on the application form shall be submitted to the City along with the following:
  - (A) Completed application forms and the payment of all applicable fees.
  - (B) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
  - (C) Any attendant documents needed to supplement the information provided on the plat.
  - (D) The City shall require the following note on the Amended Plat: This subdivision is subject to all general notes and restrictions appearing on the plat of \_\_\_\_, Lot(s) \_\_\_\_\_, recorded at Cabinet \_\_\_\_, Slide \_\_\_\_ of the Plat Records of \_\_\_\_\_ County, Texas.

(e) **Notification.** Public notification and public hearings shall not be required for an Amended Plat.

(f) **Approval.** The City Engineer shall forward an administratively complete Amended Plat meeting the requirements of this Chapter to the Planning and Zoning Commission. The Planning and Zoning Commission shall act within thirty (30) days of receipt of an administratively complete submittal. However, if in the City Engineer's or the Planning and Zoning Commission's determination, the Amended Plat does not satisfy this Chapter, the City Engineer may require the plat to be processed in accordance with the Final Plat procedures of this Chapter.

(g) **Expiration.** Approval of an Amended Plat shall expire if said plat is not recorded in the plat records of the County within six (6) months of City approval.

(h) **Recordation.** Recordation of an Amended Plat shall follow the same recordation provisions of a Final Plat.

(i) **Responsibility.** Notwithstanding the approval of any Amended Plat by the Planning and Zoning Commission, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with

respect to any plat submitted.

**Sec. 9.127 Short Form Final Plats**

(a) **Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the City's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by the burden of producing this data, the City allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

- (1) Applicants for subdivisions or resubdivisions creating no more than four (4) new lots may follow the procedure set forth below provided that the subdivision meets all of the following criteria:
  - (A) The City Engineer shall certify that the proposed subdivision meets all the requirements of the Short Form Final Plat.
  - (B) No new public street shall be necessary for each lot to access a public street.
  - (C) Each of the lots is contiguous with at least one (1) of the other lots in the subdivision for a distance of at least fifty (50) feet.
  - (D) No off-site improvements to the City's infrastructure are determined to be necessary by the City Engineer.
  - (E) No off-site drainage improvements are determined to be necessary by the City Engineer.
  - (F) No new easements shall be necessary to serve each lot and the plat shall show existing easements thereon.
- (2) The Commission may require the standard Final Plat procedures outlined in this Chapter, if the Commission determines that the plat is inconsistent with any element of the Master Plan, or any established City ordinances, codes or policies.

(b) **Format.** The format of the Short Form Final Plat shall correspond with the format for Final Plats as required by this Chapter.

(c) **Content.** The content of the Short Form Final Plat shall correspond with the content for Final Plats as required by this Chapter, except that:

- (1) Construction plans may not be required.

- (2) The City may permit omission of any informational requirements that are determined by the City to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.
  - (3) The City shall require the following note on the Final Plat: This subdivision is subject to all general notes and restrictions appearing on the plat of \_\_\_\_\_, Lot(s) \_\_\_\_\_, recorded at Cabinet \_\_\_\_\_, Slide \_\_\_\_\_ of Plat Records of \_\_\_\_\_ County, Texas.
- (d) **Procedure.** The procedure for review and approval of a Short Form Final Plat shall follow the procedure for Final Plats, except that:
- (1) The Short Form Final Plat may be submitted without approval of a Preliminary Plat or Construction Plans. The plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the Commission for approval before recordation of the plat.
  - (2) Legible prints, as indicated on the application form shall be submitted at least thirty (30) days prior to the regular meeting of the Commission along with the following:
    - (A) Completed application forms and the payment of all required fees.
    - (B) Twenty (20) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the plat.
    - (C) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
    - (D) Notification materials as required herein.
    - (E) A petition requesting annexation, if applicable.
    - (F) Any attendant documents needed to supplement the information provided on the plat.
  - (3) For projects located within the City’s extraterritorial jurisdiction, one (1) extra copy of the above referenced items must be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Short Form Final Plat approval.
- (e) **Notification.** Notification procedures for a Short Form Final Plat shall be the same as those identified for Preliminary Plan.

- (f) **Approval.** The approval process of a Short Form Final Plat shall be the same as the approval of a Final Plat.
- (g) **Revision.** The revision process of a Short Form Final Plat shall be the same as the revision process described for a Final Plat.
- (h) **Recordation.** The recordation procedures of a Short Form Final Plat shall be the same as the procedures for a Final Plat.
- (i) **Responsibility.** Notwithstanding the approval of any Short Form Final Plat by the Commission, Council or City Engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

**Sec. 9.128 Vacation of Undeveloped Subdivision**

When no lots on a plat of subdivision have been sold, the developer may request the vacation of the plat prior to the time that the improvements covered by the guarantees are installed, and when such plat is vacated, all fiscal sureties shall be returned to the developer.

**Sec. 9.129 Revisions to Pending Preliminary Plat or Final Plat**

This section shall apply to preliminary plats or final plats legally filed and pending approval before the Commission or City Council which substantially vary from the previously filed and approved plat (such plats shall be referred to herein as a “Project in progress”).

- (a) **Purpose.** Submission of a revised Preliminary Plat to the City shall be required when substantial changes to a Project in progress are proposed on an approved Preliminary Plat.
- (b) **Revision to Preliminary Plat.** If one or more of the following changes to a Project in progress has been made before the approval of a Preliminary Plat, the Developer shall meet with staff in a Pre-conference meeting to discuss the changes to the previously submitted Preliminary Plat prior to resubmitting to the Commission and Council to ensure compliance with City regulations. The following are deemed substantial changes requiring resubmission:

- (1) Any change that causes the Preliminary Plat to be inconsistent with the City's Master Plan for the property.
- (2) More than a 5% change in the overall concept or design of the development or layout of the lots.
- (3) Any change in land use categories that total more than five percent (5%) of the land area.

- (4) Any change in the total number of residential or non-residential lots totaling more than five percent (5%) of the total number of lots for any individual category of lots.
- (5) Any change in classification of arterial or collector streets or in alignment of arterial, collector or minor streets of more than 150 feet.
- (6) Any change in parkland that totals more than five percent (5%) of the proposed parkland area.
- (7) Any change in detention pond or drainage channel location by more than 150 feet.
- (8) Any change in phase timing by more than one year.
- (9) Any change that would not be consistent with the original intent of the approving body, or would require a variance.

(c) **Revision to Final Plat.** If one or more of the following changes to a Project in progress has been made after approval of a Preliminary Plat and after the filing or approval of a Final Plat, the Developer shall meet with staff in a Pre-conference meeting to discuss changes to the previously submitted Plat prior to resubmitting to the Commission and Council. The following are deemed substantial changes requiring submission to the City:

- (1) Any change that causes the Final Plat to be inconsistent with the City's Master Plan.
- (2) Any change in land use categories that total more than one percent (1%) of the land area.
- (3) Any change in the total number of residential or non-residential lots totaling more than one percent (1%) of the total number of lots for any individual category of lots.
- (4) Any change in classification of arterial or collector streets or in alignment of arterial, collector, or minor streets of more than 75 feet.
- (5) Any change in parkland that totals more than one percent (1%) of the proposed parkland area.
- (6) Any change in detention pond location by more than 75 feet.
- (7) Any change in drainage channel location by more than 75 feet.
- (8) Any change in phase timing by more than one year.

- (9) Any change that would not be consistent with the original intent of the approving body, or would require a variance.
  
- (d) **Procedure for Submission.**
  - (1) A Preliminary Plat that is required to be resubmitted to the City under this section shall be submitted pursuant to the procedure set forth in Section 9.123.
  - (2) Construction Plans and Final Plats that are required to be submitted to the City under this section shall be submitted pursuant to the procedures set forth in Sections 9.124 and 9.125.
  - (3) For cause shown, the City Council may waive the requirement for resubmission of a revised plat.
  
- (e) **Current Regulations Govern.** If a Preliminary Plat, Construction Plans or Final Plat of a Project in progress is required to be resubmitted under this section, the subdivision shall be governed by the regulations, ordinances, rules, expiration dates, or other properly adopted requirements of the City in effect at the time of the resubmission to the City.

## **ARTICLE 9.130 DESIGN STANDARDS**

### **Sec. 9.131 Generally**

- (a) **Additional Regulations.** In addition to the requirements established by this Chapter, all development within the City limits shall be designed so as to comply with the intent and provisions of the Zoning Ordinance, building and housing codes, Master Plan, regulations of the Texas Department of Transportation and the Texas Department of Health, and any other applicable law or regulation adopted by a unit of federal, state or local government; and all development within the extraterritorial jurisdiction of the City shall comply with this Chapter and all other applicable laws and regulations adopted by a unit of federal, state or local government.
  
- (b) **Standards In General.** The minimum design standards as contained herein shall provide the basic criteria for evaluating proposed preliminary plats, construction plans, final plats, amended plats, short form final plats, and other development or improvements subject to this Chapter. The City may, however, establish reasonable design requirements in excess of these established minimum standards, or grant variances from those established minimum standards, where by reason of exceptional topographic, cultural, historic, archaeological, hydrologic, or other physical conditions of the property to be developed or of an adjacent tract, the strict adherence to these standards will result in an inappropriate subdivision design or cause unnecessary hardship.
  
- (c) **Coordinated Design.** The quality of life and the community in the Rockdale urban area is

dependent on the quality of design of the individual developments in which people live and work. Good community design requires the coordination of the efforts of each developer of land within the urban area. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities. Therefore, the design of each development shall be prepared in accordance with the applicable principles established by the Master Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

- (1) The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one (1) elementary school. Space for recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood. The size of lots and blocks should be designed to provide for adequate water and wastewater service, traffic circulation, light, air, open space, landscaping and off-street parking. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved to the greatest extent possible. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.
- (2) The components of the street system should in different degrees serve the separate purposes of access to property and safe, efficient movement of traffic. Land use types should be served by roadways whose capacity increases in proportion to the traffic generation of the land use. Design and location of points of access to property should be appropriate to the volume and speed characteristics of traffic utilizing the intersection.
- (3) An open space system throughout the urban area should provide a range of active and passive recreation opportunities. Park, open space and recreation facilities should be located with sensitivity to user population, natural features, traffic generation, and nearby land use.
- (4) Land use arrangement and design should minimize the difference in intensity between adjacent uses in order to provide for the provision of water, wastewater and roadways sufficient to serve the proposed densities and provide for compatible neighboring developments. Step-down patterns of use surrounding major activity centers, combined with buffering techniques, should ensure that residential densities are compatible with each other, and that residential development is not adversely impacted by higher intensity uses.
- (5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision

will further the efficient and desirable extension of utilities to adjacent property, equitable provision of such capacity is essential to the orderly growth of the urban area.

- (6) Construction of water, wastewater, drainage, gas, electric, telephone and cable television utilities that require utility cuts of a public street shall be repaired pursuant to applicable City ordinances.

(d) **Policy.** All improvements within the City’s jurisdiction shall be designed in accordance with good engineering practices.

- (1) The Commission shall not recommend approval or approve any plat or plan which does not meet the minimum requirements of this Chapter in making adequate provisions for improvements that protect the public health, safety and property, and benefit the present and future owners of property within the development, other lands within the City and neighboring areas.
- (2) It shall be the responsibility of the developer to design and construct improvements, in accordance with:
  - (A) The requirements of this Chapter.
  - (B) Good engineering practices.
  - (C) Approved engineering plans for construction.
  - (D) The regulations and principles of law established pursuant to the state law.
  - (E) Any variances granted.

**Sec. 9.132 General Plat Requirements**

(a) All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening contained in the current Zoning Ordinance of the City shall be adhered to for development under this Chapter.

(b) **Streets.**

- (1) The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the general plan of the community, and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- (2) Where such is not shown in the general plan for the community, the arrangements of streets in a subdivision shall:
  - (A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;
  - (B) Conform to a plan for the neighborhood approved or adopted by the City. A variance will be allowed to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and,
  - (C) Be laid out so that they shall intersect, as nearly as possible, at right angles.
- (3) Residential (minor) streets shall be so laid out that their use by through traffic shall be discouraged.
- (4) Street jogs with centerline offsets of less than one hundred fifty feet (150) shall be avoided.
- (5) Street right-of-way widths shall conform to the City’s Thoroughfare Plan, and shall conform to the following:

<u>Class of Street</u>	<u>Right-of-Way Width in Feet</u>
A – Entrance Roadway	200
B – Major Thoroughfare	120
C – Major Thoroughfare	100
D – Secondary Thoroughfare	80
E & F – Collector	60
G – Minor	50

- (6) Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the City finds it will be practicable to require the dedication of the other half when the street has already been provided adjacent to an area to be subdivided; the other remaining portion of the street shall be platted within such subdivision. Where part of a residential or collector street is being dedicated along a common property line, the first dedication shall be one-half of the proposed street right-of-way plus five feet (5’).
- (7) Cul-de-sacs in residential additions shall not be longer than six hundred feet (600’) from the nearest intersection, and in industrial areas they shall not exceed one thousand feet (1,000’) from the nearest intersecting street, and there shall be

provided at the closed end a turnaround having an outside roadway diameter of at least eighty feet (80') and a street property line diameter of at least one hundred feet (100').

- (8) All streets shall be paved, and paving shall conform to "SECTION 9.133 – IMPROVEMENTS" of these regulations.
- (9) Street grades shall be established regarding topography, proposed land-use, and the facilities in the area surrounding the land to be subdivided. Minimum grades shall be three-tenths percent (0.30%) on concrete streets only and five-tenths percent (0.50%) on all other types of street paving.
- (10) Street name markers shall be installed in accordance with the prescribed type currently in use by the City, or an approved equal, as approved by the City Manager. Street markers and erection thereof will be at the expense of the subdivider.
- (11) Residential lots shall not face arterial streets or thoroughfares, and driveway or alley pavement cuts shall not be permitted on arterial streets. Alleys shall be provided along side and rear lot lines on arterial streets for rear entrance.

(c) **Alleys.**

- (1) Alleys shall be provided in commercial and industrial districts and shall be paved with reinforced concrete, except that the City 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 uses proposed.
- (2) Alleys may be required in all residential areas. Where required, they shall be paved with reinforced concrete.
- (3) The minimum right-of-way width of an alley shall be twenty feet (20') in industrial and commercial areas and fifteen feet (15') in residential areas. The alley turnouts shall be paved to the property line and shall be at least two feet (2') wider than the alley paving at that point. The radii of the turnouts for alleys intersecting thoroughfares shall be sixteen feet (16') and shall be ten feet (10') at intersections with all other streets.
- (4) Alley intersections and sudden changes in alignment shall be avoided, but, where necessary, lot corners shall be cut off at least fifteen feet (15') on each tangent to permit safe vehicular movement.

- (5) Dead-end alleys shall be avoided where possible, but, if unavoidable, they shall be provided with adequate turnaround facilities, as determined by the City.
- (6) All alleys shall be paved, and the paving shall conform to “SECTION 9.133 – IMPROVEMENTS” of these regulations.
- (7) Where driveways connect to alleys in commercial, industrial, or residential areas, fences may be constructed along the rear lot line of any lot to a point within five feet (5’) of a point where the driveway would intersect the alley pavement at ninety degrees (90°). Fences are optional.

(d) **Lots.**

- (1) All lots shall conform to the regulations as set forth in the City’s Zoning Ordinance.
- (2) Corner lots in residential areas shall be ten feet (10’) wider than inside lots so as to allow the required setback from both streets.
- (3) Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or major thoroughfare.
- (4) Sidelines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.
- (5) The minimum lot size outside the City limits shall be 7,500 sq. ft. with a minimum Front Yard width of 75 feet. Lots designed as cul de sacs may request a smaller Front Yard width on a showing that the cul de sac reduces the linear feet available to provide for 75 feet, provided the general intentions of the section are met.
- (6) Lots to be served by septic systems shall have a minimum of 1 acres per LUE and conform to the County and Texas Commission on Environmental Quality regulations based on percolation tests.
- (7) Building setback lines shall be recorded on plats for property within the extraterritorial jurisdiction.

(e) **Easements.**

- (1) Easements across lots on rear or side lot lines shall be provided for utilities when necessary and shall be at least fifteen feet (15’) wide.

- (2) Where a subdivision is bounded by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, or of such width to provide for any future anticipated construction, plus a minimum of ten feet (10') on each side.

(f) **Blocks.**

- (1) The lengths, widths, and shapes of blocks shall be determined with regard to the following items:
  - (A) Provision of adequate building sites suitable to the special needs of the type of use proposed;
  - (B) Zoning requirements as to lot sizes and dimensions;
  - (C) Needs for convenient access, circulation, control, and safety of traffic; and,
  - (D) Limitations of topography.
- (2) Where no existing subdivision controls, the blocks shall not exceed one thousand two hundred feet (1,200') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the City. Blocks longer than six hundred feet (600') shall be avoided in business districts.

(g) **Survey Monuments And Lot Markers.**

- (1) **Permanent Survey Reference Monuments.** A concrete monument, six inches (6") in diameter and twenty-four inches (24") long, shall be placed on all boundary corners. A copper pin 1/4-inch in diameter embedded at least three inches (3") in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall be no less than twelve inches (12") below the finished grade of the development.
- (2) **Lot Markers.** Lot markers shall be 1/2-inch reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

**Sec. 9.133 Improvements**

(a) **Standard Specifications and Construction Details.** All improvements proposed for any subdivision to be developed under the jurisdiction of this Chapter shall be furnished and installed by the subdivider/developer in accordance with the applicable divisions of Standard Specifications For Public Works Construction, as adopted by the City and the other applicable specifications noted herein, or in the absence of such specifications and details, to meet the approval of the City.

All improvements, even in previously approved but still in unimproved subdivisions, or in re-subdivided tracts, shall conform to the City’s current regulations and specifications for street, drainage, and utility construction.

Where reference is made within these regulations to the Standard Specifications, it shall be understood that the word “Owner” is to be interpreted as the Developer or Subdivider and the words “Owner’s Representative” are to be interpreted as the Developer’s Engineer or Inspector. Where the Standard Specifications allow options not specifically addressed by these regulations, the Developer’s Engineer shall request guidance from the City in writing.

(b) **Street Paving.**

(1) Concrete Strength Requirements.

(A) Concrete Curb and Gutter. Concrete curb and gutter shall be constructed of a batch design, providing a twenty-eight (28) day compressive strength of three thousand five hundred (3,500) pounds per square inch (p.s.i.). No. 4 deformed steel bars shall be used for reinforcing.

(B) Reinforced Concrete Pavements and Monolithic Curb. Concrete pavement and monolithic curb properly and continuously reinforced shall be constructed of a concrete batch design, providing the appropriate twenty-eight (28) day compressive strength. The minimum reinforcement shall be No. 4 deformed bars spaced at twenty-four (24) inches center to center, both ways.

(2) Pavement Types and Thicknesses.

(A) Collector and Minor Streets and Alleys in Residential Areas.

a) The subdivider/developer shall, at his own cost and expense, pay for constructing all streets and alleys in residential areas within his subdivision and one-half (1/2) of all perimeter streets.

b) A six-inch (6") thickness of three thousand five hundred (3,500) p.s.i. reinforced concrete pavement on a compacted subbase shall be required.

c) An alternate type of pavement may be eight-inch (8") thickness of compacted flexible base on a compacted subbase with a 2-inch thickness of Type C asphaltic concrete surface, except in alleys. All alleys shall be paved with reinforced concrete.

(B) Collector Streets and Alleys in Commercial or Industrial Areas.

a) The subdivider/developer shall, at his own cost and expense, pay for constructing all collector streets and alleys within his subdivision and one-half (1/2) of all perimeter streets.

b) Collector streets and alleys shall be designed and constructed with eight-inch (8") thickness of three thousand five hundred (3,500) p.s.i. reinforced concrete pavement on a compacted subbase.

(C) Major Thoroughfare Construction.

a) On roadways, adjacent to the proposed subdivision that are designated to be major thoroughfares, the subdivider/developer shall be required to construct at his own cost expense the outer 22 feet of the street section with integral curbs on each side.

b) Where major thoroughfares traverse a subdivision, the subdivider shall be required, at his own cost and expense, to construct, a 22-foot wide section (measured face to face of curbs) plus integral curbs on both sides along the outer portion of each side of the roadway.

c) Thoroughfares shall be designed and constructed with an eight-inch (8") thickness of three thousand five hundred (3,500) p.s.i. reinforced concrete pavement on a compacted subbase.

(3) Street and R.O.W. Requirements.

(A) Residential Streets, Collector Streets, and Alleys. Residential street paving shall be a minimum of twenty-six feet (26') in width, measured between the faces of curbs.

Collector street paving shall be a minimum of forty feet (40') in width, measured between the faces of curbs, except that the width for collector streets in industrial and commercial areas must be a minimum of forty-

four feet (44') in width and thirty-six feet (36') around schools, measured between the faces of the curbs.

Alley paving shall be ten feet (10') wide in residential areas and sixteen feet (16') wide in commercial and industrial areas. Alley turnouts shall be paved to the property line and shall be at least two feet (2') wider than the alley paving at that point. Paving radius where alleys intersect residential and collector streets shall be ten feet (10') and, where alleys intersect thoroughfare streets, the radius shall be fifteen feet (15').

(4) Roadway Classifications.

The following minimum pavement widths are set by this Chapter for construction as follows:

<u>Roadway Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Pavement Width Between Faces of Curbs</u>
Class A – Entrance Roadway	200'	Two 36' Traffic Lanes and Two 8' Parking Lanes divided by a 50' median
Class B – Major Thoroughfare	120'	Two 36' Traffic Lanes divided by a 16' median
Class C – Major Thoroughfare	100'	Two 33' Traffic Lanes divided by a 15' median
Class D – Secondary Thoroughfare	80'	Four 11' Traffic Lanes
Class E – Collector Street	60'	Two 12' Traffic Lanes and Two 8' Parking Lanes
Class F – Collector Street	60'	Two 10' Traffic Lanes and Two 8' Parking Lanes
Class G – Minor (Residential) Street	50'	One 10' Traffic Lane and Two 8' Parking Lanes

Note: The minimum width of a median adjacent to a left turn lane shall be five feet (5').

(5) Street Returns.

- (A) The minimum radius for all street returns shall be twenty feet (20'). The radius for all street returns on major thoroughfares shall be thirty feet (30').
  - (B) Returns for driveways on residential streets shall be ten feet (10'). Commercial and industrial driveway returns shall be a minimum of ten feet (10') and a maximum of twenty feet (20') except in special cases.
- (6) Miscellaneous Reinforced Concrete Requirements.
- (A) Reinforcing Steel. All steel reinforcing for street and alley concrete paving shall be deformed No. 4 bars at twenty-four inch (24") centers both ways and shall meet ASTM designation A 15, A 16, or A 408.
  - (B) Sawed Dummy Joints. Sawed dummy transverse joints shall be not greater than 20' – 2" apart or as required by the City at intersections. Longitudinal sawed dummy joints shall be required in all pavements where the concrete is poured in a continuous width of 30 feet or more. The longitudinal dummy joint shall be located at one-third point of the width or as directed by the City.
  - (C) Expansion Joints. Expansion joints shall be placed at distances no greater than 600 feet and shall be constructed in accordance with the City's standards. Construction joints shall be constructed in accordance with the expansion joint standard. Expansion joints shall have dowels #5 smooth at 24-inch centers. Construction joints shall have the reinforcing bars continuous through the joint.
  - (D) Longitudinal Pavement Slopes. The minimum longitudinal standard alley pavement slopes shall be five percent.

The maximum longitudinal slopes are as follows:

<u>Type of Street</u>	<u>Maximum Slope</u>
Major Thoroughfare	6%
Collector Streets	8%
Minor Streets	10%

Maximum grades for alleys shall be 8% within 30 feet of its intersection with a street and 14% elsewhere.

The minimum grades for streets and alleys shall be 3%.

- (E) Longitudinal Radius.

The minimum center line radii shall be as follows:

Major Thoroughfare	1,000'
Collector Street	500'
Minor Street	150'

A 100-foot tangent must be provided in the center of all reverse curves.

- (F) Transverse Pavement Cross-Sections. The transverse pavement slope for all non-divided streets shall consist of a parabolic curve from the pavement centerline to the gutter. The crown of the parabolic curve shall be four (4) inches above the gutter grade on residential streets and six (6) inches on collector streets. For divided streets, the transverse slope shall be 2% or as required by the City.

The transverse slope back of the curb shall vary between 1/4-inch per foot minimum to 3/4-inch per foot maximum. If a steeper grade is required, retaining walls shall be constructed along the property line.

- (7) Lime Stabilization. Stabilization of the subgrade shall be required under all street pavement where the plasticity index of the subgrade is 15 or greater. This stabilization shall be 6 inches thick with 6 percent hydrated lime by weight.

Hydrated lime shall be spread uniformly over the soil to be treated and sprinkled to the proper moisture content. The soil, lime, and water shall be mixed until a homogeneous product is obtained that is free of clods and lumps. The mixture shall then be immediately rolled and compacted to 95% standard proctor density.

**Sec. 9.134 Sidewalks**

Concrete sidewalks shall be provided on each side of all streets and shall have a width of not less than four feet (4') and thickness of not less than four inches (4") and shall be constructed of three thousand (3,000) p.s.i. concrete on both sides of all streets and thoroughfares within the subdivision, except that sidewalks will not be required in industrial areas. Sidewalks shall be constructed two feet (2') from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the sides of corner lots and block ends. Construction of sidewalks adjacent to curbs in residential areas will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be five feet (5') wide.

Sidewalks in commercial areas shall be a minimum width of five feet (5') or extend from the back of the curb to the building line as required by the City.

All concrete for sidewalks shall be placed on a two-inch (2") sand cushion and shall be reinforced with 6 x 6 No. 10 gauge welded wire fabric.

Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be ¼-inch per foot starting at the back of the curb. The maximum ground slope from the edge of the sidewalk on the property line side shall not exceed 11%. If it does exceed eleven percent (11%), a retaining wall that is acceptable to the City shall be provided on the property line.

### **Sec. 9.135 Storm Sewer**

(a) **General.** Plans, profiles, and specifications shall be prepared for storm sewer improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, manholes, culverts, outlet structures, and other appurtenances. Each sheet of the plans and profiles shall bear the seal, signature, and date of the registered professional civil engineer who prepared them.

(b) The subdivider/developer shall pay for the cost of all drainage improvements connected with development of his subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.

(c) An enclosed storm sewer shall be provided in all areas where the quantity of the accumulated storm run-off does not exceed two hundred (200) cubic feet per second (c.f.s.).

(d) In drainage courses where the accumulated storm run-off is more than two hundred (200) c.f.s. and less than five hundred (500) c.f.s., either an enclosed storm sewer system or a concrete-lined channel shall be constructed.

(e) In drainage courses where the accumulated storm run-off is more than five hundred (500) c.f.s., the drainage improvements may be either an enclosed storm sewer system, a concrete-lined channel, or an earthen channel. Earthen channels shall be designed according to the criteria as set forth herein for open channel sections.

- (1) **Rational Method.** The design of storm drainage improvements in the City shall be based on flood discharges determined from the Rational Method. The formula for calculating storm flows in this manner is:

$$Q = CIA, \text{ where,}$$

Q is the storm flow at a given point, measured in cubic feet per second;

C is the percentage of rainfall on a given area that flows off as free surface water;

I is the average intensity of rainfall in inches per hour for a period equal to the time of flow from the farthest point of the drainage area to the first inlet or given point on the storm sewer;

A is the area in acres tributary to the design point.

- (2) Run-off Coefficient “C”. The run-off coefficient, which considers the slope of the terrain, the character of the land-use, the length of overland flow, and the imperviousness of the drainage area, shall be determined from the ultimate land development plan of the City. The run-off coefficient for the appropriate land uses shall be as follows:

Commercial Areas	0.90
Industrial Areas	0.80
Residential Areas	0.60
Apartment Areas	0.80
Park Areas	0.40

- (3) Rainfall Intensity “I”. The rainfall intensity – frequency curves, which are shown on Plate 1, are plotted from data published by the U.S. Department of Commerce Weather Bureau, Technical Paper No. 40.

The intensity, I, in the formula  $Q = CIA$ , is determined from these curves by arriving at a time of concentration and adapting a storm frequency upon which to base the drainage improvements.

- (4) Time of Concentration. The time of concentration, which is the time of flow from the farthest point of the drainage area to the first inlet in the system, or given point on the storm sewer, consists of the time required to flow in the gutter to the inlet, plus the time of flow in the storm sewer. A minimum time of concentration of fifteen (15) minutes shall be used for all areas except commercial areas, and a minimum time of concentration of ten (10) minutes shall be used in commercial areas. A nomograph, shown on Plate 2, is attached for estimating the time of concentration.
- (5) Storm Frequency. Design storm frequencies for storm drainage improvements in the City shall be as follows:

Type of Facility Frequency	Description of area to be Drained	Maximum Concentration Allowed (Minutes)	Design Frequency (Years)
*Storm	Residential,	30	25

*** Sewers	Commercial and Industrial		
**Culverts, Bridges, Channels and Creeks	Any type of area less than 100 acres	30	25
*** Culverts, Bridges, Channels, and Creeks	Any type of area greater than 100 acres but less than 1,000 acres	45	50
****Culverts, Bridges, Channels, and Creeks	Any type of area greater than 1,000 acres	60	100

\* When the maximum time of concentration or area to be drained is exceeded, the design shall be based on a fifty (50) year frequency.

\*\* When the maximum time of concentration or area to be drained is exceeded, the design shall be based on a one hundred (100) year frequency.

\*\*\* Whenever, in a storm sewer, an inlet is located at a low point so that flow in excess of the storm sewer capacity would be directed onto private property, the design frequency shall be increased beyond twenty-five (25) years. If the inlet location is such that overflow could cause damage or serious inconvenience, it may be desirable to increase the design frequency to as much as one hundred (100) years.

\*\*\*\* When the maximum time of concentration of sixty (60) minutes is exceeded on any area to be drained, the design shall be based on a one hundred (100) year frequency having a maximum time duration of 60 minutes.

- (6) Area. The area used in determining flows by the “Rational Method” shall be calculated by subdividing a map into drainage areas within the basin contributing storm water run-off to the system.
- (7) Spread of Water. During the design storm, the quantity of storm water that will be allowed to collect in the streets before being intercepted by a storm drainage system is referred to as the “spread of water”. In determining the limitations for carrying the storm water in the street, the ultimate development of the street shall be considered. The use of the street for carrying storm water shall be limited to the following.

SPREAD OF WATER

- Major thoroughfares - One traffic lane each side to remain clear.
- Collector streets - One (1) traffic lane to remain clear
- Residential streets - Six-inch (6”) depth of flow at curb

Curves are provided on Plate 3 for determining the spread of water for certain gutter slopes, gutter discharge, and pavement crown. Also provided are nomographs, Plate 4 and Plate 5, for determining the capacity of parabolic gutters for various widths of streets and a curve for determining the curb inlet opening length (Plate 6).

The length of inlet opening for each cubic feet per second of gutter flow is as follows:

<u>Street Grade</u>	<u>Length of Inlet Opening in Feet per C.F.S.</u>
Less than 2%	1.0
2% to 3.5 %	1.5
Greater than 3.5%	2.0

- (8) Storm Sewer Design. Storm water run-off in excess of that allowed to collect in the streets shall be intercepted in inlets and carried away in a storm sewer system. Storm sewer capacity shall be calculated by Manning’s Formula—

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2} \text{ where,}$$

- Q is the discharge in cubic feet per second;
- A is the cross-sectional area of flow in square feet;
- R is the hydraulic radius in feet;
- S is the slope of the hydraulic gradient in feet per foot; and,
- n is the coefficient of roughness (n=0.013 for concrete pipe and 0.015 for poured culverts).

In the design of the storm sewer system, the elevation of hydraulic gradient of the storm sewer shall be a minimum of one and one-half feet (1.5') below the elevation of the adjacent street gutter.

Storm sewer pipe sizes shall be so selected that the average velocity in the pipe will not exceed fifteen feet (15') per second nor be less than three feet (3') per second.

Storm sewer pipe shall be reinforced concrete culvert pipe conforming to ASTM Description C76 Class III and shall be a minimum of eighteen inches (18") in diameter.

- (9) Open Channel Design. Storm water run-off in excess of that allowed to collect in the streets in developed areas and run-off in undeveloped areas may be carried in open channels (not in the street right-of-way). Open channel capacity shall be calculated by Manning's Formula, and roughness coefficients shall be as follows:

<u>Type of Lining</u>	<u>Roughness Coefficient "n"</u>	<u>Maximum Permissible Mean Velocity</u>
Earth (Bermuda Grass)	0.035	8 ft. per sec.
Earth (Non-Vegetated)	0.030	5 ft. per sec.
Concrete-lined	0.015	15 ft. per sec.
Weathered Rock	0.030	15 ft. per sec.

Open Channels shall be constructed with a trapezoidal cross-section and shall have side slopes no steeper than 3:1 in earth and 1.5:1 when lined with concrete.

Where the grade of the open channel must be 0.30%, or less, the channel shall be concrete-lined regardless of the amount of run-off.

Concrete lining in channels shall have a minimum thickness of six (6) inches and shall be reinforced with 12 x 12-W4 x W4 welded wire fabric with a nominal diameter of 0.225 inches and a nominal weight of 0.136 lbs./L.F.

Concrete-lined channels shall have a reinforced concrete toe wall constructed along the base and side slopes of the lined channel with a minimum vertical depth of two (2) feet. A horizontal concrete section, one (1) foot in width, shall be constructed between the top of the channel lining and the toe wall.

The subdivider/developer shall dedicate a right-of-way on all earthen and concrete-lined channels of sufficient width to provide for excavation of the open channel of proper width, plus ten feet (10') on each side to permit ingress and egress for maintenance.

- (10) Culvert Design. At locations of creek crossing with proposed roadway improvements, it is sometimes necessary to receive and transport storm water under the roadway in culverts. The quantity of flow shall be determined by the Rational Method, and the capacity of the culvert shall be calculated by Manning’s Formula.

Design of culverts shall include the determination of upstream backwater conditions as well as downstream velocities and flooding conditions. Consideration shall be given to the discharge velocity from culverts, and the following limitations are required.

CULVERT DISCHARGE – VELOCITY LIMITATIONS

Culvert Discharging <u>Onto</u>	Maximum Allowable <u>Velocity (f.p.s.)</u>
Earth	6
Sod Earth	8
Paved or riprap apron	15
Shale	10
Rock	15

Generally, all culverts shall be designed with a free outfall, and the following head losses shall govern the design of the culvert.

- (A) Frictional Head Loss:

$$h_f = S_f L, \text{ where}$$

$S_f$  = Slope of frictional gradient in feet per foot; and,

$L$  = Length of culvert in feet

- (B) Head Loss Due to Change in Velocity:

$$h_v = \frac{v_2^2}{2g} - \frac{v_1^2}{2g}, \text{ where,}$$

$v_2$  = Velocity in culvert;

$v_1$  = Velocity in channel upstream from culvert; and,

$g$  = Acceleration due to gravity

- (C) Head Loss at Upstream Entrance to Culvert Due to Entrance and Change in Section:

$$h_e = \frac{V_2^2}{2g} - \frac{V_1^2}{2g}, \text{ where } V_1 \text{ is equal to or less than six feet (6')} \text{ per second}$$

$$h_e = \frac{V_2^2}{2g} - \frac{.05 V_1^2}{2g}, \text{ where } V_1 \text{ is greater than six feet (6')} \text{ per second}$$

**Sec. 9.136 Water Systems**

Water systems, provided through the City or other service provider, shall have sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water, to furnish fire protection to all lots, and to conform with the City’s Comprehensive Master Plan and in the extraterritorial jurisdiction to complement the City’s Comprehensive Master Plan. The City shall make the final determination of the adequacy of water mains proposed.

All water system improvements shall be installed at the cost and expense of the subdivider.

- (1) The minimum size of water main shall be six-inch (6”) diameter and shall be looped. The distribution system shall be gridironed with minimum size six-inch (6”) diameter mains at intervals not to exceed one thousand two hundred feet (1,200’). Where intervals between “cross-connecting” mains must exceed one thousand two hundred feet (1,200’) or where dead-ends must exist, eight inch (8”) diameter or larger mains shall be installed.
- (2) In cul-de-sacs of less than three hundred feet (300’) in length where a fire hydrant is not required, flush valves shall be installed.
- (3) Eight-inch (8”) and larger mains shall be installed in all streets in zoning districts commonly referred to as “Commercial” or “Industrial”, with minimum size eight-inch (8”) intersecting mains every six hundred feet (600’). Where dead-ends must exist, eight-inch (8”) or larger mains shall be installed with a flush valve or fire hydrant installed. The minimum limits set forth in the above shall not be exceeded except upon the specific approval by the City, but in no event shall these requirements be less than the minimum required by the State Board of Insurance.
- (4) All water mains shall be constructed within street rights-of-way or easements dedicated to the City.
- (5) All water mains twelve inches (12”) in diameter and smaller shall be polyvinyl chloride (PVC) pipe or ductile iron pipe. Water mains larger than twelve – inch

(12”) may be constructed with either reinforced concrete steel cylinder pipe, ductile iron pipe, or PVC.

- (6) The ductile iron pipe shall have a single rubber gasket joint, shall have a cement mortar lining of the “Enameline” type, or approved equal, and shall have a minimum cover of forty-two inches (42”). Water mains fourteen-inch (14”) and larger may be either ductile iron pipe, thickness Class 50 minimum, with cement mortar lining; reinforced concrete steel cylinder pipe, Class 150 minimum; or PVC. Ductile iron pipe shall be required in all bores, in unstable soil conditions (expansive clays, unstable subsoil), in or near creeks, or where lines must be installed at shallow depths (less than 36”).

The ductile iron pipe shall be centrifugally cast in metal molds in accordance with the latest edition of the applicable specifications of ANSI A21.5c (AWWA C151) and Federal Specification WW-P-421c. The joint details shall be in accordance with the applicable specifications of ANSI A21.11 (AWWA C111), latest edition. All ductile iron pipe shall be polywrapped.

- (7) Polyvinyl chloride (PVC) pipe shall be new, manufactured in the United States of America, and shall conform to the current specifications of AWWA C900 or C909, PVC pipe, with cast iron outside dimensions and with rubber ring joints. PVC water pipe shall be listed by Underwriters Laboratories and approved for use in cities and towns of Texas by the State Board of Insurance. The rigid PVC pipe shall bear the seal of approval (or “NSF” mark) of the National Sanitation Foundation Testing Laboratory for potable water pipe.

Provisions must be made for contraction and expansion at each joint with a rubber ring and an integral thickened bell as part of each joint. Pipe and fittings must be assembled with a non-toxic lubricant. Pipe shall be made from NSF approved class 12454-A or B PVC compound conforming to a minimum ASTM resin specification D 1784. PVC pipe shall be Class 150 (DR 18) and meet the physical dimensions as shown on the following list.

<u>Nominal Size</u>	<u>Outside Diameter</u>	<u>Class 150 (DR 18) Nominal Wall Thickness</u>
6	6.90	0.406
8	9.05	0.533
10	11.10	0.654
12	13.20	0.777

PVC pipe shall be designed for a minimum 150 p.s.i. water pressure, plus 35 p.s.i. surge allowance. Service connections shall not be made by direct tapping for service lines; a brass tapping saddle shall be used to tap service lines.

- (8) All pipes for water mains shall be placed on a six-inch (6") layer of crushed rock or rounded gravel bedding material.

The trench shall be backfilled with a minimum of six inches (6") of crushed stone or sand sides and twelve inches (12") of crushed stone or sand over the top of the pipe and consolidated to a minimum of 95 percent standard proctor density. This is basic – Class "B" as defined by ASCE Manual No. 37 and AWWA C900-75. Final backfill is to conform to Section W.4.16.1, or Section W.4.16.2. The Class "B" embedment material is further defined as follows:

- a. 95% of Material Passing ¾" Screen
- b. 95% of Material Retained on No. 4 Screen
- c. Cushion sand acceptable by the City

Tracer tape, blue in color, similar to Terra Tape or an approved equal "D" DETECTABLE, as supplied by Griffolyn Co., Inc., Houston, Texas, shall be installed in the backfill material over the top of all water mains in accordance with the manufacturer's recommendations.

- (9) Fittings shall be ductile iron with single rubber gasket joints and shall be cement-lined and coated inside and out with a seal-coat of bituminous material, unless the pipe material is reinforced concrete steel cylinder, in which case special fitting shall be furnished. All ductile Iron fittings shall conform to the applicable standards and specifications of ANSI, latest edition.
- (10) Gate valves shall conform to American Water Works Association Specification C 500, latest edition. Valves shall be designed for a minimum water working pressure 150 pounds per square inch. Gate valves shall have a clear waterway equal to the full nominal diameter of the valve and shall be opened by turning to the left. Each valve shall have the maker's initials, pressure rating, and year in which manufactured cast in the body.

All valves buried in the ground shall be provided with cast-iron valve boxes of proper dimensions to fit over the valve bonnets and to extend to such elevation at or slightly above the finished street grade or ground line, as approved by the City.

Tops shall be complete with covers and shall be adjustable. Valve boxes shall be set vertical and concentric with the valve stem. Any valve box which has so moved from its original position as to prevent the application of the valve key shall be satisfactorily reset by the developer at his own expense. A reinforced concrete pad of the dimensions 2'-0" x 2'-0" x 6", shall be poured around all valve boxes, unless otherwise directed by the City.

- (11) Fire hydrants shall conform strictly to AWWA Standard Specifications for Fire Hydrants for Ordinary Water Works Service, C502, latest edition, except for changes or additions specifically outlined as follows:
- (A) Fire Hydrants shall be placed on block corners or near the center of the block to place all of every lot within a radius of five hundred feet (500') in residential areas, but under no circumstances shall a hose-lay of more than six hundred feet (600') be made from the fire hydrant to cover all of every lot within the subdivision or tract under development.
  - (B) Fire Hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of three hundred feet (300'), but under no circumstances shall a hose-lay of more than three hundred feet (300') be made in order to adequately afford fire protection to the building or buildings.
  - (C) All fire hydrants shall have one (1) pumper nozzle and two (2) hose nozzles with the City's standard threads, shall have a main barrel valve opening of not less than five inches (5"), and shall be placed on connecting mains of not less than six inches (6") in diameter. Six-inch (6") gate valves shall be placed on all fire hydrants leads.
  - (D) The bonnets of all fire hydrants shall be painted by the subdivider/developer in accordance with the size of the water main in which the fire hydrant lead is attached.
    - a. 6-inch Main – Silver
    - b. 8-inch Main – Royal Blue
    - c. 10-inch Main and larger – Standard Yellow
  - (E) The operating nut shall be designed to prevent seepage of rain or sleet and the accumulation of dust around the revolving nut. The operating nut shall conform to the standards now in use by the City. The hydrant valve shall open by turning to the left.
  - (F) The hydrant top or bonnet shall be free draining of a type that will maintain the operating mechanism in readiness to use under freezing conditions. It shall be so designated as to make tampering difficult and shall be provided with convenient means to afford lubrication to insure ease of operation and the prevention of wear and corrosion.
  - (G) The body of the hydrant shall be equipped with a breakable flange, or breakable cast-iron flange bolts, just above the grade-line.

- (H) All hydrants shall be of such design as will permit their extension without excavating in case of future grade changes.
- (I) The complete hydrant shall be of such design that when the hydrant barrel is broken through traffic collision, it may be replaced without excavating or breaking the pavement. The barrel and operating mechanism shall be so designed that in case of accident, damage or breaking of the hydrant above or near the grade level, the main valve will remain reasonably tight against leakage or flooding.
- (J) Changes in shape or size of the water way shall be accomplished by means of easy curves. The junctions of hose or pumper nozzles with the barrel shall be rounded to ample radii. Exclusive of the main valve opening, the net area of the waterway of the barrel and foot piece of the smallest part shall be not less than 150 percent of that of the net opening of the main valve.
- (K) Hydrants shall be provided with an automatic and positively operating, non-corrodible drain or drip valve so as to drain the hydrant completely when the main valve is shut. A drain valve operating by springs or gravity is not acceptable.
- (L) Operating stem whose threads are not located in the barrel or waterway shall be made of genuine wrought iron or steel and shall be bronze bushed where passing through the stuffing box. Operating threads must be sealed against contact with the water at all times regardless of open or closed position of main valve. All operating stems shall be coupled opposite the break flange with a breakable coupling or coupled in such a way as to part without breaking.
- (M) Unless otherwise specified by the City, hydrants shall be furnished with “O” ring seals.
- (N) The hydrant head shall be constructed so that it may be rotated to face the nozzles in any desired direction. The developer shall rotate the fire hydrant in such a direction to best serve the City.
- (O) Hydrants closing with the pressure must have a bronze cap nut to seal the bottom end of stem threads against contact with water.
- (P) If required by the City, the developer shall furnish drawings with complete detailed dimensions of the hydrant proposed for the subdivision.

- (Q) Fire hydrants shall be placed at all locations shown in the plans. Each hydrant shall be set upon a slab of stone or concrete not less than four inches (4") thick and less than one (1) square foot of surface area. Where solid rock exists in the bottom of the trench and same is excavated to the proper depth to form a foundation for the hydrant, the slab of stone or concrete above specified may be omitted.

The hydrant shall be set perpendicular, and to the proper depth, and shall be carefully and substantially blocked against firm trench walls using class 2,000 concrete as herein specified.

There shall be placed around the base of the hydrant not less than seven (7) cubic feet of sound broken stone or clean gravel, or other suitable material, to provide reservoir capacity so that the hydrant will completely drain when closed.

If required, extensions shall be installed on fire hydrant barrels so that the fire hydrant will be properly installed and exposed at finished grade.

- (R) The above mentioned fire hydrants in residential, commercial, and industrial tracts of real estate located in the City shall be installed and operable prior to the erection of any building in which combustible material is used as determined by the Fire Chief of the City.
- (S) The owner of any commercial or industrial tract property contemplated for development under this Chapter on which fire hydrants and water mains are to be installed shall provide easements to the City whereby the Fire, Police and Water Utilities Departments of the City shall have ready ingress and egress to, from, and across such property to any location on such property when necessary to extinguish a fire or to prevent the occurrence of a fire or to maintain, service and inspect such fire hydrants and water mains that may be installed or when such access to and from said property is essential to the preservation of life or property.

- (12) All pipe, fittings, valves, services, embedment materials, testing procedures, and other facilities related to the water system improvements shall be furnished and installed in conformance with the applicable specifications of A.S.T.M., A.W.W.A., and A.N.S.I., latest editions.

**Sec. 9.137 Wastewater Systems**

Wastewater facilities shall be furnished and installed to adequately service the subdivision and shall conform to the City's Wastewater Plan. The adequacy of the wastewater facilities provided by the subdivider/developer shall be determined by the City.

- (a) **Materials.** Wastewater mains may be polyethylene-lined ductile iron pipe or PVC.

Wastewater mains 4 inches through 15 inches in diameter (PVC) pipe shall conform to the specifications of ASTM D 3034, SDR 35 or SDR 26. Pipe in sizes greater than 15 inches in diameter shall be Type T-1 A and T-2 B as specified in TSTM Designation F 679. Joints for the PVC pipe and fittings shall be compression rubber gasket joints. The bell shall consist of an integral wall section with factory-installed ring securely locked in bell groove to provide positive seal under all installation conditions. Fittings and accessories shall be manufactured and furnished by the pipe supplier, or approved equal, and shall have bell and/or spigot configuration identical to that of the pipe.

Connections shall be made with fabricated fittings. Field-glued connections are not allowed. When PVC pipe passes through a manhole wall, sleeves with a rubber ring joining shall be used to provide a positive water-tight connection.

The PVC pipe shall be placed on a six-inch (6") layer of crushed rock or rounded gravel bedding material. The trench shall be backfilled with a minimum of six inches (6") of crushed stone or sand on the sides and twelve inches (12") crushed stone or sand over the top of the pipe and consolidated to a minimum of 95 percent standard proctor density. This is basic – Class "B" embedment as defined by ASCE Manual No. 37 and AWWA C900-75 and ASTM C2321, with five percent (5%) maximum Mandrell Test to be performed. Final backfill is to conform to Section S.4.17. The Class "B" embedment material is further defined as follows:

- (1) 195% of Material Passing 3/4" Screen
- (2) 95% of Material Retained on No. 4 Screen
- (3) Cushion sand acceptable to the City.

The encasement, embedment, and backfill requirements for PVC pipe and ductile iron pipe shall conform to the standard details and specifications of the City.

- (b) **Minimum Size Main.** The minimum diameter of sewer mains shall be eight inches (8"). Six-inch (6") diameter sewer mains may be acceptable only for short distances at dead ends (not to exceed 400 feet) and only in locations approved by the City. Cleanouts shall be installed on all dead-end sewer lines.

- (c) **Locations.** Wherever possible, sewers shall be located in alleys or easements and shall be a minimum of five feet (5') to six and one-half feet (6-1/2') deep to the invert.

- (d) **Alignment and Grades.** All sewers shall be laid in straight alignment with a uniform grade between the manholes. Grades and appurtenances of sanitary sewers shall conform to the requirements of the Texas Commission on Environmental Quality (TCEQ), and the following are the minimum slopes which shall be provided for a velocity of at least 2.0 feet per second; however, slopes greater than these are desirable.

<u>Sewer Pipe – Diameter</u>	<u>Minimum Slope in Feet Per 100 Feet</u>
4-inch (service mains)	1.000
6-inch	0.500
8-inch	0.330
10-inch	0.250
12-inch	0.200
15-inch	0.150
18-inch	0.110
21-inch	0.090
24-inch	0.080
27-inch	0.060
30-inch	0.055
36-inch	0.045

(e) **Infiltration.**

- (1) Prior to the acceptance, the sewer pipe shall be subject to leakage tests. The leakage outward or inward (exfiltration or infiltration) shall not exceed two hundred (200) gallon per inch of the pipe diameter per mile per twenty four (24) hours for any section of the system.
- (2) Other testing procedures (exfiltration, air, etc.) may be used subject to the approval of the City.
- (3) Any developer or contractor causing infiltration or in-flow into the City’s system, either knowingly or unknowingly, shall be required to pay all expenses incurred by the City due to said infiltration or in-flow as determined by the City Manager.

(f) **Lift Stations.** All lift stations shall be designed and constructed with two or more sewage pumps, and the stations shall be capable of pumping the design maximum flow with the largest pump out of service. Detailed design data, plans, and specifications of the pumps shall be submitted to the City Manager prior to the purchase and installation of the pumps.

(g) **Force Mains.** All force mains shall be PVC or ductile iron pipe for wastewater mains. Adequate provisions shall be made for the embedment of the pipe.

At design for average flows, a cleansing velocity of at least two (2) feet per second shall be maintained. Where necessary, automatic air relief valves shall be placed at high points in the force main to prevent air locking.

(h) **Manholes.** Manholes shall be placed at points of change in alignment, grade, or size of sewer, the intersection of sewers, and the end of all sanitary sewer mains that will be extended at a later date. Manholes shall be precast reinforced concrete or fiberglass.

Maximum manhole spacing for sewers with straight alignment and uniform grades should be determined so as to assure continuous operation based on available cleaning equipment. The maximum manhole spacing shall be as follows:

MINIMUM DESIGN STANDARDS

<u>Sewer Pipe Size</u>	<u>Manhole Diameters</u>	<u>Maximum Distance Between Manholes</u>
6"	4'-0"	400 feet
8"	4'-0"	650 feet
10"	4'-0"	800 feet
12"	5'-0"	900 feet
15"	5'-0"	1,000 feet
18"	5'-0"	1,000 feet
21"	5'-0"	1,000 feet
24"	5'-0"	1,000 feet
30"	6'-0"	1,000 feet
36"	6'-0"	1,000 feet

(i) **Cleanouts.** Standard cleanouts shall be constructed at the ends of all sanitary sewers. A 2'-0" x 2'-0" x 6" reinforced concrete pad shall be placed around all cleanouts.

(j) All pipe, manholes, cleanouts, embedment materials, testing procedures, and other improvements associated with the installation of the sanitary sewerage system improvements shall be furnished and constructed in conformance with the applicable specifications of A.S.T.M., A.N.S.I., and A.W.W.A., latest editions.

(k) All manholes shall be equipped with a rainstopper installed between the lid and ring. Rainstoppers shall be as manufactured by Southwestern Packing & Seals of Shreveport, Louisiana, or an approved equal.

(l) **Septic System** - Lots to be served by septic systems shall have a minimum of 1 acre per L.U.E. and conform to the County and Texas Commission on Environmental Quality regulations based on percolation tests. Septic Systems serving more than one house, apartment, multi-family or commercial or industrial site shall contain 1 acre for each L.U.E. As an example, a duplex is a multifamily home with two living units (L.U.E.) would be required to be located upon a minimum of three acres. The City Council may consider but is not required to reduce the acreage requirements herein if the nearest wastewater line with capacity is more than 1000' from the property boundary.

**Sec. 9.138 Utility Services**

- (a) All services for utilities shall be made available for each lot in such a manner so as to eliminate the necessity for disturbing the street and the alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
- (b) The subdivider/developer shall provide separate service lines for water and wastewater to each lot or point of metering.
- (c) All water service lines from the main to the meter shall be a minimum of one inch (1”) polyethylene tubing in accordance with ASTM D-2239 and shall be installed as part of a single water service group.

The meters shall be located a minimum of two feet (2’) behind the curb with cover at an elevation to coincide with the final top of curb grade. The meter shall be centered in the meter vault, which shall be plastic with a cast iron inspection cover.

Water services shall be located ten feet (10’) upstream of the center of the lot.

- (d) Sewer service lines shall have a minimum diameter of four inches (4”), shall meet the same requirements for sanitary sewers described above, shall be constructed from the main to the lot property line using wyes and necessary bends, and shall have a minimum cover at the property line of four feet (4’), where possible.

All sewer service locations shall be at least ten feet (10’) downstream from the center of each lot.

- (e) The subdivider/developer shall place a suitable marker at the point where said service lines are stubbed out so that these lines can be easily located for connection by the City. Suitable markers shall be “W” for water and “S” for sewer stamped in top of curb. Letters shall have a minimum height of two inches (2”) and a minimum width of two inches (2”).
- (f) The subdivider/developer shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.

**Sec. 9.139 Street Lighting**

Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook. Round tapered standards with bracket arms shall be used, and lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on collector streets, and heavy traffic on thoroughfares. In no instance shall the spacing between streetlights exceed four hundred (400) feet.

Cost of installation of street lighting shall be borne by the subdivider/developer.

**Sec. 9.140 Parks**

A fee consistent with the City’s current schedule of fees shall be paid to the City by the subdivider/developer to be combined with other funds dedicated for the acquisition of parkland or recreational facilities. At its option, the City Council may accept land dedicated for parkland by the subdivider/developer in lieu of park fees if such land conforms with the Comprehensive Master Plan of the City. Minor preliminary plats (10 acres or less) are excluded from park fees. The area of land to be dedicated shall be not less than 8 percent of the total area proposed within the subdivision, inclusive of adjoining street rights-of-way. No more than 50 percent of a parkland dedication may be within the 100-year frequency floodplain. The City reserves the right to refuse property within the 100-year frequency floodplain and determine the appropriateness of the location of the parkland in conjunction with the uses proposed on the property.

**Sec. 9.141 Filing Fees And Charges**

(a) Fees and charges shall be paid to the City Manager when any plat is tendered to the Planning and Zoning Commission. Each of the fees and charges shall be paid in advance, and no action of the Planning and Zoning Commission or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated therein.

(b) The City shall calculate the following basic fees and charges for plat review.

(1) Platting fees

- (A) Review and general discussion of Concept Plan (Pre-Application Conference) \$250
- (B) Preliminary Plat \$500 plus \$25 per lot
- (C) Final Plat \$250 plus \$25 per lot

(2) Fees shall be charged on all preliminary and final plats, regardless of the action taken by the City staff and the Planning and Zoning Commission and whether the plat is approved or denied by the City Council and are non-refundable.

(3) The subdivider shall be charged a Capital Improvement Recovery (C.I.P.) Fee per lot for payment of a proportionate share of capacity in all major facilities that the City has previously constructed and/or will need to add to serve the additional lots. This impact fee will cover such improvements as elevated and ground storage reservoirs, high service pumping station, water supply and treatment

facilities, major transmission mains, outfall sewer mains, wastewater pumping stations, and wastewater treatment plants.

The amount of the C.I.P. fee shall be calculated by the City and shall be based upon current construction costs for the development of the improvements. The developer shall pay for the cost of all construction and material tests required or ordered by the City on his development.

- (4) Before commencing construction, there shall be a fee paid to the City by the subdivider/developer equal to two and one-half percent (2.5%) of the total cost for water, sanitary sewer, paving, and drainage improvements. Said fee shall cover the cost of construction observation and quality control required by the standard specifications and performed by outside laboratories. After determination of the actual cost of said quality control paid to the outside laboratories by the City, the difference, if any, between the two and one-half percent (2.5%) fee and the actual cost shall be refunded to the subdivider/developer. If the actual cost exceeds the two and one-half percent (2.5%) fee, no additional fee shall be paid by the subdivider/developer.

**Sec. 9.142 Other Requirements**

(a) **Sight Barrier Fence.** Commercial and industrial areas shall be separated from adjoining properties containing non-commercial or industrial uses by the erection of a Sight Barrier fence minimum of six feet (6') in height constructed of materials to be determined by the City. This shall not apply between the property and a street. Sight barriers authorized in the City zoning ordinance may be utilized to comply with this requirement. The City Council reserves the right to reduce the sight barrier requirements depending on the type of proposed development and the adjoining uses. As vacant land may be developed as residential, sight barriers shall be required as a buffer.

(b) **Flood Prone Property.** Any proposed plat containing a buildable lot with more than 50% of a single lot within the 100 Year Flood Plain or of such a size and dimension that the crossing of the flood plain through a buildable lot causes the property to be unbuildable without modification of the flood plain shall be rejected unless adequate infrastructure is also built to modify the flood plain. Such modifications to the flood plain will require appropriate approval.

**Sections 9.143 through 9.149. Reserved.**

**ARTICLE 9.150 IMPROVEMENTS**

**Sec. 9.151**

(a) **Purpose.** The provisions of this Chapter, as set forth in this Section, are designed and

intended to insure that, for all subdivisions of land within the jurisdiction of the City, all improvements as required herein are installed in a timely manner in order that:

- (1) The City can provide for the orderly and economical extension of public facilities and services.
- (2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land.
- (3) All required improvements are constructed in accordance with the City Standard Details and Specifications.

**(b) General Policy.**

- (1) Upon approval of a Final Plat, Amended Plat or Short Form Plat by the Commission, and prior to it being signed by the Chairperson of the Commission and the Mayor of the City, and before said Final Plat, Amended Plat or Short Form Plat shall be allowed to be recorded in the Plat Records of the County, the applicant requesting plat approval shall, within the time period for which the Plat has been conditionally approved by the City:
  - (A) Construct all improvements as required by this Chapter, and provide a surety instrument guaranteeing their maintenance as required herein; or
  - (B) Provide a surety instrument guaranteeing construction of all improvements required by this Chapter, and as provided for herein.
- (2) In all instances, the original copy of the Final Plat, Amended Plat or Short Form Plat, without benefit of required signatures of City Officials, shall be held in escrow by the City and shall not be released for any purpose until such time as the conditions of this Section are complied with.
- (3) Upon the requirements of this Section being satisfied, the Final Plat, Amended Plat or Short Form Plat shall be considered fully approved, except as otherwise provided for in this Chapter, and the original copy of the Plat shall be signed by the appropriate City officials and City staff shall file said Plat in the Plat Records of the County.
- (4) All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the Commission is authorized to vary or modify the requirement for extending water, wastewater, transportation and drainage improvements to the

perimeter of a subdivision in accordance with the procedural requirements contained in this Chapter.

(c) **Completion of Improvements.** Prior to the signing of the approved Final Plat, Amended Plat or Short Form Plat by the Chairman of the Commission and Mayor of the City of Rockdale, the developer shall:

- (1) Complete all improvements required by this Chapter in accordance with the approved Construction Plans and subject to the approval of the City Engineer and acceptance by the City, except as otherwise provided for in this Chapter.
- (2) Construct all sidewalks as shown on the approved Construction Plans and according to the City Standard Details and Specifications. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

(d) **Alternative to Completing Improvements.** The City may waive the requirement that the developer complete all improvements required by this Chapter prior to the signing of the approved Plat, contingent upon securing from the developer a guarantee, as provided for by this Section, for completion of all required improvements, including the City's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. The Commission and Council must be notified that this waiver was granted at the time of Preliminary Plat approval or in the case of Amended Plats or Short Form Plats upon notice and approval. Such guarantee shall take one (1) of the following forms:

- (1) **Performance Bond.** The developer shall post a performance bond with the City, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements, using the standard City form. The performance bond must be good for a minimum of eighteen (18) months.
- (2) **Escrow Account.** The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
  - (A) That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.
  - (B) That in the case of a failure on the part of the developer to complete said

improvements, the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.

Such escrow account agreement shall be prepared using the standard City form.

- (3) Letter of Credit. The developer shall provide a letter of credit from a bank or other reputable institution or individual which is good for a minimum of eighteen (18) months. This letter shall be submitted to the City and shall certify the following:
  - (A) That the creditor does guarantee funds equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements.
  - (B) That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  - (C) That this letter of credit may not be withdrawn, or reduced in amount, until approved by the City according to provisions of this Chapter.

Such Letter of Credit shall be prepared using the standard City form. The City reserves the right to reject any performance bond or letter of credit with or without cause.

- (4) Cost Estimates. A registered professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the City Engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities. The City Engineer may require adjustments of estimates if the City Engineer determines the estimate is too low.
- (5) Surety Acceptance. The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this Chapter, shall meet or exceed the minimum requirements established by City ordinance and shall be subject to approval by the City.
- (6) Sufficiency. Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this Chapter. All such surety instruments shall be both a payment and performance guarantee.

- (7) If the project is located in the extraterritorial jurisdiction of the City, and is subject to the bonding requirements of the County for the construction of roadways, then that amount of money shall be reduced from the amount required to be posted with the City, provided that the instrument is transferable from the County to the City upon annexation.

(e) **Time Limit for Completing Improvements.** The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the City, exceed one (1) year from date of Final, Amended or Short Form Plat approval.

- (1) The Commission may, upon application of the developer and upon proof of hardship, recommend to the Council extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such hardship may include delays imposed due to City projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a registered professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the City Engineer and must extend for six (6) months beyond the extension period approved.
- (2) The Council may at any time during the period of such surety instrument accept a substitution of principal sureties upon recommendation of the Commission.

(f) **Failure to Complete Improvements.** Approval of all plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within one (1) year of plat approval, unless otherwise approved by the City. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the City may declare the developer and/or surety to be in default and require that all the improvements be installed.

(g) **Inspection and Acceptance of Improvements.** The City Engineer shall inspect all required improvements, to insure compliance with City requirements and approved Construction Plans.

- (1) When all required improvements have been satisfactorily completed, the City Engineer shall either:
  - (A) accept, in writing, the improvements as having been satisfactorily completed; or
  - (B) issue a punch list to the developer denoting items remaining to be completed.

- (2) The City Engineer shall have ten (10) working days to complete this inspection upon notification by the developer.
- (3) The City Engineer shall issue the report within ten (10) working days of the date of inspection.
- (4) The City shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance, until such time as it determines that:
  - (A) All improvements have been satisfactorily completed.
  - (B) Five (5) copies of as-built plans or record drawings have been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.
  - (C) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer.
  - (D) Diskette(s) containing computed generated drawings of all public improvements shown on the Construction Plans have been submitted to the City Engineer to update City record drawings.
  - (E) The required maintenance guarantee has been provided.
  - (F) Any and all other requirements identified in the platting process have been satisfied.
- (h) **Reduction or Release of Improvement Surety Instrument.**
  - (1) A surety instrument may be reduced with the approval of the City Engineer, and the Treasurer/Director of Finance, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the City Engineer.
  - (2) Before the City shall reduce said surety instrument, the developer shall provide a new surety instrument in an amount equal to one hundred ten percent (110%) of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this Chapter.
  - (3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the developer as specified in the performance surety instrument.

- (4) In no event shall a surety instrument be reduced below ten percent (10%) of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.
- (5) The City shall not release a surety instrument unless and until all the conditions of this Chapter have been met.

(i) **Maintenance Bond Required.**

- (1) Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the Final, Amended or Short Form Plat where subdivision improvements were made prior to the filing of the plat for recordation, the developer shall furnish the City with a maintenance bond or other surety to assure the quality of materials and workmanship, and maintenance of all required improvements including the City's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the developer defaults.
- (2) The maintenance bond or other surety instrument shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.
- (3) Said bond or other instrument shall be in an amount equal to ten percent (10%) of the cost of improvements verified by the City Engineer and shall run for a period of one (1) calendar year measured from the date of release of the performance surety instrument, or signing and recording of the Final Plat whichever is later.
- (4) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the City may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.
- (5) Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

(j) **Plans for Improvements.** Plans for the improvements required by this Chapter shall be prepared, reviewed and approved in accordance with the provisions set forth in this Chapter.

(k) **Acceptance of Improvements.** During the course of installation and construction of the required improvements, the City Engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with City requirements.

Upon completion of all required improvements, the developer may seek acceptance of all public improvements by the City by following the procedures set forth in the applicable sections of this Chapter.

(l) **Maintenance of Improvements.** Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the City Council for the proper and continuous operation, maintenance, and supervision of such facilities. Drainage facilities may be required to be maintained by a property owner's association or the property owners. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the Council, and approved as to form by the City Attorney, at the time of Final Platting and shall be filed of record with the plat thereof.

**Sections 9.152 through 9.159. Reserved.**

### **ARTICLE 9.160 ADMINISTRATION**

#### **Sec. 9.161 General**

For all development of land within the scope of this Chapter, a plan of the development shall be prepared and submitted to the City for approval or disapproval, as provided for in this Chapter.

(a) **City Responsibilities.** The City shall administer the provisions of this Chapter and in furtherance of such authority, the City shall:

- (1) Maintain permanent and current records with respect to this Chapter, including amendments thereto.
- (2) Receive and file all Preliminary Plats, Construction Plans, and Final Plats together with applications therefore.
- (3) Forward copies of the Preliminary Plat, Construction Plans, and Final Plat to the County, when the development is located within the City's extraterritorial jurisdiction.
- (4) Review all Preliminary Plats, Construction Plans, Amended Plats, Short Form Plats and Final Plats to determine whether such plats comply with this Chapter, the Master Plan, applicable laws, and the Zoning Ordinance, where applicable.
- (5) Forward plans and plats to the Commission as required by this Chapter, together with its recommendations thereon.

- (6) If required, forward plans and plats to the Council, together with the recommendations of the Commission and City staff.
- (7) Make such other determinations and decisions as may be required of the City by this Chapter, the Commission or the Council.

(b) **Interpretation of Provisions.** In the interpretation and application of the provisions of this Chapter, the following regulations shall govern:

- (1) In the City's interpretation and application, the provisions of this Chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This Chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- (2) Whenever both a provision of this Chapter and any other provision of this Chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
- (3) Where there arises a question concerning the meaning or intent of a provision of this Chapter, the City is hereby implored to render a written decision setting forth the exact manner in which said provision shall be interpreted and administered. In the event exception is taken by any interested party to such a decision the matter shall be appealed to the Commission, and, as appropriate, to the City Council, whose decision shall be final.
- (4) Any written decision shall be attached to and made a part of this Chapter, until rescinded by amendment of this Chapter as provided for herein.
- (5) The terms, provisions and conditions of this Chapter shall be interpreted and applied in a manner consistent with Chapt. 212, Tex. Loc. Gov't. Code, and, particularly as to property within the extraterritorial jurisdiction of the City.

**Sec. 9.162 Variances**

A variance to the provisions of this Chapter shall be considered an exception to the regulations, rather than a right. Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this Chapter would result in substantial hardship or inequity, the Commission may vary or modify, except as otherwise indicated, such requirement of design as provided for herein, but not of procedure or improvements, so that the developer may improve his/her property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and

the general intent and spirit of this Chapter, the Master Plan and Zoning Ordinance are preserved in accordance with the following provisions:

(a) **Jurisdiction.** When a written request for a variance from the design requirements of this Chapter is filed:

- (1) the Commission may approve such written request for variances to the design standards and such variance(s), if granted, shall also be considered to be a modification of the zoning regulations, but not the zoning districts, applicable to the specified property within such development within the City limits; or
- (2) would constitute a major departure from the applicable provisions of this Chapter for such features as: lot size, setback lines, etc., such variance request shall be considered by the Council in accordance with its powers and procedures as set forth in the Zoning Ordinance, and their decision shall be final; and
- (3) after giving notice of such requested variances, the Commission may consider each such variance request during the course and process of considering the application for subdivision plat approval given or granted.

(b) **Notification.** The notification procedures for variance requests shall be the same as the notification procedures described for a Preliminary Plan.

(c) **Approval.** In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, and so that the variance observes the spirit of this Chapter and concludes that substantial justice is done. Variance must be noted on the final plat. Variances shall not modify zoning requirements unless also granted a zoning variance or as an approved development agreement. The Commission and Council shall meet these requirements by making findings that:

- (1) the public convenience and welfare will be substantially served;
- (2) the appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- (3) the hardship from which relief is sought is not solely of an economic nature; and
- (4) in granting the variance the spirit of the Chapter is observed and substantial justice is done.

**Sec. 9.163      Conditions for Issuing a Building Permit**

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Chapter and all applicable elements of the Master Plan, except as herein exempted or upon the written application and approval of a variance. Building plans shall not include portions of building within the 100-Year Flood Plain.

**Sec. 9.164      Fees**

To defray the costs of administering this Chapter, the applicant seeking plat approvals shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City, together with all engineering and other professional fees and expenses incurred by the City for and with respect to such application and plat.

**Sec. 9.165      Amendments**

The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Chapter. This Chapter may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

**Sec. 9.166      Violations**

Except as otherwise provided for in this Chapter, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction for other than agricultural purposes, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Chapter.

**Sec. 9.167      Enforcement**

(a)      **Penalty.** Any person who shall violate any of the provisions of this Chapter, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b)      **Administrative Action.** The City Engineer and/or the City Manager shall enforce this Chapter by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Chapter and good engineering practices, and the issuance of stop work orders.

(c)      **Court Proceedings.** Upon the request of the City Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened

violation of this Chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Chapter.



CITY LIMITS - - - - -  
 ETJ LINE - - - - -

VERT. SCALE	
HORIZ. SCALE	
PLOT SCALE	1:1
DRAWING NAME	Rockdale Wastewater
MARK	
REVISION	
DATE	

# ETJ MAP

# CITY OF ROCKDALE

PROJECT NAME: RD.007  
 DRAWN BY: MM  
 DESIGNED BY: SPD  
 LATEST REVISION: 11/24/2008  
 KSA JOB NO.: RD.007

SEAL: \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

M:\PROJECTS\RD-007\CAD\BASEMAP\ROCKDALE WASTEWATER BASEMAP2.DWG\LAYOUT1

4833 Spicewood Springs Road, Suite 204  
 Austin, Texas 78759  
 T: 512-342-6868  
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Austin-Longview-Lufkin-McKinney-Sugar Land-Tyler



*City of Rockdale, Texas*

*Zoning Ordinance*

## CHAPTER 12

### ZONING AND LAND USE REGULATIONS

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**ARTICLE 12.100**  
**GENERAL.**

**Section 12.101.**        **Authority.** This Chapter is adopted pursuant to the police powers of the City of Rockdale and under the authority of the Constitution and general laws of the State of Texas, including particularly *Chapter 211 of the Texas Local Government Code*.

**Section 12.102.**        **General Purpose and Intent.** Purpose. The primary purposes of this Chapter are to promote the public health, safety, morals and the general welfare of the City and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety, morals and general welfare of the present and future citizens of the City; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This Chapter should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (a) assist the safe, orderly, healthful and coordinated development of the City;
- (b) conserve existing and future neighborhoods;
- (c) protect and conserve the value of real property throughout the community;
- (d) conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- (e) protect and preserve places and areas of historical and cultural importance and significance to the community;
- (f) prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (g) lessen congestion in the streets and provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
- (h) facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;
- (i) promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;
- (j) promote compatible residential, commercial and industrial uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of

adjoining properties;

(k) standardize the procedure and requirements for zoning, building permits, and certificates of occupancy to provide administrative efficiency and property owner rights; and

(l) provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the City.

**Section 12.103. Jurisdiction and Intent.** The requirements of this Chapter shall apply to all property within the City; provide for the implementation of the site development regulations; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the City of Rockdale Comprehensive Plan. This Chapter has been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with the City of Rockdale Comprehensive Plan. Nothing herein shall be construed to grant a “permanent” zoning.

The intent of this Chapter is to supplement the minimum standards for the development of land within the City as contained in the City's Subdivision Ordinance, applicable building, plumbing and electrical codes, and City Standard Details and Specifications. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur.

**Section 12.104. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Chapter. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word “person” means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied. Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

***Access*** means a way of approaching or entering a property.

***Accessory Use*** means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character of the permitted primary use. See: Accessory Structure.

***Accessory Structure*** means, in a residential district, a subordinate building, detached or an attached private garage, the use of which is customarily incidental and subordinate to that of the main

dwelling or to the main use on the same lot such as a private garage for automobile storage, toolhouse, bath or greenhouse (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy other than as servants quarters.

**Adjacent** means abutting and directly connected to or bordering.

**Alcoholic Beverages-Off-Premises** means the standard use listing for a convenience store or similar facility where the sale of beer for off-premises consumption is an allowed use according to zoning standards.

**Alcoholic Beverages-On-Premises** means the standard use listing which will solely allow the serving of beer for on-premise consumption.

**Alcoholic Beverages-Mixed Drinks** means the typical use listing which will allow the serving of alcoholic beverages for on-premise consumption as an incidental use where the gross revenue from the on-premise sales of alcoholic beverages is less than 75% of total gross revenue.

**All weather surface** means an area surfaced with asphalt, concrete or similar pavement. Gravel or similar material is not an acceptable all weather surface.

**Alley** means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

**Amortization** means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

**Amusement (Indoor)** means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, including a bowling alley, billiard parlor, and similar activities.

**Amusement (Outdoor)** means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including a golf driving range, archery range, miniature golf course and similar activities.

**Annexation** means the incorporation of land area into the City with a resulting change in the boundaries of the City.

**Animal(s)** means any animate being that is not a human.

**Antique Shop** means a business that sells items whose value is greater than the original purchase price because of age or intrinsic value.

**Apartment** means a room or group of rooms used as a dwelling for one (1) family unit that includes full kitchen facilities for the preparation of meals and cooking therein.

**Apartment Hotel** means a building used or intended to be used as a home for twelve (12) or more families, who are permanent residents, living independently of each other, in which building may be located on the first floor living units for transient guests, and/or retail sales and service.

**Apartment House or Apartment Building or Apartments** means a building or portion thereof used or intended to be used as a home for five (5) or more families or households living independently of each other and equipped for preparation of food.

**Applicant** means a person applying for zoning approval under this Chapter.

**Approval** means the final approval in a series of required actions. For instance, the approval date of a planned unit development zoning application is the date of Council approval of the Final Site Plan.

**Art Studio or Gallery** means a building where objects of art are created or displayed for the public enrichment or where said art objects are displayed for sale, including the teaching of painting and/or sculpting.

**Assisted-Retirement Living** means a use providing 24 hour supervision and assisted living for more than four (4) residents not requiring regular medical attention. This classification includes personal care homes for the physically impaired and/or persons 60 years of age or older.

**Attendant Building** means a building used to house the work place of the manager or attendant of a public or private parking lot.

**Attendant Documents** means materials needed to address the specific requirements of this Chapter which the applicant feels necessary to explain the submittal.

**Auto Repair (Major)** means a business specializing in major repair of motor vehicles entirely within an enclosed building, including any use listing below, as well as any use not listed as minor vehicle servicing.

- (a) auto glass, seat cover and muffler shop;
- (b) auto painting or body rebuilding shop;
- (c) tire re-treading and capping;
- (d) body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- (e) major overhauling of engines requiring removal there from of cylinder head or crankcase pan and any associated engine rebuilding;
- (f) repair of radiator requiring removal from the vehicle;

- (g) repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- (h) brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

***Auto Repair (Minor)*** means a business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building, including the following.

- (a) servicing of spark plug, batteries, distributors and distributor parts and including minor engine tune-ups;
- (b) tire servicing and flat repair but not recapping or re-grooving;
- (c) radiator cleaning and flushing (on vehicle);
- (d) fuel pump, oil pump, and related maintenance;
- (e) minor servicing of carburetors;
- (f) emergency wiring repairs;
- (g) minor motor adjustment not involving removal of head or crank case;
- (h) quick oil and filter change;
- (i) servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios; accessories such as ratios;
- (j) lubrication, greasing, and washing;
- (k) disc pad replacement and minor brake adjustment.

***Auto Sales (Outdoor)*** means an open, dust-free, all weather area, other than a street, alley or other public place, used for the display and sales of new or used automobiles. Where no repair work, except those actions normally associated with vehicle operator service, is done on the cars to be displayed and sold on the premises. A sales office is normally located on the premises and such shall be limited to an area less than 10% of the total sales lot.

***Auto Sales Facility*** means one or more buildings and an open, dust-free, all weather surface other than a street, alley, or other public place, used for the display, wholesale or retail sale, with repair and renovation authorized entirely within an enclosed building, and temporary storage of vehicles for repairs or renovation not to exceed ninety (90) days.

***Bar*** means any business establishment required to have a state license for the sale of alcoholic

beverages other than beer or wine, for on-premises consumption.

**Bed and Breakfast** means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis.

**Billboard** means a sign advertising products not made, sold, used or served on the premise.

**Block** means an area enclosed by streets, normally to be divided into lots to be occupied by or intended for buildings; or if the same word is used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets which intersect said street on said side.

**Board** means the Board of Adjustments of the City of Rockdale, Texas.

**Board of Adjustments** means a committee appointed by the Council to consider appeals from certain administrative actions pursuant to § 211.008 of the Texas Local Government Code and that is given the authority set forth in this Chapter and in § 211.009 of the Texas Local Government Code.

**Boarding House** means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.

**Buffer** means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

**Building** means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

**Building Area** means the gross area covered by a structure when placed on the lot.

**Building Ordinance** means the building codes and related ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the City, including, but not limited to, the electrical code, plumbing code, building code, and minimum housing code, adopted by the City Council from time to time.

**Building Permit** means a permit issued by the City which is required prior to commencing construction or reconstruction of any structure.

**Building Plot** means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

**Building Setback Line** means a line or lines designating the interior limit of the area of a lot within

which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

**Cafe or Cafeteria** means a commercial establishment where snacks or meals are vended for consumption indoors or on the premises.

**Caliper** means the trunk diameter of a tree at three (3) feet above natural grade.

**Carport** means an accessory structure with one or more sides, covered with a roof and constructed specifically for the storage of one or more motor vehicles, being not more than 1,000 square feet. A carport is not an accessory structure if built as an integral part of the original primary structure having an indistinguishable, continuous roof structure.

**Cemetery** means land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, columbariums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Centerline of a Waterway** means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

**Child Care Center (Small)** means a private residence where the occupant provides custodial care and supervision during daylight hours, for a maximum six (6) children at any one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

**Child Care Center (Intermediate)** means a facility (including non-residential structures) which provides custodial care and supervision for less than 24 hours a day for between seven (7) and twelve (12) children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.

**Child Care Center (Large)** means a facility where over twelve (12) children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

**Child Care or Child Development Facilities** means any children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four (4) or more children under sixteen years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the twenty-four hours in a day. Also, any institution, home or other place, whether public, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under sixteen years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, twenty-four hours a day.

**Church or Rectory** means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

**City** means the City of Rockdale, Texas.

**City Building Official or Building Official** means the designated Building Official for the City or his or her designated representative

**City Council or Council** means the City Council of the City.

**City Engineer** means the City Engineer for the City or his or her designated representative.

**City Limits or Within the City** means the, or within the, incorporated boundaries of the City.

**City Manager** means the Chief Administrative Officer designated by ordinance, or his or her designated representative.

**City Staff** means the officers, employees and agents of the City assigned and designated from time to time by the City Manager and/or Council, including but not limited to the City Planner or City Engineer, to review, comment and/or report on zoning applications.

**City Standard Details and Specifications** means a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

**Cleaning or Laundry Self Service Shop** means an establishment providing customers with self-service laundry and/or dry cleaning facilities, and does not include a commercial laundry or cleaning plant.

**Cleaning Shop or Laundry (Small)** means a custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

**Clinic** means a public or private station or establishment for the examination and treatment of out-patients by an individual or group of doctors, dentists, opticians, veterinarians, or other similar medical professionals.

**Clothing Manufacture** means cutting, sewing and forming garments, millinery and accessories, when no noise, dust, vibration, odor or other undesirable or obnoxious condition is created to affect adjacent property.

**Club.** See: Social Club.

**Cold Storage Plant** means a commercial establishment where food or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or to commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

**College or University** means an academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.

**Commercial Amusement (In doors)** means an enterprise conducted solely within one or more buildings or permanently enclosed area whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial amusements (In doors) include zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, children's rides, skating rinks, ice rinks, traveling shows, bowling alleys, and pool parlors, and similar enterprises.

**Commercial Amusement (Out doors)** means any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial amusements (Out doors) include zoos, carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows and similar enterprises.

**Commission** means the Planning and Zoning Commission of the City.

**Common Area** means privately owned land and improvements within a townhouse, condominium, planned development, or community unit development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

**Common Open Space** means that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

**Communication services** means an establishment engaged in providing broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, and photocopy and reproduction mechanisms (excludes broadcast towers).

**Community Center (Public)** means a building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

**Community Center (Private)** means a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision, planned unit development, or membership group.

**Compounding or Fabrication (Light)** means the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, and similar work or processes.

**Comprehensive or Master Plan** means the comprehensive plan of the city and adjoining areas adopted by the commission and approved by the city council, including all its revisions as defined by Chapter 219 of the Texas Local Government Code. The plan may indicate the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water and sewer facilities. Such plan is the overall development plan for the community adopted to provide long-range development policies and may include all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services. The comprehensive or master plan does not constitute zoning regulations or establish zoning district boundaries.

**Conditional Use** means an additional use, which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council. No conditional use shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

**Condominium** means a building or group of buildings in which dwelling units are owned individually, while the structure, common areas and facilities are owned by all the owners on a proportional or individual basis.

**Construction Plans** means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development and sealed by a Licensed Professional Engineer or Architect.

**Contiguous** means adjacent property whose property lines are separated by only a street, alley, easement, right-of-way or buffer.

**Convalescent Home** means any structure used or occupied by three (3) or more persons recovering from illness or being provided geriatric care for compensation.

**Corner Lot** means a lot located at the intersection of and abutting on two (2) or more streets.

**Country Club** means an area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**County** means Milam County, Texas.

**County Appraisal District** means the Milam County Appraisal District.

**Court** means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other open space.

**Critical Root Zone** means a circular area around a Significant Tree equal to one (1) foot in radius

for each one (1) inch caliper, and the center of the circular area located at the trunk

**Cultural services** means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

**Day Camp** means a facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

**Developer** means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

**Developed Area** means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

**Development** means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation, which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

**District** means a zoned section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

**Dormitory** means any structure specifically designed to house student tenants associated with a university, college or school.

**Double Frontage Lot.** See: Reverse Frontage Lot.

**Drainageway.** See: Waterway.

**Drive Approach** means a paved surface connecting the street to a lot line.

**Drive-In Eating Establishment** means any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises, or to be taken away for consumption at other places.

**Driveway** means the surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

**Dwelling** means any building or portion thereof built on-site which is designed for or used exclusively for residential purposes, including Single Family, Two (2) Family, Three (3) Family, Four (4) Family and Multi-Family Dwellings, but not including hotels, motels, manufactured

housing, campers, trailers or other structures without a permanent foundation.

***Dwelling (Four Family) or Fourplex*** means a detached building designed and constructed with four (4) separate living units under a single roof for occupancy by four (4) families.

***Dwelling (Multiple-Family)*** means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as five (5) or more dwelling units or apartments or which is occupied as a home or residence of five (5) or more families.

***Dwelling (Single Family)*** means a detached building having accommodations for occupancy by not more than one family intending to occupy the dwelling for a period of time in excess of thirty days.

***Dwelling (Three Family) or Triplex*** means a detached building designed and constructed with three (3) separate living units under a single roof for occupancy by three (3) families.

***Dwelling (Two-Family) or Duplex*** means a detached building designed and constructed with two (2) separate living units under a single roof for occupancy by two families.

***Dwelling Unit*** means a building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

***Easement*** means a grant by the property owner of the use of a strip of land for stated purposes.

***Environment*** means the aggregate of social and physical conditions that influence the life of the individual and/or community.

***Exterior Side Yard*** means a yard which faces and is parallel to a side street.

***Extraterritorial Jurisdiction or ETJ*** means that geographic area outside the corporate boundaries of the City as established pursuant to §§ 42.021 and 42.022 of the Texas Local Government Code.

***Family*** means any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship, and occupying a dwelling unit.

***Family Home or Group Home*** means a dwelling unit used as a single housekeeping unit where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community based residential home operated in accordance with the Community Homes for Disabled persons Location Act and its amendments.

***Family Home*** means a facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of

the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve 12 at any given time.

***Farm Accessory Building*** means a structure, other than a dwelling, on a farm as herein defined, for the housing protection or storage of the usual farm equipment, animals and crops.

***Farm, Ranch, Garden or Orchard*** means an area of three (3) acres or more which is used for the primary purpose of growing of vegetables, fruits, trees, hay, livestock feed and/or grain, and/or for the raising thereon of poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

***Filling or Retail Service Station*** means an establishment where gasoline, oil and grease, or automobile accessories are sold, supplied, or dispensed to the motor vehicle trade or where motor vehicles receive limited repair, or where electric storage batteries are charged and cared for, or a place where any two (2) or more such activities are carried on or conducted as the principal use of the establishment.

***Financial services*** means services provided by an establishment primarily engaged in financial and banking activities. Typical uses may include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

***Flood Plain*** means that land which lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the City and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream flood plain characteristics and insure continued adequate drainage of adjacent land.

***Floor Area*** means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

***Food and Beverage Sales Store or Convenience Store*** means a retail establishment of less than 2,500 square feet of total floor area selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood. This activity can include the retail sale and self-service dispensing of gasoline or other fuels in appropriate zoning districts. The sale of beer for off-premises consumption is allowed in specific districts.

***Food and Beverage Sales Store*** means a retail establishment of greater than 2,500 square feet of total floor area, selling a variety of consumables, notions and/or similar items, usually serving a significant market area. The sale of beer for off-premises consumption is allowed, if not otherwise prohibited.

***Food sales*** means an establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

**Fraternity, Sorority or Group Student Housing** means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

**Filing Date** means, with respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

**Front Yard** means a space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

**Frontage** means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

**Frontage Block** means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**Garage - Commercial** means any premises and structure used for housing more than five (5) motor vehicles or where any vehicles are repaired for operation or kept for remuneration, hire or sale, and where a retail service station may be maintained as a secondary use.

**Gasoline Station (Full Service)** means a place where gasoline, other fuels, oil and grease and/or accessories are sold and dispensed to the retail motor vehicle trade, and where one or more of the following activities are conducted: motor vehicles are serviced and repaired; stored batteries are recharged and cared for; or vehicle tires are stored, serviced or exchanged.

**Gasoline Station (Limited Service)** means a place where the services provided are limited to the retail sale, either self-service or attendant dispensed, of gasoline, other fuels and petroleum products for the motor vehicle trade.

**Golf Course (Commercial)** means a golf course or driving range privately owned but open to the public for a fee and operated as a commercial venture.

**Governing Body** means the City Council of the City.

**Grade** means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

**Grading** means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

**Half Story** means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than five (5) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor

immediately below it, shall be deemed a full story.

**Halfway House** means a dwelling unit used as a single housekeeping unit for not more than six (6) persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons.

**Height** means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

**Heliport** means landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

**Helistop** means a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds.

**Home for Aged** means a home where elderly people are provided with lodging and meals without nursing care.

**Home Occupation** means a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, and which does not cause the generation of other than normal noise, pedestrian and vehicular traffic. It is an accessory to a residential use subject to the following limitations: (a) the home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s); (b) the residential character of the lot and dwelling shall be maintained; the exterior of the dwelling shall not be structurally altered; and no additional buildings shall be added on the property to accommodate the home occupation; (c) the occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit; and (d) no vehicle used in connection with the home occupation which requires a commercial driver's license to operate shall be parked on any street adjacent to the property.

**Homeowners or Unit Owners Association** means any association or organization of co-owners within a condominium or townhouse project, including the Council of Co-Owners or a Condominium or Townhouse Management Association, or the owners of lots within a subdivision; organized for the primary purpose of managing and maintaining the common areas and common open space in any such project, or otherwise owned by the association. An organization, association, or other entity formed and controlled by the developer, project owner or general partner for this purpose will be included in this definition.

**Hospital (Acute Care)** means an institution with facilities and equipment for conducting major medical examinations and tests, and providing full hospital services, with rooms for occupancy by ill or injured persons where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.

**Hospital (Chronic Care)** means an institution where persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis.

**Hospital services** means a facility providing medical, psychiatric, or surgical services for sick or injured persons on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostics services, training, administration, research, and services to patients, employees or visitors.

**Hospital, Sanitarium, Nursing Home, Hospice** means a building or portion thereof used or designated for the housing or treatment of the sick, aged, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel or apartment hotel not ordinarily intended to be occupied by said persons.

**Hotel** means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in §156.001, *Tex. Tax Code*.

**Impervious Cover** means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets, concrete and pavement within the development.

**Improvements** means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

**Incinerator** means a furnace or apparatus for burning waste materials such as trash wood and other flammable items for the purpose of reducing their weight and bulk.

**Institution for the Care of Substance Dependent Persons** means an institution offering resident or outpatient treatment to alcoholic or narcotic patients.

**Interior Lot** means a lot other than a corner lot and, bounded by a street on only one (1) side.

**Kennel** means a place in which five (5) or more dogs or cats at least six (6) months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care

with or without compensation.

**Kindergarten or Pre-School** means any private school, operated for profit or not, attended by four (4) or more children at any one time during part of a twenty-four hour day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

**Laundry services** means an establishment engaged in providing laundering, dry cleaning, or dyeing services. Typical uses shall include bulk laundry and cleaning pants, and linen supply services.

**Legal Lot** means a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

**Light manufacturing** means an establishment engaged in the manufacture of finished products or parts, including packaging of such products, and incidental storage, sales and distribution of such products, but excluding uses that are not traditionally classified as light industrial or manufacturing. Uses defined as traditional light industrial and manufacturing are set forth in this Chapter.

**Livestock Auction** means barns, pens and sheds for the temporary holding and sale of livestock.

**Loading Space** means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

**Local Health District** means the Milam County Health District.

**Local Utility Line** means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone or cable service, including pad and pole mounted transformers.

**Lot** means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

**Lot Depth** means the average horizontal distance between the front and rear lot lines.

**Lot Lines** means the lines bounding a lot as defined herein.

**Lot Width** means the average horizontal distance at the front building setback line of a lot.

**Manufactured Home** means a complete living unit, manufactured at a location away from the lot on which it will be located, as defined in *Article 5221f of the Texas Revised Civil Statutes*.

**Manufactured Housing.** See: Manufactured Home.

**Manufactured Home Park** means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Chapter, with the

individual lots or parcels being held under a common ownership and rented or leased to the occupants.

**Manufactured Home Subdivision** means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Chapter, with the individual lots or parcels being developed and sold to occupant owners.

**Master Plan** means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means land intensities; land subdivision; circulation; and community facilities, utilities and services. See. Comprehensive Plan.

**Mini Storage Warehouse** means a building or group of buildings consisting of individualized shelters of various sizes for rent or lease for the purpose of providing protection of commodities stored therein. The size of each individual storage unit of a mini-storage warehouse shall be limited to 2,000 cubic feet.

**Mobile Home** means a movable or portable structure constructed prior to June 15, 1976 that is eight (8') feet, or more, in width and forty feet (40'), or more, in length constructed to be towed on its own integral chassis, as defined in *Article 5221f of the Texas Revised Civil Statutes*.

**Modular Component** means a structure or building module as defined in *Article 5221f-1 of the Texas Revised Civil Statutes* that is inspected and permitted by and under the jurisdiction and control of the Texas Department of Licensing and Regulations, that is transportable in one or more sections and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the component. The term does not include a mobile home or a manufactured home.

**Motel** means a building or group of detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.

**Multifamily Dwelling** means a single structure designed to accommodate five (5) or more households.

**Multiple Building Complex** means more than one principal building on a building plot or lot

**Natural Channel** means the topography of a waterway prior to construction, installation of improvements thereof.

**Natural Drainage** means a stormwater runoff conveyance system not altered by development.

**Natural State** means substantially the same conditions of the land that existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils,

ground cover, vegetation and topographic features.

**Neighborhood** means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

**Neighborhood Automobile service station** means an establishment primarily engaged in automotive-related service. The following are permitted automotive-related services within such definition: automobile washing, minor automotive repair services, service stations, the sale of fuel, lubricants (including oil change facilities), parts and accessories, or any incidental minor repair services to motor vehicles.

**Neighborhood Park** means a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the City or under authority granted by the City.

**Night Club** means an establishment required to have a state permit for the sale of alcoholic beverages and in which fifty percent (50%) or more of the monthly gross revenues are from the sale of alcoholic beverages; or any business or commercial establishment in which alcoholic beverages are consumed and live entertainment is provided.

**Nonconforming Lot** means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption revision or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building** means a structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**Nonconforming Use** means any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this Chapter or Amendments thereto, which does not, by reason of design or use, conform after the passage of this Chapter or Amendments with the regulations of the Chapter or Amendment.

**Occupancy** means the use or intended use of land or a building by any person.

**Occupant Car Ratio (OCR)** means the minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

**Official County Records** means the Official Records of Milam County, Texas.

**Off-Site Improvements** means any required improvement that lies outside of the property being developed.

**Off-Street Parking as Expansion of Retail or Commercial Use** means an off-street parking lot located adjacent or contiguous to a retail, commercial or office district.

**Off Street Parking Space** means an area of privately owned land not less than nine (9) feet by eighteen and one-half (18½) feet not on a public street or alley, with an all weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that not more than 25% of any required off street parking spaces may be compact parking spaces of not less than one hundred twenty-eight (128) square feet exclusive of the driveways connecting said space with the street or alley.

**One Hundred (100) Year Flood Plain** See: Regulatory 100-year flood plain.

**Open Space** means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches, and plant material.

**Open or Outdoor Storage** means the keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than twenty-four (24) hours.

**Overland Drainage** means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

**Park or Playground** means an open recreation facility or park owned and operated by a public agency such as the City or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

**Parking Lot** means a parking area to accommodate the vehicles which utilize any multiple family, retail, commercial, office, business or industrial property.

**Parking Space** means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18 1/2) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact parking spaces shall be one hundred twenty-eight (128) square feet exclusive of the driveways connecting said space with the street or alley.

**Parking Structure or Garage** means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

**Pasturage** means land used primarily for the grazing of animal stock.

**Performance Standard** means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**Permit Issuing Authority** means the Building Official or other City officer, employee or agent designated by lawful authority to issue the applicable permit.

**Permitted Use** means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Conditional Use Permit.

**Personal Care Facility** means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family zoning districts. This definition includes a community-based residential home operated by (i.) The Texas Department of Mental Health and Mental Retardation, (ii) a community center operated under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203 VATCS), which provides services to disabled persons; (iii) a nonprofit corporation, or (iv) any entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program. This definition includes homes for the handicapped as defined in 42 U.S.C. Sec. 3602(h).

**Personal services** means an establishment engaged in providing services of a personal nature. Typical uses shall include beauty and barbershops, tailor, and shoe repair services.

**Personal Service Shop** means an establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, or beauty shops.

**Pharmacy** means a use where medicines are compounded or dispensed under the supervision of a licensed pharmacist.

**Planned Unit Development** means a zoning district which permits development of three (3) acres or more, under single or multiple ownership pursuant to a master plan and which requires specific approval by the City Council. It is a development of land under unified control, planned and developed as a whole in a single development operation or a programmed phasing of developments, including streets, utilities, lots or building sites, structures, open spaces and other improvements. This district may permit mixed uses of land (e.g. industrial, commercial, residential) within a single or multiple subdivisions as part of or pursuant to a Master Plan, which seeks to minimize adverse impacts when development occurs to protect the environment and nearby neighborhoods.

**Planting Area** means any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

**Playfield or Stadium** means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course football field or stadium which may be lighted for nighttime play.

**POA Neighborhood Park** means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

**Portable Storage Building** is any accessory structure of 100 square feet or less designed to be transported from one location on a specific site to another location either on the same lot or on a separate lot.

**Postal facilities** means postal services, including post office, bulk mail processing, or sorting centers operated by the United States Postal Service or a private postal service.

**Primary Structure** or **Main building** means a structure in which the principal use of the lot is conducted. For example, for single family residential lots, the house is the primary structure or main building.

**Privacy Fence** means an opaque fence or screen at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch.

**Private Club** means an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of alcoholic beverages to its members.

**Private Garage** means an accessory building housing vehicles owned and used by occupants of the main building.

**Product development services (general)** means development and testing of non-hazardous products related to research services. See: Research Services (general).

**Product development services (hazard)** means development and testing of products related to research services, which products could pose a health or safety risk outside of the structure in which the services are provided. See: Research Services (hazard).

**Professional office** means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions licensed by the state.

**Property Owners Association, (POA)**, means an incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a subdivision or planned unit development or PUD is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

**Public** means, with respect to land and interests in land within the City limits, the City; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

**Public Grounds or Building** means a facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a city, county or school service center.

**Public Use** means places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

**Radio, Television, Microwave and Similar Towers** means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installation for home use of radio or television.

**Railroad Spur or Siding** means a siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

**Railroad Tracts** means the right-of-way for railroad tracts, and includes siding, spurs, loading facilities, docks, yards or maintenance areas, and does not include passenger stations.

**Rear Yard** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

**Recyclable Materials** means materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts, and machinery that have no economic value except as composition or salvage material.

**Recycling Collection Use** means use of property as a location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no sorting or processing on site, and usually occurring as an accessory use on the property.

**Recycling Operation** means the collection, buying, storage, or processing of recyclable materials such as glass, paper, plastics, liquids, wood or metals, which are then sorted or processed for use or shipment for the purpose of reuse and manufacture, excluding smelters and refining operations.

**Recycling Operations (Indoor)** means a recycling operation which is fully enclosed within permanent walls and roof of a building or, if windows and doors are present, which is capable of enclosure to insure compliance with the required performance standards in the LI or HI districts as appropriate. The outside storage of recyclable materials in conjunction with the recycling operation inside a building is prohibited in an LI district. A dust collection system may be located outside the main building.

**Recycling Operations (Outdoor)** means a recycling operation which occurs in the open, or partially within a building and partially in the open.

**Regulatory 100-Year Flood Plain** means the One hundred (100) year flood plain as defined by the Federal Emergency Management Act (FEMA).

**Religious assembly** means a use (located in a permanent or temporary building) providing regular organized religious worship and religious education incidental thereto.

**Replacement Trees** means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

**Required Yard** means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

**Research services (general)** means establishments engaged in research of an industrial or scientific nature not involving or requiring the use of any biological, chemical or other agent that could cause a hazard to adjacent property. Typical uses include electronics research laboratories, and development and testing of computer software packages.

**Research services (hazard)** means establishments engaged in research of an industrial or scientific nature involving or requiring the use of biological, chemical or other agents capable of causing a hazard to property or persons outside the structure in which conducted.

**Reserve Strip** means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the City.

**Retail Food Store** means a retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware and other similar items which are purchased for use and/or consumption off the premises (may be a drive-in or supermarket).

**Retail Sales** means the sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services: home furnishings and appliances, household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items; apparel, jewelry, fabrics, and like items; cameras or photography services; household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, or office supplies; bicycles, wallpaper, carpeting and floor-covering, or automotive parts and accessories (excluding service and installation).

**Restaurant** means an establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption. Typical uses include diners, dinner-houses, but not a drive-in or fast-food restaurant.

**Reverse Frontage Lot** means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

**Right-of-Way** means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer

main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use, involving maintenance by a public agency shall be dedicated to the public by the maker of the plat, where such right-of-way is established.

**Roofline** means the height of the roof excluding any peaks representing less than ten percent of the profile of the roof.

**Safety services** means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

**Sale or Conveyance** means the transfer of legal rights from one person or entity to another in the form of any type of deed, contract for deed, lease-purchase, or other transfer of legal rights that can be enforced by specific performance against the conveyor. The transfer of property through an estate or by testament shall not constitute a sale or conveyance.

**Salvage Processing** means the method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning, or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

**Same Ownership** means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a member of his or her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**School (Business)** means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including a commercial trade school.

**School (Commercial Trade)** means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, mechanics and similar trades.

**School (Public or Denominational)** means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

**Sexually Oriented Business** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or other commercial enterprise the primary business of which is the offering of service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. See Section 65 for related definitions and development standards pertaining to sexually oriented businesses.

***Servants Quarters*** means an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

***Setback Line or Building Setback Line*** means a line that marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

***Shopping Center*** means a composite arrangement of shops and stores which provides a variety of goods and services to the general public, when developed as an integral unit.

***Shrub*** means any self-supporting woody evergreen and/or deciduous species.

***Side Yard*** means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

***Sign*** means any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, illuminated, or in any manner outlined or attached and used for advertising purposes.

***Significant Tree*** means a living tree that the City desires to preserve to the greatest extent possible. A list of Significant Trees can be provided by the City Staff.

***Single family attached*** means the use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

***Single family detached*** means the use of a lot for only one dwelling unit.

***Single Family Dwelling*** means a building designed for or occupied exclusively by one (1) household. See: Single family detached.

***Site Plan*** means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities and other structures to be constructed.

***Slope*** means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

***Social Club*** means a building or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

***Square Foot or Square Feet*** means the square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

**Stable** means an accessory building for quartering horses when the stable building is set back from all adjacent property lines at least fifty (50') feet, is at least one hundred (100') feet from any adjacent residence and when the site contains minimum area of one (1) acre.

**State Health Department** means the Texas Department of State Health Services or the Texas Commission on Environmental Quality (TCEQ), as applicable.

**Storage and distribution** means an establishment offering wholesaling, storage, and warehousing services of non-hazardous materials in enclosed structures.

**Storage Garage** means any premises and structure used exclusively for the storage of more than five (5) automobiles.

**Story** means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**Street** means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

**Street Line** means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

**Street Side Yard** means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right of way.

**Structural Alterations** means any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

**Structural Integrity** means the ability of a structure to maintain stability against normal forces experienced by said structure.

**Structure** means any building or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

**Structure Principal** means the principal structure which fulfills the purpose for which the building plot is intended.

**Subdivision** means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park

or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

***Swimming Pool (Commercial)*** means a swimming pool with accessory facilities that is not a part of the municipal or public recreational system or a private swim club and that is available to the general public for a fee.

***Swimming Pool (Private)*** means a swimming pool constructed for the exclusive use of the residents of a single family, duplex, multi-plex or multi-family dwelling, or other residential dwelling, located and fenced in accordance with City regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners.

***Tavern*** means an establishment required to have a state permit for the sale and on-premises consumption of beer and/or wine, that is not licensed or permitted to sell any other alcoholic beverage.

***Telephone Exchange*** means switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

***Temporary Field or Construction Office*** means a structure or shelter used in connection with a development or building project, for housing on site the temporary administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

***Tourist Home*** means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

***Townhouse*** means a structure on an individual lot, which is one of a series of three (3) or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in § 81, Tex. Prop. Code) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a "Townhouse project".

***Traffic Impact Analysis (TIA)*** means a study of the impacts of a development on the City's transportation system.

***Trailer Camp or Park*** means an area designed, arranged or used for the parking or storing of one or more auto trailers, which are occupied or intended for occupancy as temporary living quarters by individuals or families.

***Transportation services*** means a facility for loading, unloading, and interchange of passengers and baggage, between modes of transportation, including bus terminals, railroad stations and public transit facilities utilizing park and ride stations.

***Tree*** means any self-supporting woody plant species which normally grows to an overall minimum

height of fifteen (15) feet.

**Tree Survey** means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

**Two (2) Family Dwelling** means a building designed for or occupied exclusively by two (2) families.

**Upholstery Shop** means a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except, however, with respect to motor vehicles, it shall only include interior upholstering. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

**Urbanization** means the process of constructing public improvements required to support suburban or urban land use.

**Utilities Other than Listed** means any utility requiring a franchise, such as closed circuit television, distribution of steam, hot or chilled water or similar service requiring the use of public streets or easements.

**Variance** means an adjustment in the application of the specific regulations of this Chapter to a particular parcel of property that, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

**Variety Store** means a retail commercial establishment, which supplies a variety of household goods, toys, limited light hardware items, candy, some clothing and other general merchandise.

**Veterinary hospital** means an establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three (3) or more sides having walls or a solid fence extending from the foundation to at least 3/4 of the distance to the roof line.

**Veterinary services** means an establishment offering veterinary services and clinics for pets and small domestic animals, with all activities and work in-doors.

**Video rental store** means an establishment engaged in the sale or rental of motion pictures or games.

**Vines** means any woody or herbaceous plants, which may cling by twining, by means of aerial rootlets or by means of tendrils or which, may simply sprawl over the ground or other plants.

**Warehouse** means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

**Watershed** means area from which stormwater drains into a given basin, river or creek.

**Waterway** means any natural or man-made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

**Wood Yard** means a tract of property used for the storage of wood either for use as firewood or as a building material, containing a fence for safety and security.

**Working Days** means Monday through Friday exclusive of City recognized holidays.

**Wrecking Yard** means any lot, tract, or building or structure upon which used automobiles or parts of used automobiles or other motor vehicles are stored for the primary purpose of obtaining parts for resale as an automotive or motor vehicle part.

**Yard** means an open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**Yard Depth** means the shortest distance between a lot line and a yard line.

**Yard, Front.** A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or unair-conditioned porch. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

**Yard Line** means a line drawn parallel to a lot line at a distance there-from equal to the depth of the required yard.

**Yard, Rear** means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies or bays, or unair-conditioned porches, accessory dwellings or detached garages.

**Yard, Side** means a yard between the main building and the sideline of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

**Zero-lot-line lot** means a single-family lot that has a sidewall along or near one of the lot lines so that a usable yard of a minimum of ten (10) feet from the side lot line to the building line is created on the other side of the lot.

**Zoning** means the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility as defined in *Chapter*

*211 of the Texas Local Government Code*

**Zoning Map** means the official certified map showing the division of the city into districts, which is a part of this zoning ordinance.

**Zoning (Spot)** means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

**Zoning (Strip)** means, typically, commercial and/or retail zoning proposed to accommodate commercial or retail development, fronting a portion of a major street, usually one lot deep.

**Zoo (Private)** means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

**Zoo (Public)** means a publicly owned zoo or similar facility owned and operated by a governmental entity or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

**ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL, UNTIL SUCH TIME AS DEFINED BY ORDINANCE, BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.**

**Section 12.105. Application.** The provisions of this Chapter shall, except as specifically provided otherwise in this Chapter, apply to all land within the jurisdiction of the City.

**Section 12.106. Exemptions.** The provisions of this Chapter shall not: (a) prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued and which (i) is completed in its entirety within one (1) year from the effective date of this Chapter; and (ii) for which construction shall have been started within ninety (90) days after the effective date of this Chapter; provided that any such building, construction or use that is not in compliance with this Chapter shall be a nonconforming use; or

(b) Apply to permits or commitments given by the City with reference to construction of public utility buildings prior to the passage of this Chapter.

**Section 12.107. Enforcement of Regulations.** (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is developed, or proposed to be developed, after the effective date of this Chapter, until all then applicable requirements of this Chapter have been satisfied and accepted by the City.

(b) This Chapter may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this Chapter, with respect to any land or development within the City, by fine and penalties as provided herein.

**Section 12.108 and 12.109. Reserved**

**ARTICLE 12.110.  
ZONING DISTRICTS AND REGULATIONS.**

**Section 12.111. General Requirements and Limitations.**

(a) Conformity to Zoning District Required. No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered. Furthermore, no open space surrounding any building shall be encroached upon by a structure or reduced in any manner, unless the same shall conform to the regulations hereinafter designated for the District in which such building or open space is located.

(b) Signs and Billboards. No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this Chapter and all applicable City ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.

(c) Structures and Buildings. No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable City codes and ordinances, and such work and structure shall:

(i) Conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.

(ii) Not exceed the height limit herein established for the district in which such building is located, except as specifically authorized as follows:

(A) The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flag poles, and necessary mechanical appurtenances. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.

(B) Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding thirty-five (35) feet.

(d) Accessory Structures and Uses. Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Chapter and all other applicable City ordinances, are permitted in each zoning district.

(e) Conformity to Construction Plan Requirements. No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless Construction Plans meeting the requirements of this Chapter have been approved by the City Engineer and/or City Building Official.

(f) Conformity to Parking and Loading Space Requirements. No structure or building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the off-street parking and loading requirements of this Chapter.

(g) Conformity to Landscaping and Screening Requirements. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the landscaping and screening requirements of the this Chapter.

(h) Conformity to Building Setback Requirements. No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.

(i) Outdoor Lighting. All outdoor lighting shall be installed and maintained in compliance with all applicable city ordinances. Such lighting shall be located and maintained in a manner as to not be directed onto any public street or adjacent property; provided that such lighting may be directed directly down upon a public street as provided for street lights.

(i) Multi-Family and Business. Outdoor lighting for multi-family, general retail, commercial and office will be in accordance with the provisions of this Chapter and the City building codes. A lighting plan shall be included with the site plan submitted for a building permit.

(ii) Residential. Outdoor lighting on residential property will be installed in accordance with applicable City ordinances. It will be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes, which will be operated during night hours will be located as close as is practicable to main dwellings.

(j) Height and Placement Requirements. Except as otherwise specifically provided in this Chapter, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the eave height limits specified in the following Chart 1.

**Chart 1.**

Zoning District	Min lot SF Area	Min Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Eave Height Limit	Impervious Cover
R-1	8,400	70 ft.	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
R-1C	8,400	70 ft.	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
R-1E	1 Acre	200 ft.	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
R-2	4,200 per dwelling	35 ft. per dwelling unit	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
R-3	2,000 per dwelling	80 ft.	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
M-1	7,500	70 ft.	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
M-2	4,200 per dwelling unit and 100' open space	35 ft. per dwelling unit	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
C-1	6,000	60	25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	70%
C-2	10,000	60 ft. single tenant 100 ft. multi tenant	25 ft.	9 ft. against commercial 25 ft. against residential	25 ft.	25 ft.		70%
GOV			25 ft.	9 ft.	15 ft.	15 ft.	35 ft.	40%
CA	NA	NA	NA	NA	NA	NA	NA	NA
I	10,000	200	25 ft. against industrial 50 ft. against residential	35 ft.	80%			
A	2 Acres	500	25 ft.	25 ft.	25 ft.	25 ft.	35 ft.	40%
PUD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/a

(1) The Conditions and Limitations, Setbacks and Lot requirements set forth in Chart 1 applicable to the District governing the proposed base use of the property shall apply within this District, i.e. if the proposed use of property within the District is a use provided for in the C-1 District the conditions and limitations applicable to the C-1 District shall apply to the property.

(k) Parking. Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked or stored on any residential area only in completely enclosed buildings.

(i) Parking Regulations. Where any structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this Chapter, designated on-street and off-street parking spaces shall be provided in a number not less than as provided in Chart 2 set forth hereinafter.

(ii) Handicap Parking. Non-residential handicap parking requirements are a minimum of one space for under fifty parking spaces, then one additional space for over fifty parking spaces up to one hundred spaces, and then one space per one hundred spaces up to five hundred. Over five hundred it is one percent of total parking spaces. Dimensional requirements are twelve foot (12') width and eighteen foot (18') depth per handicap space. The location and design of handicapped parking spaces shall be as required by ordinance.

(iii) Maximum Parking. The maximum number of parking spaces for a commercial or industrial use area shall not exceed 150% of the parking required pursuant to Chart 2.

(iv) Reduction of Parking. The total number of required motor vehicle parking spaces for a non-residential use may be reduced by 5% for each of the activities listed below provided by the owners or operators, up to a maximum 10% reduction in the total number of motor vehicle spaces,

(A) participate in an area wide carpool/vanpool ride matching program for employees; designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;

(B) providing showers and lockers for employees who commute by bicycle;

(C) providing covered, secured bicycle parking racks or facilities;

(v) Development and Maintenance Standards for Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

(A) Off-street parking areas for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins a residential

zoned property.

(B) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

(C) Access aisles shall be of sufficient width for vehicular turning and maneuvering.

(vi) Council Determination. Off-street and on-street parking for all uses not within the categories above shall be adequate to meet the anticipated needs and shall be determined by the City Council using standards outlined for special exception and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.

Special Exception. The City Council may grant a special exception to allow two or more users to share parking spaces upon a showing that the particular user in question will require parking at different times. Any spaces the Council allows to be shared count toward the number of spaces each user must provide.

**Chart 2**

Use	Number of Parking Spaces
Residential dwellings, single to multi-family, And manufactured homes	Two spaces minimum for each living unit, and one-half (1/2) space for each additional bedroom above four.
Warehouses, manufacturing plants and other similar commercial establishments not catering to the general public.	One space per 1,000 square feet of gross floor space.
Hotels, Motels and similar transient accommodations	One space per bedroom and one space for each two employees
Rest homes, Hospitals, Nursing Homes, Convalescent Homes, sanitariums, and similar uses.	One space for each two employees, and One space for each four patient beds
Bars, Cafes, Restaurants, Taverns, Night Clubs, and similar uses.	One space for every four seats provided for customer services
Banks, Offices, financial lending institutions, gasoline stations, personal service shops, retail establishments, shopping centers and similar uses catering to the general public.	One space for each 250 square feet of gross floor space.

(l) Uses Non-cumulative. Uses within each District are restricted solely to those uses expressly permitted in each District, and are not cumulative unless so stated.

(m) Exceptions. Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this Chapter.

(n) Mandated Exceptions. To the extent required by state or federal law, a Personal Care Facility is an additional permitted use in any zoning district; provided that:

(i) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements:

(A) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes;

(B) There shall be two (2) parking spaces, plus one additional space for each three residents;

(C) There shall be not less than fifty square feet of living space within a sleeping room for each occupant assigned to such room;

(D) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and

(E) The structure and operations shall comply with the standards established by the Texas Department of Human Services as licensing standards for personal care facilities for a Type B facility.

(ii) The Home must meet all applicable State licensing requirements;

(iii) A Personal Care Facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six (6) residents during waking hours;

(iv) A Personal Care Facility may not have more than fifteen (15) residents.

**Section 12.112. Establishment of Zoning Districts.** (a) The City is hereby divided into fourteen (14) zoning districts, the use, height and area regulations as set out herein shall be uniform in each district. The fourteen (14) districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>	
A	Agricultural	- District A
R-1	Single Family Residential 1	- District R-1
R-1C	Residential 1 Commercial	- District R-1C
R-1E	Residential 1 Estate	- District R-1 E
R-2	Residential Multi-Family	- District R-2
R-3	Residential Multi-Plex	- District R-3
M-1	Manufactured Home Subdivision	- District M-1
M-2	Manufactured Home Park	- District M-2
CA	Central Area	- District CA
C-1	Commercial-Light	- District C-1
C-2	Commercial-Intense	- District C-2
I	Industrial	- District I
PUD	Planned Unit Development	- District PUD
GOV	Governmental	- District GOV

(b) Zoning Map. The location and boundaries of the Districts herein established are shown upon the Zoning Map, which is hereby incorporated and made a part of this Chapter; provided that such uses as listed but not shown on the zoning map are provided for future growth and use upon amendment of the Comprehensive Plan. The City Building Official maintains the Zoning Map together with all notations, references, and other information shown thereon and all amendments thereto.

(c) District Boundaries. Where uncertainty exists with respect to the boundaries of the established districts as shown on the Zoning Map, the following rules shall apply:

(i) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.

(ii) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(iii) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance there-from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.

(iv) In subdivided property, the district boundary lines on the Zoning Map shall be

determined by use of the scale appearing on the map.

(v) If a district boundary line divides a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.

(vi) Whenever any street, alley or other public way is vacated by the City Council, the zoning district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.

(vii) Where the streets on the ground differ from the streets shown on the Zoning Map, those on the ground shall control.

**Section 12.113. Zoning of Annexed Areas.** (a) Interim Zoning District. All territory hereafter annexed to the City shall be automatically classified as Residential District "R1", pending subsequent action by the Commission and Council for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than R1, notice may be given and hearings held in compliance with *Chapter 211 of the Texas Local Government Code* and, upon annexation, such property may be permanently zoned as determined by the City Council after considering the Commission's recommendation.

(b) Permits in Interim Zoned Areas. In an area temporarily classified as Residential District "R1", no permits for the construction of a building or use of land other than uses allowed in said District under this Chapter shall be issued by the City Building Official.

**Section 12.114. Agricultural District - District "A".** Allows farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum two acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(a) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

**Section 12.115. Single Family Residential 1 - District "R-1".** (a) Purpose and Permitted Uses. Permits detached single family dwellings with a minimum of 1,000 square feet of living area, and related accessory structures, on a minimum lot size of 8,400 square foot.

(b) Additional Permitted Uses.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

(iii) A billboard, signboard, or advertising sign shall not be permitted as an accessory use; provided that the placing of and un-illuminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a structure or building one (1) un-illuminated sign advertising contractors or architects on such premises shall be permitted provided that such sign shall not be more than eight (8) square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

(iv) All paved driveways shall be single use. No paving shall be allowed in the side setbacks of interior lots.

(d) Accessory Structures and Uses. Accessory Structures and Accessory Uses customarily incident to the single family residential use permitted in the district, that are located on the same lot with the primary residential structure, that are designed, constructed and located for a use permitted in the one-family district, and that are in compliance with this Ordinance and all other applicable City ordinances, are permitted in the district; provided the same do not involve the conduct of any business or commercial enterprise and comply with each of the following requirements:

(i) a private garage may have a capacity for not more than (3) standard size automobiles, plus one hundred forty-four (144) square feet of storage space for goods and materials. Where the residential structure is two stories or greater, the private garage may have a second story containing an apartment or storage for use of the family constructed as an integral part of the main building and shall be subject to the regulations affecting the main building.

(ii) accessory structures that are one hundred forty-four (144) square feet and smaller shall not have a wall height greater than eight (8) feet. No building permit will be required.

(iii) all accessory structures larger than one hundred forty-four (144) square feet must:

- (a) have a roof line that is not greater in height than the roof line of the single family dwelling; and
- (b) have walls that are of a height no greater than the majority wall height of the primary structure; and
- (c) have a roof constructed of substantially the same color, slope and pitch as the roof of the single family dwelling; and
- (d) meet the setback requirements for the City of Rockdale; and

- (e) not cause the total lot coverage square feet to exceed the percentage specified earlier in this ordinance; and
- (f) exteriors of brick, stone, masonry, wood, masonite, hardy-plank and metal siding with a baked on enamel finish are permitted. Corrugated metal siding is not permitted; and
- (g) when the primary structure exterior is brick or stone or other masonry, the accessory structure exterior must be;
  - (i) at least forty (40) percent wainscot of the same material and design as the primary structure, or
  - (ii) the full front of structure must be of the same material and design as the primary structure; and
- (h) exterior sides must be of substantially the same color, or color matched with the primary structure; and
- (i) be compatible by architectural design and appearance with the single family dwelling or adjacent single family dwellings;

(iv) except for the single family dwelling, not more than one private garage, one carport, and one other accessory structure may be constructed on a single-family lot;

(v) a carport may be constructed on a single-family lot provided that it is color matched to the house, does not have a plate and roof height greater than the single family dwelling, meets the side setback requirements of this chapter and, is at least 5 feet from the property line at the entrance to the carport.

**Section 12.116. Residential 1 Commercial- District "R-1C".** (a) Purpose and Permitted Uses. Permits detached single family dwellings with a minimum of 1,000 square feet of living area, and related accessory structures, on a minimum lot size of 8,400 square foot in which a light commercial use including professional services, personal services and sales of non-toxic or non-hazardous materials may occur similar to home occupations however may occur in a stand alone building. No use in R-1 C shall have more than two employees.

(b) Additional Permitted Uses.

(i) Light Commercial Uses similar to home occupations.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

(iii) A billboard, signboard, or advertising sign shall not be permitted as an accessory use; provided that the placing of and un-illuminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and churches and other

institutions may display signs showing names, activities and services therein provided, and that during construction of a structure or building one (1) un-illuminated sign advertising contractors or architects on such premises shall be permitted provided that such sign shall not be more than eight (8) square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

(iv) All paved driveways shall be single use. No paving shall be allowed in the side setbacks of interior lots.

(d) Accessory structures. See Section 12.115 (d).

**Section 12.117. Residential 1 Estate - District "R-1E".** (a) Purpose and Permitted Uses. Permits detached single family dwellings with a minimum of 1,000 square feet of living area, and related accessory structures, on a minimum lot size of one acre. Residential development may occur without the need for sidewalks, curb and gutter and central wastewater.

(b) Additional Permitted Uses.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

(iii) A billboard, signboard, or advertising sign shall not be permitted as an accessory use; provided that the placing of and unilluminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a structure or building one (1) unilluminated sign advertising contractors or architects on such premises shall be permitted provided that such sign shall not be more than eight (8) square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

(iv) All paved driveways shall be single use. No paving shall be allowed in the side setbacks of interior lots.

**Section 12.118. Residential Multi-Family - District "R-2" Duplex, Triplex and Fourplex.** (a) Purpose and Permitted Uses. Allows single-family dwellings two, three and four unit dwellings and any other use permitted in R1. The dwellings shall have a minimum of 600 feet of living space on a minimum lots size of 4,200 feet per dwelling unit.

(b) Additional Permitted Uses.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

(iii) A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all weather asphalt, concrete, or paving stones, and curb and gutter.

(d) Accessory structures. See Section 12.115 (d).

**Section 12.119. Residential Multi-Plex - District "R-3".** (a) Purpose and Permitted Uses. Allows any use permitted in District R-2; and more than five dwelling units with a minimum living space of 600 feet on a minimum lot size of 2,000 square feet per dwelling unit.

(b) Additional Permitted Uses.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

(iii) A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all weather asphalt, concrete, or paving stones, and curb and gutter.

(d) Accessory structures. See Section 12.115 (d).

**Section 12.120. Manufactured Home Subdivision - District "M-1".** (a) Purpose and Permitted Uses. Property and areas of the City zoned "M-1" may be planned, used, approved, platted and occupied as a Manufactured Home Subdivision with lots sold and conveyed to individual lot owners. Land and areas of the City zoned "M-1" and having an approved subdivision plat may be used for manufactured homes having a minimum of 600 square feet of living area.

(b) Additional Permitted Uses.

(c) Conditions and Limitations.

(i) Manufactured Homes must have a minimum of six hundred (600) square feet of living area.

(ii) Manufactured Homes must be skirted within ninety (90) days from date installed.

(iii) Manufactured homes must be tied down securely and in compliance with applicable regulations prior to occupancy.

(v) See Chart 1.

(vi) See Chart 2.

(d) Authorized in Specified Areas. No manufactured home may be located in any District other than "M-1" or "M-2" District only.

(e) Standards. The installation, occupancy and maintenance of manufactured homes in the "M-1" district shall be subject to the following provisions.

(i) No outside horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.

(ii) The exterior siding material, excluding skirting, shall be nonmetallic.

(iii) The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal Mobile Home Construction and Safety Standards in effect on the date of manufacture, or other such applicable standards as required by state or federal law. Any such structure without such certification, but meeting all other requirements, may be accepted as safe and quality construction provided it meets the following criteria;

(A) All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.

(B) All mechanical systems including space and water heating, are in sound and safe condition.

(C) All plumbing, gas piping, and wastewater systems are in sound and safe condition.

(D) The unit is in sound and safe structural condition. Uncompressed finish floorings greater than 1/8 inch in thickness beneath load-bearing walls that are fastened to the floor structure are not acceptable. Any such structure that shows signs of fire damage will not be acceptable.

(E) The determination of the foregoing acceptance of any non-certified unit shall be made by the Building Official and/or the Fire Marshall.

(iv) Manufactured homes shall be installed in accordance with the following criteria:

(A) By a person licensed by the State of Texas in compliance with state law, or the frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch grout-filled concrete block piers spaced no more than eight feet on center and bearing on 12" x 12" solid concrete footings. A tie-down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.

(B) Axle and hitch assemblies shall be removed at the time of placement on the foundation.

(C) Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material, which is compatible with the design and exterior materials of the primary structure.

(D) Electrical power supply shall be from a meter installation on the manufactured home, or from a permanent meter pedestal.

(E) Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.

(F) Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.

(G) Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.

(H) Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.

(I) All accessory structures and additions shall comply with all applicable city ordinances.

(e) Site Development Regulations. The minimum lot width shall be 70.

(f) Accessory structures. See Section 12.115 (d).

**Section 12.121. Manufactured Home Park - District "M-2". (a) Purpose and Permitted**

Uses. Property and areas of the City zoned "M-2" may be planned, used, approved, platted and occupied as a Manufactured Home Park with lots held under common ownership and rented or leased to individual tenant occupants. Land and areas of the City zoned "M-2" and having an approved subdivision plat may be used for manufactured homes having a minimum of 600 square feet of living area.

(b) Additional Permitted Uses.

- (i) One manufactured home on each approved space or lot.
- (ii) Accessory buildings located on a lot for use by the owner or occupant of a structure that is located on such lot.
- (iii) Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Manufactured Home Park.
- (iv) Accessory buildings for use by the owner or manager of the Manufactured Home Park.
- (v) One single-family dwelling unit on a 6,000 square foot or larger lot for use as the owner's or manager's residence.

(c) Conditions and Limitations.

- (i) See Chart 1.
- (ii) See Chart 2.
- (iii) Design Requirements. A development designed as a manufactured home park shall meet all requirements of the manufactured home park ordinance of the city and all requirements of the city subdivision ordinance. The development shall include amenities and be designed for the explicit purpose of renting or leasing of sites and shall not be construed to permit the sale of such spaces or lots.
- (iv) Conversion. At no time may a manufactured home park be converted to a manufactured home subdivision without first complying with all requirements of the city subdivision ordinance then in effect, receiving approval by the City Council, and being rezoned to M-1.
- (v) Thru Traffic. No through traffic shall be permitted in a Manufactured Home Park.
- (vi) Perimeter Fence. A perimeter fence shall be required, unless otherwise approved by the Commission.

(d) Standards. The installation, occupancy and maintenance of manufactured homes in the "M-2" district shall be subject to the following provisions: See Section 12.120; provided that the

addition of garages, carports and additional living area is not permitted.

(e) Site Development Regulations. See Section 12.120(e);

(f) Accessory structures. See Section 12.115 (d).

**Section 12.122. Central Area - District "CA".** (a) Permitted Uses. This district principally addresses development in the original town and central area of the City, allowing a mix of uses including, retail, office, light commercial, and residential uses.

(i) Uses as determined by the Commission and the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sale, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general dependent on products and materials produced elsewhere.

(b) Conditions and Limitations.

(i) That it be conducted wholly within an enclosed building, except for delivery, gasoline sales, nurseries and garden centers.

(ii) That required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.

(iii) That gasoline and alcoholic beverage sales are not permitted without a conditional use permit first being obtained.

(iv) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

(v) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any required yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this Chapter and any other applicable ordinance of the City.

(vi) The Conditions and Limitations and permitted uses applicable to the District governing the proposed use of the property shall apply within the Central Area District, i.e. if the proposed use of property within the CA District is a use provided for in the C-1 District the conditions, limitations and permitted uses applicable to the C-1 District shall apply to the property within the CA District.

(c) Site Plan Regulations. The Site Plan Regulations applicable to the District governing the proposed use of the property shall apply within the Central Area District, i.e. if the proposed use of property within the CA District is a use provided for in the C-1 District the Site Plan Regulations applicable to the C-1 District shall apply to the property within the CA District.

**Section 12.123. Commercial-Light - District "C-1".** (a) Purpose and Permitted Uses. This district allows the retail sale of goods and products to which value has been added on-site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed.

(i) Uses as determined by the Commission and the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sale, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general dependent on products and materials produced elsewhere.

(b) Conditions and Limitations.

(i) That it be conducted wholly within an enclosed building, except for delivery, gasoline sales, nurseries and garden centers.

(ii) That required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.

(iii) That all merchandise be new, first-hand and be sold on the premises, save and except for delivery only including catering.

(iv) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

(v) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any required yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this Chapter and any other applicable ordinance of the City.

(vi) Establishments located on property that is within 300' of any property zoned for a residential use when the commercial use is first established may not to be open to the general public before 5:00 a.m. and must be closed to the general public by 10:00 p.m.

(vii) See Chart 1.

(viii) See Chart 2.

(c) Site Development Regulations.

(i) Development of any use permitted in the "C-1" District shall conform with the site development regulations established for that District.

(ii) Paved Sidewalks, driveways and parking areas are required.

(iii) Screening of loading and storage facilities is required.

**Section 12.124. Commercial-Intense - District "C-2".** (a) Purpose and Permitted Uses. This district is intended to provide for commercial uses including the more intense commercial land uses not requiring an industrial zoning category, provided that such use shall when established be compatible with adjacent and neighboring residential areas and not create unreasonable traffic or land use conflicts. All uses permitted in the C-1 district are additional permitted uses.

(i) Uses as determined by the Commission and the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sale, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general dependent on products and materials produced elsewhere.

(b) Conditions and Limitations.

(i) That it be conducted within a building and/or outdoor area that is improved with concrete, asphalt pavement or other all weather surface and that is suitably landscaped, screened or fenced.

(ii) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.

(iii) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this Chapter and any other applicable ordinance of the City.

(iv) See Chart 1.

(v) See Chart 2.

(c) Site Development Regulations.

- (i) Development of any use permitted in the "C-1" or "C-2" District shall conform with the site development regulations established for that District.
- (ii) Paved Sidewalks, driveways and parking areas are required.
- (iii) Screening of loading and storage facilities is required.

**Section 12.125. Industrial - District "I".** (a) Permitted Uses. Allows assembly, packaging, treatment, processing and manufacture of products that do not pose any materially potential hazard to persons and property outside the boundaries of the property, and the following specifically listed uses to the extent such uses are contained or included within property as to not pose a potential hazard outside of the property on which such use is conducted:

- (i) Uses as determined by the Commission and the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sale, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general dependent on products and materials produced elsewhere.

(b) Conditions and Limitations.

- (i) See Chart 1.
- (ii) See Chart 2.

(c) Site Development Regulations. Development of any use permitted in the "I" District shall conform with the site development regulations established for that District.

(d) Performance Standards - Industrial District. All uses in the I (Industrial) District, District "I", shall conform in operation, location and construction to the minimum performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration, open storage and glare.

- (i) Noise. At no point at the bounding property line of any use in an I District may the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table.

(A) Maximum permissible daytime\* Octave Band - Decibel limits, at the bounding property line\*\*, in an I District;

OCTAVE

BAND	37	75	1503006001200	2400	4800	A	
(CPS)		75	1503006001200	2400	4800	9600	SCALE

DECIBEL BAND LIMIT (DB RE 0.0002 MICROBAR)

86	76	70	65	63	58	55	53	65
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**Note:** A scale level is provided for monitoring purposes only and is not applicable to detailed sound analysis.

\*Daytime shall refer to the hours between sunrise and sunset on any given day.

\*\*The Building Official will interpret the bounding property line as being at the nearest side of the right-of-way or property line of any street, alley, stream or other permanently dedicated open space to the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

(B) The following corrections will be made to the table of Octave Band - Decibel limits in determining compliance with the noise level standards in an I District.

When noise is present at nighttime (anytime other than daytime), subtract 7 decibels. When noise contains strong, pure tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract 7 decibels. Add ten decibels when noise is present for not more than:

- 1/2 minute in any 1/2 hour period;
- 1 minute in any 1 hour period;
- 10 minutes in any 2 hour period; or
- 20 minutes in any 3 hour period.

(C) Measurement of noise is made with a sound level meter or Octave Band analyzer, meeting the standards prescribed by the American Standards Association.

(ii) Smoke and Particulate Matter. No operation or use in an I District shall cause, create or allow the emission of air contaminants which violate State or Federal environmental law, as referenced herein: *Texas Health and Safety Code Ann. Chapters. 381 & 382; Air Pollution Prevention and Control, 42 U.S.C.A. 7401, et. seq.* Open storage and open processing operations including on-site transportation on movements which are a source of wind or airborne dust or other particulate matter are subject to the standards and regulations specified herein.

(iii) Odorous Matter. No use may be located or operated in an I District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds a

concentration at the bounding property line or any point the tract on which such use or operation is located which, when diluted with an equal volume of odor free air, exceeds the odor threshold (2 odor units). The odor threshold as herein set forth is determined by observation by the City Staff. In any case where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES" will be used and a copy of the A.S.T.M.D. 1391-57 is hereby incorporated by Reference.

(iv) Flammable and Hazardous Materials. No use involving the manufacture or storage of compounds or products which decompose by detonation is permitted in an I District except that chlorate, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall of the city as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials, such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products is permitted only when such storage or use conforms to the standards and regulations of established by city ordinance.

(v) Toxic and Noxious Matter. No operation or use permitted in an I (industrial) District may emit a concentration across the bounding property line of the tract on which such operation or use violating State or Federal environmental laws, as referenced herein: *Texas Health and Safety Code, Chapters. 381 & 382; Air Pollution Prevention and Control, 42 U.S.C.A. 7401, et. seq.* Open storage and open processing operations, including on-site transportation movements which are a source of wind or airborne dust or other particulate matter, are subject to the standards and regulations specified herein.

(vi) Vibrations. No operation or use in an I District may at any time create earthborne vibration which, when measured at the bounding property line of the source of operation, exceed the limit of displacement set forth in the following table in the frequency ranges specified.

<u>FREQUENCY</u> <u>CYCLES PER SECOND</u>	<u>DISPLACEMENT</u> <u>IN INCHES</u>
0 to 10	.0020
10 to 20	.0016
20 to 30	.0010
30 to 40	.0006
40 to 50	.0005

(vii) Glare. No use or operation in an I District may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

**Section 12.126. Planned Unit Development – District "PUD".** (a) Purpose and Objectives. The purpose and intent of the Planned Unit Development District is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Chapter and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan. The PUD rules are designed: (i) to allow development which is harmonious with nearby areas; (ii) to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance; (iii) to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs; (iv) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods; (v) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment; (vi) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and (vii) to require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan and this Chapter, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Chapter.

(b) Mixed Use Development. The PUD District shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of a an approved plan area, in order to provide the flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the City. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this Chapter. The outer boundary of the each such PUD Zoning District shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district, and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references, and other information shown thereon, shall be adopted by Ordinance.

(c) Flexible Planning. When considering a PUD, the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and street lights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc. Final approval of a PUD by the City Council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances. The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

(d) Rules Applicable. The City Council, after public hearing and proper notice to all parties affected and after recommendation from the Commission, may attach a Planned Unit Development district designation to any tract of land equal to or greater than three (3) acres. Under the Planned Development designation the following rules apply:

(i) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the City Council, and no such approval will be inferred or implied.

(ii) Permitted uses are those listed under the applicable zoning district(s) for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as a retail, commercial and office development are the respective uses listed for the General Retail, Commercial and Office districts). In addition, a Planned Unit Development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a Planned Unit Development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

(iii) Standards required by the base zoning apply in a Planned Unit Development except that the following regulations and standards may be varied in the adoption of the Planned Unit Development; provided that the plan is consistent with sound urban planning and good engineering practices.

(A) Front, side and rear setbacks.

(B) Maximum height.

(C) Maximum lot coverage.

(D) Floor area ratio.

(E) Off-street parking requirements.

(F) Special district requirements pertaining to the base zoning.

(G) Number of dwelling units per acre.

(H) Accessory building regulations.

(I) Sign standards.

(iv) In approving a Planned Unit Development, no standards may be modified unless such modification is expressly permitted by this Chapter, and in no case may standards be modified when such modifications are prohibited by this Chapter.

(v) In approving a Planned Unit Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.

(vi) The Commission and City Council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this Chapter.

(e) Preliminary Site Plan. A Preliminary Site Plan of the entire property within the Planned Unit Development will be considered by the Commission prior to any recommendation to, or consideration by, the City Council of the Planned Unit Development district ordinance.

(i) A Preliminary Site Plan may be approved for a portion of a Planned Unit Development district where the district is divided by a major thoroughfare, and the Preliminary Site Plan includes all the property located on one side of the street.

(ii) Approval of a Preliminary Site Plan will determine the location and mix of proposed uses, proposed points of ingress and egress, parking spaces, building locations and height, lot coverage, yards and open spaces, landscaping, screening walls or fences, topography, and other development and protective requirements, considered necessary to create a reasonable transition to, and protection of, the adjacent property.

(iii) The Commission and/or City Council may approve, conditionally approve, request modifications, or deny approval of the Preliminary Site Plan based on evaluation of details with respect to:

(A) The plan's compliance with all provisions of this Chapter and other ordinances of the City.

(B) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

(C) The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values, and negative impacts.

(D) The provision of a safe and efficient vehicular and pedestrian circulation system.

(E) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

(F) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings

- (G) The coordination of streets so as to compose a convenient system consistent with the Thoroughfare Plan of the City.
- (H) The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and (2) to complement the design and location of buildings and be integrated into the overall site design.
- (I) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (J) The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- (f) Final Site Plan. Following approval of the Preliminary Site Plan, or simultaneously if detailed information is available, a Final Site Plan for any portion of the Planned Unit Development may be approved. The Preliminary Site Plan establishes the general development standards according to a base district. The Final Site Plan providing all the detail required for development, subdivision, zoning and enforcement of the special conditions and regulations must be approved by ordinance prior to the zoning being in effect and construction being authorized.
- (g) Amendments. Consideration of amendments to a Planned Unit Development will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments to the final site plan or any planned development conditions which are substantive shall require public hearings in the manner required for any other zoning change.
- (h) Expiration. If development equal to at least twenty-five (25%) percent of the cost of installing streets, utilities and drainage in the PUD, or, if the PUD is approved to be developed in sections or phases, if development equal to at least fifty (50%) percent of the cost of installing streets, utilities and drainage in the first section or phase of the PUD has not occurred, on a Planned Unit Development tract or lot within two (2) years after the date of approval, such approval shall expire; and may only be renewed after application is made therefor, notice is given and public hearings are held by the Commission and City Council to evaluate the appropriateness of the previously authorized Planned Development approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.
- (i) Ordinance Amendment. Every Planned Unit Development district approved under the provisions of this Chapter is considered an amendment of this Chapter as to the property involved, and to the Master Plan. All Planned Unit Development districts will be referenced on the Zoning District Map, and a list of such Planned Unit Development districts shall be maintained as an appendix to this Chapter.
- (j) Certificate of Occupancy. All Planned Unit Development district conditions and special regulations must be complied with in the PUD, or in the separate section or phase, before a

certificate of occupancy is issued for the use of land or any structure which is part of a Planned Unit Development district, or, if applicable, the separate section or phase being developed.

**Section 12.127 Governmental - District “GOV”.** (a) Purpose. This district is intended to provide appropriate areas for uses that provide important community services. An appropriate site should contain adequate space for required off-street parking and buffering. Facilities owned and operated by the federal government, the state or political subdivisions thereof, including public grounds;

(b) Additional Permitted Uses. Uses as determined by the Commission and the Council, which are closely related and similar to those listed above.

(c) Conditions and Limitations.

(i) See Chart 1.

(ii) See Chart 2.

**Section 12.128 Overlays.** (a) Purpose. The purpose of overlays is to permit mixed use and redevelopment in areas that otherwise would not normally be able to develop or to preserve some feature unique to that area.

(b) The City hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The Overlay Districts established by this Chapter, including the symbol for each type of district is as follows:

IR- Infill Redevelopment Overlay

(a) IR-infill Redevelopment Overlay. Where there is an existing lot that otherwise conforms to the restrictions applicable zoning located in the geographic area in the IR Overlay, the City may waive setback, parking, impervious cover, lot size and land use compatibility requirements and grant a building permit. Zero lot lines are permitted in the IR overlay.

**Sections 12.129 to 12.139 Reserved.**

**ARTICLE 12.140  
PLAN REQUIREMENTS AND SPECIAL PROVISIONS**

**Section 12.141. Construction Plans.** (a) Purpose and Applicability. Construction Plans provide detailed graphic information and associated text indicating property boundaries, easements, land use, street access, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the Master Plan and Ordinances of the City. Construction Plan approval by the City Engineer shall be required for any development or improvement of land subject to this Chapter, and not otherwise required by City's Subdivision Ordinance.

(b) Format. Construction Plans shall be drawn on twenty-four inch by thirty-six inch (24"x 36") sheets at a generally accepted engineering scale, and sufficient to thoroughly meet the informational requirements herein.

(c) Content. Construction Plans shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. Construction Plans shall contain, or have attached thereto:

(A) A Cover Sheet, showing

(1) Names, addresses and phone numbers as applicable of the record owner and developer, if any, and all authorized agents including the architect, engineer, landscape architect, and surveyor.

(2) The proposed name of the project.

(3) A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(4) Certification, revision and signature blocks as required by the City.

(5) The total acreage of the property to be developed.

(6) Current zoning district as defined by this Chapter.

(B) An Existing Conditions Plan, showing as follows:

(1) Boundary of existing zoning districts, if applicable.

(2) The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification.

(3) The location of existing structures and improvements, if applicable.

(4) The accurate location, Caliper and Critical Root Zone of Significant Trees 8-inch Caliper and larger, in relation to the property boundary and, if applicable, within the

limits of the proposed offsite improvements.

(5) Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.

(6) Lines delineating the Regulatory One Hundred (100) Year Floodplain, if applicable.

(7) Topographic data indicating one (1) foot contour intervals. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.

(8) The locations, sizes and descriptions of all existing utilities, including but not limited to sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown.

(9) The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, building setbacks or other public rights-of-way within the property, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the property shall also be shown.

(10) Location of City limit lines and/or outer border of the City's extra-territorial jurisdiction, as depicted on the City's most recent base map, if either traverses or is contiguous to the property boundary.

(C) An Erosion and Sedimentation Control Plan, showing as follows:

(1) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

(2) Existing and proposed topographic conditions with vertical intervals not greater than one (1) feet referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.

(3) The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

(4) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.

(5) A plan for restoration and for the mitigation of erosion in all areas disturbed during construction.

(D) A Site Plan, showing all visible improvements to the land, including the following:

- (1) The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site.
- (2) Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements in accordance with this Chapter
- (3) The location, type and dimensions of proposed driveways, signs and traffic control devices.
- (4) Compliance with the City's Master Plan.

(E) A Grading and Drainage Plan, showing as follows:

- (1) A Drainage Area Map delineating areas to be served by proposed drainage improvements.
- (2) Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other stormwater control facilities.
- (3) Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way.
- (4) Existing and proposed topographic conditions with vertical intervals not greater than one (1) feet referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
- (5) Attendant documents containing design computations and any additional information required to evaluate the proposed drainage improvements
- (6) Compliance with the City's Drainage policies provided in the City's Subdivision Ordinance.

(F) A Utility Plan, showing as follows:

- (1) The layout, size and specific location of proposed water mains and other related structures and in accordance with all current City standards, specifications, and criteria for construction of water mains.
- (2) The location of proposed fire hydrants, valves, meters, pipe fittings and other appurtenances.
- (3) Design details showing the connection with the existing City water system.
- (4) The layout, size and specific location of the proposed wastewater lines, lift

stations, and other related structures, and in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.

(5) Plan and profile drawings for each line in public right-of-way or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at fifty (50) foot intervals.

(6) Detailed design for lift stations, special wastewater appurtenances, if applicable.

(7) Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing City utilities.

(8) Compliance with the City's Utility policies provided in the City's Subdivision Ordinance.

(G) A Building Plan, including floor, building, foundation, and roof plans, and elevations.

(H) A Landscape Plan, showing as follows:

(1) dimensions, types of materials, size and spacing of proposed vegetative materials, planting details and irrigation appurtenances in relation to proposed structures or other significant improvements.

(2) the following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the Subdivision Regulations.

(3) Compliance with the City's landscaping and screening requirements of this Chapter. See Section 12.142.

(I) Construction Details, showing (when applicable) showing as follows:

(1) Structural retaining walls and/or detention outlet structures

(2) Storm-sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls

(3) Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill

(4) Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and

concrete encasement.

(5) Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair

(6) Silt fence, rock berms, stabilized construction entrance, inlet protection

(7) Traffic controls when working in public right-of-way.

(8) Applicable City Standard Details and Specifications.

(d) Procedure. Construction Plans for the development or improvement of land in the City limits, not otherwise governed by the City's Subdivision Ordinance, shall be submitted to the City for approval prior to the issuance of a Building Permit.

(i) Three (3) complete sets of Construction Plans shall be submitted to City staff for review by the City Engineer at any time prior to the issuance of a Building Permit, along with the following :

(A) Completed application forms and the payment of all applicable fees.

(B) A letter requesting any variances from the provisions of this Chapter.

(C) Any attendant documents needed to supplement the information provided on the Construction Plans.

(ii) City staff shall review all Construction Plan submittals for completeness at the time of application. If, in the judgment of City staff, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(iii) The City Engineer shall review the Construction Plans to insure compliance with this Chapter, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.

(iv) Construction Plans may be rejected at any time subsequent to submittal and prior to final approval for failure to meet the minimum informational requirements of this Chapter.

(v) Applicable fees pursuant to City ordinance shall be paid, including, but not limited to, all professional fees, engineer, and attorney fees incurred by the City for or with respect to the review, processing and approval of the application for the approval of the Building Permit.

(e) Approval. Within thirty (30) days of the date on which all required information has been accepted for review, the City Engineer shall either approve or disapprove the Construction Plans. If the Construction Plans are disapproved, the City Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Construction Plans into

compliance. If Construction Plans are approved, then the City Engineer shall sign the cover sheet of the Construction Plans, returning one (1) signed copy to the applicant and retaining the other signed copy for City records.

(i) Specific approvals required from other agencies shall be obtained by the owner.

(ii) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(iii) It shall be the right of the applicant seeking Construction Plan approval, to appeal a decision of the City Engineer to the Commission and have a final decision rendered by the Commission.

(f) Revision. Where necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the developer and City Engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.

(g) Responsibility. Notwithstanding the approval of any Construction Plans the City Engineer or the Commission, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer and his/her engineer for or with respect to any design, plans and specifications submitted.

(h) Expiration. Unless a longer time shall be specifically established as a condition of approval, Construction Plan approval shall expire twelve (12) months following the date on which such approval became effective, unless prior to the expiration, a Building Permit is issued and construction is commenced and diligently pursued toward completion.

(i) Extension. Construction Plan approval may be extended if the developer submits a written request for extension and continuance of the plan as approved by the City prior to expiration. Approval of any such extension request shall be automatic one (1) time only for a period of twelve (12) months.

**Section 12.142. Landscaping and Screening Requirements.** (a) Purpose. The purpose of this Section is, in conjunction with the other requirements of this Ordinance, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. The following are additional factors considered in establishing the requirements of this Section:

(i) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.

(ii) The City encourages the use of drought resistant vegetation that does not consume large quantities of water.

(b) Installation And Plan. All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for all new development in any zoning district, save and except for A, R-1E, R-1C and R-1 Districts.

(c) Maintenance. The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.

(d) Planting Criteria.

(i) Trees. Trees shall be a minimum of two (2) inches in caliper measured three (3) feet above finished grade immediately after planting. A list of recommended landscape trees may be obtained from the City. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this Section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained. A minimum area three (3) feet in radius is required around the trunks of all existing and proposed trees.

(ii) Shrubs and Ground Cover. Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one-(1) gallon container size.

(iii) Lawn Grass. It is recommended that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, St. Augustine or

Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

(iv) Synthetic Plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(v) Architectural Planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.

(vi) Other. Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(e) Landscaping Requirements. A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule.

<u>Zoning or Use</u>	<u>Percentage</u>
(i) Multifamily	20%
(ii) Residential	<b>*<u>Note</u></b>
(iii) Office, General Retail and Commercial Uses	15%
(iv) Industrial - Light and Heavy	10%
(v) Agricultural	None

**\*Note**. Minimum landscape requirements for each lot on which a single-family, dwelling, or a manufactured home, is constructed or installed after the date of this Ordinance shall be a minimum of two (2) two-inch trees and lawn grass from the front property line to the front two (2) corners of the structure. Residential structures on Reverse Frontage Lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right-of-ways.

(f) Exceptions. Exceptions to these provisions may be granted by the Commission and/or Council to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this Ordinance is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.

(g) Placement. Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Commission. Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this Section.

(h) Credit. The Building Official and/or City Planner shall, with respect to the issuance of a building permit or approval of a construction or site development plan, give a credit against the requirements of this Section for trees preserved on the site. Provided that, in order to reward the preservation of Significant Trees, a credit may be given for such preservation only if no more than fifty percent (50%) of the Critical Root Zone is disturbed or distressed with impervious cover; and provided further that the remaining Critical Root Zone must consist of at least one hundred (100) square feet.

(i) Additional Required Plantings. For every six-hundred (600) square feet of landscape area required by this Section, two (2) trees and four (4) shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the Commission. This subsection (i) shall not apply to any property included in any of the following zoning categories: A, and R-1.

(j) Replacement of Required Trees. Upon the death or removal of a tree planted pursuant to the terms of this Section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this Section is retained.

(k) Screening. The following requirements shall be in addition to the foregoing landscaping and planting requirements.

(i) On reverse frontage lots, all loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures, must be screened from view from the street or public right-of-ways.

(ii) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(iii) Privacy Fences.

(A) All fences required by this section and along a common property boundary shall be six (6) feet in height.

(B) Fences up to eight (8) feet in height, but not less than six (6) feet, shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance no less than fifteen (15) feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the Commission.

(C) Fences less than or equal to three (3) feet in height shall be allowed in front yards.

(D) No fence or other structure more than thirty percent (30%) solid or more than

three (3) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

(E) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.

(F) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(iv) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this Section.

(v) Landscape Berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this Section if the berm is at least three (3) feet in height and has a maximum side slope of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(vi) Native Vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the Commission may fulfill the requirements of this Section.

**Section 12.143. Sign Requirements.** All signs shall be designed, placed, located, erected, constructed and maintained in accordance with the this Section and all applicable City ordinances.

(a) Purpose. The objectives of this section are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public. The sections, provisions and regulations set forth in this Chapter shall apply to the control, use, installation, regulation, licensing and permitting of signs within the City and its extra-territorial jurisdiction (ETJ). It is the intent of this Chapter to provide comprehensive regulations applicable to signs placed, installed or maintained within the City and it's ETJ; provided that this Chapter shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the Building Official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this Chapter with respect to any non-commercial sign or speech by any person. This section shall further be interpreted and applied to accomplish the following purposes:

(i) Safety. A purpose of this section is to provide for the public safety by requiring that:

(A) No hazard is created due to collapse, wind, fire, collision, decay or abandonment;

(B) No obstruction is created to fire fighting and police surveillance; and,

(C) No traffic hazard is created by confusing or distracting motorists, or by impairing

the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.

(ii) Communications. A purpose of this section is to promote the efficient transfer of information in sign message by providing that:

(A) Businesses and services may identify themselves;

(B) Customers and other persons may locate a business or service; and;

(C) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

(iii) Landscape Quality and Preservation. A purpose of this Chapter is to enhance the appearance and economic value of the landscape, by providing signs that:

(A) Do not interfere with scenic views;

(B) Do not create a nuisance to persons using the public right-of-ways;

(C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

(D) Are not detrimental to land or property value; and,

(E) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.

(b) General Provisions. All signs erected or maintained pursuant to the provisions of this Chapter shall be erected and maintained in compliance with all applicable federal, state, and local laws and regulations, the building code, electrical code and other applicable ordinances of the City. In the event of conflict between this Chapter and other laws, the most restrictive standard applies.

(c) Definitions. As used in this section, the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

**Erect:** To build, construct, attach, hang, place, suspend, or affix.

**Face Or Surface:** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

**Gross Surface Area Of The Sign:** The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel

shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

**Height:** The distance from common ground level to the highest point.

**Illuminated Sign:** Any sign illuminated by electric lights.

**Incombustible Material:** Any material which will not ignite at 1200 degrees F. or below, nor shall it continue to burn or glow at that temperature.

**License:** An official document issued by the City that gives permission to operate a sign installation business.

**Logo:** Design or insignia commonly used to identify a company or product.

**Off Site:** The sign refers to goods, products or services provided at a location other than that which the sign occupies.

**On Site:** The sign refers to goods, products, or services provided at a location which the sign occupies.

**Permanent:** Any sign intended to be used for six (6) months or longer.

**Permit:** An official document issued by the City that allows for sign installation.

**Person:** An individual, partnership, firm, company, association or corporation of any kind.

**Portable Sign:** A sign easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes.

**Setback:** The minimum distance from the property line to the nearest part of a building. No sign requiring a permit may encroach, project, or be constructed on or past this line.

**Sign, Abandoned:** Any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right of interest therein.

**Sign, Advertising:** Any sign which promotes or advertises commodities or services not offered on the premises where such signs are located.

**Signs, Agricultural:** Any sign identifying the farm or ranch on which it is placed and advertises the produce, crops, animals, or poultry raised or quartered thereon.

**Signs, Apartment:** Any sign identifying an apartment building or complex of apartments.

**Signs, Construction:** Any temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design, construction or

improvement of the premises on which the sign is located.

***Sign, Developmental:*** Any temporary sign pertaining to the development of land.

***Sign, Directional:*** Any temporary sign which exclusively communicates the location or route to a premise or occupancy.

***Sign, Identification:*** Any sign used to identify shopping centers, industrial and commercial parks, and retail districts. These signs are not intended to identify individual businesses or activities within the center or district.

***Sign, Institution:*** Any sign used to identify a school, church, hospital or similar public or quasi-public institution.

***Sign, Marquee:*** Any sign erected on a marquee or fixed awning.

***Sign, Model Home:*** Any temporary sign used to advertise a particular structure represented by a model or show home.

***Sign, Monument:*** Any permanent low profile sign on a monument base.

***Sign Political:*** A sign advertising a political candidate or party for elective office.

***Sign, Projection:*** Any sign which projects, either horizontally or vertically, from a building and which has one end attached to that building or other permanent structure.

***Sign, Real Estate:*** A sign used to advertise the sale, or lease of a piece of real property.

***Sign, Residential Subdivision:*** A sign used to identify a specific residential subdivision.

***Sign, Traffic:*** A sign used for traffic control purposes.

***Sign, Wall:*** Any sign attached to the face of a building or incorporated thereon, including windows and doors, to advertise businesses in that building.

***Sign:*** A structure, display, light device, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise, inform, or attract the attention of persons not on that premise, excluding those lights and landscape features which display words or symbols as temporary holiday decorations.

(d) On-Site Signs Permitted. A free-standing or attached sign may be erected and maintained upon any commercial or industrial zoned property, unless otherwise prohibited or restricted herein; provided that not more than one (1) free-standing sign shall be erected or maintained upon any premise. Additionally, not more than four (4) attached signs may be attached to or suspended from any building facade, canopy or awning. Such signs shall pertain only to the identification of a building, business, product(s), or service(s) manufactured, sold or offered on the premises where the signs are located.

- (i) Single Tenant Free-Standing Signs. The maximum size of any free-standing sign for any use that does not share a common line or lot shall not exceed 150 square feet nor have a luminance greater than 200 footlamberts. A minimum set back of a least five (5) feet from any building line is required. No free-standing sign shall exceed thirty (30) feet in height. Any free-standing sign located in such a manner as to allow the passage of vehicular traffic beneath it shall have a minimum clearance of fourteen (14) feet. Any sign located in such a manner to allow the passage of pedestrian traffic beneath it shall have a minimum clearance of eight (8) feet. Any free-standing sign that does not meet the size, height and setback restrictions will require a variance from the City Council.
- (ii) Multi Tenant Free-Standing Signs. The maximum size of any free-standing sign for any use that shares a common line or a common lot shall not exceed 300 square feet nor have a luminance greater than 200 footlamberts. A minimum setback of at least ten (10) feet from any building line is required. No multi tenant free-standing sign shall exceed thirty (30) feet in height. No multi tenant free-standing sign shall be located in such a manner as to allow the passage of vehicular traffic beneath it. Any sign located in such a manner to allow passage of pedestrian traffic beneath it shall have a minimum clearance of eight (8) feet. Any free-standing sign that does not meet the size, height and setback restrictions will require a variance from the City Council.
- (iii) Projection Signs. The maximum size of any projection sign shall be forty (40) square feet. The height of any projection sign shall not exceed the height of the roofline of the structure to which the sign is attached. No projection sign shall project over eighteen (18) inches from the face of any building to which affixed nor shall any sign have a luminance greater than 200 footlamberts. Where a projection sign is placed in such a manner as to project a distance greater than two (2) inches into a private driveway or other private area likely to be used by vehicular traffic or where such sign is placed in such a manner as to allow the passage of vehicular traffic beneath it, the sign shall have a minimum clearance of fourteen (14) feet. Where a projection sign is placed in such a manner as to allow the passage of pedestrian traffic beneath it, the sign shall have a minimum clearance of eight (8) feet.
- (iv) Construction Standards. All on-site signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive deadloads as required in the building code of the City.
- (v) Marquee or Wall Signs. Such sign faces shall not exceed five (5) square feet per one (1) linear foot of building frontage up to one hundred fifty (150) square feet.
- (vi) Balloons, Floating Devices, Banners or Search Lights. All balloons, floating devices, streamers or search lights shall be sufficiently anchored and shall meet all applicable regulations. Such signs shall be subject to proper maintenance and safety standards. Should such signs be significantly damaged, worn or distracting the city staff may deem the sign un-maintained and order its removal.
- (e) Permit Fees for New Permanent Signs. The fee for permits shall be based on the square

footage of said sign in the following manner:

Square Feet	Fee
Up to 40 Square Feet	\$25.00
41 Sq. Ft. to 60 Sq. Ft.	\$50.00
61 Sq. Ft. and larger	\$1.00/Sq. Ft.

If any work is started or proceeded without a permit first being obtained, the above specified permit fee shall be doubled and paid for the required permit.

(f) Engineer Certification. Applications for a free standing sign permit that exceeds thirty six (36) square feet or exceeds a height of eighteen (18) feet shall require scale drawings showing a site plan location and design of the sign. For all other signs, a design and street location plan, containing the necessary information, shall be submitted to the Building Official to determine that such sign complies with all the applicable codes and regulations. Wind pressure and Dead Loads shall be shown where deemed appropriate, and the Building Official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound.

(g) Signs Exempt From Permitting Procedures. Permits and required setbacks shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all other applicable sections of this Chapter.

(i) Temporary Political Signs.

(ii) Temporary Special Event Signs not exceeding fifty (50) square feet in area and limited to a maximum time period of no more than fourteen (14) consecutive days, with a limit of four (4) events each calendar year, or a maximum time period of no more than forty-five (45) consecutive days with a limit of one (1) event each calendar year. For thirty (30) days following an event, no new temporary special event sign shall be allowed. The location of temporary special event signs must be approved by the Building Official for safety and setback purposes and, if the adjacent property owners make objections to the sign, the adjacent property owners may appeal any such application to the City Council. All such signs must be removed within ten (10) days after the maximum time period allowed.

(iii) Occupational Signs not exceeding two (2) square feet in area and denoting only the name and profession, or occupation, in a commercial or public institutional building.

(iv) On-Site Traffic Control Signs not exceeding eight (8) square feet and used primarily to denote entrances and exits, shall not contain advertising or be used for such purpose, and shall not exceed three (3) feet in height.

(v) Residential Real Estate Signs advertising the sale or lease of an individual residential structure and not exceeding eight (8) square feet.

(vi) Business/Industry Real Estate Signs advertising the sale or lease of business/industrial property and not exceeding sixteen (16) square feet.

(vii) Temporary Window Signs and Banners not exceeding the surface area of the window within which it is placed.

(h) Signs Not Regulated. The following types of signs shall be exempt from the permitting provisions of this Chapter. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the Building Official may, based upon the size, materials used in construction and other relevant factors, require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this Chapter.

(i) Governmental Signs. Signs erected or maintained pursuant to the discharge of any governmental function; required by law, ordinance, or governmental regulation; or located on property owned, leased or under control of the federal or state government.

(ii) Railway Signs. Signs within or on railway property and placed or maintained in reference to the operation of such railway.

(iii) Utility Signs. Signs marking utility or underground communication or transmission lines.

(iv) Vehicle Signs. Signs displayed or used upon vehicles, trailers or aircraft, unless such vehicle, trailer, or aircraft on which such sign is displayed is permanently stationed for a period of seventy-two (72) continuous hours or more, or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign not affixed to a vehicle, trailer or aircraft.

(v) Signs Not Visible From Street. Signs where no part of such sign is visible from any public street.

(vi) Holiday Signs. Temporary signs containing only holiday messages and no commercial advertising.

(vii) Signs on Persons. Hand held signs or signs, symbols or displays on persons or animals.

(viii) Unused Signs. Signs being manufactured or transported, and/or properly and safely stored, and not being used, in any manner or form, for purposes of advertising.

(ix) Plaques. Commemorative plaques of recognized historical societies and organizations.

(x) Private Traffic Control. On-site signs which direct the movement of traffic on private property or warn of obstacles, overhead clearances or control parking. The sign must be less than ten (10) feet in width, less than six (6) feet in height, and be placed where it will not interfere with the safe movement of vehicles or pedestrians.

(xi) Mail Boxes and Newspaper Racks. Signs located on mail boxes, newspaper vending

machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.

(xii) Signs on Outdoor Machines, Devices and Equipment. Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

(xiii) Athletic Fields. Signs located on the field side of scoreboards and fences of athletic fields.

(xiv) Historic Signs. Any historic designation signs not primarily advertising a commercial use.

(i) Permit Required - Application and Issuance.

(i) Permit Required. It shall be unlawful for any person to erect or relocate any sign within the City without first obtaining a sign permit from the Building Official unless such sign is exempted by this Chapter.

(ii) Permit Application. Application for permits shall contain or have attached thereto the following information:

(A) Name, address, and telephone number of the applicant.

(B) Location of the building, structure, or lot on which the sign is to be attached or erected.

(C) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.

(D) Two (2) blueprints or ink drawings of the plans and specifications showing method of construction, attachment to the building or ground, size, type, height, construction materials, and such other materials, and such other information as the Building Official may require. The Building Official may require plans to be prepared by a registered professional engineer who is registered by the State of Texas or an architect licensed by the State of Texas.

(E) Copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in any direction in the amount required by this Chapter, and all other laws and codes of the City.

(F) Name of person, firm, corporation, or association erecting structure.

(G) Any electrical permit required and issued for said sign.

(H) Zoning classification carried by the property.

(I) Estimated value of the sign.

(J) Such other information as the Building Official shall require to show full compliance with this Chapter and all other laws and codes of the City.

(iii) Permit Issuance. It shall be the duty of the Building Official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect a sign. If it appears that the proposed structure is in compliance with all the requirements of this section, the building code, and all other laws and ordinances of the City, the Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

(j) Illuminated Signs. The Electrical Inspector may only approve an application for an Illuminated Sign if the sign is to be installed on property zoned commercial or higher. The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the City. In addition, all illuminated signs shall bear the Underwriters' Laboratory label or be built to comply with the Underwriters' requirements. The Electrical Inspector shall approve said permit if the plans and specifications therefor comply with the requirements of this Chapter, and shall disapprove the application if noncompliance is found. Approval by the Electrical Inspector must be obtained prior to the approval and issuance of any sign permit by the Building Official.

(k) Maintenance and Removal.

(i) Maintenance Required. All signs shall be maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance. Any owner failing to maintain, repair, or remove any such sign after due notice has been given shall upon conviction be guilty of a misdemeanor.

(ii) Inspection of Signs. The Building Official shall be notified by permittee when erection of the sign is complete, and the Official shall make an inspection to determine if the sign conforms to the permit. The Building Official at such times as he/she deems necessary, shall inspect each sign regulated by this section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair.

(iii) Removal of Unsafe and Unlawful Signs. If the Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of this section, or is not permitted as required herein, he/she shall take action as follows:

(A) Except as provided in the following paragraphs (B) and (C), the Building Official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten (10) days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the Building Official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within thirty (30) days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the City Council to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten (10) days of the notice. After consideration of all facts, the City Council shall rule upon the appeal.

(B) The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(C) Any sign located in public right-of-way may be immediately removed by anyone without notice to the owner.

(l) Sign Standards. Signs are to Comply With Applicable Law. All signs erected or maintained within the City shall be erected and maintained in compliance with all applicable state laws and with this section and Ordinance, the city's building code and the electrical code. In the event of conflict between this section and other laws, codes or ordinances, the most restrictive standard shall apply.

(m) Signs Allowed Without Permit.

(i) Sale or Lease Signs. Any realtor or property owner may erect a sign for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

(A) Signs advertising the sale or lease of nonbusiness property shall not exceed eight (8) square feet in area nor five (5) feet in height from ground level.

(B) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area nor eight (8) feet from ground level.

(ii) Garage or Yard Sale Signs. Any person may erect a sign on his own property, or property of another with the owner's permission, for the purpose of advertising a garage or yard sale. Name, date and address must be shown on the sign, however such signs shall be

removed within twenty-four (24) hours of the sale.

(iii) Hand-Bills and Circulars. Hand-bills and circulars are prohibited except that hand-delivered to individual persons is allowed.

(iv) Political Signs. Political signs may be erected on any private property; provided, that such signs comply with other applicable requirements of this section, and provided further, that the owner or occupant of the property on which such sign is displayed:

(A) shall not erect or cause to be erected special purpose political signs until forty-five (45) days prior to any primary or general election; and

(B) shall remove the signs within ten (10) days after the general or runoff elections to which a sign pertains or after the termination of a candidacy, whichever occurs first.

(v) Temporary Construction Signs Allowed. Temporary construction signs denoting the architect, engineer, contractor, subcontractor or financier and temporary signs denoting the future location of a particular business, retail center or institution may be erected on such site of the proposed business. However, only one (1) construction sign and one (1) future location sign will be permitted on such location. No such sign shall exceed thirty-two (32) square feet in area nor extend higher than fifteen (15) feet; provided, that such signs must be located on the premises where construction, or business location being advertised, is or will be occurring. Said signs shall be removed upon issuance of an occupancy permit.

(vi) Homebuilders and Subdivision Sign Allowed. Except as and to the extent provided and limited in another ordinance of the City applicable to homebuilder and subdivision signs, free-standing signs for the purpose of identifying the location of or direction to subdivisions or major Homebuilders sites are allowed. Such signs shall be on-site and shall not exceed sixty (60) square feet in area nor extend higher than fifteen (15) feet in height. A Homebuilder with ten (10) lots or more qualified as a major Homebuilder. The signs permitted for each subdivision or major Homebuilder site shall be removed upon completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(n) Off-Site Signs. No Off-Site Commercial signs shall be allowed.

(o) Non Conforming Signs Prohibited. Non-conforming signs erected or installed after the date of this Chapter are prohibited and shall be removed. Signs substantially similar to, or imitating, Traffic or Emergency Signs are prohibited at any location at which they may be seen from the travel lanes of any public roadway.

(p) Signs In Right-Of-Way Prohibited. No sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit vehicular signs as long as such comply with other provisions of this section; nor to prohibit the carrying or display of signs by a person or persons as long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances.

(q) Certain Signs Prohibited on Public Property. No person shall attach any sign, paper, or other material or paint, stencil, or write any name, number or otherwise mark on any sidewalk, curb, gutter, street, tree, or utility pole located on public property or within the public right-of-way, public building, public fence or public structure. This section shall not prohibit the posting of governmental signs, local school spirit signs/emblems or the painting or attachment of street address numbers to curbs.

(r) Non-Conforming Signs. It is the declared purpose of this section that, in time, all privately owned signs shall either conform to the provisions of this section or be removed. By the passage of this Chapter and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this Chapter and all other ordinances of the City.

(i) Any sign which does not conform to all provisions of this Chapter but which existed on the effective date of this section and was lawfully constructed or installed shall be considered as a non-conforming sign. All non-conforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a non-conforming sign.

(ii) Whenever any non-conforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within sixty (60) days. If the non-conforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within thirty (30) days following written notice to do so by the Building Official.

(iii) No non-conforming sign may be enlarged or altered in a way which would increase its non-conformity.

(iv) Should any non-conforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(s) Variances. The City Council shall be empowered to vary the provisions of this section if it appears that the provisions would work in manifest injustice, considering such factors as the sign location and other pertinent factors. Such decision of the Council should not however conflict with the spirit of this Chapter, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land. All variances to these sign regulations will require a conditional use permit and a two thirds vote of the City Council to approve the variance.

**Section 12.144. Conditional Use Permits.** (a) Purpose. The City Council may by ordinance,

adopted by four (4) affirmative votes after receiving the recommendation of the Commission, grant a conditional use permit in compliance with this Section for the conditional uses as listed in (b) below. The City Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.

(b) Authorized Conditional Uses. The following listed conditional uses and those indicated in a specific zoning district as a permitted use with a conditional use permit, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the City Council.

(i) Airport, landing field, landing strip or heliport for aircraft; Municipal service facilities and buildings.

(ii) Amusement park, but not within three hundred (300) feet of any Residential District.

(iii) Circus or carnival grounds, but not within three hundred (300) feet of any Residential District.

(iv) Commercial, recreational or amusement development for temporary or seasonal periods.

(v) Hospital, clinic or institution, provided that any hospital or institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height.

(vi) Riding Stables..

(vii) Private operated community building or recreation field.

(viii) Radio or television broadcasting tower or station.

(ix) Churches.

(x) Cemeteries.

(xi) Schools - Public and Denominational.

(xii) Gasoline sales. .

(xiii) Alcoholic Beverages-On Premises and Alcoholic Beverages-Mixed Drink for those specific uses and in the specific zoning districts as provided by this Chapter, including a bar, night club, tavern, and private club.

(xiv) Sexually Oriented Business.

(c) Procedure. Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in *Chapt. 211, Tex. Loc. Gov't. Code*; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in (b)(iii) or (b)(iv) above after a public hearing is held by the City Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(i) Permit Required. No conditional use shall be established, operated, or maintained except as authorized by a Conditional Use Permit issued in accordance with the requirements of this Section.

(ii) Conditional Use Permit Issued by City Council. A Special Use Permit may be issued only for the special uses specified in this Section, and only for the district where it is authorized.

(iii) The City Council shall determine whether the proposed special use complies with each of the general criteria in subsection (d) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the Commission.

(iv) The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(v) Application. An application for a Special Use Permit shall be made in writing in a form prescribed by The City Secretary and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

(d) General Criteria Applicable to all Special Uses. A proposed Special Use Permit must comply with all the following criteria:

(i) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

(ii) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(iii) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;

(iv) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

- (v) The proposed use complies with all other applicable ordinances and regulations.

**Section 12.145. Non-Conforming Uses.** (a) General Policy. The general public, the City Council and the Commission are directed to take note that nonconformity in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

- (i) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and

- (ii) When necessary to promote the general welfare and to protect the character of the surrounding property.

(b) Nonconforming Structures. Where a lawful structure exists on the effective date of the adoption or amendment of the zoning ordinance, that could not be built under the terms of the zoning ordinance or amendment thereto by reason of added restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (i) Buildings existing within the setback area established herein on the effective date of this Chapter may continue to exist therein until the building or portion thereof is removed by the owner or reconstructed outside of the setback. Where a building was lawfully constructed under a prior zoning ordinance, it may be rebuilt on the same footprint. Under no circumstances may the building be enlarged or rebuilt within five feet of the property line.

(c) Nonconforming Uses. A nonconforming use is the use of the property prior to the passage of the Zoning Ordinance or amendment thereto that is legal but inconsistent with the use authorized in the zoning district that the property is located within upon the adoption of the Zoning Ordinance or an amendment thereto. The nonconforming use may be continued as long as it remains otherwise lawful and is not discontinued, subject to the following provisions:

- (i) No existing structure devoted to a nonconforming use shall be enlarged, extended or constructed. Any extensions or alterations of the structure may only be for uses conforming to the applicable zoning district.

- (ii) If the person in control of a property with a nonconforming use decides to change the use, the use shall only be changed to a use permitted in the district in which it is located.

- (iii) A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of six months or more. Termination of water or wastewater services for six months shall be a presumption that the nonconforming use was abandoned.

- (v) A nonconforming use shall further terminate:

(1) if the nonconforming use is a heavy commercial or industrial use that is within an area zoned residential and the use is discontinued by damage, conveyance or sale of the structure or business.

(d) Repairs and Maintenance. On any nonconforming structure, or nonconforming portion of a structure, containing a nonconforming use, repairs and maintenance shall be performed to maintain the structure in compliance with the electrical, plumbing and building codes; provided that such repairs and maintenance shall be subject to the following conditions and limitations:

(i) No work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing, to an extent exceeding fifty (50) percent of the current replacement cost of such structure or nonconforming portion of such structure.

(e) Site Development. Occupied property not in compliance with the screening, landscaping or other such site requirements, shall not be required to comply with additional requirements added by amendments to the Zoning Ordinance until the use of the property is changed or the primary structure is enlarged. Site development for property with existing structures may require approval of deviations from the Zoning Ordinance. Any property required to revise screening, landscaping or other exterior site development may request deviations if the location of the previously approved structures and impervious cover interferes with compliance with the site development requirements. The property owner will be required to have a site development plan approved noting each deviation requested. As an example, if a commercial building exists at the time of an amendment to the Zoning Ordinance which adds the requirement that a commercial property have screening in the form of a privacy fence at the rear of the property, the structure and use may continue without complying with the new screening requirements until (1) the commercial use is enlarged; or (2) the type of commercial use is changed; at such time the property owner may demonstrate that the location of the building and the existing pavement will not support placement of a privacy fence in compliance with the ordinance but showing in a site plan the closest the property owner can come to complying with the privacy fence requirements. The approved site plan shall remain the approved location for screening, landscaping and other site development requirements until such time as (1) the use is changed or otherwise loses a nonconforming status; or (2) the use or structure are enlarged.

(f) Manufactured Homes in R-1. Where a manufactured home was lawfully placed on a single family lot that is currently zoned R-1, R-1E or R-1C, the owner may replace the home with another manufactured home that meets current City Standards with regard to age, condition and installation.

#### **Section 12.146. Sexually Oriented Businesses.**

A. Purpose and Intent. It is the purpose of this Section of the zoning code to regulate sexually

oriented businesses to promote the public health, safety, morals and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene materials.

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

(i) "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(ii) "Adult Bookstore" or "Adult Video Store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, compact disc visual discs, digital visual discs, computer pictures, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

(B) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

(C) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore or Adult Video Store so long as either:

(1) Two percent (2%) or more of its gross revenue is derived from the sale or rental of the specified materials which depict or describe specified sexual activities or specified anatomical areas; or

(2) Two percent (2%) or more of its inventory consists of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

(iii) "Adult Cabaret" means a nightclub, bar, restaurant or similar commercial establishment that regularly features:

(A) Persons who appear in a state of total nudity or semi-nudity; or

(B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(C) Films, motion pictures, video cassettes, compact visual discs, digital visual discs, computer pictures, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(iv) "Adult Motel" means a hotel, motel or similar commercial establishment which:

(A) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact visual discs, digital visual discs, computer pictures, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; including those that have a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(B) Offers a sleeping room for rent for a period of time that is less than ten (10) hours or based on an hourly rate; or

(C) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours or based on an hourly rate.

(v) "Adult Motion Picture Theater" means commercial establishments where, for any form of consideration, films, motion pictures, video cassettes, compact visual discs, digital visual discs, computer pictures, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(vi) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity and/or semi-nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(vii) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a body rub, bathing of the body, or striptease for another person for the purpose of sexual arousal.

(viii) "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip

or other consideration.

(ix) "Establishment" means and includes any of the following;

(A) The opening or commencement of any sexually oriented business as a new business;

(B) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(C) The addition of any sexually oriented business to any other existing sexually oriented business; or

(D) The relocation of any sexually oriented business.

(x) "Permittee" means a person in whose name a special use permit to operate a sexually oriented business has been issued and the person who owns the building and/or land on which the business is located, as well as the individual listed as an applicant on the application for a permit.

(xi) "Nude Model Studio" means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(xii) "Nudity" or a "State of Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the breast.

(xiii) "Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(xiv) "Semi-Nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and/or areola of the breast, as well as portions of the body covered by supporting straps or devices.

(xv) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its primary business purposes, offers any of the following for consideration:

(A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(xvi) "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(xvii) "Specified Anatomical Areas" means the male genitals in a state of sexual arousal and/or the vulva or more internal portion of the female genitals.

(xviii) "Specified Sexual Activities" means and includes any of the following:

(A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(B) Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy;

(C) Masturbation, actual or simulated; or

(D) Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

(xix) "Substantial Enlargement" of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25%) percent, as the floor area existed on the effective date of this Chapter, or under a certificate of occupancy therefore.

(xx) "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:

(A) The sale, leasing or subleasing of the business;

(B) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(C) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

C. Classification. Sexually oriented businesses are classified as follows:

- (i) Adult arcades;
- (ii) Adult bookstores or adult video stores;
- (iii) Adult cabarets;
- (iv) Adult motels;
- (v) Adult motion picture theaters;
- (vi) Adult theaters;
- (vii) Escort agencies;

- (viii) Nude model studios; and
- (ix) Sexual encounter centers.

D. Location. This Chapter allows the opportunity for consideration of special use permits to be issued for sexually oriented businesses in the Industrial District zoning districts only.

(i) The following uses may be permitted within the City by special use permit only in the Industrial District zoning district.

- (A) Adult arcades;
- (B) Adult bookstores or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult theaters;
- (G) Escort agencies;
- (H) Nude model studios; and
- (I) Sexual encounter centers.

(ii) No use listed in subsection D.(i) above shall be established within one thousand (1,000) feet of any of the following uses in existence prior to the beginning of such business:

- (A) A church, chapel, or other regular place of religious worship;
- (B) A public or private day-care, elementary, secondary school or institute of higher learning;
- (C) A boundary of any residentially zoned district;
- (D) A public park, library, or playground;
- (E) The property line of a lot used for residential purposes; or
- (F) Within one thousand (1,000) feet of another sexually oriented business, whether located within or outside of the City limits.

(iii) For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises as described in D. (ii) above; or to the nearest boundary of any residentially zoned district; or from the closest exterior wall of the structure in which a sexually oriented business is proposed to be located to the nearest exterior wall of any other sexually oriented business.

(iv) For the purposes of this Section, if sexually oriented businesses can not be located within a minimum of 3% of the existing zoning districts within the City limits, including all nonconforming use sexually oriented businesses, due to limitations as set forth in this Section, the City will upon written request from an applicant review the current zoning districts and shall allow zoning alterations as necessary so that a minimum of 3% of the City wide zoning, cumulatively within the City limits, can be occupied by a special use permitted sexually oriented business, including all nonconforming use sexually oriented

business.

E. Sexually Explicit Films and Videos.

(i) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, compact visual disc, digital visual disc, computer picture, slide, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(A) The application for a special use permit for a sexually oriented business shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one (1) foot. The Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises is correct and has not been altered since it was prepared.

(B) The application shall be sworn to be true and correct by the applicant.

(C) No alteration in the configuration or location of a manager's station may be made without the prior approval of an amendment to the special use permit.

(D) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premise.

(E) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(F) It shall be the duty of the owners and operator, and it shall also be the duty of

any agents and employees present in the premises to ensure that the view area specified in the above subsection (E) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (A) of this subsection.

(G) No viewing room may be occupied by more than one person at any time.

(H) The premise shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

(I) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(ii) A person having a duty under subsection (A) through (I) of subsection (i) above commits a misdemeanor if he or she fails to fulfill that duty.

F. Exemptions. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

(i) By a proprietary school, licensed by the State of Texas; a college, junior college or university supported entirely or partly by taxation;

(ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(iii) In a structure:

(A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(B) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(C) Where no more than one nude model is on the premises at any one time.

G. Permits. All sexually oriented businesses located within the City limits must have a special use permit or qualify as a non-conforming use and have a permit to operate as provided herein. Each person having ownership interest, control or owning the property upon which the sexually oriented business is to be located must have filled out an application and his or her name must appear on the permit.

(i) Permits Required. A commercial establishment that is a sexually oriented business as

herein defined, shall at all times of operation within the City limits have a valid permit.

(A) A person commits an offense if that person conducts business as a sexually oriented business within the City unless a valid special use permit has been issued by the City for the conduct of such business.

(B) A person commits an offense if that person conducts business as a sexually oriented business within the City limits unless the person has a valid permit which is posted at or near the principal public entrance to the business in such a manner that it will be conspicuous to patrons who enter the premises, or behind the bar in a conspicuous manner.

(C) Every permittee shall have and maintain exclusive occupancy and control of the entire permitted premises in every phase of the operation of the sexually oriented business on the permitted premises. A permittee commits an offense if the permittee attempts to avoid such responsibility by creating any device, scheme or plan which surrenders control of the employees, premises or business of the permittee to persons other than the permittee.

(ii) Issuance or Denial of Any Permit. A permit, renewal or transfer permit shall be issued unless one (1) or more of the following conditions exists:

(A) The applicant has located the sexually oriented business in violation of this Chapter. Unless the business is a non-conforming use as defined herein.

(B) The applicant(s) failed to supply all of the information required on the application.

(C) The applicant, or any one applicant, gave fraudulent or untruthful information on the application. This does not apply to clerical errors.

(D) The applicant, or any one applicant, has been convicted of a felony for which not less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, or a misdemeanor for which less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever date is the later date, or of a crime in any state involving:

(1) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;

(2) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;

(3) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to

children, or possession or promotion of child pornography as defined in the Texas Penal Code;

(4) Facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or

(5) Any similar offense to those described above under the criminal or penal code of another state.

(E) Any applicant, or any one applicant, refuses to provide a complete and current NCIC and TCIC criminal history of Applicant obtained by Applicant from the Texas Department of Public Safety. The criminal history must be completed within 15 days of the date the application is submitted to the Building Official.

(F) Permit fees are not paid in full.

(iii) **Application Requirements.** Initial permit requests for a special use permit require each owner, having 10% or more interest in the sexually oriented business, to submit a complete application and to update the application as changes in ownership occur (herein the "Applicant" or "Permittee"). The information required in this subsection must be provided with each application and, as changes occur, updated information within ten (10) days of any change in the information required in the application.

(A) The following information must be provided on the application form:

(1) The name, street address (and mailing address if different) of the Applicant and each and every owner with greater than 10% ownership interest;

(2) Two copies each of recent photographs of the Applicant showing full face and each side face profile;

(3) A complete set of fingerprints on forms from the Police Department;

(4) A complete and current NCIC and TCIC criminal history of Applicant obtained by Applicant from the Texas Department of Public Safety. The criminal history must be completed within 15 days of the date the application is submitted to the Building Official.

(5) The Applicant's driver's license number, Social Security number, and, if applicable, his/her state or federally issued tax identification number;

(6) The name under which the establishment is to be operated and a general description of the services to be provided;

(7) If the Applicant intends to operate the Sexually Oriented Business under a name other than that of the Applicant; he or she must state (a) the Sexually Oriented Business's assumed name and (b) submit the required registration

documents;

(8) Whether the Applicant has ever been convicted, or is awaiting trial on pending charges, of a crime specified in Section 12.146 G.(ii)(D) and, if so, the nature of the offense(s) and the date, place, and jurisdiction of each offense;

(9) Whether the Applicant has had a previous license or special use permit under this Chapter or other similarly Sexually Oriented Business ordinance from another city or county denied, suspended or revoked, including the name and location of the Sexually Oriented Business for which the license or special use permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the Applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a Sexually Oriented Business ordinance whose license or special use permit has previously been denied, suspended or revoked, including the name and location of the Sexually Oriented Business for which the license or special use permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation;

(10) Whether the Applicant holds any other license or special use permit under this Chapter or other similar Sexually Oriented Business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

(11) The address, and legal description of the tract of land on which the establishment is to be located;

(12) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the license or special use permit is sought, and the date on which the establishment began operations as a Sexually Oriented Business at the location for which the special use permit is sought; and

(13) If the establishment is not in operation, the expected startup date (which must be expressed in number of days from the date of issuance of the special use permit). If the expected startup date is to be more than ten days following the date of issuance of the special use permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the construction, repair or remodeling work.

(B) All applications for a special use permit must include the following:

(1) If the establishment is a State of Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto.

(2) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto.

(3) If the establishment is a limited partnership formed under the laws of the State of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto.

(4) If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto.

(5) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed along with the current address(es) and telephone number(s) of the owner(s).

(6) If the Person(s) identified as the fee owner(s) of the tract of land are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the purpose of the operation of the establishment together with the correct address and telephone number of each person with an ownership interest in the property.

(7) If the property is owned by other than a natural person, the complete name, address and telephone of each person with an interest in the entity must be included in the application.

(8) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines of any established use listed in Section 12.146 D.(ii) within 1,000 feet of the property to be certified. For purposes of this Section, a use is considered existing or established if it is in existence at the time an application is submitted.

(9) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale no smaller than  $\frac{1}{4}$  inch equals one foot and with marked dimensions of the placement of the building on the tract of land, and the interior of the premises to an accuracy of plus or minus six inches. All locational requirements must be approved by the Building Official within 60 days from the time the application is filed.

(10) Any of items (1) through (9) above will not be required for a renewal application if they were previously presented and the Applicant states that the

documents previously furnished to the Building Official with the original application or previous renewals thereof remain correct and current.

(b) Every application for a special use permit must contain a statement made under oath that:

(1) The Applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,

(2) The Applicant has read the provisions of this Chapter.

(c) The Applicant for a Sexually Oriented Business special use permit must be qualified according to the provisions of this Chapter.

(d) If the Applicant who wishes to operate a Sexually Oriented Business is an individual, that individual must sign the application for a special use permit as Applicant. If the Applicant who wishes to operate a Sexually Oriented Business is other than an individual, each individual who has greater than a 10% interest in the business must sign and provide all the information required by the application for a special use permit as an Applicant and will be considered an Operator if a special use permit is granted.

(e) The fact that a Person possesses any other valid license, certificate or permit required by law does not exempt him from the requirement of obtaining a Sexually Oriented Business special use permit. A Person who operates a Sexually Oriented Business and possesses another business license, certificate or permit must comply with the requirements and provisions of this Chapter as well as the requirements and provisions of the law concerning the other license, certificate or permit.

(f) All applications must include a non-refundable application fee of \$2,500.00. An application will not be considered to have been filed until all applicable fees are paid and all information required by the application form has been submitted.

(g) The Applicant must supplement an application with new information received after the date the application was deemed completed. Permittees must supplement application information within ten (10) days of any change in information provided in the application.

(h) All Sexually Oriented Businesses located within the City and in operation as a lawful use conforming to the zoning ordinance before the effective date of this Chapter are granted a one-time waiver of the application fee. Upon satisfactory completion of the application and surrender of the existing business' current certificate of occupancy, a new special use permit will be issued.

(i) A copy of all applications and supporting documentation for special use permits will be maintained by the Building Official.

(j) Upon receipt of an application or supplemental information, the Building Official will review the application to determine if all required and necessary information has been submitted. The Building Official will issue a letter within a reasonable time after receipt of the application or supplemental information and advise the Applicant whether supplemental information must be submitted. The Applicant must provide any supplemental information within 30 days or the application will be returned and the filing fee forfeited.

(iv) Public Notice of Pending Application

(A) After the Building Official has issued a letter advising the Applicant that the application is complete, the Building Official will cause signs (at least 24 inches by 36 inches in size) to be placed on the property subject to the proposed special use permit of occupancy that provide notification by specifically stating, with letters at least three inches wide and six inches tall, "SEXUALLY ORIENTED BUSINESS LICENSE APPLICATION PENDING". All lettering on the signs other than above described, will be at least 1 and ½ inches x 2 inches in size for each letter on the sign. The sign will also include the name, city and state of residence of each Applicant, the date on which the application was filed, and the time and place of the hearings. The signs will be placed on the property in sufficient quantities and locations to identify the property as being subject to a proposed sexually oriented special use permit of occupancy. One sign will be erected on each lot corner to identify the boundaries of the property in addition to one sign for each 300 foot increment of each public road or highway frontage on the property existing or any part thereof. The signs will be erected within seven days after the Building Official has issued a letter advising the Applicant that the application is complete and will remain erected until the application has been approved or denied by the City Council.

(B) The City will give notice of the application and scheduled public hearings by publication in two consecutive issues of the City's official newspaper. The notices will be printed in 10-point boldface type and will:

(1) include the fact that a Sexually Oriented Business special use permit has been applied for;

(2) include the exact location, including the street address, of the place of business for which the certificate is sought;

(3) include the names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners;

(4) include, if the Applicant is a corporation, the names and titles of all officers, directors and shareholders of 10% or more of the corporation;

(5) include the dates and times of the public hearings; and

(6) be published at least 15 days before each public hearing.

(v) **Renewal of Permit.** Permits shall be valid for one (1) year from the issuance of the permit. Permits must be renewed annually by all persons having ownership interest or control of the sexually oriented business and all persons owning the property upon which the sexually oriented business is located. Failure to renew the permit voids the permit.

(vi) **Permit Transfers.** A permit is personal to the persons designated in the application. A permit may not be transferred except pursuant to and in compliance with this section. A transfer application must be filed within thirty (30) days of any change of persons designated on the current permit. A transfer application shall allow continuation of business under an existing permit while a new application is being processed. Any transfer application shall require and be treated in all respects as an original permit application. In the event that a transfer application is not timely filed, then the existing permit shall be invalid for any purpose relating to the operation of business. Provided, however, that nothing in this section shall affect the nonconforming use provisions herein.

(vii) **Revocation of Permit.** Any violation of this Chapter shall constitute grounds for revocation of a permit. A permit shall be revoked for any of the following violations:

(A) The permittee(s) have located the sexually oriented business in violation of this Chapter. Unless the business is a non-conforming use as defined herein.

(B) The permittee(s) failed to supply all of the information required on the application.

(C) The permittee(s) gave fraudulent or untruthful information on the application. This does not apply to clerical errors.

(D) The permittee, or any one permittee, has been convicted of a felony for which not less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, or a misdemeanor for which less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever date is the later date, of a crime in any state involving:

(1) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;

(2) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;

(3) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to

children, or possession or promotion of child pornography as defined in the Texas Penal Code;

(4) Facilitation, attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or

(5) Any similar offense to those describe above under the criminal or penal code of another state.

(E) More than four criminal offenses are committed on the permitted premises in any consecutive twelve month period which fall in one or more of the following categories:

(1) Public lewdness, indecent exposure, or indecency with a child as described in the Texas Penal Code;

(2) Prohibited sexual conduct, enticing a child, harboring a runaway child, or sale or purchase of a child as described in the Texas Penal Code;

(3) Prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, or possession or promotion of child pornography as defined in the Texas Penal Code; or,

(4) Facilitation, attempt, conspiracy or solicitation to commit any of the foregoing offenses.

(F) Any person under the age of eighteen, not otherwise permitted by the Laws of Texas to view the material contained on the premises is permitted to enter the premises.

(viii) Appeal. All denials and revocations of permit applications and renewals must be appealed to the City Council.

(A) If an application for issuance or renewal of a permit is denied a permit or a permit is revoked, upon notice of the denial or revocation of a permit, the aggrieved applicant or permittee shall have ten (10) days to appeal to the decision to the City Council.

(B) The appeal of a revocation of a permit to the City Council shall abate the revocation of the permit until such time as the City Council may hold a public hearing.

(ix) Permit Fee. Each application for a permit, including renewal or transfer, shall be accompanied by a \$2,500.00 application fee. In addition to the fees required for an initial license, the applicant at the time of making an initial application shall pay a nonrefundable

fee of \$750.00 for the City to conduct a survey to ensure the proposed sexually oriented business is in compliance with the location restrictions set forth in Section 12.146 D. Additionally, for each applicant identified thereon, there shall be an additional \$25.00 fee.

#### H. Specific Violations.

- (i) A person commits a misdemeanor if he or she:
  - (A) Operates or causes to be operated a sexually oriented business without a special use permit. All sexually oriented businesses shall be located within the Industrial District zoning district unless such business qualifies as a non-conforming use.
  - (B) Operates or causes to be operated a sexually oriented business without a permit to operate a sexually oriented business.
  - (C) Operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of any of the following uses in existence prior to the beginning of such business:
    - (1) A church, chapel, or other regular place of religious worship;
    - (2) A public or private day-care, elementary, secondary school or institute of higher learning;
    - (3) A boundary of any residentially zoned district;
    - (4) A public park, library, or playground; or
    - (5) The property line of a lot used for residential purposes.
  - (D) Causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
  - (E) Causes or permits the operation, establishment or maintenance of more than one sexually oriented business, as defined herein, in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (ii) For the purpose of Subsection H.(i)(C) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure in which any, or any part of any, sexually oriented business is conducted, to the nearest property line of the premises described in subsection H.(i)(C).
- (iii) For purposes of Subsection H.(i)(D) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

#### I. Nonconforming Uses.

(i) Any sexually oriented business lawfully operating on the effective date of this Chapter that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 10 years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

(ii) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of a special use permit for a sexually oriented business, of a church, public or private day-care, elementary or secondary school, institute of higher learning, public park, library, or playground, or a residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit and/or license has expired or has been revoked.

(iii) All non-conforming sexually oriented business uses in existence at the time of passage of this Chapter within the City limits shall have sixty (60) days to apply for a permit to operate such sexually orient business.

**Sections 12.147 to 12.149 - Reserved.**

**ARTICLE 12.150  
ADMINISTRATION**

**Section 12.151. General.** The City Building Official shall administer the provisions of this Chapter, and in furtherance of such authority, the City Building Official shall:

(a) Records. Maintain permanent and current records with respect to this Chapter, including amendments thereto.

(b) Applications. Receive, file, and review all zoning applications to determine whether such application complies with this Chapter.

(c) Commission. Forward zoning applications to the Commission as required by this Chapter, together with its recommendations thereon.

(d) Council. Forward zoning applications to the Council, together with the recommendations of the Commission and the City staff.

(e) Implementation. Make such other determinations and decisions as may be required of the City by this Chapter, the Commission or the Council; and enforce and implement this Chapter and

the final decisions by the Commission and City Council.

**Section 12.152. Chapter Interpretation.** In the interpretation and application of the terms and provisions of this Chapter, the following regulations shall govern:

(a) Liberally Construed. In the City's interpretation and application, the provisions of this Chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, morals and welfare.

(b) Highest Standards Govern. Whenever a provision of this Chapter and any other provision of this Chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(c) Resolution of Conflicting Interpretations. Where there arises a question concerning the meaning or intent of a provision of this Chapter, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.

(d) Written Decisions Binding. Any final written decision made as provided in subsection (c) above shall be archived and shall govern interpretation of this Chapter until such time as an amendment of this Chapter shall nullify such decision, or the decision is over-ruled or rescinded by the City Council.

(e) State Law. The terms, provisions and conditions of this Chapter shall be interpreted and applied in a manner consistent with federal and state law and *Chapter 211 of the Texas Local Government Code*

(f) Master Plan. All zoning applications shall conform to the Master Plan for the community and be consistent with all of the elements thereof.

(i) Where the proposed zoning application is inconsistent with one (1) or more of the elements of the Master Plan, the developer may petition the City for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the zoning application by the City.

(ii) Where the proposed zoning is for a zoning district or category provided for in this Chapter but that is not included on the Master Plan existing on the date of this Chapter, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.

(g) Consistency with the Subdivision Ordinance. All development projects within the corporate limits of the City shall be in conformance with the City's Subdivision Ordinance. Where

the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development would comply with this Chapter.

**Section 12.153. Board of Adjustments.** (a) City Council. Any powers that may be delegated by the City Council to a Board of Adjustments are hereby retained by the City Council. Any reference to the Board of Adjustments or Board shall mean the City Council.

(b) Powers. The City Council has elected at this time not to establish a Board of Adjustments as may be established as per the provisions of Section 211.008 of the Texas Local Government Code. The City Council retains all powers and duties regarding the zoning and land use regulations as to the City of Rockdale, Texas.

(c) Meetings. Meetings of the City Council to conduct hearings, consider matters, or to take action as a Board of Adjustment shall be held at the call of the Mayor or at such other times as the Council acting as a Board of Adjustment may determine. Meetings of the Council acting as a Board of Adjustment shall be separate from and shall not be combined with the Council's agenda of regular or special called meetings.

(d) Hearings. All meetings and hearings held by the Board of Adjustment shall be public; provided that upon the advice and consent of the City Attorney the Board may go into executive session pursuant to *Chapter. 551 of the Texas Government Code.*

(e) Rules and Regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which 75% of the members must concur. The Board may adopt rules in accordance and consistent with this Chapter as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith.

(f) Appeals.

(i) Procedure. Any person aggrieved by a decision of an administrative officer in the enforcement of *Chapter 211 of the Texas Local Government Code*, or this Chapter, or any officer, department, board or bureau of the City affected by any such decision by an administrative officer, may appeal such decision to the Board. Such appeal shall be made by filing with the City Secretary and the officer whose action is being appealed, a notice of appeal specifying the grounds thereof. The officer from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken.

(ii) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer whose decision is appealed shall certify to the Board that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause

imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order granted for just cause by the Board, or by a court of record, after notice to the officer from whom the appeal is taken.

(iii) Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.

(iv) Decision by Board. The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of 75% of the members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision, or determination on the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(g) Powers and Duties of the Board.

(i) Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of *Chapter 211 of the Texas Local Government Code*

(ii) Special Exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Chapter when this Chapter requires the Board to do so. Such special exceptions shall be as follows:

(A) To permit a public utility or public service use or structure in any district as necessary to house equipment, pumps, switching gear, and similar devices only, required for the provision of the utility service or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the provision of utility service and the public health, convenience, safety or general welfare.

(B) To grant a permit for the extension of a use, height or area regulation into an adjoining district for any lot platted in an approved subdivision, where the boundary line of the district divides such lot and the lot was in a single ownership on the effective date of this ordinance.

(C) Authorize a variance from the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot.

(h) Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Chapter if the variance: (1) will not be contrary to the public interest; (2) is owing to special condition inherent in the property itself; (3) the condition is unique to the property; (4) a literal enforcement of the provisions of this Chapter will result in unnecessary hardship; (5) the hardship is not self-imposed or self-created; (6) the spirit of this Chapter will be observed and substantial justice done; and (7) without the variance the owner will be deprived of the right to use the property. Variance may be granted for the following:

(i) Yard and Setback. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that such variance will not significantly affect any adjoining property or the general welfare.

(ii) Structures. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this Chapter, and at the same time, the surrounding property will be properly protected; provided that the Board shall not in any event permit a use on any property that is not permitted within the Zoning category for which such property is zoned.

**Section 12.154. Conditions for Issuing a Building Permit.** No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Chapter and all applicable elements of the Master Plan, except as herein exempted, or upon the written application and approval of a variance.

**Section 12.155. Certificates of Occupancy.** (a) Policy and Application. Certificates of occupancy shall be required for any of the following:

(i) Occupancy and use of any structure or building hereafter erected or structurally altered.

(ii) Change in use of an existing building to a use of a different classification.

(iii) No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the City Building Official.

(b) Procedure.

(i) New and Altered Structures. Written application for a Certificate of Occupancy for a

new building, or for an existing building which is to be altered, shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within three (3) days after a written request for the same has been made to said City Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter and all applicable City codes and ordinances.

(ii) Change in Use. Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided shall be made to said City Building Official. If the proposed use is in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued within three (3) days after the application for same has been made.

(c) Approval. Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the City Building Official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

(d) Temporary Certificate of Occupancy. Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the City Building Official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners, or of the City, relating to the use or occupancy of the premises or any other matter covered by this Chapter.

(e) Non-conforming Uses. A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this Chapter. It shall be the duty of the City Building Official to issue a Certificate of Occupancy for a lawful non-conforming use, and the refusal of the City Building Official to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Chapter.

**Section 12.156. Permits.** No permit for the erection, installation, alteration or enlargement of any building or structure shall be issued by the building inspector unless there first be filed with the permit office a complete application, including a plat, drawn to scale and in such form as may be prescribed by the said building inspector, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building or structure to be erected, altered or enlarged, together with a true statement in writing signed by the applicant, showing the use for which such building or structure is arranged, intended or designed, and furnishing such other information as the building inspector may require in the enforcement of the provisions of this chapter. Any failure to comply with the provisions of this chapter or the application and plans approved shall be good cause for the revocation of any such building permit by the building inspector. A record of such applications and plats shall be kept in the office of the building inspector. Each such application for a building permit to erect, install, alter or enlarge a building or structure shall specify the materials for which the walls and

roof are to be constructed and the proposed height of the building or structure.

**Section 12.157. Fees.** To defray the costs of administering this Chapter, the applicant seeking plat approvals shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City. When applications require review, actions or inspections by an Engineer or the City Attorney, such reasonable and necessary costs shall be reimbursed from the applicant to the City.

**Section 12.158. Amendments.** The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Chapter. This Chapter may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

**Section 12.159. Violations.** Except as otherwise provided for in this Chapter, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Chapter.

**Section 12.160. Enforcement.** (a) Administrative Action. The Building Official, City Engineer and/or the City Administrator shall enforce this Chapter by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Chapter and good engineering practices, and the issuance of stop work orders.

(b) Court Proceedings. Upon the request of the City Council the City Attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Chapter.

## ARTICLE 12.170 CLOSING PROVISIONS

**Section 12.171. Construction.** The terms and provisions of this Chapter shall not be construed in a manner to conflict with *Chapter 211 of the Texas Local Government Code* and if any term or provision of this Chapter shall appear to conflict with any term, provision or condition of *Chapter 211*, such Chapter term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Chapter.

**Section 12.172. Penalty.** In addition to the criminal penalties provided for herein, a person who shall violate any provision of this chapter or shall fail to comply therewith, or with any of the requirements thereof, within the City limits, is liable for a civil penalty not to exceed Two Thousand Dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

City of Rockdale Zoning Matrix

Use	R-1 Residential	R-1C Residential Commercial	R-1E Estate	R-2 Multi-family	R-3 Multi-Plex	M-1 Manufactured Home Subdivision	M-2 Manufactured Home Park	C-1 Commercial Light	C-2 Commercial Intense	Gov Governmental	CA Central Area	I Industrial	A Agricultural
Assembly, packaging, treatment, processing and manufacture of products that do not pose any aterially potential hazard to persons and property outside the boundaries of the property												X	
Detached single-family residence and accessory structures	X	X	X	X	X								X
Farming													X
Five unit dwellings					X								
Four unit dwellings				X	X								
Greenbelts and Other Public Recreational Facilities										X			X
Important community services owned and operated by the federal government, the state or political subdivisions thereof, including public grounds										X			
Intense commercial land uses not requiring an industrial zoning category that is compatible with with adjacent and neighboring residential areas and not create unreasonable traffic or land use conflicts.									X				
Light Commercial Uses similar to home occupations		X						X	X				
Manufactured homes						X	X						
Parks										X			X
Pasturage													X
Personal services		X									X		
Playgrounds										X			X
Professional Services		X						X	X				
Ranching													X
Retail sale of goods and products including sale of services outside the primary structure								X	X		X		
Sales of non-toxic or non-hazardous materials similar ro home occupations		X											
Non-detached Single family residential											X		
Three unit dwellings				X	X								
Two unit dwellings				X	X								

## City of Rockdale Zoning Examples

The following examples are intended to help describe the kinds of uses that each zoning classification allows. This is not intended to be a comprehensive list and interested parties should consult with City officials prior to buying, developing or investing in property in the city of Rockdale.

**Zoning Classification A-Agricultural:** Single family site-built houses, farming, ranching, parks, playgrounds, greenbelts and other public recreational facilities owned and/or operated by the municipality or other public agency

**Zoning Classification R-1 Single Family Residential:** Single family site-built houses, church/synagogue/mosque, school, amenity center, golf course, child care center, cultural or community center

**Zoning Classification R-1C Residential 1 Commercial:** Professional services, personal services, sales of non-toxic or non-hazardous materials, home occupations

**Zoning Classification R-2 Duplex, Triplex and Fourplex:** Single family site-built houses, church/synagogue/mosque, duplex house, 3- or 4-plex house, school, sales office, amenity center, personal services, golf course, child care center, cultural or community center,

**Zoning Classification R1E:** Single family site-built homes, schools

**Zoning Classification R-3 Multi-plex:** Single family site built houses, three or four-plex housing, five or more unit housing, apartment complex, church/synagogue/mosque, school, sales office, amenity center, Personal services, golf course, parking lots, child care center, laundry self service, cultural or community center, low density retail center, taxi cab or transport station

**Zoning Classification M-1 Manufactured Home Subdivision:** Single family site-built houses, manufactured homes, church/synagogue/mosque, school, amenity center, personal services, golf course, child care center, cultural or community center, low density retail center

**Zoning Classification M-2 Manufactured Home Park:** Church/synagogue/mosque, school, sales office, amenity center, golf course, parking lots, child care center, laundry self service, cultural or community center

**Zoning Classification CA Central Area:** site built housing, apartment housing located above a business, retail, professional or sales offices, schools, bakery-retail, amenity center, bank and financial institution, florist or nursery, personal services, dance or music instruction, bar or tavern, jewelry stores, pharmacies, furniture stores, hardware stores, computer sales and/or repair, antique stores, clothing and apparel stores, sporting goods stores, book sales and newsstands, public offices and libraries, gift and souvenir stores, food and grocery, low density retail center

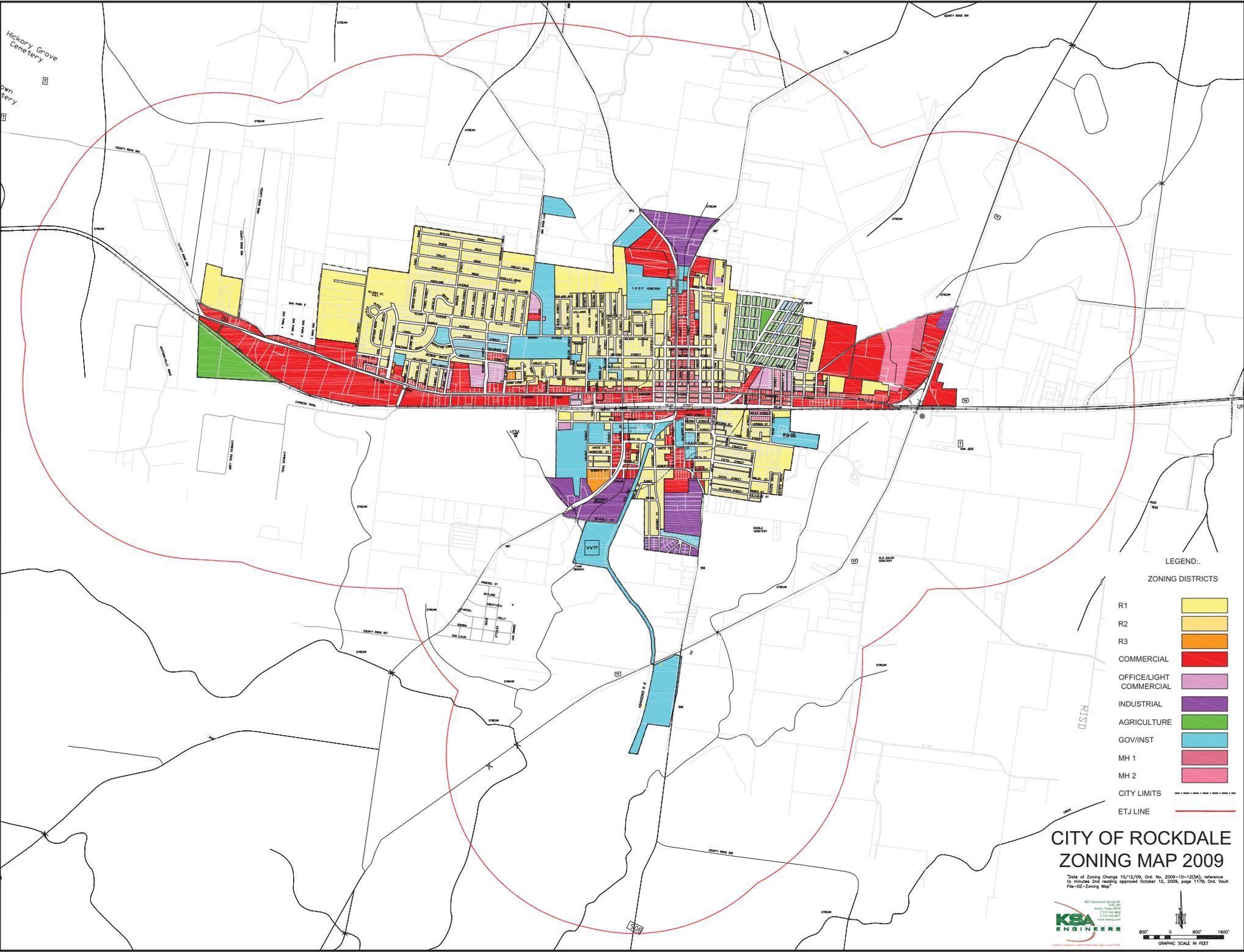
**Zoning Classification C-1 Commercial Light:** Single family site built houses; church/synagogue/mosque, school, sales office, amenity center, bakery-retail, bank and financial institution, or music instruction, florist or nursery, personal services, alcohol food and grocery, gas food and grocery, auto parts retail, restaurant or cafe, golf course, hotel or motel, parking lots, postal or packaging facilities, child care center, laundry self service, cultural or community center, mini storage, warehouse or storage, low density retail center, indoor amusement center, other consumer retail, outdoor amusement center, taxi cab or transportation station or dispatch, restaurant or cafe, automotive service station/sales/repair,

hospitals/sanitariums/nursing homes and hospices, upholstery or furniture repair, bar/nightclub, commercial amusement, lumber yard, farm sales, milk or bread distribution, manufactured housing sales and service, air conditioning and heating sales and service, battery and tire service stations, public and private institutions, printing or publishing facilities, medical office

**Zoning Classification C-2:** Single family site built houses; church/synagogue/mosque; school; sales office; amenity center; bakery-retail; bank and financial institution; dance or music instruction; florist or nursery; personal services; alcohol food and grocery; gas food and grocery; auto parts retail; restaurant or cafe; golf course; hotel or motel; parking lots; postal or packaging shipping or distribution; child care center; laundry self service; cultural or community center; mini storage; warehouse or storage; low density retail center; taxi cab or transport station or dispatch; indoor amusement center; other consumer retail; outdoor amusement center; automotive service station sales or repair; hospitals/sanitariums/nursing homes and hospices; upholstery or furniture repair; bar or nightclub; commercial amusement; lumber yard; farm sales; milk or bread distribution; manufactured housing sales and service; air conditioning and heating sales and service; battery and tire service stations; public and private institutions; printing or publishing facilities; carpentry/plumbing or smiths shop; wholesale sales and warehouses; heavy machine sales and service; veterinary services and hospital; research services or laboratories; automotive body shop; welding and metal shop; salvaging, wrecking or recycling operations; hospitals, high density retail center

**Zoning Classification I Industrial:** Food manufacturing, assembly and/or distribution; beverage manufacturing, assembly, and/or distribution; textile furnishings manufacturing, assembly and/or distribution; apparel manufacturing, assembly and/or distribution; leather and allied product manufacturing, assembly and/or distribution; veneer/plywood/engineered wood product manufacturing, assembly and/or distribution; printing and related support activities; alumina and aluminum production, processing and/or distribution; general retail warehousing and/or distribution; machine shops; ventilation/heating/air-conditioning/commercial refrigeration equipment manufacturing, assembly and/or distribution; computer and electronic product manufacturing, assembly and/or distribution; electrical equipment/appliance/component manufacturing, assembly and/or distribution; transportation equipment manufacturing, assembly and/or distribution; furniture and related product manufacturing, assembly and/or distribution; medical equipment and supplies manufacturing, assembly and/or distribution; sign manufacturing; truck repair, maintenance and/or dispatching; commercial and industrial machinery and equipment rental and/or leasing; materials recovery facilities; commercial and industrial machinery and equipment repair and/or distribution, school, heliport

**Zoning Classification Gov Governmental:** facilities owned and operated by the federal government, the state or political subdivisions thereof, including public grounds. Uses as determined by the Commission and the Council, which are closely related and similar to those listed.



History Grove  
Cemetery

LEGEND:

ZONING DISTRICTS

- R1
- R2
- R3
- COMMERCIAL
- OFFICE/LIGHT COMMERCIAL
- INDUSTRIAL
- AGRICULTURE
- GOV/INST
- MH 1
- MH 2
- CITY LIMITS
- ETJ LINE

## CITY OF ROCKDALE ZONING MAP 2009

Title of Zoning Change 10/12/09, Ord. No. 2009-10-12(CA); reference to minutes 2nd reading approved October 12, 2009, page 1179; Ord. Volt File-02-Zoning Map

4533 Spinnaker Springs Dr.  
Aurora, Illinois 60402  
708.244.4444  
www.kbaengineers.com

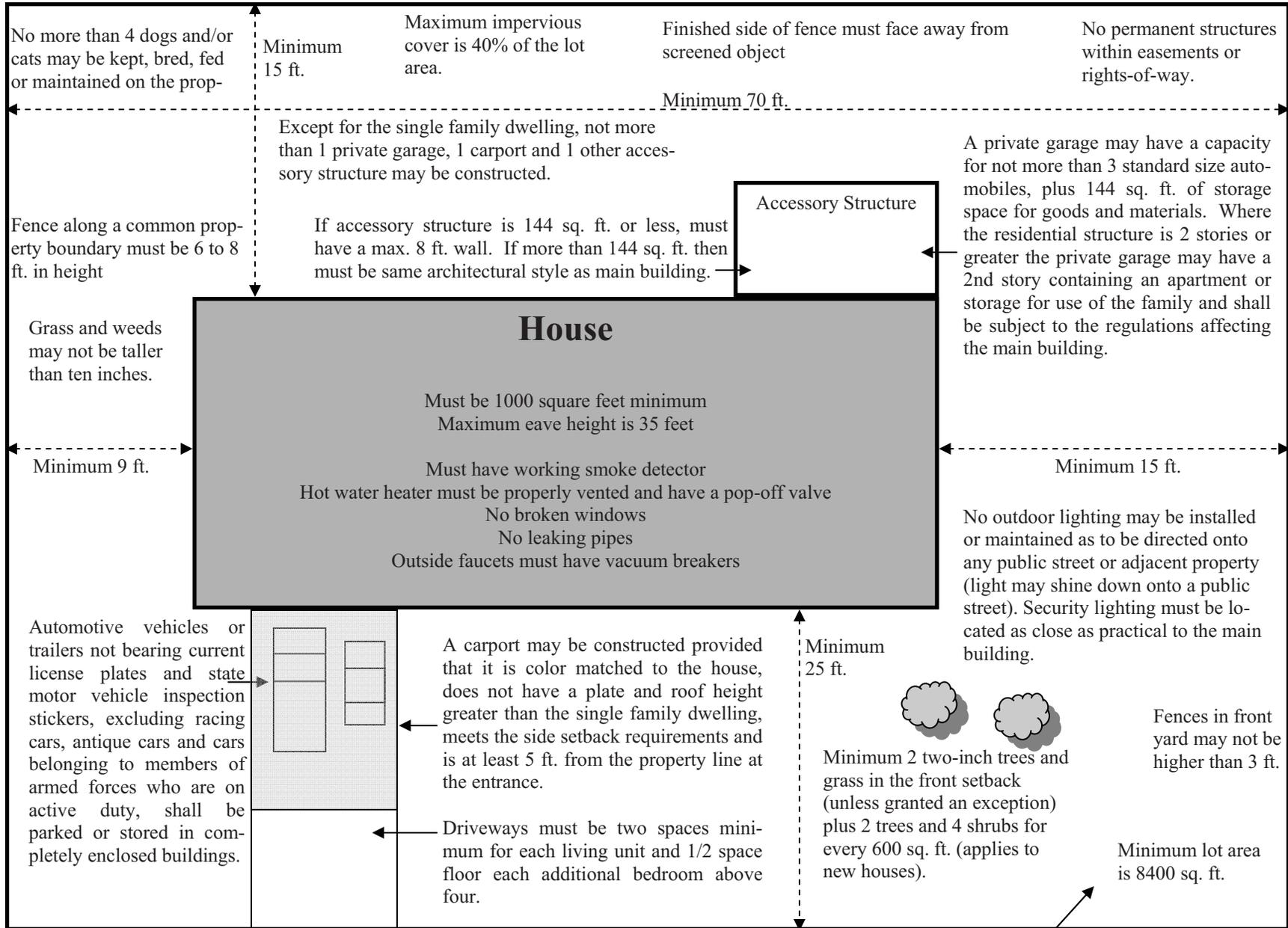
**KBA ENGINEERS**

800' 0 800' 1600'  
GRAPHIC SCALE IN FEET

# Common Residential Regulations (R-1) Corner Lot

Adjoining Property

Street



These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

Street

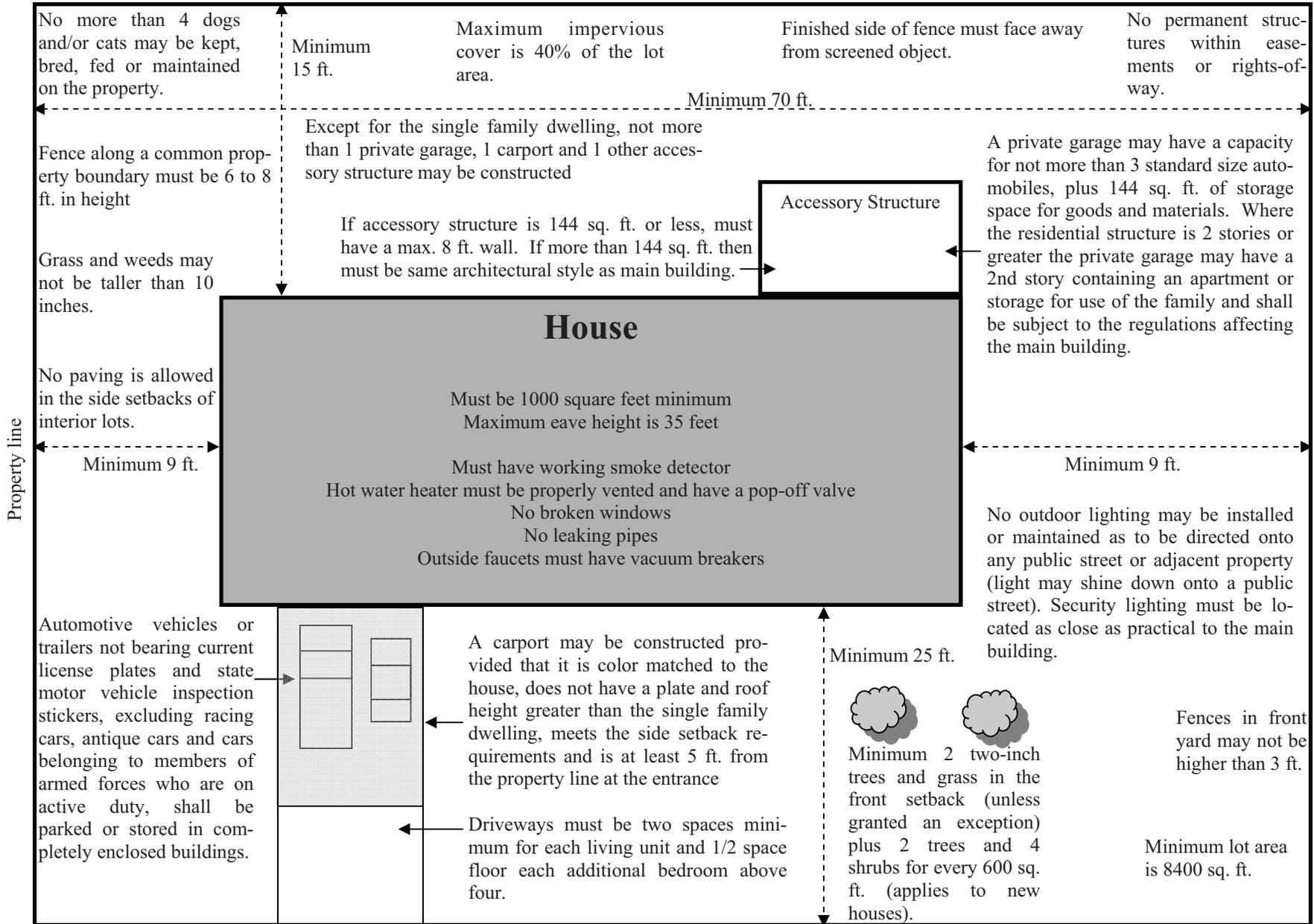
No fence or other structure more than 30% solid or more than 3 ft. high shall be located within 25 ft. of the intersection of any rights-of-way.

# Common Residential Regulations (R-1)

## Interior Lot

Adjoining Property

Adjoining Property



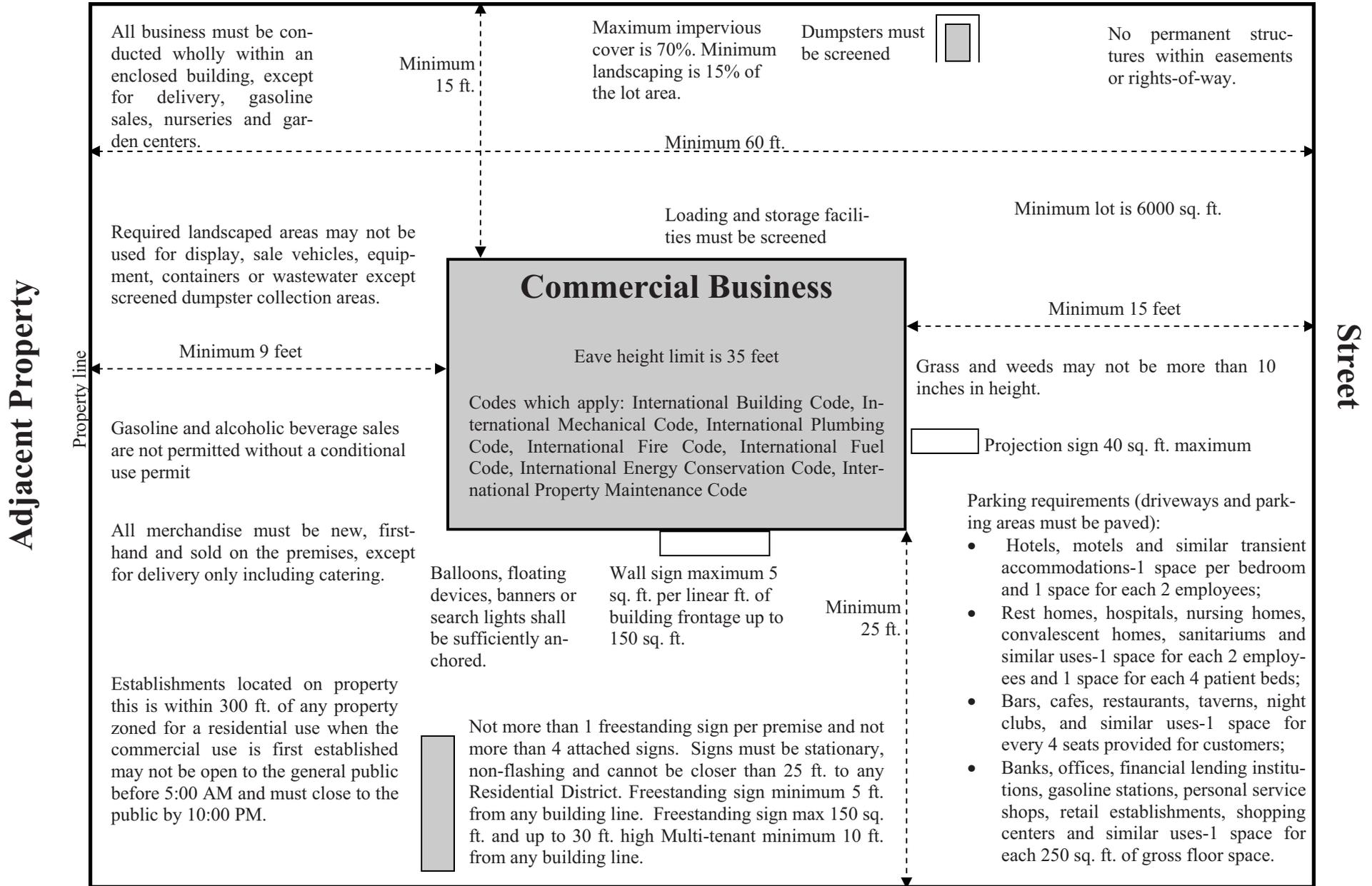
These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

Street

Drawing Not to Scale

February 17, 2010

# Common Commercial Regulations (C-1) Corner Lot



These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

**Street**

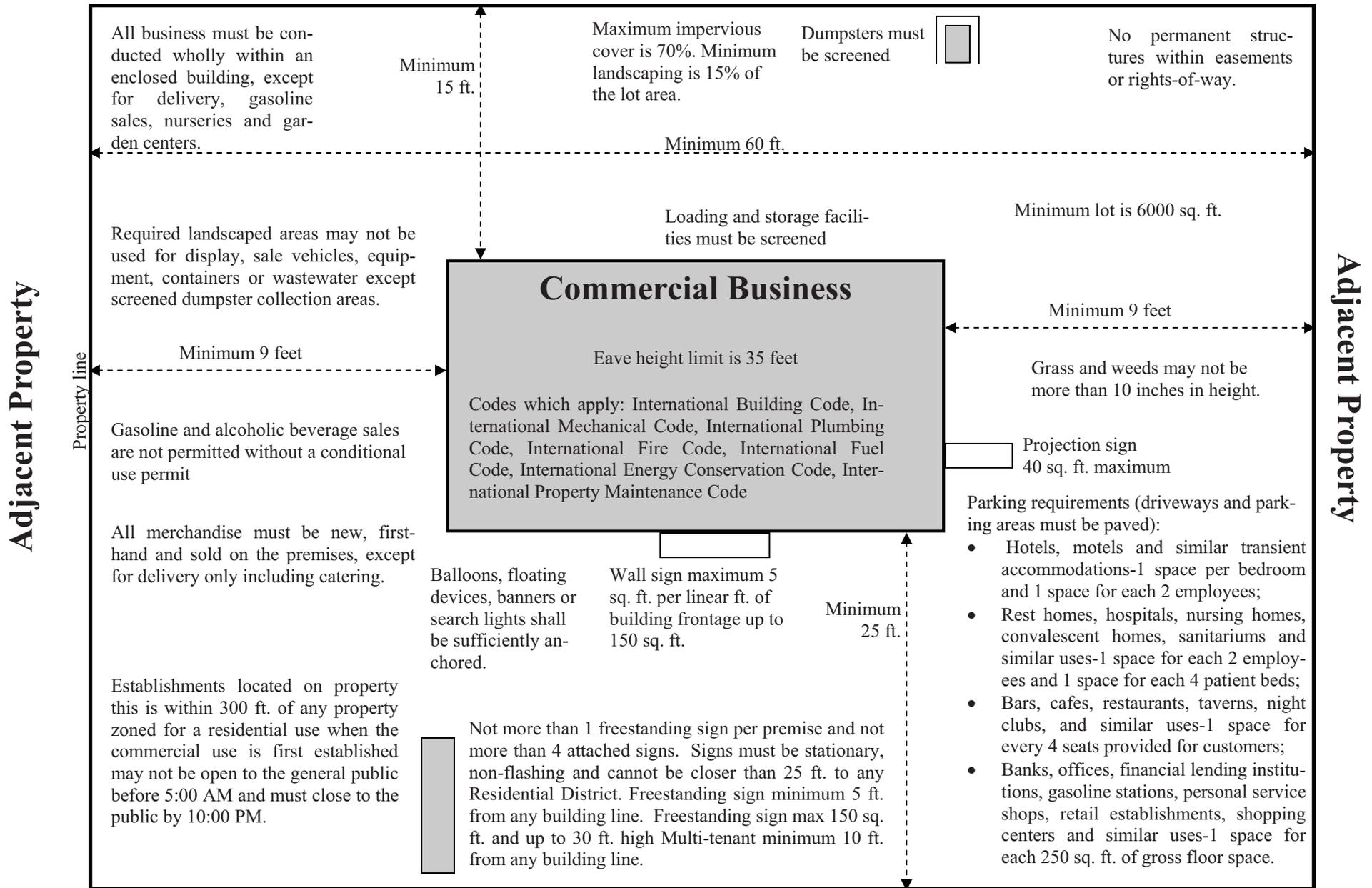
**Drawing Not to Scale**

No offsite commercial signs allowed.

February 17, 2010

# Common Commercial Regulations (C-1)

## Interior Lot



These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

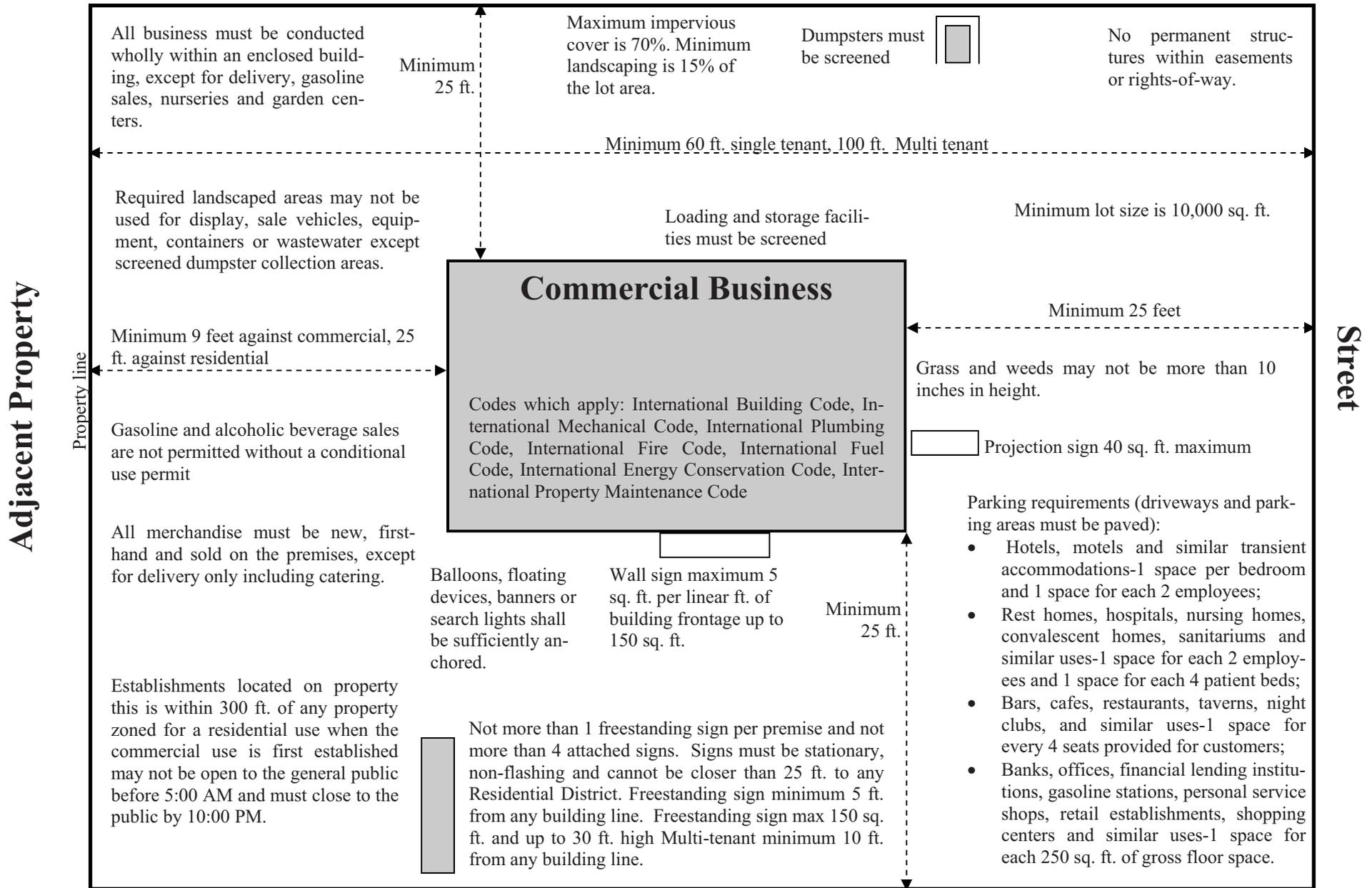
**Street**

**Drawing Not to Scale**

No offsite commercial signs allowed.

February 17, 2010

# Common Commercial Regulations (C-2) Corner Lot



These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

**Street**

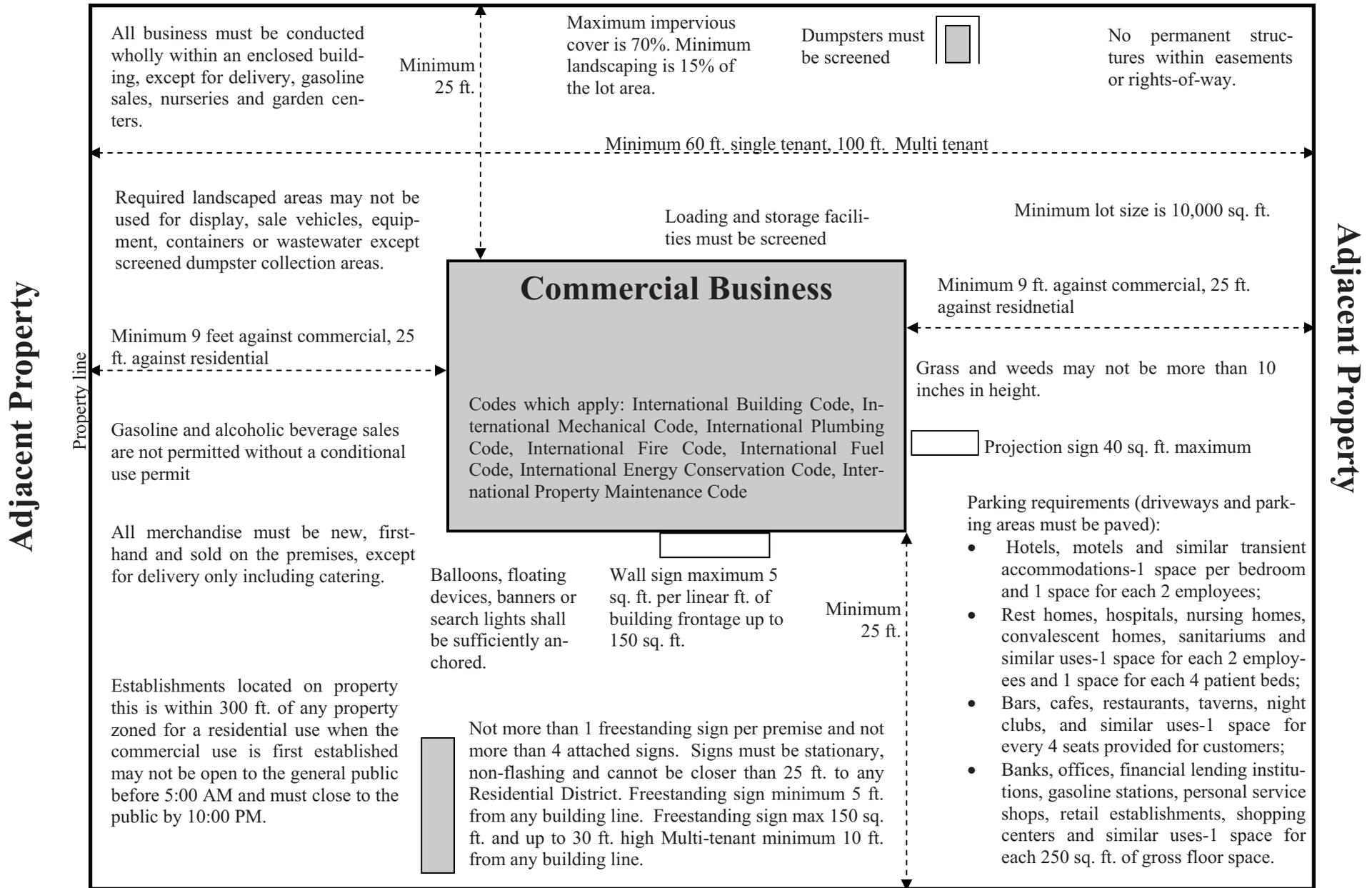
No offsite commercial signs allowed.

**Drawing Not to Scale**

February 19, 2010

# Common Commercial Regulations (C-2)

## Interior Lot



These are common regulations for this zoning district. This chart is not intended to include all regulations which may apply. Interested persons are advised to contact the City of Rockdale prior to constructing any improvements on their property. Ordinances are subject to change.

**Street**  
**Drawing Not to Scale**

February 19, 2010

## City of Rockdale

Service	Fee
<b>A. Cemetery Fees</b>	
1. Burial Permit	
a. Leveling fee	\$50.00
b. Locating fee (for non-local funeral homes only)	\$50.00
2. Baby Plot (Oaklawn Only)	\$150.00
3. Adult Plot - Resident	\$400.00
4. Adult Plot - Non-resident	\$600.00
5. Lot location fee (for markers & curbs)	\$25.00
<b>B. Swimming Pool Fees</b>	
1. Adult Admission	\$3.00
2. Child under 7 years with Adult	\$3.00
3. Child under 12 years	\$3.00
4. Pool Rental	\$150.00
<b>C. General Animal Control Fees</b>	
1. Adoption Fee	\$20.00
2. Impound fee (per day)	
a. First time animal is impounded	\$15.00 + daily care costs
b. Second time animal is impounded	\$25.00 + daily care costs
c. Third time animal is impounded	\$50.00 + daily care costs
3. Quarantine Fee (per day)	\$20.00
4. Dangerous dog registration – Annual	\$50.00
5. Rabies Vaccinations	VET COSTS
6. Violation Fine	\$0 - \$500
7. Euthanasia (Resident/Non Resident)	VET COSTS
<b>D. Animal Control Permit Fees</b>	
1. Circus/Zoo Permit	\$500.00
2. Multiple Animal Owner Permit	\$50.00
3. Commercial Animal Enterprise Permit	\$100.00
4. Guard Dog Permit	\$50.00
5. Renewal of Any Animal Control Permit	\$50.00
<b>E. Owner/Harbored Animal Surrender Fees</b>	
1. Dogs and Cats located within the city limits	\$25.00
2. Dogs and Cats located outside the city limits	\$50.00
3. Litters of four or more dogs or cats under nine weeks of age	\$50.00
<b>F. Building Permit Fees (2000 IBC)</b>	
1. Annual Contractor License	\$75.00
2. New Construction Fees	
a. Residential Construction (+ \$50.00 per inspection)	\$0.10/sq ft
b. Commercial Construction (+ \$50.00 per inspection)	\$0.10/sq ft
c. Minimum permit fee	\$100.00
d. Uncovered Surfaced (Asphalt & Concrete) Parking and	\$0.01/sq ft
3. Inspections	\$50.00
4. Remodeling (residential) (+50.00 per inspection)	\$50.00
5. Remodeling (commercial, Duplex, Multifamily)(+50.00 / inspection)	\$50.00 + \$0.10/sq ft
6. Moving Permit of structures and manufactured homes	\$100.00 plus escort fees
7. Minor Alteration, Repair, or Replacement ( Roof, Carport, Windows)	\$50.00 (permit &
8. Reinspection (if initial or subsequent inspections fail)	\$50.00 (for each
9. Swimming Pool/Hot Tub permit	\$100.00
10. Demolition permits	
a. Commercial	\$100.00

## City of Rockdale

Service	Fee
b. Residential	\$25.00
11. Plan Review (Commercial - City Staff)	\$100.00 + \$75/hr review
12. Plan Review (Commercial - Outside Review Service)	Actual Cost
13. Plan Review (Residential)	\$50.00 + \$50/hr review time
14. Manufactured Home Placement Application	\$200.00
15. Fence	\$50.00
<b>G. Manufactured Home Park License Fees</b>	
1. Annual fee for each manufactured home park	\$250.00
2. Manufactured Home Placement Application in Park	\$200.00
3. Original Park Permit	\$400.00
4. Additional Spaces added	\$50.00 per space
<b>H. Plumbing Permit Fees</b>	
1. Annual Plumber Master Registration Fee	\$75.00
2. Minimum Fee (plus fees below)	\$75.00
	(+\$75 per inspection)
3. Repairs/Replacement/Remodeling (when permit required)	\$75.00 (permit &
4. Reinspection (if initial or subsequent inspections fail)	\$75.00 (permit &
5. Minor Alteration, Repair or Replacement of Existing water or sewer piping, water heater	
a. Residential	\$50.00 (permit &
b. Commercial	\$50.00 (permit &
<b>I. Sprinkler System Installation Permit Fee</b>	
1. Permit	\$75.00
	(+\$75 per inspection)
<b>J. Electrical Permit Fees</b>	
1. Annual Electrical Master Registration Fee	\$75.00
2. Permits	\$75.00
	(+\$75 per inspection)
3. Reinspections	\$75.00 (for each
4. Minor alteration repair or replacement to minor electrical devices	\$75.00 (permit &
5. Reinspection (if initial or subsequent inspections fail)	\$75.00
<b>K. Central Heat and Air Conditioning/Mechanical Fees</b>	
1. Annual Registration Fee	\$75.00
2. Permits	\$75.00
	(+\$75 per inspection)
3. Reinspections (if initial or subsequent inspections fail)	\$75.00 (for each
<b>L. Peddler, Solicitor or Transient Merchant License Fees</b>	
1. Base Permit	\$75.00*
2. For each additional agent over 1 agent	\$50.00*
	*Plus \$1,000 Surety Bond
<b>M. Lot Cleanup Charge</b>	
1. Rate of employees time + equipment use	Rate + \$70/hr
2. ADM - Abatement Fee (Administrative Cost)	Administrative Cost
3. Lot	\$100.00/Lot + O.1
4. Bldg (plus cost of hired work)	\$500.00/Bldg + O.1
<b>N. Alcoholic Beverage Permit-1/2 state fee/per license</b>	
1. Wine and Beer Retailer	1/2 State Fee
2. Off Premise Beer and Wine	1/2 State Fee

## City of Rockdale

Service	Fee
3. Package Store Permit	1/2 State Fee
4. Beer Retailer on Premises	1/2 State Fee
5. Wine Only Package Store	1/2 State Fee
<b>O. Airport Hangar Fee</b>	
1. Hanger/per month	\$100.00
2. Tie-Down/per month	\$30.00
3. Aviation Fuel/per gallon	MARKET
<b>P. Special Use Permit &amp; Exceptions to Codes &amp; Ordinances</b>	
	\$100.00
<b>Q. Miscellaneous Fees</b>	
1. Returned Check	\$35.00
2. Utility Reconnect Fee	\$35.00
3. Utility Account Security Deposit	\$150.00
4. Water Deposit if left owing > \$25.00	\$300.00
5. Limb and Brush Chipping	CITY ESTIMATE
6. City Charter	\$5.00
7. City Map	\$5.00
8. Xerox Copies (per page)	\$0.25/page
a. Printer Copies - Black & White	\$0.25/page
b. Printer Copies - Color	\$1.00/page
9. Certification of copies (per page)	\$1.00
10. Overhead Charge when Documents Copied Exceed 50 pages	20%
11. Copy Diskette	\$1.00
a. Computer Time/per hour (15 min minimum charge)	\$60.00
b. One part	\$0.50
12. Certification/per statement	\$1.00
13. Certificate of Occupancy	\$40.00
14. Annual Adult Oriented Business Permit	\$500.00
15. Annual Wrecking/Junkyard Registration Fee	\$100.00
16. Credit Card Processing Fee	5%
<b>R. Civic Center Fees</b>	
1. One Fourth Bldg for Half Day Use	\$200.00
2. One Fourth Bldg for Full Day Use	\$300.00
3. One Fourth Bldg Deposit	\$150.00
4. One Half Bldg for Half Day Use	\$250.00
5. One Half Bldg for Full Day Use	\$375.00
6. One Half Bldg Deposit	\$200.00
7. Full Bldg for Half Day Use	\$300.00
8. Full Bldg for Full Day Use	\$475.00
9. Full Bldg Deposit	\$250.00
10. Non-profit Organizations (as certified by the Internal Revenue)	1/2 adopted rate
11. Continuous Use (6 month minimum, 4 hr maximum)	\$250/per month
<b>S. Police Department Fees</b>	
1. Accident Reports (per report)	\$6.00
2. Certification of Accident Report	\$1.00/page
3. Junk Vehicle Storage	\$10.00 + actual storage
4. Garage keeper Abandoned Vehicle Report	\$10.00
5. Auction Vehicles	\$10.00 + 2% of sale
6. Impounding Vehicles	\$10.00+removal+storage
<b>T. Engineering Fees</b>	
1. Standard Construction Specifications	Actual Engineer Costs

## City of Rockdale

Service	Fee
2. Street Map (B & W)	\$5.00
3. City Limits & ETJ Map (B & W)	\$5.00
<b>U. Street-Related Fees</b>	
1. Street Cuts	\$6.00/sq ft
2. Signs	
a. Street Sign (each)	\$75.00
b. Stop or Yield Sign (each)	\$75.00
c. Combination (stop & street)	\$125.00
<b>V. Planning Fees</b>	
1. Concept of Master Plan	\$500.00 (Fee + \$25.00/lot)
2. Pre-application Subdivision Plat fee	\$250.00
3. Short Form Subdivision Plat	\$300.00 (Fee + \$25.00/lot)
4. Preliminary Subdivision Plat-Plan	\$500.00 (Fee + \$25.00/lot)
5. Final Subdivision Plat-Plan	\$250.00 (Fee + \$25.00/lot)
6. Subdivision Plat Vacation	\$150.00
7. Subdivision Replat-Amending Plat	\$300.00 (Fee + \$25.00/lot)
8. Subdivision Variance Request	\$150.00
9. Capital Improvement Recovery Fee (CIP) Sec 7.02.C	See Subdivision Ordinance
10. Subdivision Construction Inspection (CIP) Sec 7.02.D	See Subdivision Ordinance
11. Subdivision Professional Fees	See Subdivision Ordinance
12. Subdivision Engineer Review Fees (are in addition to above fees)	See Subdivision Ordinance
13. Zoning or Rezoning Requests	\$250.00
14. Zoning Exception Application Fee	\$150.00
15. Document Copies:	
a. Comprehensive Plan	\$100.00
b. Zoning Ordinance	\$0.25/page
c. Subdivision Ordinance	\$0.25/page
<b>W. Library Fees</b>	
1. Non-Resident Fee	\$6.00 + \$3/member
2. Replacement Card (lost only)	\$5.00
3. Fines:	
a. Overdue Books	\$0.25 per day
b. Overdue Video/Audio tapes	\$2.00 per day
c. Lost or badly damaged books	Cost + \$5.00 fee
d. Lost or badly damaged videos, audios, magazines	Cost + \$5.00 fee
e. Overdue Magazines	\$0.25/day
f. Overdue Accelerated Reader & Science Fair Books	\$0.50/day
g. Overdue Chilton Repair Manuals	\$0.50/day
h. Overdue Reference and Genealogy Books	\$1.00/day
4. Copies	\$0.25
a. HP LaserJet Black & White Printer Copies	\$0.25/page
b. HP LaserJet Color Printer Copies	\$1.00/page
c. Blank Diskette/CD	\$1.00
<b>X. Municipal Court Fees</b>	
1. State Court Costs	set by legislature
2. Local Fees (all other fees not listed):	set by legislature
3. Peace Officers Time	overtime+travel time+court
4. Jury Fee	\$3.00
5. Administrative Dismissal Fee (Vehicle Inspection & Registration, Driver's License Proof)	\$10.00 - \$20.00

## City of Rockdale

Service	Fee
6. Administrative Proof of Rabies Vaccination Fee	\$20.00
7. Jury Duty Pay	\$6.00
8. Warrant Fee	\$50.00
9. Failure to Appear Warrant Service Fee	\$25.00
10. Failure to Appear DPS Contract Administrative Fee	\$30.00
11. Arrest Fee	\$5.00
12. Time Payment Fee	\$25.00
13. Rules of the Road Fee	\$3.00
14. Deferred Disposition Administrative (Driver's Safety Course) Fee	\$10.00
15. School Crossing Fee	\$25.00
16. Failure to Attend School Fee	\$20.00
17. Technology Fund Fee	\$4.00
20. Security Fund Fee	\$3.00
21. For additional fees, see municipal court ordinances and state law	
<b>Y. Municipal Court Fine Schedule</b>	
1. City Ordinance Violations	
a. For a Fine Range of \$1 – 200	Minimum Fine: \$100.00
b. For a Fine Range of \$1 – 500	Minimum Fine: \$325.00
c. For a Fine Range of \$1 – 2000	Minimum Fine: \$770.00
<b>Z. Public Records</b>	
1. Xerox Copies per page (readily available)	\$0.25
2. Xerox Copies per page (not readily available)	\$0.15 + actual labor cost
3. Postal Expense	actual cost
<b>AA. Business and Commerce</b>	
1. Wellhead Protection Drilling	
2. Permit to construct a well	\$500.00
3. Permit to repair or correct a defective well	\$200.00
4. Permit to abandon/plug a well	\$50.00
5. Inspection of the RPZ Valve	\$100.00
6. Taxicab Franchise	
a. Annual Filing Fee	\$500.00
b. Annual Vehicle Registration	\$100.00 per vehicle
7. Tourist Courts & Camps Annual Fee	\$250.00
8. New Permanent Business Signs	\$1.50/Sq. Ft.
a. Up to 40 Sq. Ft.	
b. 41 Sq. Ft. to 60 Sq. Ft.	
c. 61 Sq. Ft. and larger	
<b>BB. Utilities and Solid Waste</b>	
1. Monthly Water Charges – Residential/Commercial	
a. Inside city limits	
i. First 2000 Gallons	\$14.49 minimum
ii. All over 2000 Gallons	\$4.31/1000 gal
b. Outside City Limits	
i. First 2000 Gallons	\$21.74 minimum
ii. All excess of 2000 Gallons	\$6.47/1000 gal
2. Monthly Waste Water Charges – Residential/Commercial	
a. Inside city limits	
i. First 2000 Gallons	\$14.25 minimum
ii. All excess of 2000 Gallons	\$5.56/1000 gal

## City of Rockdale

Service	Fee
b. Outside city limits	
i. First 2000 Gallons	\$21.38 minimum
ii. All excess of 2000 Gallons	\$8.34/1000 gal
3. Water Tap Fees	
a. Inside City Limits	
i. 3/4 inch	\$1,000.00
ii. 1 inch	\$1,050.00
iii. 1 1/2 inch	\$1,100.00
iv. 2 inch and above	as determined by PW Dir
b. Outside City Limits	
i. 3/4 inch	\$1,100.00
ii. 1 inch	\$1,200.00
iii. 1 1/2 inch	\$1,300.00
iv. 2 inch and above	as determined by PW Dir
4. Waste Water Tap Fees	
a. Inside City Limits	
i. 4 inch	\$900.00
ii. 6 inch	\$950.00
b. Outside City Limits	
i. 4 inch	\$1,000.00
ii. 6 inch	\$1,200.00
5. Line Extensions & Street Cut Fees	
a. Penalty for non-compliance	\$2,000/day
b. Tap Fees	reasonable cost and constructing & extending water or wastewater
6. Customer Requested Water Meter Test	\$100.00 nonrefundable
a. By City Employee	as determined by PW Dir
7. Garbage Collection and Disposal	
a. Solid Waste Collection (two times per week)	
i. Residential curbside pick-up (6 bags per pick-up)	\$12.31/ Month
ii. Commercial small hand pick-up (1-5 bags per pick-up)	\$12.31/ Month
iii. Commercial large hand pick-up (6-10 bags per pick-up)	\$20.66/ Month
8. Garbage Delivered to City Yard	
a. Small Trash Bag	\$0.50 Resident \$1.00 Non-Resident
b. Medium Trash Bag	\$1.00 Resident \$2.00 Non-Resident
c. Large Trash Bag	\$1.75 Resident \$3.50 Non-Resident
d. Pick-up Truck (Level)	\$20.00 Resident \$40.00 Non-Resident
e. Pick-up Truck (With Side Boards)	\$40.00 Resident \$80.00 Non-Resident
f. Extra - Large Load	as determined by PW Dir
9. Septic Dumping Fee	
i. First 1000 Gallons	\$100.00 (Minimum)
ii. All excess of 1000 Gallons	\$0.11/Gallon

## City of Rockdale

Service	Fee
<b>CC. Ambulance Permit Fees</b>	
1. Permit Application Fee	\$200.00
2. Permit Renewal Fee	\$10.00
3. License Fee (for issuance, renewal or replacement)	\$10.00