



Lewisville City Council

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A G E N D A

LEWISVILLE CITY COUNCIL MEETING SEPTMEBER 14, 2015

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:**
Deputy Mayor Pro Tem Tierney
- C. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08).

ADMINISTRATIVE COMMENTS:

A Special Use Permit (SUP) for a proposed five-screen drive-in theater was approved in January 2015. The purpose of the proposed SUP amendment is to add a sixth screen to the site and to relocate the main entry drive into the drive-in theater. All other aspects of the proposal remain as originally presented. The Planning and Zoning Commission recommended unanimous approval of the amended SUP by a vote of 6-0 at their meeting on August 18, 2015.

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 14, 2015**

RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Glenn Solomon, Coyote Theater, LLC

2. **Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; Replacing the Mixed Use Thirty District (MU-30) With a New Mixed Use District (MU); and Revising Regulations Within the Various Mixed Use Districts.**

ADMINISTRATIVE COMMENTS:

Over the years, amendments to the Zoning Ordinance have been adopted from time to time to respond to changes in the community and to provide more effective requirements and efficient processes. The proposed amendments will improve the development standards and provide needed changes that will greatly enhance our delivery of service to the development community and our citizens. The Planning and Zoning Commission recommended unanimous approval of the proposed amendments by a vote of 7-0 at their meeting on September 1, 2015.

RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

**AGENDA
LEWISVILLE CITY COUNCIL
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- 3. Public Hearing: Consideration of the Proposed FY 2015-2016 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2015-16 budget, property tax revenue increase, and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2015-16 property tax rate is .436086, equal to the current .436086 tax rate. The proposed budget includes changes made by City Council at the budget workshop held on August 1st. The first public hearing was held on August 17th. Tonight's public hearing will be the second, and final, public hearing to be held. An agenda item to adopt the budget, property tax revenue increase, and property tax rate will be on the September 21, 2015 City Council meeting at 7:00 p.m. in the Council Chambers.

RECOMMENDATION:

That the City Council conduct the public hearing.

- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

4. APPROVAL OF MINUTES:

- a. **City Council Minutes of the August 3, 2015, Workshop Session and Regular Session; and**
- b. **City Council Minutes of the August 17, 2015, Workshop Session and Regular Session.**

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LEWISVILLE CITY COUNCIL
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- 5. Approval of Waiving the Penalty and Interest on Property Tax Account 652742DEN for 2014.**

ADMINISTRATIVE COMMENTS:

This account is one of a number of tax delinquencies recently discovered to have been placed in an “Exempt” status under the name of “TxDOT”. They involved a condemnation process whereby the Texas Department of Transportation acquired property from taxpayers in the year 2014 that is at issue here for unpaid taxes. Timely notice was not provided to the taxpayers of taxes owed for the portion of the year the property was owned by the taxpayers. Upon recent notification by Sawko & Burroughs, the City’s delinquent tax collector, that this 2014 tax was unpaid, the taxpayer timely paid same under protest, together with accrued penalty and interest, and filed this request for waiver and refund of the penalty and interest paid. It is the opinion of Sawko & Burroughs, based on the information provided, the circumstances in this case satisfy the waiver provision in state law. Waiver for this taxpayer totals \$422.84.

RECOMMENDATION:

That the City Council approve the waiver of the penalty and interest on the property tax account 652742DEN for 2014.

- 6. Approval of an Economic Development Agreement Between the City of Lewisville and Witherspoon Distillery; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Witherspoon Distillery is renovating and re-occupying a 15,300 SF space at 225 South Charles Street. The company is renovating an existing building with a projected investment of \$907,000. The proposed agreement provides for a Start-Up Grant where the City will reimburse Witherspoon Distillery for certain actual expenses not to exceed \$95,859.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

**AGENDA
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- 7. Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor) and Austin Asphalt LP, Irving, Texas (Secondary Vendor).**

ADMINISTRATIVE COMMENTS:

A total of eight (8) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened on August 13, 2015. Specifications stated a primary vendor and a secondary vendor would be selected based upon the unit price of hot-mix asphalt quoted coupled with the internal cost of the City to acquire the material. This material is used by the Street Division in making routine street repairs throughout the City. The terms of the contracts will be twelve months with options to extend for up to two (2) additional twelve month periods. The estimated annual expenditure is \$60,000 with funding available from the Public Services departmental budget.

RECOMMENDATION:

That the City Council approve the bid awards as set forth in the caption above.

- 8. Approval of Bid Award for Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line Replacement Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$1,906,478.70; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-seven (27) bid invitations were downloaded from Bidsync.com. Six (6) bids were received and opened August 13, 2015. The project consists of replacement of 8-inch water line on Civic Circle, 12-inch water line on Bennett Lane and a 15-inch sanitary sewer crossing DART right-of-way on Main Street. Funds are available in Capital Improvement Projects.

RECOMMENDATION:

That the City Council approve the bid award as set forth in the caption above.

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 14, 2015**

F. REGULAR HEARINGS:

- 9. Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The 1996 Bright Farms Agreement was amended to add the subject property into the ETJ by City Council on April 20, 2015. The subject property is being platted for the purpose of constructing a single-family residential development. The preliminary plat has two variances associated with its development: a) allow 41-foot street rights-of-way with 6-foot sidewalk and utility easements in lieu of the required 50 foot rights-of-way; and b) waive the alley requirement. The Planning and Zoning Commission recommended approval of the preliminary plat and all variances at their August 18, 2015, meeting (6-0).

RECOMMENDATION:

That the City Council approve the preliminary plat and the variances as set forth in the caption above.

PRESENTATION: Jeff Kelly, P.E., Assistant City Engineer

- 10. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 Acre Tract Zoned PUD2 (Ordinance No. 4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 14, 2015**

ADMINISTRATIVE COMMENTS:

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase A, Section 1 includes 60 lots covering 5.748 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

RECOMMENDATION:

That the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

- 11. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 Acre Tract Zoned PUD (Ordinance No. 4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase B, Section 1 includes 90 lots covering 8.408 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 14, 2015**

RECOMMENDATION:

That the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

- 12. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Special Event Fees for National Night Out Events on Tuesday, October 6, 2015.**

ADMINISTRATIVE COMMENTS:

Texas will observe National Night Out on October 6, 2015. The Police Department anticipates no more than 12 neighborhoods will hold a National Night Out event. Normal fees associated with a block party, such as a National Night Out event, are an administrative fee of \$15.50, a road closure fee of \$80 for two roadways and \$10 for each additional roadway closed. To encourage groups to hold a National Night Out event, the Police Department recommends that City Council waive these fees. The Police Department estimates that the waived fees could total \$1,146.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): Legal Issues Related to the Construction of the Old Town Park Plaza

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 14, 2015**

2. Section 551.071 (Consultation with Attorney/Pending Litigation): *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B
 3. Section 551.072 (Real Estate): Property Acquisition
 4. Section 551.074 (Personnel): Annual Staff Reviews:
 - (1) City Manager Donna Barron
 - (2) City Secretary Julie Heinze
 - (3) City Attorney Lizbeth Plaster
 - (4) Chief Municipal Court Judge Brian Holman
 - (5) Alternate Municipal Court Judges
 5. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **ADJOURNMENT**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: September 14, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08).**

BACKGROUND

The Special Use Permit (SUP) process allows for consideration of certain uses that may potentially be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions. Coyote Drive-In opened its first location at Panther Island in downtown Fort Worth in May of 2013, and due to the attraction's popularity, is seeking to expand in new markets. The applicant received Special Use Permit approval in January of this year for a Drive-In Theater with five screens, a 10,000 square foot fast casual dining restaurant with an open-air special events pavilion, a kids play area, and televisions. The applicant is requesting an amendment to the Special Use Permit to allow the addition of a sixth screen to the site in an area on the west side of the south most screen that is planned to be reclaimed from the floodplain. The other modification from the original plan is the relocation of the Midway Road entrance, which has been shifted from the northwest corner of the site to a location approximately 400 feet further east and therefore increasing the distance from the Midway Road and Holford's Prairie Road intersection. Land to the east and south of the subject site is primarily agricultural in nature. Property to the west is occupied by the Metro Auto Auction as well as other industrial uses. To the north of the site across Midway Road are several auto salvage operations. A vacant parcel and a lot with two metal warehouses occupy the hard corner of Midway Road and Holford's Prairie Road.

ANALYSIS

Description

Coyote Theater strives to combine the traditional drive-in movie experience with modern technology and upscale amenities intended to appeal to the entire family. The proposed facility features six Selby movie screens around the perimeter of the site, with grass islands in front of each screen. Films are projected onto the screens from one centrally-located projection booth. Sound is broadcast through Coyote's FM radio frequencies, accessible to radios or FM capable music players. Visitors that don't bring a car can utilize stand-alone speakers near the screen. A restaurant, restroom facilities, and playground are provided in the central portion of the site. The restaurant consists of a kitchen and concession area with open-air seating under an expansive steel-framed pavilion with a corrugated metal roof and large suspended ceiling fans. The restaurant, concession, and restroom buildings are constructed of concrete block.

Operations

Shows begin every night 15 minutes after sunset, with a different double feature playing on each screen. A 10-minute intermission is provided between movies. Gates open two hours before show time and entertainment such as live music, sporting events, and balloon artists are often provided. Coyote is open seven days a week throughout the entire year. Admission is \$8.00 for adults and \$6.00 for children over the age of three. Visitors can access the restaurant portion of the site for free, but must have a ticket to view movies. Estimated attendance is expected to be approximately 250,000 visitors annually, with peak demand occurring in the months of May through September. An average of 140 vehicles are expected during the week, while roughly 750 vehicles are anticipated Friday through Sunday during the peak period. Capacity of the entire facility is 1,711 cars.

Site Design

Entry to the drive-in is from Midway Road, where queuing for cars is provided before visitors reach the ticket booth. Exits are located on both Midway Road and Holford's Prairie Road. Patrons will park on recycled crushed concrete embankments in front of each screen, and all drive aisles will be paved. The proposed crushed concrete used for parking in front of each movie screen is the same material currently in use at the Coyote Drive-in in Fort Worth. This material is approved by TxDOT for a variety of applications and the permeable nature promotes drainage. The material is a blend of stone, sand, and fine-sized particles that develop a tightly-bound surface reducing maintenance, excess wash boarding in wet weather, and dust caused by loosening in dry weather. Staff has worked with the applicant to arrive at the current design, which utilizes the recycled crushed concrete only for the embankments in front of screens where viewers will park. A variance for the use of recycled crushed concrete was approved by City Council with the original SUP request. All drive aisles will be paved according to city requirements.

A 10-foot landscape strip and a six-foot high tubular steel fence are proposed along the Midway Road and Holford's Prairie Road frontages. Pockets of xeriscape plantings are provided at all entrances and exits featuring native plants such as yuccas, grasses, sage, and cypress trees intermingled with boulders. The southeastern portion of the site lies within the 100-year FEMA floodplain, and is not proposed for development.

A 40-foot high, 17-foot wide freestanding sign is proposed at the site's entrance off Midway Road. The top of the sign features a lighted cabinet of the company's logo. The lower portion contains a LED marquee listing the date, names, and show times for movies.

The use provides a unique entertainment venue in the city. Due to the industrial nature of the area, concerns regarding the potential for noise or glare issues are minimized. In addition, a Perimeter Noise Survey and Photometric Survey will be prepared to confirm that levels are consistent with city requirements.

The applicant expects a November 2015 construction commencement and an April 2016 grand opening.

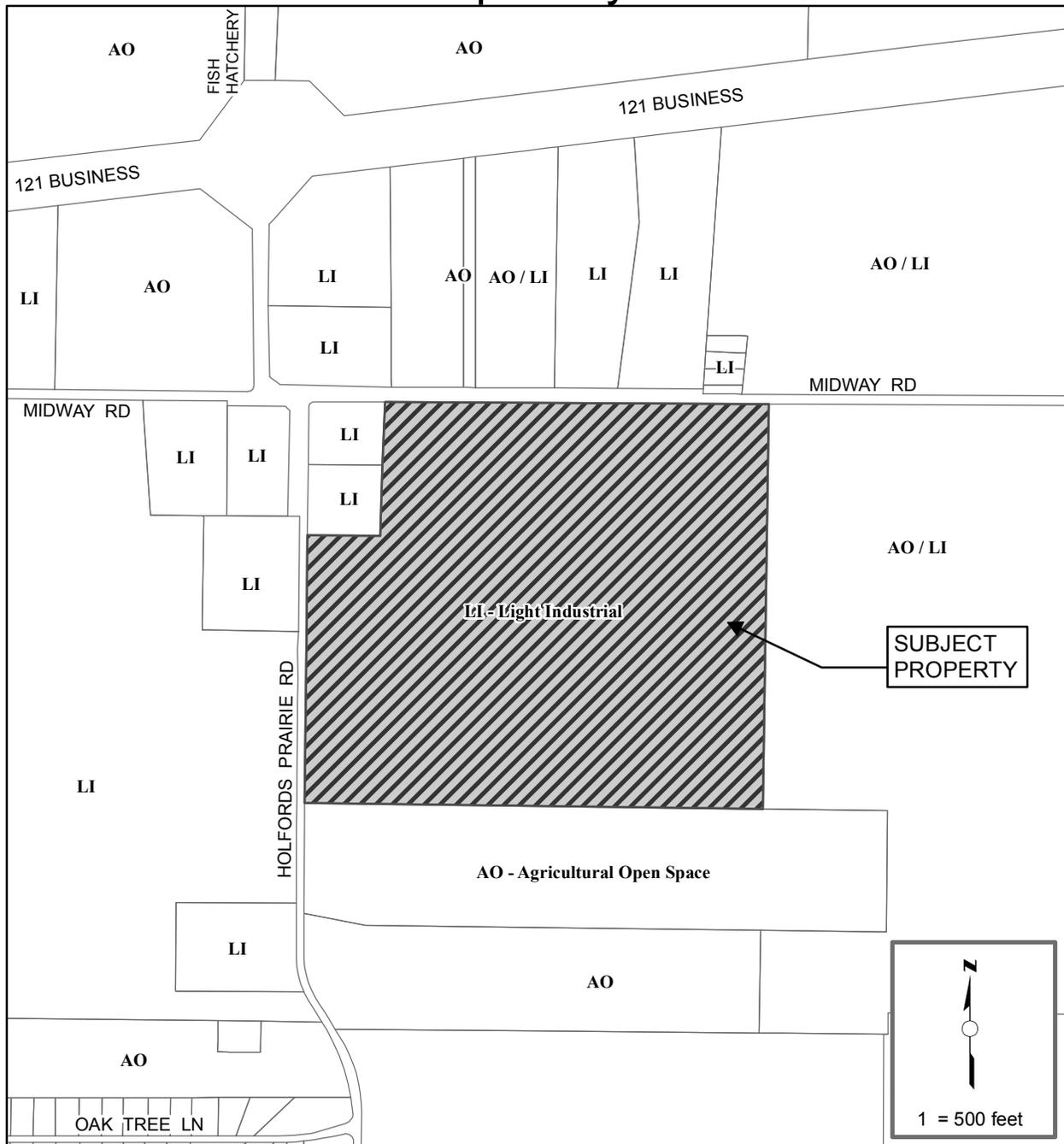
The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on August 18, 2015.

Subject: Drive-In Theater Amended SUP
September 14, 2015
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RECOMMENDATION

It is City Staff's recommendation that the City Council approve the proposed ordinance as set forth in the caption above.

Location Map - Coyote Theater



CASE NO. SUP-2015-08-08

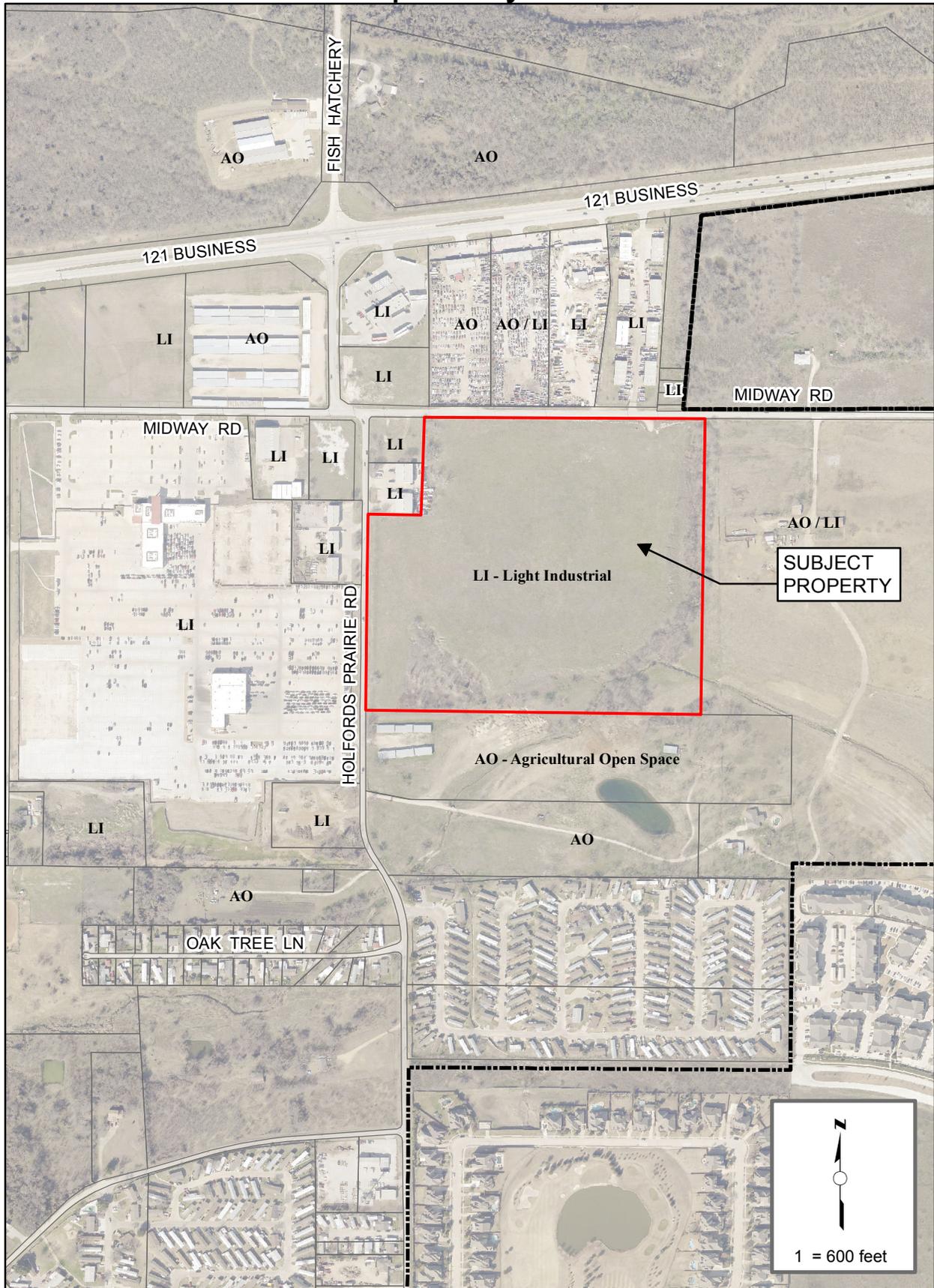
OWNER: COYOTE THEATERS, LLC

PROPERTY LOCATION: SOUTHEAST CORNER OF MIDWAY ROAD AND HOLFORD'S PRAIRIE ROAD (34.529 ACRES)

CURRENT ZONING: LIGHT INDUSTRIAL (LI)

REQUESTED USE: AMENDED SPECIAL USE PERMIT (SUP) FOR A DRIVE-IN MOVIE THEATER

Aerial Map - Coyote Theater



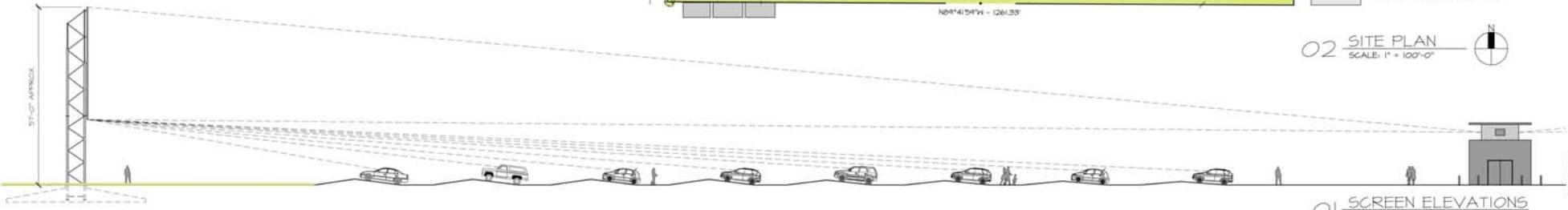
ORIGINAL DEVELOPMENT PLAN WITH 5 SCREENS



03 AREA PLAN
SCALE: N.T.S.



02 SITE PLAN
SCALE: 1" = 100'-0"



01 SCREEN ELEVATIONS
SCALE: 1/8" = 1'-0"



COYOTE DRIVE-IN THEATER
LEWISVILLE, TEXAS

11.20.2014
BECK ARCHITECTURE, LLC
1807 ROSS AVENUE, SUITE 500
DALLAS, TEXAS 75201

A01

**MINUTES
PLANNING AND ZONING COMMISSION
AUGUST 18, 2015**

Item 4:

Public Hearings for Special Use Permits (SUP) were next on the agenda. There was one SUP on the agenda for consideration:

- A. Consideration of an Amendment to a Special Use Permit Request for a Drive-in Theater on a 34.529-acre tract of land out of the S.M. Hayden Survey, Abstract No. 537; zoned Light Industrial (LI), located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC. (Case No. SUP-2015-08-08)

Richard Luedke, Planning Manager, gave a brief presentation on the amendments to the proposed drive-in theater. Glenn Solomon of Coyote Theater, LLC spoke in favor of the request and was available to answer questions. Mary Ellen Miksa asked why they wanted to add an additional screen now and not at the time of the initial SUP. Mr. Solomon explained that at the time they were unaware that they had available land where they could add a screen. Through the process, the applicant discovered they could add a sixth screen. Kristin Green asked about the traffic impact with the new entrance lane and addition of the screen. Staff indicated no additional impact with the additional screen and that the new entrance location would improve traffic flow. The public hearing was opened and there being no other questions, the public hearing was then closed. A motion was made by Steve Byars to recommend approval of the amended SUP, seconded by Brandon Jones. The motion passed unanimously (6-0).

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (6) Airport/Heliport (SUP required).
 - (7) Auto repair shops including body shops (SUP required).
 - (8) Church worship facilities.
 - (9) Buildings and uses owned or operated by public governmental agencies.
 - (10) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (11) Cosmetic manufacturer.
 - (12) Drugs and pharmaceutical products manufacturing.
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Electronic products manufacturing.
 - (15) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (16) Gas and oil drilling accessory uses (SUP required).
 - (17) Glass products, from previously manufactured glass.
 - (18) Heavy equipment – outdoor rental/sales/service (SUP required).
 - (19) Household appliance products assembly and manufacture from prefabricated parts.
 - (20) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (21) Musical instruments assembly and manufacture.
 - (22) Paint, shellac and varnish manufacture (SUP required).
 - (23) Plastic products manufacture, but not including the processing of raw materials.
 - (24) Racing facilities (SUP required).
 - (25) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (26) Self storage/mini warehouse facility (SUP required).
 - (27) Shooting Range (indoor or outdoor) (SUP required.).
 - (28) Sporting and athletic equipment manufacture.
 - (29) Testing and research laboratories.
 - (30) Auction yard (vehicle) (SUP required).
 - (31) Communication towers (SUP required).
 - (32) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (33) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (34) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (35) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A narrative explaining how the property and use(s) will function;
- c. Colored elevations of the building and other structures including dimensions and building materials;
- d. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- e. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- f. Detailed elevations and descriptions of proposed signage;
- g. An exhibit illustrating any requested variances; and
- h. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

RECEIVED JUL 14 2015



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	

SPECIAL USE PERMIT (SUP)
APPLICATION

Owner/s (name):	COYOTE THEATERS, LLC		
Company Name:			
Mailing Address:	PO BOX 190429 DALLAS TX 75219-0429		
Work #:	214-580-3160	Cell #:	
E-Mail:	glenn@coyotetheaters.com		
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):		Date:	07/02/15
Printed Name:			

Applicant/Agent (name):	GLENN SOLOMON		
Company Name:	COYOTE THEATERS, LLC		
Mailing Address:	PO BOX 190429		
Work #:	214-580-3160	Cell #:	
E-Mail:	glenn@coyotetheaters.com		
Applicant/Agent Signature	<i>Glenn Solomon</i>	Date:	07/02/15
Printed Name:	GLENN SOLOMON		

Current Zoning:	LI	Requested Zoning:		Acres:	34.529
Legal Description (Lot/ Block/Tract/Abstract):					
Address/Location:	Southeast Corner of Midway Road & Holfords Prairie Road				

Application and Sign Fees:

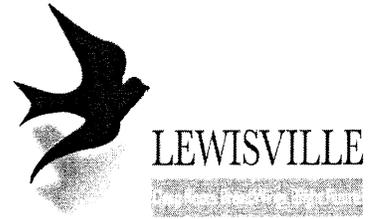
	Less than 1/2 acre	\$ 150.00
	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

X	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: _____	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
------------	-------------------------------------------------------------------------------------	----------

Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ _____
-----------------------------------------------	----------



PROPOSED SUP USE (Required to be filled out before submitting application)

Fully describe the proposed use(s) and plans for the property:

The premises to be used solely as a high-quality, family oriented outdoor commercial amusement destination including a drive-in theater featuring a combination of first-run and family favorite films, high-quality fast casual food and beverages (including wine and beer), the sale of related merchandise, and concerts, events, promotions, and festivals, and related activities with the express intent of attracting visitors to the area.

NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY GRANTING AN AMENDED SPECIAL USE PERMIT FOR A DRIVE-IN THEATER ON A 34.529-ACRES TRACT OF LAND OUT OF THE S.M. HAYDEN SURVEY, ABSTRACT NO. 537, ZONED LIGHT INDUSTRIAL (LI) DISTRICT; LOCATED AT THE SOUTHEAST CORNER OF MIDWAY ROAD AND HOLFORD'S PRAIRIE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville, Texas (the "City Council") approved a Special Use Permit, as requested on the property described in the attached Exhibit "A" (the "Property"), at its January 5, 2015, City Council Meeting;

WHEREAS, the applicant has requested that the Special Use Permit be amended in order to add a sixth screen to the site and to relocate the main entry drive into the site;

WHEREAS, the Planning and Zoning Commission of the City of Lewisville, Texas has recommended that an amended Special Use Permit, as requested on the Property, be approved;

WHEREAS, this application for an amended Special Use Permit comes before the City Council after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) compliments or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

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

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. AMENDED SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted an amended Special Use Permit to allow a Drive-in Theater on the Property, which is zoned Light Industrial (LI). This amended Special Use Permit supersedes and replaces the Special Use Permit issued on January 5, 2015.

SECTION 3. CONDITIONS OF AMENDED SPECIAL USE PERMIT. The Property shall be developed and maintained in compliance with the project description, development plan, elevations, landscaping plan, concept design and renderings, which are all attached hereto as Exhibit "B". The Property shall be developed and operated in accordance with all federal, state, and local laws and regulations.

Additional Conditions:

1. The operation of the Drive-In Theater shall at all times comply with the city's noise ordinances. In addition, prior to receiving its certificate of occupancy, the applicant shall submit a perimeter noise survey to the City showing full compliance. This survey should measure the Decibel levels in at least three relatively equidistant points per side of the perimeter of the property. Measurements shall be of applicant's anticipated maximum volume from all speakers, sound amplifying equipment, radio, or other similar devices to be used in the operation of the drive-in. Decibels shall be measured

on an approved sound-level meter using the a-weighted scale, and all readings on the perimeter of the property must comply with the city's noise ordinance prior to a certificate of occupancy being issued.

2. The operation of the Drive-In Theater shall at all times comply with the city's lighting ordinance. In addition, prior to receiving its certificate of occupancy, applicant shall submit a photometric survey to the City showing full compliance. This survey should be taken at night and measure the foot-candles of light in at least three relatively equidistant points per side of the perimeter of the property. Measurements shall be of applicant's anticipated maximum amount of illumination on any given night of operation. All readings on the perimeter of the property must comply with the city's lighting ordinance prior to a certificate of occupancy being issued.
3. A Traffic Impact Analysis shall be submitted along with the applicant's engineering site plan. Staff shall consider this Traffic Impact Analysis when reviewing the layout of the site so as not to create any traffic hazards.
4. The operator shall be responsible for spraying unpaved portions of the site with water, on an as-needed basis, in order to control dust generated by the recycled crushed concrete.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this amended Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS.

The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this amended Special Use Permit, by itself, be interpreted to be a variance or waiver of any municipal ordinance. City Council, however, may grant a variance at the same time as they approve a Special Use Permit. In that case, the plans and other documents attached to and made a part of this amended Special Use Permit may reflect said variance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the amended Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the amended Special Use Permit have not been met or have been violated.
2. The amended Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the Property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 14TH DAY OF SEPTEMBER, 2015.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

ORDINANCE NO. _____

Page 6

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
Project Description
Development Plan
Elevations
Landscaping Plan
Concept Design
Renderings

EXHIBIT "A"

Legal Description

BEING a 34.529 acre tract of land out of the S.M.Hayden Survey, Abstract No. 537, City of Lewisville, Denton County, Texas; said tract being a tract of land described in deed from J.M.Peters to C.W.Foose recorded in Volume 1571, Page 31, Denton County Deed Records; said tract being a part of a tract of land described in Substitute Trustee's Deed and Bill of Sale to Bank One, Texas, National Association recorded in Volume 2772, Page 93, Denton County Deed Records; Said 34.529 acre tract being more particularly described as follows:

COMMENCING at a point in the centerline of Midway Road (40 foot undedicated right-of-way), said point being the northwest corner of a tract of land described in deed to W.C.Meyers and also being North 89°57'50" East with the centerline of Midway Road a distance of 1231.72 feet from the intersection of said centerline of Midway Road with the centerline of Halford's Prairie Road (40 foot undedicated right-of-way);

THENCE South 00°59'06" East along the West line of said Myers tract a distance of 30.00 feet to a 1/2 inch iron pin found in the South right-of-way of Midway Road for the POINT OF BEGINNING;

THENCE South 00°59'06" East continuing along the West line of said Myers tract a distance of 1276.63 feet to a 1/2 inch iron rod found for corner at the southwest corner of said Myers tract; said point being in the north line of a tract of land described in deed to Raymond Myers recorded in Volume 1338, Page 852, Denton County Deed Records;

THENCE North 89°41'59" West with the north line of said Raymond Myers tract, a distance of 1261.33 feet to a "PK" Nail found for corner in the centerline of said Halford's Prairie Road; said point being the northwest corner of said Raymond Myers tract;

THENCE North 00°45'55" East with said centerline of Halford's Prairie Road a distance of 590.36 feet to a "PK" nail set at an angle point;

THENCE North 00°34'31" West with said centerline of Halford's Prairie Road a distance of 291.17 feet to a "PK" Nail found for corner at the southwest corner of a tract of land described in deed to Ardilla Milligan recorded in Volume 444, Page 666, Denton County Deed Records;

THENCE North 89°57'50" East with the south line of said Ardilla Milligan tract, a distance of 208.80 feet to a 1/2 inch iron pin set for corner at the southeast corner of said Ardilla Milligan tract;

THENCE North 00°17'50" East with the east line of said Ardilla Milligan tract, at a distance of 208.80 feet passing the northeast corner of said Ardilla Milligan tract and the southeast corner of a tract of land described in deed to John Milligan recorded in Volume 445, Page 72, Denton County Deed Records, and continuing with the east line of said John Milligan tract, in all, a distance of 388.11 feet to a 1/2 inch iron pin found, said point being in the south right-of-way of Midway Road;

THENCE South 89°59'47" East along the South right-of-way of Midway road a distance of 592.86 feet to a 1/2 inch iron pin set for angle point;

THENCE South 89°59'30" East continuing along the South right-of-way of Midway road a distance of 222.42 feet to a 1/2 inch iron pin set for angle point;

THENCE North 89°56'38" East continuing along the South right-of-way of Midway road a distance of 208.31 feet to the POINT OF BEGINNING and containing 34.529 acres of land.

Prepared for:
City of Lewisville
Location:
34.529 acre tract of land
SEC Midway Rd & Holfords Prarie Rd

Prepared by:
Coyote Theaters, LLC
P.O. Box 190429
Dallas, TX 75219
O: (214) 217-9101 glenn@coyotetheaters.com

PROJECT DESCRIPTION

Coyote Theaters is requesting a change from a 5 screen drive-in theater to a 6 screen

Coyote Drive-In is a revolutionary entertainment concept. Reinventing the nostalgic drive-in theater with advanced technology and upscale amenities for a lively, family oriented entertainment venue. Experience first-run blockbusters, independent films, classics and sporting events on state-of-the-art digital projectors with Selby movie screens, and enjoy amenities of the 10,000 SF fast casual dining and special events pavilion with open-air seating, kids play area, beer garden, TVs and live music.

Coyote Drive-In debuted it's first location in May of 2013 amidst the scenic backdrop of downtown Fort Worth. The highly publicized launch and consumer response of Coyote at Panther Island have made it community staple among entertainment attractions. Now the Coyote brand is expanding to new markets and excited about bringing back the drive-in.

• HOURS OF OPERATION

- 7 days a week
- Showing Double Feature new release every night.
- Gates open two hours before showtime.
- Showtimes begin 15 minutes after sunset
- 10 minute intermission between Features.

• TICKET PRICES

- General Admission is \$8 for ages 11 and over, \$6 for children 4 to 10. Children under 3 are free! (Prices subject to change.) You get TWO movies for that price. (No outside food and drinks allowed).

DESCRIPTION OF FACILITY

• PAVILION AREA (A02)

- Kitchen & Concession
- Covered Porch with open-air seating
- Restrooms
- Kids Play Area

• PARKING / 6 SCREEN VIEWING AREA (A01)

- See attached Site Plan A01
 - Parking Ramps for maximized site lines.
-

- **SCREENS & PROJECTIONS (A01)**
 - Selby movie screens
 - Projection booth for Digital projectors

REQUESTED VARIANCE

We are requesting the following variance for the proposed development. The variance listed and described below is necessary for the development of this property.

VARIANCE A:

Requesting the allowance of recycled crushed concrete for non-paved parking and drive area surface as indicated on attached plan A01.

- **DESCRIPTION OF MATERIAL**

- Recycled crushed concrete.

- **BENEFITS**

- Assist in groundwater recharge. Permeable surface providing a free draining "pavement" with the structural capacity to handle most heavy vehicle loads.
- Reduced runoff temperature.
- Reduce the "heat island" affect by reflecting instead of absorbing the sun's rays.
- Flood mitigation. Porous structure permits a free passage of water through the pavement into the soil without compromising durability or integrity.
- Limits surface water.
- Efficient land use.

- **INSTALLATION**

- Dirt graded in 6 inch lifts compacted and watered in each lift.
- Ramp and bay topping 3 inches of Recycled Crushed Concrete. (A01)
- Heavy drive area topping 4-5 inches of Recycled Crushed Concrete.

WORKING COPY

COYOTE THEATERS

EXECUTIVE SUMMARY

Overview

Coyote Theaters opened it's first location in May of 2013 amidst the beautiful backdrop of downtown Fort Worth.

Economic Impact

Project Outline

Develop family-friendly entertainment venue with five state-of-the-art screens and digital projections.

- Landscaping
- Kitchen & Concession
- Pavilion
-

REQUESTED VARIANCE

Objective

We are requesting the following variance for the proposed outdoor theater development. The variances listed and described below are necessary for the development of this property due to space, alignment, and existing grade limitations.

Variance A: Paving

Requesting the allowance

- Recycled Crushed Concrete
 - Viewing Surface
-



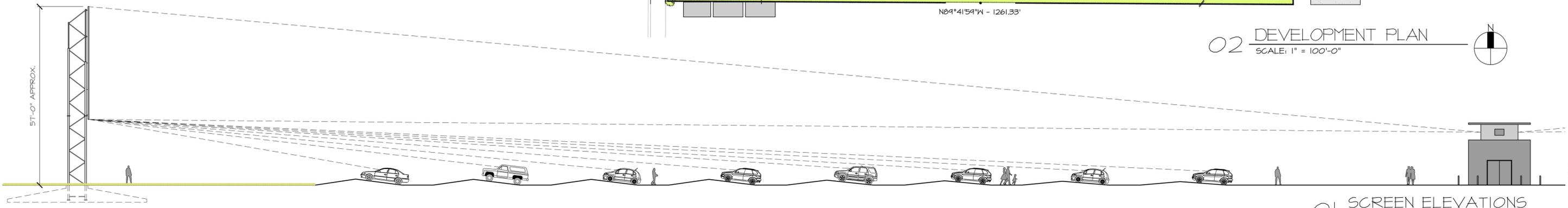
03 AREA PLAN
SCALE: N.T.S.



02 DEVELOPMENT PLAN
SCALE: 1" = 100'-0"



- LANDSCAPED AREA
- AREA LEFT NATURAL
- IMPERVIOUS PAVING (FIRE LANE)
- IMPERVIOUS PAVING (DRIVE LANES)
- PERMEABLE CRUSHED CONCRETE



01 SCREEN ELEVATIONS
SCALE: 1/16" = 1'-0"



COYOTE DRIVE-IN THEATER
LEWISVILLE, TEXAS

BECK ARCHITECTURE, LLC.
1807 ROSS AVENUE, SUITE 500
DALLAS, TEXAS 75201

07.13.2015

A01

MIDWAY ROAD

EXIT

ENTRY

EXIT

SCREEN #5
CAPACITY: 312 CARS

SCREEN #1
CAPACITY: 362 CARS

XERISCAPING W/
NATIVE PLANTINGS

XERISCAPING W/
NATIVE PLANTINGS

HOLFORD'S PRAIRIE RD.

EXIT

SCREEN #2
CAPACITY: 421 CARS

SCREEN #4
CAPACITY: 352 CARS



XERISCAPING LEGEND

A - TEXAS SAGE

B - PENDULA YUCCA

C - MEXICAN FEATHER GRASS

D - LANTANA NEW GOLD

AUTUMN SAGE

F - RED YUCCA

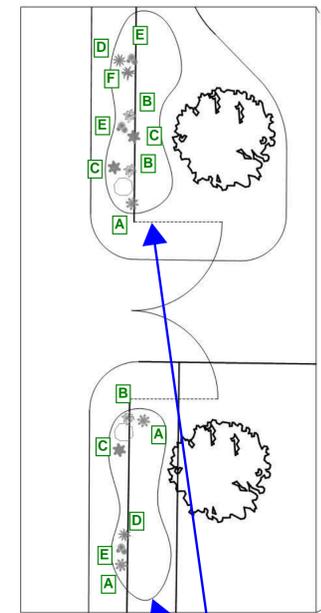


COYOTE DRIVE-IN THEATER
LEWISVILLE, TEXAS

BECK ARCHITECTURE, LLC.
1807 ROSS AVENUE, SUITE 500
DALLAS, TEXAS 75201

07.13.15

L01



XERISCAPING W/
NATIVE PLANTINGS

LANDSCAPING PLAN



CONCEPT DESIGN EXAMPLES | TOWER AND TICKET BOOTHS

Attachment to Ordinance No. _____
Exhibit "B"
Page 7 of 28



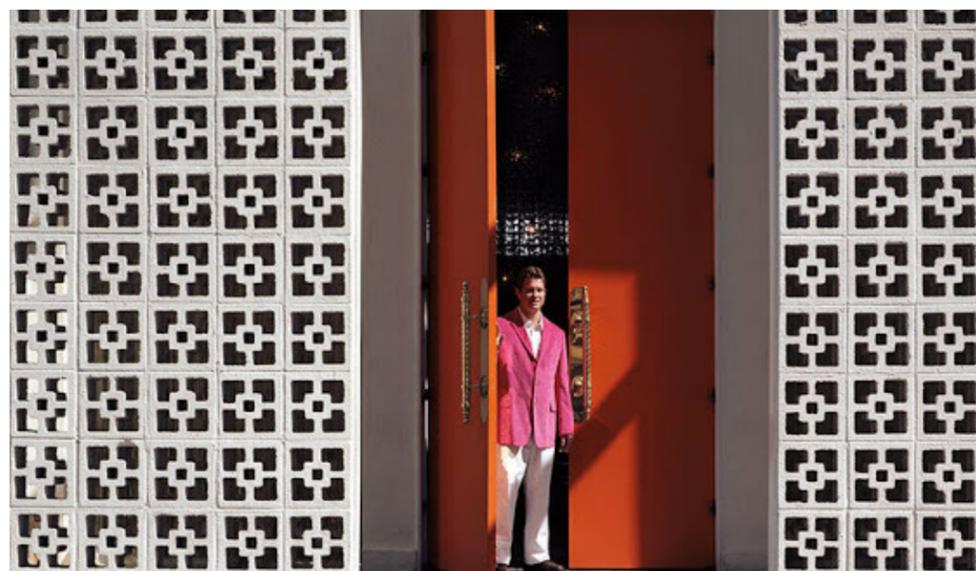
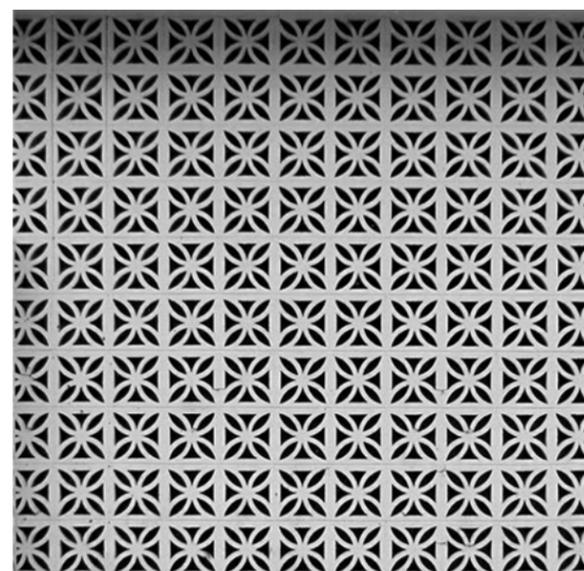
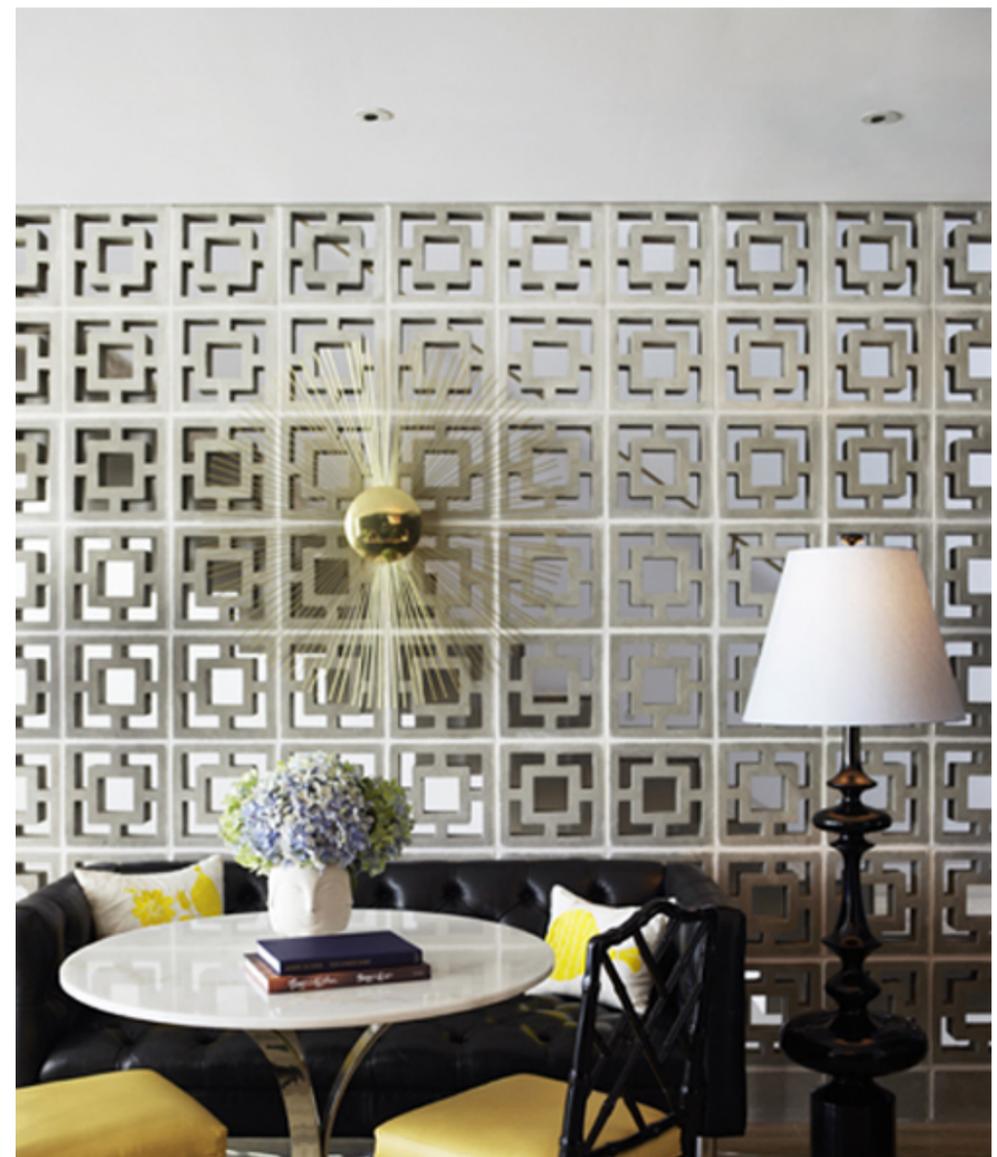
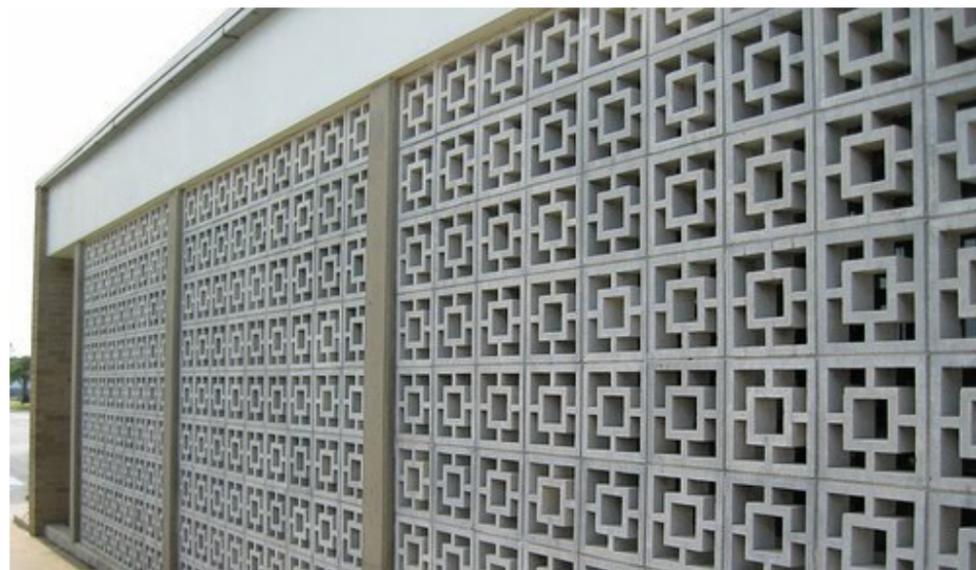
CONCEPT DESIGN EXAMPLES | CMU TEXTURE AND PATTERN

Attachment to Ordinance No. _____
Exhibit "B"
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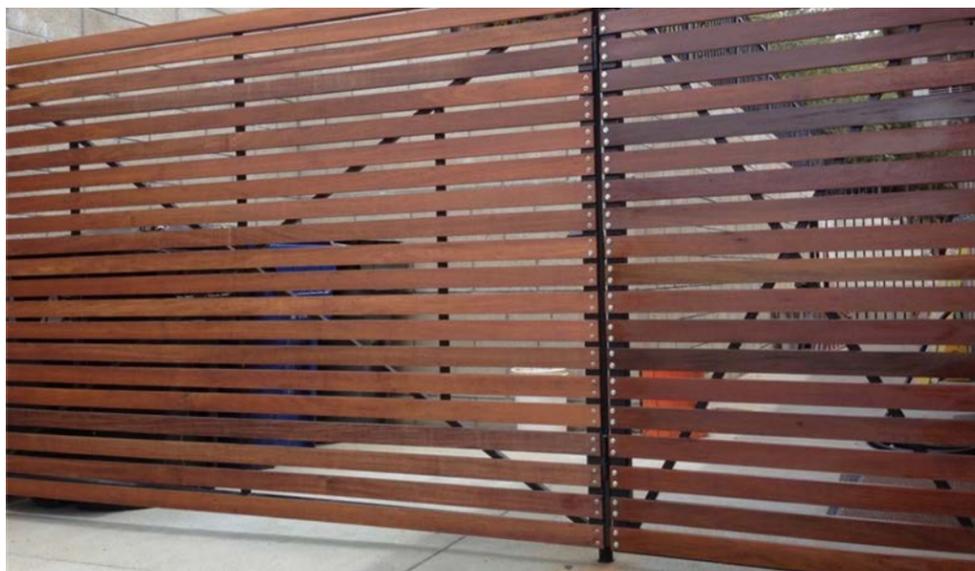
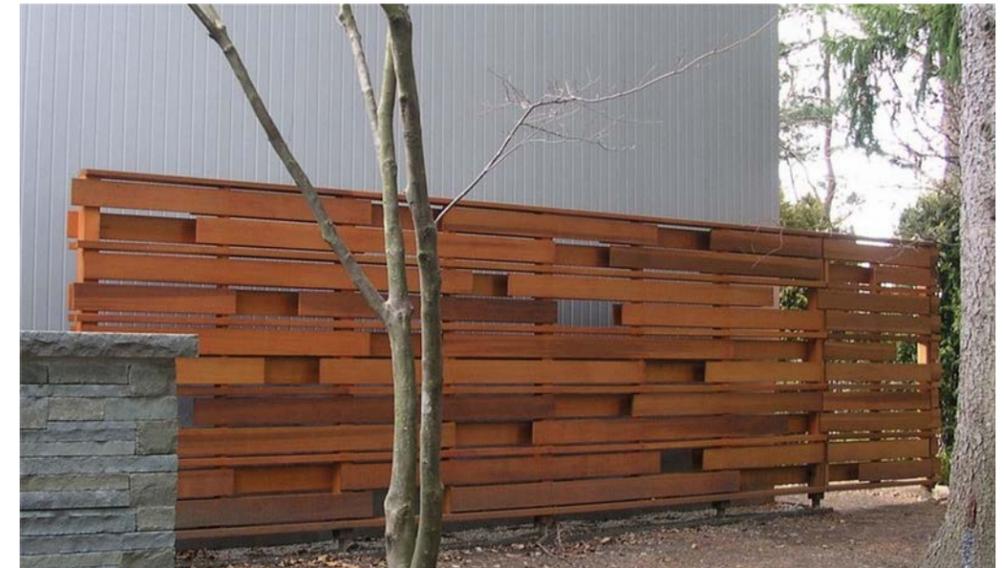
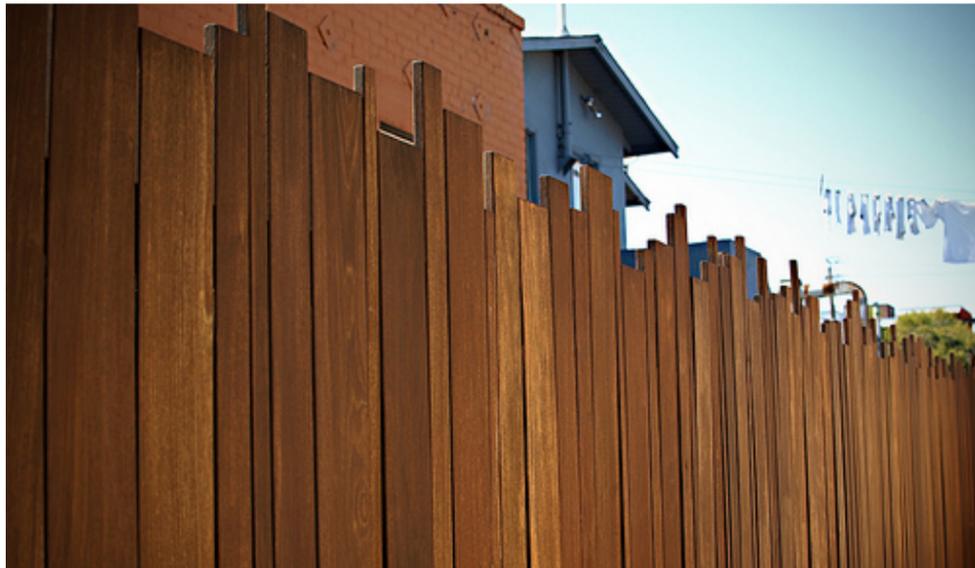
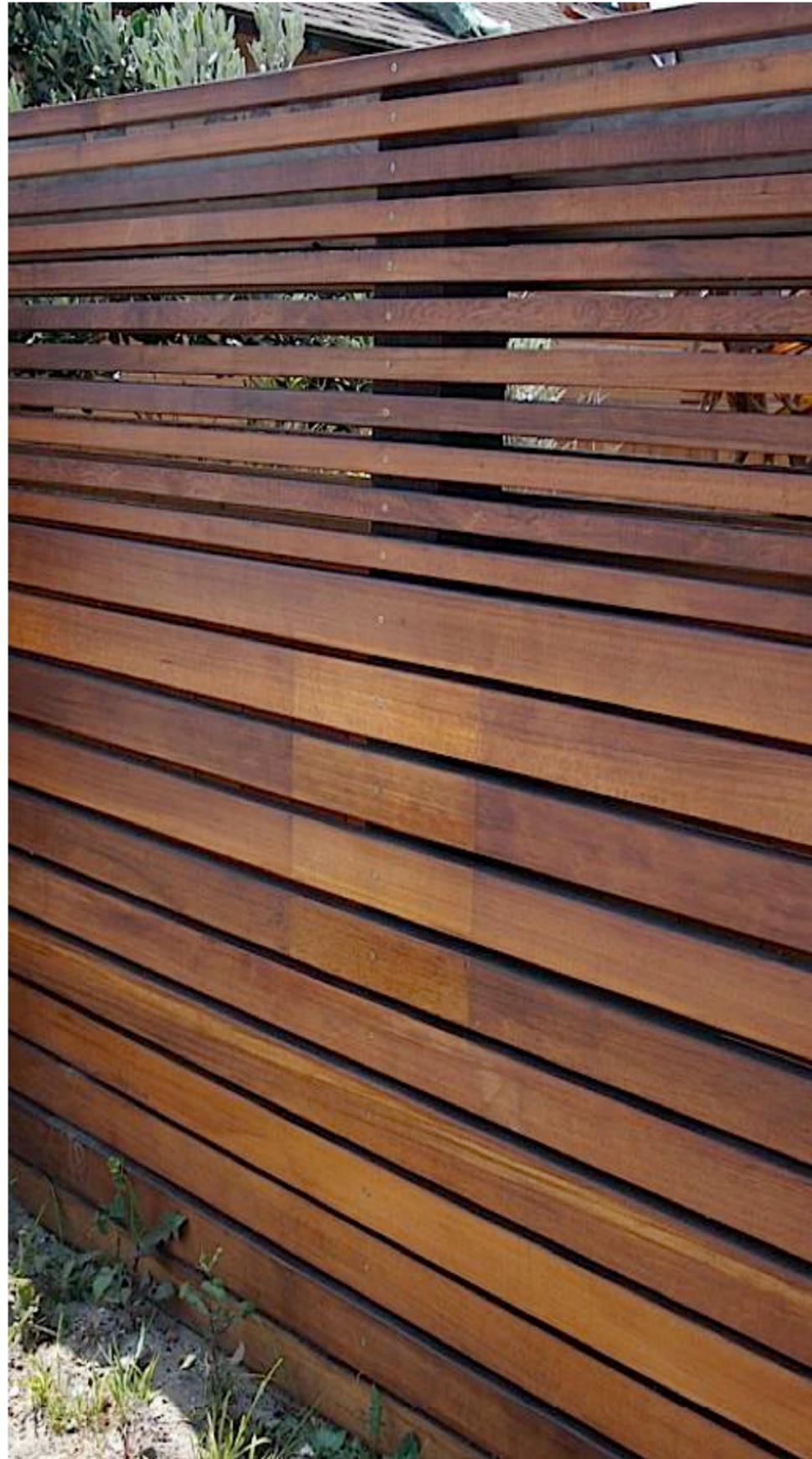
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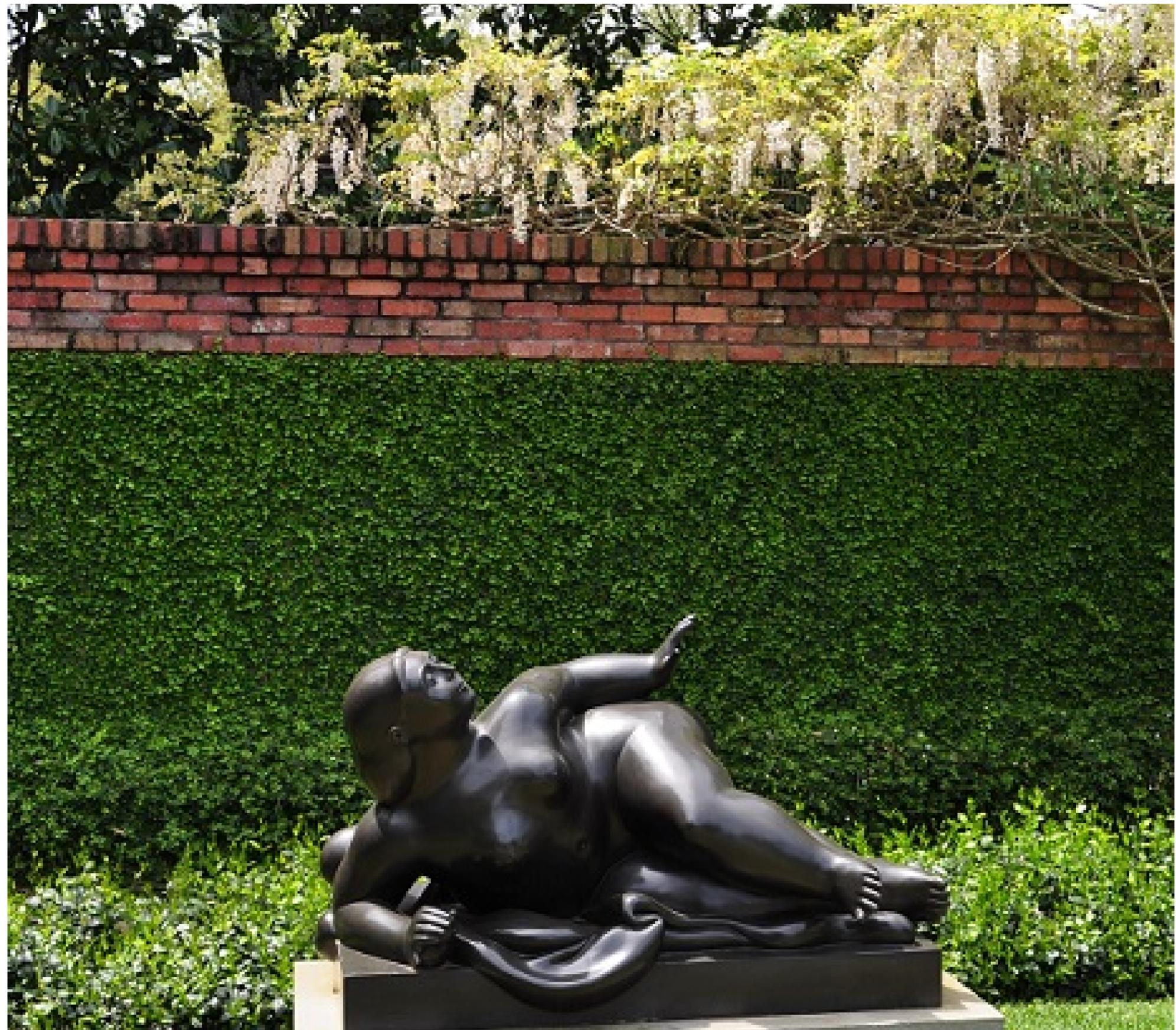
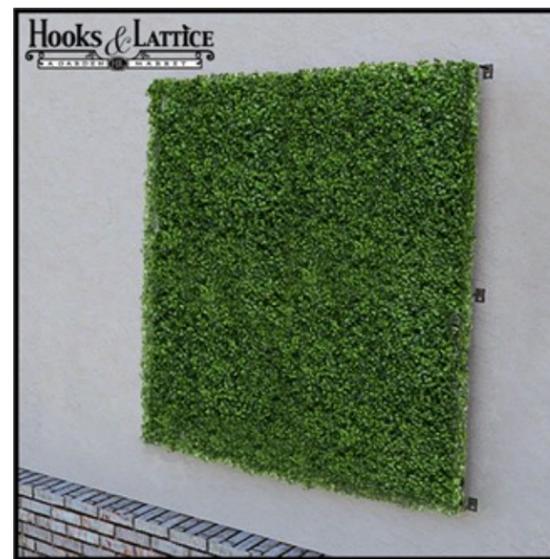
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CONCEPT DESIGN EXAMPLES | GREEN WALLS

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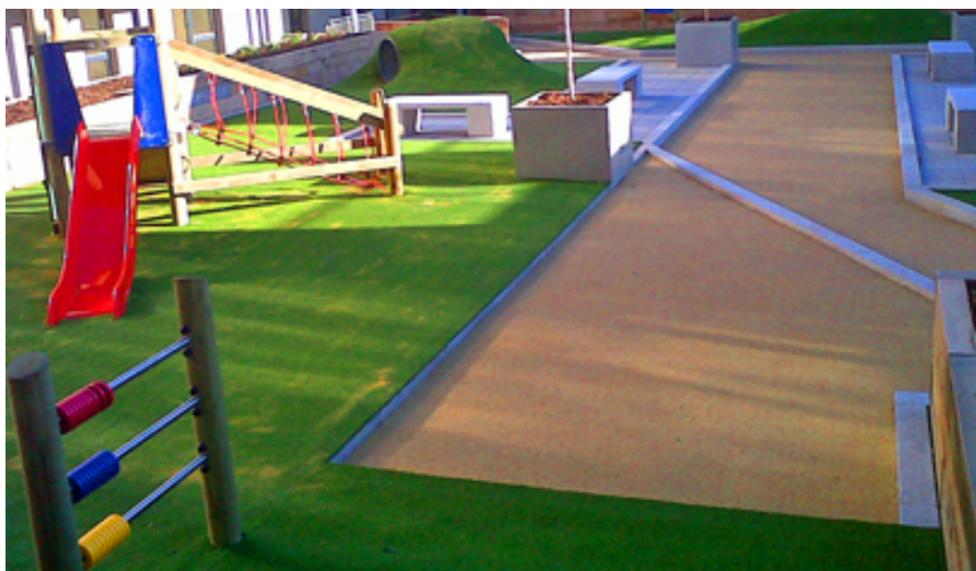
CONCEPT DESIGN EXAMPLES | RECLAIMED WOOD | THE BARN

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CONCEPT DESIGN EXAMPLES | ARTIFICIAL TURF

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RENDERINGS | ENTRY

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RENDERINGS | TOWER & GAME AREA

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RENDERINGS | PATIO & FOOD TRUCKS

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RENDERINGS | PATIO & RESTROOMS

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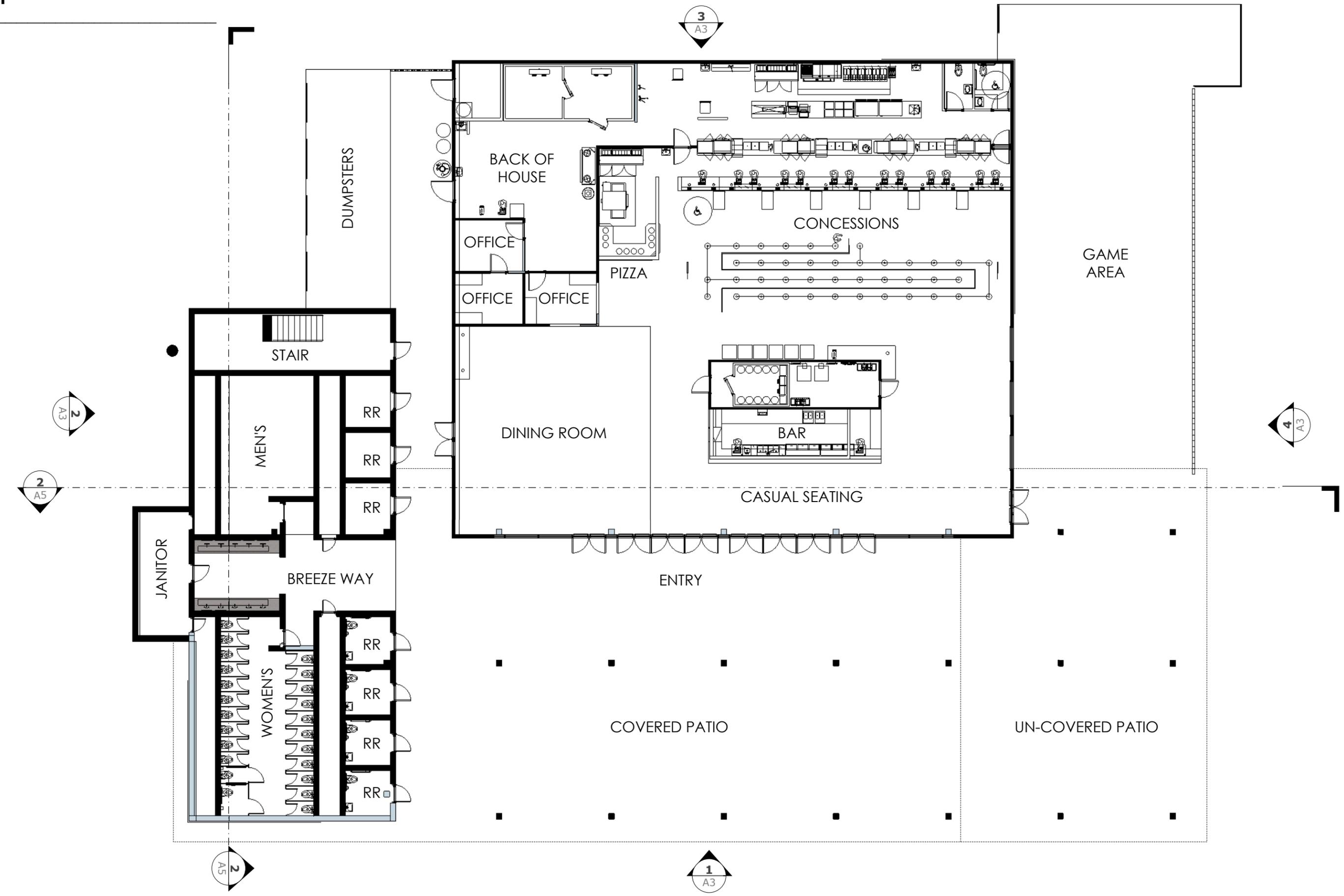


RENDERINGS | INTERIOR

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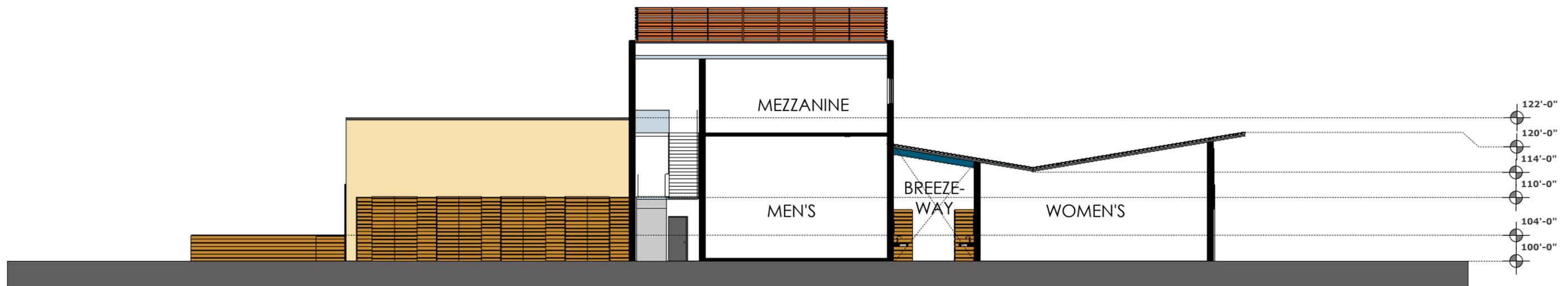






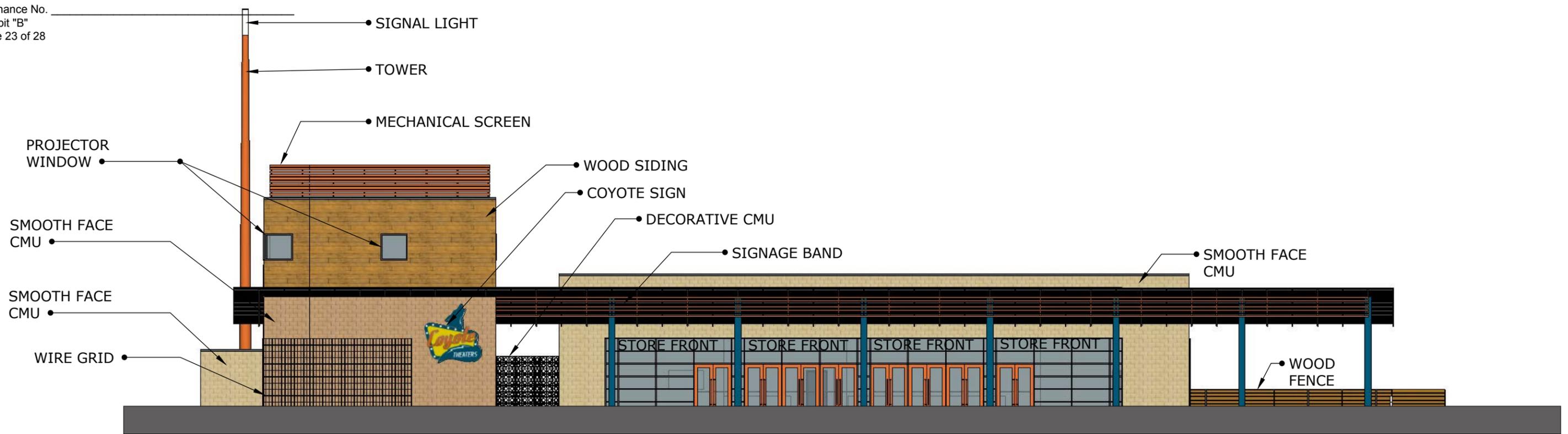
SECTIONS | SCALE: 1/6" = 1'-0"

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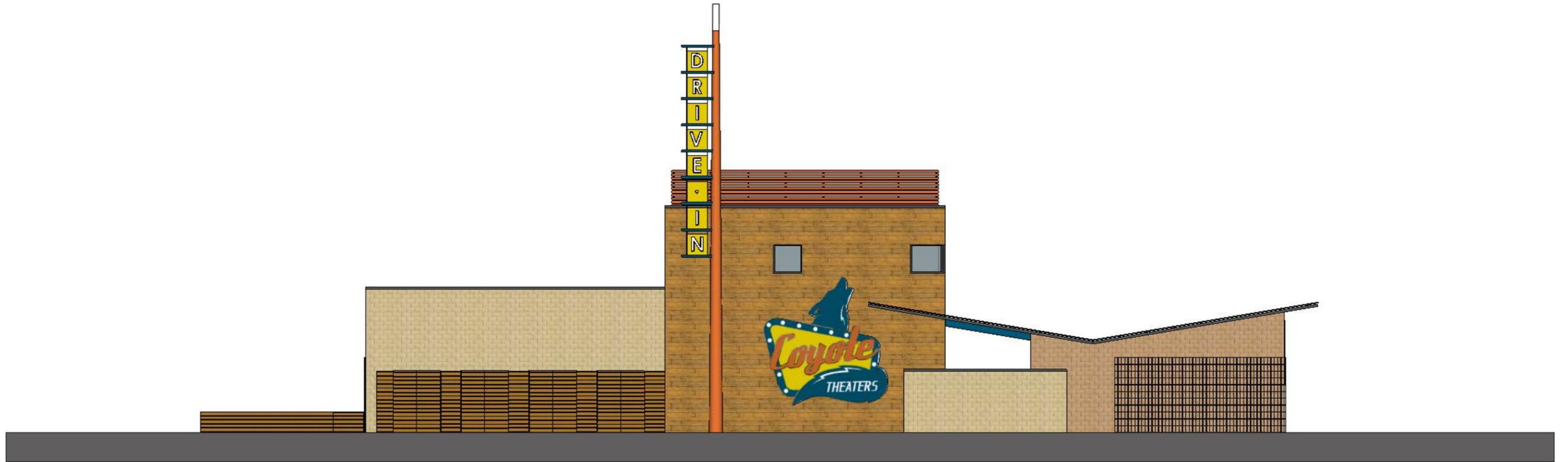
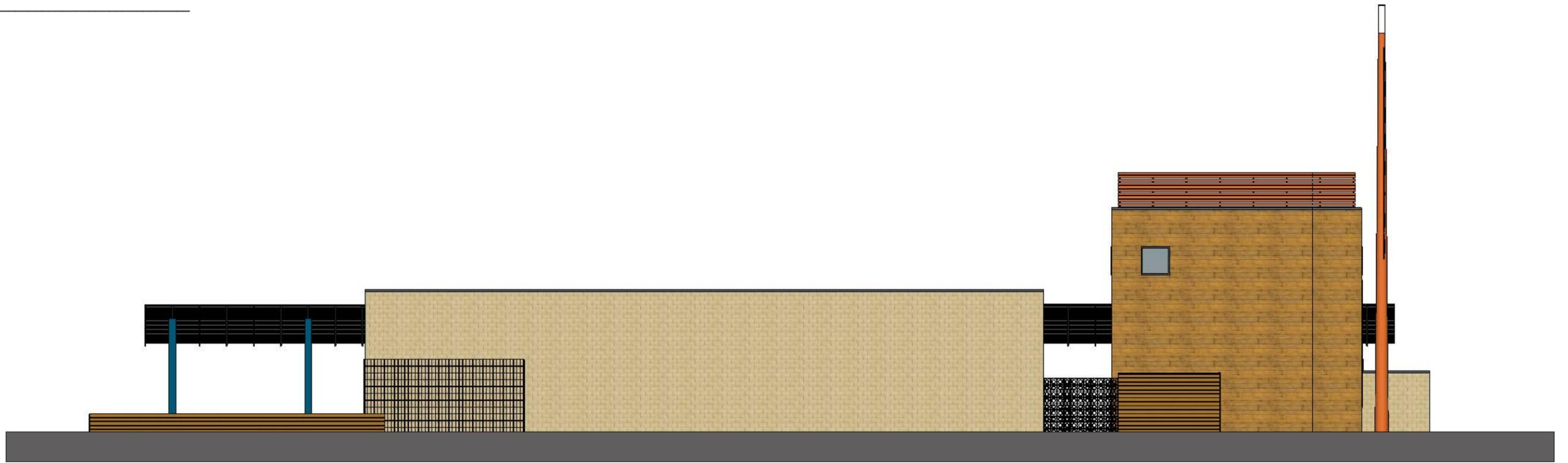
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ELEVATIONS | SCALE: 1/6" = 1'-0"

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HARDSCAPE CHARACTER: MATERIALS

Select hardscape materials that are attractive, safe, environmentally friendly, and heat reducing.



DESCRIPTION & BENEFITS:

Recycled Crushed Concrete (RCC), as used at Coyote Drive-In Fort Worth.

RCC is a TXDOT non tracking material.

Recycled aggregates are an environmentally friendly alternative to natural aggregates and are authorized by the Texas Department of Transportation for a variety of applications.

Assist in groundwater recharge. Permeable surface providing a free draining "pavement" with the structural capacity to handle most heavy vehicle loads.

Reduced runoff temperature.

Reduce the "heat island" affect by reflecting instead of absorbing the sun's rays.

Efficient land use.



Recycled Crushed Concrete

BIG CITY CRUSHED CONCRETE

Flexible Base Stockpile

Wet Sive Analysis
(ITEM 247 Grade 1 Type D)

Sieve Size	Percent Retained	Percent Retained Required
1 3/4"	0.0	0
7/8"	14.6	10 - 35
3/8"	49.0	30 - 50
No. 4	61.4	45 - 65
No. 40	83.9	70 - 85

COYOTE THEATERS

CONCEPT BINDER

SITE WORK: STABILIZE & DUST CONTROL

CONSTRUCTION PROCESS

Aggregate: TXDOT Recycled Crushed Concrete.

Graded in 6 inch lifts. Each lift compacted at optimum moisture to achieve maximum strength and stability.

RCC surface aggregate with good gradation for solid compaction. Blend of stone, sand and fine-sized particles to develop a tightly bound surface that greatly reduces maintenance, excess washboarding in wet weather, and dust caused by loosening in dry weather.

Ramp surface 2-4 inch RCC watered and compacted..

Wearing surface 3-6 inch RCC watered and compacted.



COYOTE THEATERS

CONCEPT BINDER

FINISHED PRODUCT:



COYOTE THEATERS

PANTHER ISLAND

FORT WORTH, TEXAS



COYOTE THEATERS

LEWISVILLE, TX - COMING 2015

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: September 14, 2015

SUBJECT: **Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting, and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District With a New Planned Development (PD) District; Replacing the Mixed Use Thirty (MU-30) District With a New Mixed Use (MU) District; and Revising Regulations Within the Various Mixed Use Districts.**

BACKGROUND

Over the years, amendments to the Zoning Ordinance have been adopted from time to time to respond to changes in the community and to provide more effective requirements and efficient processes. The proposed amendments will improve the development standards and provide needed changes that will greatly enhance our delivery of service to the development community and our citizens.

ANALYSIS

A summary of the proposed amendments is outlined below:

Definitions: New definitions have been added for brewery, distillery, winery and plant nursery.

Uses:

- Communication Towers (SUP) have been added to LC, which carries over to GB, LI and HI.
- Plant Nursery (Retail Sales) has been added to LC, which carries over to GB, LI and HI.
- Plant Nursery (Retail Sales) (with outdoor display or storage) (SUP) has been added to LC, which carries over to GB, LI and HI.
- “Recreational Vehicle” has been added to the use listing for “Auto, boat, motorcycle or mobile home display/sales/repair” (SUP) in GB, which carries over to LI and HI.
- Brewery, distillery or winery has been added to GB, OTMU2, MU-SC, MU and MU-90.
- Bar (SUP) has been added to OTC and OTMU2.
- Motor Freight Terminal has been added to WH.

New Planned Development (PD) District: The new PD District replaces the current PUD District with a streamlined process that requires the establishment of a base zoning district and submission of a concept plan for approval. The standard public hearing process remains in effect. Once a PD is approved, the applicant then proceeds through the normal platting process.

Amendments to Mixed Use Districts:

- Reduced minimum size of accessory dwelling units and multi-family units from 850 square feet to 650 square feet in OTC, OTMU1, OTMU2, MU-SC, MU and MU-90.
- Current MU-30 District is now MU District by removing 30-acre minimum.
- New descriptions provided for MU and MU-90.
- Adjusted setback and height requirements in OTMU1, OTMU2, MU-SC, MU and MU-90.
- Removed density limits and adjusted minimum lot size in OTMU1 and OTMU2.

Other Amendments:

- Revised setback requirements in MD.
- Added metes and bounds description to SUP submittal requirements.
- Added reference to adopted comprehensive plans or small area plans to SUP approval criteria.
- General formatting corrections and deletion of non-applicable provisions.
- General clarification of confusing or unclear provisions.

The Planning and Zoning Commission recommended unanimous approval of the proposed amendments by a vote of 7-0 at their meeting on September 1, 2015.

RECOMMENDATION

It is City Staff's recommendation that the City Council approve the proposed ordinance as set forth in the caption above.

**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 1, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Steve Byars, Alvin Turner, and Kristin Green.

Staff members present: Richard Luedke, Planning Manager; Prit Patel, Economic Development Coordinator; and June Sin, Intern.

Item 5:

Public Hearings for Zoning Ordinance Amendments were next on the agenda.

- A. Consideration of Amendments to Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; and Revising Regulations Within the Various Mixed Use Districts.

Richard Luedke, Planning Manager, gave a brief presentation on the amendments to the Zoning Ordinance which included modifications to definitions, processes, and regulations. Sean Kirk asked if the definition for distillery was added based on a new distillery, currently under a permitting process with the City of Lewisville. Staff replied that existing zoning permitted such use within general retail and service uses. The use was added to more clearly distinguish this use from other retail and service uses. Kristin Green asked if removing density limits for OTMU zoning would allow development with lower density than previously required. Staff responded that the requirement was removed due to its arbitrary and limiting nature and removing it would allow flexibility and greater density. Kristin Green asked if the changes would decrease minimum lot sizes. Staff responded that regulations on height, parking, and dwelling size would guide the lot sizes. James Davis asked if the addition of communication towers to the use lists was in response to any updates in the Federal Communications Commission (FCC) regulations. Staff responded that new FCC regulations that became effective in April 2015 addressed response timelines that municipalities must follow when new facilities or modifications are proposed. Communication towers, which are currently allowed by SUP in the Light Industrial District, were added as uses requiring SUP approval in the Local Commercial and General Business Districts since several towers currently exist in these districts. Chairman Davis opened the regular hearing. There being no one present to speak on the amendments, the regular hearing was closed. A motion was made by Steve Byars to recommend approval of the proposed amendments to the Zoning Ordinance, seconded by Kristin Green. The motion passed unanimously (7-0).

ZONING ORDINANCE

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SECTION 17-1. – TITLE

This chapter shall be known and may be cited as "The City of Lewisville Zoning Ordinance" or the zoning ordinance.

SECTION 17-2. – PURPOSE

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city. They have been designed to lessen the congestion in the street; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have 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 a comprehensive plan.

SECTION 17-3. – DEFINITIONS AND ADDITIONAL USE REGULATIONS

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the plural and the singular; the words "shall" and "must" are mandatory and not directive; and the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Any use regulations set forth herein are in addition to those regulations found elsewhere in the zoning ordinance. Said words and terms as follows:

Accessory building, structure, or use shall mean one which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and, (d) is located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use.

Use regulation: One accessory dwelling unit in a commercial building may be allowed as an accessory use when the occupant is the owner, manager, security guard, or other person employed full-time by the business so that the accessory dwelling unit is directly accessory to the business.

Accessory dwelling unit shall mean a detached, self contained housing unit that is secondary to the main residence and is subordinate in area, extent, or purpose to the principal building or principal use served. An accessory building with shower/bath or kitchen facilities is considered an accessory dwelling unit and shall adhere to the regulations of this ordinance.

Airport shall mean any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft, including and not limited to air traffic control facilities, terminal buildings and airport auxiliary facilities.

Alley shall mean a public right-of-way which affords a secondary means of access to abutting property.

Alternative Energy shall mean energy sources that are renewable and are thought to be "free" energy sources. They all have lower carbon emissions, compared to conventional energy sources. These include Biomass Energy, Solar Energy, Geothermal Energy and Hydroelectric Energy sources.

Animal slaughter or processing shall mean a building or property used for the commercial slaughtering and or processing of animals for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Apartment shall mean a dwelling unit in an apartment building.

Apartment building shall mean a building, or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multi-family dwelling.

Auction yard (vehicle) shall mean a place where operable motor vehicles are offered for sale to persons who bid on the vehicles in competition with each other.

Bar shall mean an establishment licensed by the state for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.

Batch plant shall mean a manufacturing facility for the production of concrete.

Bed and breakfast shall mean an establishment offering the use of guest rooms to the transient public for compensation. The establishment must be owner-occupied and are limited to a maximum of five (5) bedrooms. A minimum of one meal per day shall be served on the premises for the benefit of the guests of the bed and breakfast. A bed and breakfast is a non-residential use.

Use regulation:

- a. Guests shall not stay in excess of 14 consecutive days.

Beverage container recycling collection unit shall mean a *unit* used for the commercial collection and temporary storage of empty beverage containers for recycling purposes conducted totally within an enclosed structure or container. This definition does not include home recycling containers or processing except for "can banks" that crush cans as they are deposited.

Use regulation: This use must be an accessory use to a supermarket.

Block shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined.

Board shall mean the board of adjustment established by this ordinance.

Brewery shall mean an establishment where beer or malt liquor is brewed.

Build shall mean to erect, convert, enlarge, reconstruct or alter a building or structure.

Buildable width shall mean the width of the building site left to be built upon after the required side yards are provided.

Building or structure shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, detached shall mean a building surrounded by yards or open space on the same building lot.

Building height shall mean the number of stories contained in a building and/or the vertical distance from finished grade to roof peak.

Building line shall mean the rear line of a required front yard which is generally parallel to the street line forming the front lot line.

Building lot shall mean a single tract of land located within a single block which, (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance and the city's general development ordinance.

Building, mixed-use shall mean a building used partly for residential use and partly for community facility and/or commercial use. A mixed-use building is a commercial use.

Building, principal shall mean a building in which the principal use of the lot on which it is located is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

Building, residential shall mean a building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families or lodgers.

Car wash shall mean a building, or portion thereof, containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type carwash is also considered a car wash.

Carports shall mean an accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory.

Cemetery shall mean land used or intended to be used for the interment of human remains and may include the following accessory uses if operated within the boundaries of said cemetery: a crematorium, mausoleum, columbarium, necessary sales and maintenance facilities, and mortuaries.

City shall mean the City of Lewisville, Texas.

Clinic shall mean the office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions.

Columbarium shall mean a structure designed for the purpose of interring cremated human remains in sealed compartments.

Commercial amusement (indoor) shall mean an amusement or entertainment enterprise wholly enclosed and operated within a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, indoor tennis courts, gymnasiums, swimming pools, teen clubs, dance halls and movie theaters.

Commercial amusement (outdoor) shall mean an enterprise offering entertainment or games of skill to the general public for a fee or charge or to members and guests of a private association wherein any portion of the activity takes place in the open. Typical uses include, but are not limited to: private sports fields, batting cages, a golf driving range, paint ball facility, archery range and miniature golf course, amusement park, water park, rodeo grounds, drive-in theater, go-cart tracks.

Commission, planning shall mean the Planning and Zoning Commission of the City of Lewisville, Texas.

Communication Towers and related devices: A communications tower is a structure primarily intended to support transmission equipment for telephone, radio, and other communication purposes. Communication towers are typically categorized as monopole (freestanding), lattice (self-supporting or anchored with guy wires or cables). Related devices shall be defined as follows:

Antenna: A signal transmission or receiving device for radio, television, telephone or other electronic signals including accessory mechanical equipment and accessory structures used solely for housing accessory equipment. An antenna may stand alone or be attached to a building, structure, rooftop, monopole or lattice tower.

Communication Dish: Any dish-shaped device used for transmission or receiving of radio, television, telephone or other electronic signals, including accessory mechanical equipment attached to a tower and accessory structures used solely for housing of the accessory equipment. A Communications Dish shall be considered an antenna.

Lattice Tower: A lattice structure used to support antennas or communications dishes, including accessory mechanical equipment attached to the tower and accessory structures used solely for housing of the tower or accessory equipment.

Monopole Tower: A pole (not exceeding 42 inches in diameter) used to support antennas or communications dishes, including accessory mechanical equipment attached to the pole and accessory structures used solely for housing of the monopole or accessory equipment.

Monopole Platform: That portion of a monopole tower, located on or near the top of the tower, supporting directional, transmitting and receiving antennas. Such platforms may not have a horizontal cross section area greater than one hundred ninety six (196) square feet. The depth shall not exceed four (4) feet.

Convenience store shall mean any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Council shall mean the City Council of the City of Lewisville, Texas.

Court shall mean an open, unoccupied space, bounded on more than two sides by the walls of the 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 permanent open space.

Crematorium shall mean a building, structure or part thereof used for the purposes of the cremation of human remains. A crematorium is an accessory use to a cemetery, columbarium or mortuary.

Criminal/penal institution shall mean a facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments and detention facilities.

Day nursery or day care center shall mean any child care arrangement which provides child care on a regular basis for more than six (6) children.

Development or to develop shall mean the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

Display shall mean a formal exhibition of goods done in a manner so as to cause the goods to be favorably seen. An outside display area requires the retail items, except living plants, to be placed on asphalt or concrete.

Distillery shall mean an establishment where alcoholic liquor is distilled.

District shall mean a zoning district which is a part of the city wherein regulation of this ordinance is uniform.

Dwelling shall mean a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels or lodging houses.

Dwelling, attached shall mean one which is joined to another dwelling at one or more sides of a party wall or walls.

Dwelling, detached shall mean one which is entirely surrounded by open space on the same building lot.

Dwelling, multi-family shall mean a building or portion thereof constructed for and/or occupied by three (3) or more families and containing three (3) or more dwelling units located upon the same building lot, or on a building constructed with at least one dwelling unit above another dwelling unit.

Dwelling, single-family shall mean a building containing only one (1) dwelling unit and/or occupied by only one (1) family.

Dwelling, two-family shall mean a building containing two (2) dwelling units and/or occupied by only two (2) families.

Dwelling unit shall mean one (1) or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided, but each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit unless such facilities are provided in a bona fide servants' quarters as herein defined. Apartment units in extended-stay hotels are considered dwelling units.

Electrical energy generating plant shall mean a facility belonging to a privately owned utility company franchised to serve the city.

Excavation or gravel pit shall mean an area where minerals, gravel, or other similar materials are excavated or quarried below the natural grade of the surface.

Family shall mean one (1) or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than five (5) persons (excluding servants) who are living together in a dwelling unit.

Flea market (outdoor) shall mean a swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Fundraising events sponsored by religious, charitable, educational, social or political organizations are not a flea market.

Garage, auto repair shall mean a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Garage, private shall mean an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public shall mean a building or portion thereof, other than a private or storage garage, designed or used for storing motor driven vehicles.

Gas and oil drilling accessory uses shall mean gas and oil drilling uses not specified within the city's gas drilling ordinance, which may include and is not limited to a centralized natural gas compression facility, centralized water collection facility, centralized natural gas lift facility.

Gasoline service station or service station shall mean any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Grocery store shall mean a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Heavy machinery sales and storage shall mean a building or open area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

Heliport shall mean an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop or helipad shall mean a landing pad for occasional and infrequent use by helicopters. No on-site servicing of or fueling is allowed.

Home occupation shall mean a business, occupation, or profession conducted within a residential dwelling unit on a residentially zoned lot by the resident thereof, and which shall have the following characteristics:

Use Regulations:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business; and
- (3) Said home occupation shall not have a separate entrance for the business and shall not include continual visits by the general public.

- (4) Home occupations must be registered with the City of Lewisville.

A business, occupation, or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the city to order a cease to all such activity within said dwelling unit.

Hospital shall mean a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel, motel or inn shall mean an establishment offering lodging, the use of guest rooms or sleeping accommodations, to the transient public for compensation. Hotels, motels or inns furnish customary hotel services and may contain a restaurant, club, lounge, banquet hall, meeting rooms and other accessory uses. A hotel, motel or inn is a non-residential use. For purposes of this ordinance, if more than 20% of the guest rooms of the establishment are occupied by a person who has the right to use or possess a guest room for at least 60 consecutive days without interruption, then the use of such establishment shall be classified as residential. Residential usage shall not be permitted in a non-residential zoned area.

Iron/steel foundry shall mean a facility of a portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final shape products for introduction into commerce. Research and development facilities, operations that only produce non-commercial castings, and operations associated with nonferrous metal production are not included in this definition.

Junk or salvage yard shall mean a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A "junk yard" does not include such uses conducted entirely within an enclosed building. A "junkyard" includes an automobile wrecking yard and automobile parts yard.

Kennel (indoor) shall mean an establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kennel (outdoor) shall mean an establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kiosk shall mean a small free standing building or structure of 750 square feet or less intended for commercial business operation. The structure as defined may be manned or automatic without an attendant.

Landfill, sanitary shall mean an engineered land burial facility for the disposal of nonhazardous and nonmedical farm, residential, institutional, commercial, or industrial solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Landfill, construction/demolition shall mean an engineered land burial facility for the disposal of non-biodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures.

Loading space shall mean a space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, together with access and maneuvering areas provided on the same building lot as the principal use for which the loading space is intended.

Lot area shall mean the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

Lot area per dwelling unit shall mean the lot area required for each dwelling unit located on a building lot.

Lot, corner shall mean a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

Lot depth shall mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective mid-points of the front lot line and rear lot line within the lot boundary.

Lot, interior shall mean a building lot other than a corner lot.

Lot line shall mean a boundary of a building lot.

Lot line, front shall mean that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot line, side shall mean that boundary of a building lot which is not a front lot line or a rear lot line.

Lot line, rear shall mean that boundary of a building lot which is most distant from and is, or most nearly, parallel to the front lot line.

Lot of record shall mean an area of land designated as a lot on a plat of a subdivision recorded, pursuant to Statutes of the State of Texas, with the County Clerk of Denton County, Texas.

Lot, through shall mean a building lot not a corner lot, both the front and rear lot lines of which adjoin street lines. On a "through lot" both street lines shall be deemed front lot line.

Lot width shall mean the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto.

Mausoleum shall mean cemetery property used for the interring of the dead and where human bodies are interred above ground in staked vaults.

Mining shall mean all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

Mining, accessory use shall mean any use customarily incidental, appropriate, and subordinate to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and maintenance facilities.

Mini-storage warehouse or self service storage facility shall mean small individual storage units for rent or lease, restricted solely to the storage of household and personal property (no commercial storage).

Use regulation: The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile homes shall mean modular buildings which are designed for living or sleeping purposes with only wheels as a foundation which can be moved only by towing and were not designed to be self-propelled. A trailer coach is a mobile home.

Mobile home park shall mean any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Modular home shall mean a factory-built dwelling unit, attached or detached, which is wholly or partially constructed away from its building lot and moved to a building lot where it is affixed or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed to be a modular home.

Motor freight terminal shall mean a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

Motor vehicle shall mean a self-propelled vehicle not operating on stationary rails or tracks. This includes and is not limited to automobiles, motorcycles, trucks, boats, recreational vehicles, four wheelers and buses.

Motor vehicle sales shall mean the use of land for the display or sale of two (2) or more new or used motor vehicles on commercially zoned property.

Nightclub shall mean an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians; and/or
- (2) Dancing.

“Nightclub” shall not include theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, or establishments defined elsewhere in this ordinance as a sexually oriented business.

Nonconforming structure shall mean a structure or building that is not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming structure may be continued subject to the provisions of this ordinance.

Nonconforming use shall mean a use that are not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming use may be continued subject to the provisions of this ordinance.

Noxious matter shall mean any material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Open Area shall mean that part of a building lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon a building lot; and,
- (3) Is not part of the roof of that portion of the building containing dwelling units.

Open storage or outside storage shall mean the storage of any vehicles, equipment, machinery, supplies, commodities, raw materials, semi-finished materials, finished materials, building or construction materials or any similar items, when not accessory to an existing residential use, which are located outside a fully enclosed building and without regard to being formally displayed for sale. Such storage shall also be considered as a storage yard.

Parking space shall mean a surface area, enclosed or unenclosed sufficient in size to store one (1) automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of any automobile.

Plant Nursery (Retail Sales) - A building or site- used for the propagation and retail sale of plants, shrubs, trees, and garden supplies.

Private Club shall mean an entity that has obtained a Private Club Permit through the Texas Alcohol and Beverage Commission.

Private utility plants or Sub-stations (including alternative energy) shall mean the generation, transmission, or distribution of electricity, gas, or steam, water and the like,

Public governmental agencies shall mean only the City of Lewisville, the Lewisville Independent School District, Denton County (within Denton County), Dallas County (within Dallas County), the State of Texas, and the United States Federal Government.

Public park shall mean any publicly owned park, playground, beach, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

Racing shall mean a facility or area with a course laid out for racing horses or automobiles and necessary accessory uses including but not limited to retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Recreation area shall mean a privately owned park, playground or open space maintained by a community club, property owners association or similar organization.

Recreational vehicle (RV) park (private) shall mean a parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recycling center shall mean a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal are recycled, reprocessed, and treated in order to return such products to a condition where they may be reused. Processing means the preparation of material for shipment, or an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include storage and loading areas located entirely on the processing center site. Recycling of tires and shingles shall not be allowed.

Residential storage building shall mean a detached structure used for on-site storage of items related solely to residential purposes and located in any single-family or two-family zoning district.

Rest home or nursing home shall mean a private facility for the care of children, the aged or infirmed, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

Self service storage facility. See "Mini-storage warehouse".

Servant's quarters shall mean an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

Service station. See "Gasoline service station".

Shooting range, indoor shall mean a facility designed to be used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

Shooting range, outdoor shall mean an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm.

Stadium shall mean a commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Stadiums or sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State licensed vehicle storage facility shall mean a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten (10) or more vehicles per year.

Use regulation: No vehicle shall be stored at said facility for more than 30 days.

Stockpiling shall mean holding on land of material or products such as any soil, sand, gravel, clay, mud, debris, vegetation, or any other material, organic or inorganic, in a concentrated state.

Storage yard shall mean an outside location for storing items without regard to being formally displayed for sale. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

Use regulations:

- a. Storage yards must be screened in accordance with the requirements of the city's General Development Ordinance.
- b. Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the city's General Development Ordinance.

Story shall mean that part of a building between the surface of a floor and the ceiling immediately above.

Street shall mean a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street line shall mean the right-of-way of a street.

Structure. See "Building".

Theater, drive-in shall mean an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles. This definition does not include an adult theater.

Toxic Materials shall mean are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use of property shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of such activity with respect to the standards of this ordinance.

Use, principal shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

Winery shall mean an establishment that produces wine.

Wrecker services shall mean a business that provides wrecker or towing service to vehicles that are stored at a state licensed vehicle storage facility.

Yard shall mean an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

Yard, front shall mean a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter box, unenclosed porches and driveways.

Yard, rear shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

Yard, side shall mean a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

Zoning district map shall mean the map or maps incorporated into this ordinance as a part hereof by reference thereto.

SECTION 17-4. – ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

For the purpose of this chapter, the city is hereby divided into thirty-~~two~~five (~~3235~~) Districts as follows:

AO	Agriculture Open Space District
TE	Towne Estate Single Family Residential District
R-18	Single-Family Residential District - 18,000 sq. ft.
R-12	Single Family Residential District - 12,000 sq. ft.
R-9	Single Family Residential District - 9,000 sq. ft.
R-7.5	Single Family Residential District - 7,500 sq. ft.
R-6	Single Family Residential District - 6,000 sq. ft.
R-5	Single Family Residential District - 5,000 sq. ft.
DU	Duplex Residential District
ETH	Estate Townhouse Residential District
TH	Townhouse Residential District
TH-2	Townhouse Two Residential District
MF-1	Multi-Family One Residential District
MF-2	Multi-Family Two Residential District
MF-3	Multi-Family Three Residential District
MHP	Mobile Home Park District
MHS	Mobile Home Subdivision District
OD	Office District
MD	Medical District
LC	Local Commercial District
GB	General Business District
GB-2	General Business-#2 District
OTC	Old Town Center Business District
OTMU1	Old Town Mixed Use 1 District
OTMU2	Old Town Mixed Use 2 District
"MU-SC"	<u>Mixed Use Shopping Center District</u>
"MU"	<u>Mixed Use District</u>
"MU-90"	<u>Mixed Use Ninety District</u>
LI	Light Industrial District
WH	Warehouse District
HI	Heavy Industrial District
PUD	Planned Unit Development
PK	Parking District
PU	Public Use District
SU	Specific Use District

The location and boundaries of the districts herein established as well as all special use permits are shown upon the official zoning map, which is hereby incorporated into this chapter. Said zoning map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as is fully set forth and described herein. Said zoning map is on file in City Hall.

SECTION 17-5. – OFFICIAL ZONING MAP

- (a) *Maintenance.* The official zoning map shall be kept in city hall. It shall be the duty of the city manager or his designee to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the city council may from time to time order by amendments to the zoning ordinance and map.
- (b) *Rules for the interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be boundaries.
 - (2) Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - (3) Where district boundaries are indicated as approximately following a drainage course or other prominent physical feature, such drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
 - (4) 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 of said zoning map.
 - (5) Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said streets, highways, or drainage courses.
 - (6) If unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
 - (7) In the case of a district boundary line dividing a lot into 2 parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
 - (8) Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way 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 extended districts.
 - (9) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

SECTION 17-6. - "AO" AGRICULTURE – OPEN SPACE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) All general and special agricultural, farming, ranching, stock and poultry raising, dairy and other related uses so long as same does not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in all cases poultry or livestock shall be kept as per the city's animal control ordinances.
 - (2) Public parks and recreation areas.
 - (3) Single-family dwellings on building lots of one (1) acre or more in areas where such dwellings can be served by city water and/or sanitary sewer services if practical or can be adequately served by water wells and/or septic tanks located on the building lot. The minimum floor area of any dwelling shall be one thousand four hundred (1400) square feet, exclusive of garages, breezeways and porches.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor)..
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Church worship facilities.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) Accessory dwelling unit (SUP required).
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of Yards.* All front, side, and rear yards shall have a dimension of not less than one hundred (100) feet.
 - (2) *Size of Lot.* No lot shall have an area of less than one (1) acre.
 - (3) *Lot Coverage.* In no case shall more than ten percent (10%) of the total area of the lot be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-6.5. - "TE" TOWNE ESTATE SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use:* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, carport, storeroom, utility room, cabana, or similar use.
 - (7) A porte-cochere shall be permitted. The porte-cochere may extend into the required side yard setback if all of the following conditions are met:
 - a. Three (3) sides of the porte-cochere must be open.
 - b. Columns may be a maximum width of eighteen (18) inches at any point and spaced no closer than eight (8) feet on center.
 - c. The porte-cochere is limited to a single story, with the roof height limited to a maximum of twenty (20) feet above the driveway.
 - d. The exterior of the main structure may be no closer to the side property line than fifteen (15) feet.
 - e. No part of the porte-cochere, including the roof overhand, shall be closer than five (5) feet to the side property line.These requirements shall apply in all single family detached residential zoning districts.
 - (8) Private Utility Plants or Sub-stations (including alternative energy). (SUP required).
 - (9) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (10) Gas and oil drilling accessory uses (SUP required).
- (b) *Height:* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area:*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width or a minimum of six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than six and one-half (6-1/2) feet. The maximum side yard required shall be eight (8) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than five (5) feet. If the garage entry is from the alley and the entry side of the garage faces the alley, the garage must be set back twenty (20) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than fifty (50) feet at the front building line. Irregular lots shall have not less than thirty (30) feet minimum width at the front property line.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand five hundred (2,500) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-7. - "R-18" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Accessory dwelling unit (SUP required).
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Gas and oil drilling accessory uses (SUP required).
 - (15) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty-five (35) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than thirty-five (35) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than eighteen thousand (18,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
 - c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand four hundred (2,400) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than twenty-five percent (25%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-8. - "R-12" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet if there is no rear entry from an alley, and a depth of not less than thirty-five (35) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than twelve thousand (12,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.

- c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-9. - "R-9" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than eight (8) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than eighty (80) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
 - c. *Lot depth.* The depth of the lot shall not be less than the width of the lot.

- d. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand eight hundred fifty (1,850) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than thirty-five percent (35%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-10. - "R-7.5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet, except where entrance to the garage is provided from an alley in the rear of the house, in which case the minimum front yard may be twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than six and one-half (6.5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than sixty-five (65) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- c. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-11. - "R-6" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of Lot.*
 - a. *Lot Area.* No building shall be constructed on any lot less than six thousand (6,000) square feet, or equivalent thereof, per dwelling unit.
 - b. *Lot Width.* The minimum width of the lot shall not be less than sixty (60) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit shall be one thousand five hundred (1,500) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-12. - "R-5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet, or equivalent thereof, per dwelling unit.
 - b. *Lot width.* The minimum width of the lot shall not be less than fifty (50) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit shall be one thousand four hundred fifty (1,450) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13. - "DU" DUPLEX RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Duplex.
 - (2) Single-family attached dwellings, provided that no more than two (2) dwelling units are attached, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Single-family dwellings.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (7) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (8) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (9) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (10) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (11) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (12) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (13) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (14) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a minimum front yard of twenty-five (25) feet for attached units and Duplex units. Detached units shall have a minimum front yard of twenty (20) feet, unless there is a front driveway, in which case the minimum front yard shall be twenty-five (25) feet.
 - b. *Side yard.* For attached units and Duplex units there shall be a minimum side yard of eight (8) feet, except on the side where the units are attached. For detached units on individual lots, the minimum side yard shall be six and one-half (6.5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* Duplex units shall be constructed on lots with a minimum of nine thousand (9,000) square feet. Attached units shall be constructed on lots with a minimum of four thousand five hundred (4,500) square feet. Detached units shall be constructed on lots with a minimum of five thousand (5,000) square feet.

- b. *Lot width.* The minimum lot width for Duplex units shall be one hundred (100) feet at the front and rear building setback lines and eighty (80) feet at the front property line. The minimum width for all other lots shall be fifty (50) feet at the front and rear building setback lines and forty (40) feet at the front property line.
 - c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit erection of a dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of each dwelling side in a Duplex or attached units shall be one thousand two hundred (1,200) square feet, exclusive of garages, breezeways and porches. The minimum floor area for all detached units shall be one thousand four hundred (1,400) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13.5. - "ETH" ESTATE TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached or attached dwellings units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, storeroom, utility room, cabana, or similar use.
 - (7) A carport shall be permitted if it meets all requirements of a residential accessory building.
 - (8) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (9) Gas and oil drilling accessory uses (SUP required).
 - (10) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than five (5) feet. If the garage or carport entry is from the front and the entry side of the garage or carport faces the street, the garage or carport must be set back twenty (20) feet.
 - b. *Side yard.* No side yard setback is required, except a five (5) foot setback is required adjacent to a side street.
 - c. *Rear yard.* No rear yard setback is required. If the garage or carport entry is from the alley and the entry side of the garage or carport faces the alley, the garage or carport must be set back a minimum of twenty (20) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than four thousand (4,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than twenty (20) feet at any point.
 - (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.
 - (4) *Lot coverage.* In no case shall more than eighty percent (80%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-14. - "TH" TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* Attached living units shall not exceed forty-five (45) feet or three and one-half (3-1/2) stories in height. All other detached buildings, including detached living units, shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, except where otherwise regulated within this ordinance.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet; except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of a continuous row or group of dwellings of not less than ten (10) feet. Detached units shall have a side yard on each side of the lot of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than two thousand (2,000) square feet, or equivalent thereof, per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.

- b. *Lot width.* The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
 - c. *Lot depth.* The depth of a lot shall not be less than one hundred (100) feet at any point.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit, attached or detached, shall be one thousand four hundred and fifty (1,450) square feet, exclusive of any garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-14.5. - "TH-2" TOWNHOUSE TWO RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (6) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building..
 - (10) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.-
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* Attached living units shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking. Where entrance to the garage is provided from an alley or easement in the rear, the minimum front yard shall be five (5) feet.
 - b. *Side yard.* There shall be a side yard on each side of a continuous row or group of dwellings, or on each side of a detached dwelling, of not less than six and one-half (6.5) feet. A side yard adjacent to a side street shall not be less than ten (10) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a required depth of not less than five (5) feet if there is no rear entry for parking from an alley or easement. Where the entrance to the garage is provided from an easement serving a row of attached dwelling units, the minimum rear setback shall be seventeen and one-half (17.5) feet. Where the entrance to the garage is provided from an alley, the minimum setback shall be seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than seventeen hundred (1,700) square feet per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.

- b. *Lot width.* The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
 - c. *Lot depth.* The depth of a lot shall not be less than seventy-five (75) feet at any point.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit, attached or detached, shall be twelve hundred (1,200) square feet, exclusive of any garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-15. - "MF-1" MULTI-FAMILY ONE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two (2) stories in height except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above thirty-five (35) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4,500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot Width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot Depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is no less than eight (80) feet.
 - d. *[Exception]* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of eight hundred (800) square feet of livable floor space,

exclusive of garages, porches, breezeways, entry hallways or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of eight hundred (800) square feet and a minimum of six hundred fifty (650) feet square feet of liveable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.
 - c. The eight hundred (800) square foot average shall apply to the total number of units to be constructed under the same building permit where five (5) or more buildings are to be erected under the same building permit.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (5) *Density.* In no case shall the density of units per platted acre exceed twenty (20) units per acre. Drainage right-of-way which is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SECTION 17-16. - "MF-2" MULTI-FAMILY TWO DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - d. *[Exception]* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of liveable floor

space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.
- c. The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.

(4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(5) *Density.* In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way which is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SECTION 17-16.5. - "MF-3" MULTI-FAMILY THREE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet along any street which has a right of way width of 120 feet or more. The required front yard shall have a required depth of not less than five (5) feet on all other streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than five (5) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.
 - c. The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.
- (4) *Lot coverage.* In no case shall the combined area of the main buildings and accessory buildings cover more than fifty percent (50%) of the total lot area.
- (5) *Density.* In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way that is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.”

SECTION 17-17. - "MHP" MOBILE HOME PARK DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) A mobile home park.
 - (2) Such uses as are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (7) Gas and oil drilling accessory uses (SUP required).
 - (8) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Location of mobile homes outside of mobile home parks.* It shall be unlawful for any person to locate or maintain any mobile home in any place in the city other than in a licensed mobile home park or mobile home subdivision except for the following:
- (1) Mobile homes may be kept in a properly zoned mobile home sales lot, including use of a mobile home as a sales office.
 - (2) A mobile home may be used as a temporary construction office.
 - (3) A single "camper trailer" type mobile home or recreational vehicle (used solely for private recreational purposes) may be stored as an accessory use for residential uses.
 - (4) A mobile home may be used as office and living quarters for security personnel on commercial or industrial developments only after approval of the city council. Approvals which are in force on or before June 20, 1994 shall be deemed to be approved indefinitely. All approvals are for an indefinite time period unless otherwise directed by the city council.
- (c) *Compliance with other ordinances.* Except as provided herein, all mobile home parks must also meet the requirements of the city code regulating mobile homes and mobile home parks.

SECTION 17-18. - "MHS" MOBILE HOME SUBDIVISION DISTRICT REGULATIONS

- (a) *Use.* A mobile home subdivision shall be used only for the following purposes:
- (1) Single family mobile home or pre-manufactured home in a subdivision as shown on a subdivision plat approved by the planning and zoning commission and filed for record, designed specifically for and restricted to mobile home development.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (5) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (6) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (7) Gas and oil drilling accessory uses (SUP required).
 - (8) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Location of mobile home subdivision.*
- (1) Mobile home subdivision district will be granted only as an amendment to the zoning ordinance. The granting of each mobile home subdivision district will be on the merits of each individual request for amendment.
 - (2) The location of a mobile home subdivision district shall be in general conformance with the general plan of the city, shall be located adjacent to a thoroughfare and adjacent to a multi-family district, commercial district or industrial district.
- (c) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (d) *Area.* The minimum site area which may be developed or used for a mobile home subdivision is eight (8) acres.
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than twenty (20) feet.
 - b. *Side yard.* There shall be a side yard on each side of the lot of not less than ten (10) feet. This shall apply to any mobile home unit, canopy, carport or appurtenance. There shall be a side yard of twenty (20) feet on a side adjacent to a side street.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than ten (10) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No mobile home unit or pre-manufactured home shall be placed on any lot less than five thousand (5,000) square feet.
 - b. *Lot width.* The width of a lot shall not be less than fifty (50) feet.
 - c. *Lot depth.* The depth of a lot shall not be less than one hundred (100) feet.
- (e) *Special regulations.*
- (1) The mobile home subdivision shall meet all city requirements as set forth in the city's general development ordinance and shall conform to all other regulations contained in the city building code, gas code, plumbing code, electrical code, mechanical code and any other applicable city ordinances.
 - (2) All mobile homes shall conform to the state standards for mobile home anchorage, tie downs and blocking.
 - (3) All underground utilities shall be provided.
 - (4) All mobile homes shall be skirted and all skirting shall be constructed of mortared brick.

SECTION 17-19. - "OD" OFFICE DISTRICT REGULATIONS

- (a) *Use.*
- (1) Professional and administrative offices where only services are provided, no chattels or goods are offered for sale, and no outside storage is provided on the premises. This includes but is not limited to doctors, dentists, attorneys, architects, engineers, insurance, real estate, banks and similar offices.
 - (2) Business or commercial schools and institutions of education.
 - (3) Clinics, medical and dental.
 - (4) Veterinarian or animal clinic, provided the use is operated within an enclosed structure and is not on a lot abutting a single family zoned lot.
 - (5) Day nurseries.
 - (6) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public.
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust noise, vibration or similar nuisance.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Building and coverage regulations.*
- (1) *Building regulations.* The minimum floor area in "OD" office district shall be one thousand (1000) square feet.
 - (2) *Coverage regulations.* In no case shall any building or building complex cover more than thirty-five percent (35%) of the site area.
- (c) *Height.* The maximum height for buildings shall be fifty (50) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (d) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.*
 1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.
 2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.
 3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the

screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-20. - "MD" MEDICAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
 - (1) Day nursery or day care center.
 - (2) Nursing home or convalescent home.
 - (3) Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for senior citizens.
 - (4) Institution for care of alcoholic, narcotic, or psychiatric patients.
 - (5) Clinic: medical, dental or optical.
 - (6) Laboratory: medical, dental or optical.
 - (7) Laboratory: scientific research or testing.
 - (8) Retail sales and services for medical appliances.
 - (9) Florist.
 - (10) Drug store or pharmacy.
 - (11) Optical sales and service.
 - (12) Offices: medical, dental or optical.
 - (13) Hospital.
 - (14) Church worship facilities.
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (19) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (20) Gas and oil drilling accessory uses (SUP required).
 - (21) Cemetery, columbarium, mausoleum and accessory uses (SUP required).

- (b) *Height.* The maximum height for the main buildings shall not exceed one hundred (100) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

- (c) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "MD", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - ~~1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.~~
 - ~~2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.~~
 - ~~3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.~~
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear

street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-21. - "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:
- (1) Any use permitted in district "OD" as regulated in said district.
 - (2) Grocery stores.
 - (3) Barber and beauty shops.
 - (4) Book, card, gift and stationary stores.
 - (5) Dry cleaning and laundry services.
 - (6) Gasoline service stations (SUP required).
 - (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles (not including transmission or body shops) (SUP required).
 - (8) Restaurants ~~(except that no private club for the sale of alcoholic beverages may be located on a lot abutting any single family zoned lot except in the Lakeland Plaza and Lewisville West shopping centers as well as other shopping centers in operation as of April 05, 1976).~~
 - (9) Florists.
 - (10) Video rental stores, movie theaters and other indoor amusements.
 - (11) Church worship facilities.
 - (12) Buildings and uses owned or operated by public governmental agencies.
 - (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - ~~(21) Communication Towers (SUP required).~~
 - ~~(22) Plant Nursery (Retail Sales) (Indoor)~~
 - ~~(23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).~~
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and /-or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-22.5. - "GB-2" GENERAL BUSINESS #2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise may be used for any use permitted in district "GB" as regulated by said district.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential zoning district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines.
- (c) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* No front yard is required.
 - b. *Side yard.* No side yard is required.
 - c. *Rear yard.* No rear yard is required.
 - (2) *Reserved.*

SECTION 17-22.6 - "OTC" OLD TOWN CENTER BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (2) Barber and beauty shops.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Business or commercial schools.
 - (5) Church worship facilities.
 - (6) Clinic, medical and dental, and related professional offices.
 - (7) Communication towers, accessory to the primary use, shall be located on a building and may extend a maximum of 15 feet above the building, but must be screened from view.
 - (8) Day nurseries.
 - (9) Dry cleaning and laundry services.
 - (10) Hotels, motels and inns.
 - (11) Professional offices.
 - (12) Restaurants ~~including those with private clubs as an accessory use.~~
 - (13) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (14) Video rental stores and movie theaters.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (16) Non-accessory dwelling units of ~~850-650~~ square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - ~~(19)~~ (19) Bed and breakfast establishments (SUP required).
 - ~~(19)(20) Bar (SUP required).~~
- (b) *Height.* No building shall exceed a maximum height of three (3) stories or forty-five (45) feet excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* The front facades of buildings shall be set at the front property line. However, a portion of the façade may be set back further in order to create a special entry court or restaurant seating.
 - b. *Side yard.* The façade of a building located on a lot that adjoins a side street shall be located at the property line.

SECTION 17-22.6.1. - "OTMU1" OLD TOWN MIXED USE 1 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of two (2) acres in area on a single platted lot. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Church worship facilities.
 - (6) Buildings and uses owned or operated by public governmental agencies.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provide that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (10) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
 - (11) Bed and breakfast (SUP required).
 - (12) Professional and administrative offices where only services are provided, no goods are offered for sale, no drive-thru's are allowed and no outside storage is provided on the premises.
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Single-family detached and two-family dwelling requirements.*
- (1) *Maximum height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ~~six and one-half (6.5)~~ five (5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Single-family attached, multi-family and institutional building requirements.*
- (1) *Maximum height.* No building shall exceed shall not exceed forty-five (45) feet in height or three and one-half (3-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand four hundred fifty (1,450) square feet. The minimum floor area of any multi-family dwelling shall be ~~eight hundred fifty (850)~~ (650) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ~~six and one-half (6.5)~~ five (5) feet.

- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be ~~zero~~ four (4) feet.
- ~~(6) *Density.* In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.~~

(d) *Size of lot.*

- (1) *Lot area.* No detached single-family dwelling or non-residential building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet. Attached single-family dwellings shall be constructed on lots with a minimum ~~of two thousand (2,000) square feet as illustrated on the adopted concept plan submitted with initial zoning change request.~~ Multi-family dwelling projects shall be constructed on lots of a minimum of two (2) acres in size.
- ~~(2) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.~~
- ~~(2)~~

(e) *Other setbacks.*

- (1) The old town mixed use 1 district shall not be subject to the following setback provisions contained elsewhere in this ordinance:
- a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards."
- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

SECTION 17-22.7. - "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers (SUP required). Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services (SUP required).
 - (15) Hotels, motels and inns.
 - (16) Mortuaries (SUP required).
 - (17) Professional offices.
 - (18) Restaurants ~~and private clubs.~~
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (22) Non-accessory dwelling units of ~~850-650~~ square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Bed and breakfast (SUP required).
 - (25) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (26) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Gas and oil drilling accessory uses (SUP required).
 - ~~(28)~~ Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - ~~(28)~~ (30) Brewery, distillery, or winery.
 - ~~(28)~~ (30) Bar (SUP required).
- (b) *Single-family detached and two-family requirements.*

- (1) *Maximum height.* No building shall exceed ~~shall not exceed~~ forty-five (45) feet or three and one-half (3-1/2) stories in height.
- (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less ~~than~~ five six and one half (6.5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet. If a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

(c) *Single-family attached ~~and multi-family~~ requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height ~~excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.~~
- (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet. ~~The minimum floor area of any multi-family dwelling shall be seven hundred fifty (750) square feet, exclusive of garages, breezeways and porches.~~
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ~~six and one half (6.5)~~ five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be ~~zero (0)~~ four (4) feet.
- ~~(6) *Density.* In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.~~

(d) *Multi-family requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Minimum dwelling size.* The minimum floor area of any multi-family dwelling shall be six hundred fifty (650) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.
- ~~*Density.* In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.~~

(ed) *Commercial and institutional building requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Front yard.* No front setback is required.
- (3) *Side yard.* No side yard is required.
- (4) *Rear yard.* A rear yard of not less than ten (10) feet in depth shall be provided.

(f) *Other setbacks.*

- (1) The old town mixed use 2 district shall not be subject to the following provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".

- b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards."
- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing ointo athe street identified on the Thoroughfare Development Plan as a thoroughfare on the Thoroughfare Plan.

SECTION 17-22.8.1 - "MU-SC" MIXED USE – SHOPPING CENTER DISTRICT REGULATIONS

- (a) *Use.* A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses).

Uses may include those listed in the office district zoning classification, as well as:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, medical and dental clinics, attorneys, architects, engineers, real estate, insurance, veterinarian clinics with no outside runs and other professional offices.
- (3) Corporate and administrative offices.
- (4) Restaurants, including those with outdoor seating areas.
- (5) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (6) Grocery stores.
- (7) Hotels
- (8) Video rental stores, movie theaters and other indoor amusements.
- (9) Barber and beauty shops.
- (10) Book, card, gift and stationary stores.
- (11) Dry cleaning and laundry services.
- (12) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
- (13) Florists.
- (14) Day nurseries.
- (15) Church worship facilities.
- (16) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary, middle or high school.
- (17) Buildings and uses owned or operated by public governmental agencies.
- (18) Other retail, office and service uses of a similar nature subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage or display is prohibited, except as noted in section "a." above.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in apartment and townhouse units except commercial uses qualifying as a home occupation.
- (19) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (20) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (21) Bed and breakfast (SUP required).
- (22) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
- (23) Gas and oil drilling accessory uses (SUP required).
- (24) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- ~~(25) Brewery, distillery, or winery.~~

- (b) *Mix of uses required.* No building permit for apartments or townhouses may be issued unless there is also a building permit issued for a minimum of 450 square feet of building space for retail or office uses for every dwelling unit within any development, or such space already exists and will remain within the shopping center or development. The city council may consider alternatives to this requirement at the time of approval of the concept plan. Commercial and residential uses may be

combined within a building or may be located in separate buildings. Parking lots and parking buildings will not count toward the required commercial space.

- (c) *Height.* No building shall exceed ~~80 feet~~ 35 60 feet in height, except that a building may be erected to a height ~~of 80 feet of more than 60 feet~~ if set back from all required yard lines a distance of one foot for each two feet of additional height above 35 feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for single family residential use exceed the height allowed in that residential zoning district.
- (d) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a rear setback of not less than twenty-five (25) feet shall be provided upon that portion of a lot abutting or across the street from a residential district.
- (e) *Apartment Use.*
 - (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of ~~800-650~~ square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (f) *Single family attached (townhouse) use.*
 - (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (g) *Concept plan required.*
 - (1) At the time of submitting a request for a change in zoning to mixed use shopping center, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. General uses and location of buildings
 - b. Thoroughfares and access
 - c. Preliminary lot layout
 - d. Size, type and location of buildings and building sites
 - e. Density, number of dwelling units, square feet of non-residential uses
 - f. Screening
 - g. Concept landscape plan
 - h. Lighting plan

- i. Building elevations in color (1 set)
 - j. Exterior finish material and architectural character
 - k. Open Space and amenities
 - l. Phasing plan
 - m. Project scheduling
 - n. Items not consistent with the city's general development ordinance and requested variances
 - o. Traffic study (if needed)
 - p. Physical features of the site
- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%), the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for the change. Denials may be appealed to the city council for a final resolution.

SECTION 17-22.8.2 - "MU-30" MIXED USE THIRTY-DISTRICT REGULATIONS

- (a) ~~Use. A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses). The zoning for MU-30 must be for a minimum development of 30 acres.~~

Use. The MU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The MU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking.

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
- (3) Restaurants, including those with outdoor seating areas.
- (4) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (5) Grocery stores.
- (6) Video rental stores, movie theaters and other indoor amusements.
- (7) Barber and beauty shops.
- (8) Book, card, gift and stationary stores.
- (9) Dry cleaning and laundry services.
- (10) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
- (11) Florists.
- (12) Day nurseries.
- (13) Hotels.
- (14) Automobile parking structures.
- (15) Church worship facilities.
- (16) Buildings and uses owned or operated by public governmental agencies.
- (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (20) Bed and breakfast (SUP required).
- (21) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
- (22) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (23) Brewery, distillery, or winery.

- (b) *Height.* No building shall exceed ~~seventy five (75)~~ (80) feet in height, except that a building may be erected to a height of ~~125 feet~~ more than 80 feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above ~~seventy five (75)~~ 80 feet.
- (c) *Area.*
- (1) *Size of yards.*
- a. *Front yard.* There shall be a front yard having a minimum depth of twenty (20) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- (d) *Apartment use.*
- (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of ~~800-650~~ square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (e) *Single family attached (townhouse) use.*
- (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
- (2) *Size of lot.*
- a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (f) *Concept plan required.*
- (1) At the time of submitting a request for a change in zoning to mixed use ~~thirty~~, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
- (2) The concept plan shall include and is not limited to the following:
- a. Thoroughfares and access
 - b. Preliminary lot layout
 - c. Size, type and location of buildings and building sites
 - d. Density, number of dwelling units, square feet of non-residential uses
 - e. Screening
 - f. Concept landscape plan
 - g. Lighting plan
 - h. Building elevations in color (1 set)
 - i. Exterior finish material and architectural character
 - j. Open Space and amenities
 - k. Phasing plan
 - l. Project scheduling

- m. Items not consistent with the city's general development ordinance; and requested variances
 - n. Traffic study (if needed)
 - o. Physical features of the site
 - p. General uses and location of buildings
- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%) the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change. Denials may be appealed to the city council for a final resolution.

SECTION 17-22.8.3 - "MU-90" MIXED USE NINETY DISTRICT REGULATIONS

- (a) ~~Use. Use. A b~~ The MU-90 district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The MU-90 district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate. An application for MU-90 zoning must represent a site containing a minimum of 90 acres. ~~Building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses). The zoning for MU-90 must be for a minimum development of 90 acres.~~

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
- (3) Restaurants, including those with outdoor seating areas.
- (4) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (5) Grocery stores.
- (6) Video rental stores, movie theaters and other indoor amusements.
- (7) Barber and beauty shops.
- (8) Book, card, gift and stationary stores.
- (9) Dry cleaning and laundry services.
- (10) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
- (11) Florists.
- (12) Day nurseries.
- (13) Hotels.
- (14) Automobile parking structures
- (15) Church worship facilities.
- (16) Buildings and uses owned or operated by public governmental agencies.
- (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum aggregate of 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (20) Bed and breakfast (SUP required).
- (21) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
- (22) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (23) Brewery, distillery, or winery.

- (b) *Height.* Height regulations shall be determined by the building and fire codes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of five (5) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
 - b. *Side yard.* A side yard of not less than five (5) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway, otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- (d) *Apartment use.*
- (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of ~~800-650~~ square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (e) *Single family attached (townhouse) use.*
- (1) *Minimum dwelling size:* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (f) *Concept plan required.*
- (1) At the time of submitting a request for a change in zoning to mixed use ninety, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. General uses and location of buildings
 - b. Thoroughfares and access
 - c. Preliminary lot layout
 - d. Size, type and location of buildings and building sites
 - e. Density, number of dwelling units, square feet of non-residential uses
 - f. Screening
 - g. Concept landscape plan
 - h. Lighting plan
 - i. Building elevations in color (1 set)
 - j. Exterior finish material and architectural character
 - k. Open Space and amenities
 - l. Phasing plan

- m. Project scheduling
 - n. Items not consistent with the city's general development ordinance and requested variances
 - o. Traffic study (if needed)
 - p. Physical features of the site
- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%) the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change. Denials may be appealed to the city council for a final resolution.

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) Use. Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - ~~(6)(5)~~ Airport/Heliport (SUP required).
 - ~~(2)(6)~~ Auto repair shops including body shops (SUP required).
 - ~~(3)(7)~~ Church worship facilities.
 - ~~(4)(8)~~ Buildings and uses owned or operated by public governmental agencies.
 - ~~(10)(9)~~ Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - ~~(11)(10)~~ Cosmetic manufacturer.
 - ~~(12)(11)~~ Drugs and pharmaceutical products manufacturing.
 - ~~(13)(12)~~ Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - ~~(14)(13)~~ Electronic products manufacturing.
 - ~~(15)(14)~~ Fur good manufacture, but not including tanning or dyeing (SUP required).
 - ~~(16)(15)~~ Gas and oil drilling accessory uses (SUP required).
 - ~~(17)(16)~~ Glass products, from previously manufactured glass.
 - ~~(18)(17)~~ Heavy equipment – outdoor rental/sales/~~display~~/service (SUP required).
 - ~~(19)(18)~~ Household appliance products assembly and manufacture from prefabricated parts.
 - ~~(20)(19)~~ Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - ~~(21)(20)~~ Musical instruments assembly and manufacture.
 - ~~(22)(21)~~ Paint, shellac and varnish manufacture (SUP required).
 - ~~(23)(22)~~ Plastic products manufacture, but not including the processing of raw materials.
 - ~~(24)(23)~~ Racing facilities (SUP required).
 - ~~(25)(24)~~ Recreational Vehicle (RV) Park. (Private) (SUP required).
 - ~~(26)(25)~~ Self storage/mini warehouse facility (SUP required).
 - ~~(27)(26)~~ Shooting Range (indoor or outdoor) (SUP required.).
 - ~~(28)(27)~~ Sporting and athletic equipment manufacture.
 - ~~(29)(28)~~ Testing and research laboratories.
 - ~~(30)(29)~~ Auction yard (vehicle) (SUP required).
 - ~~(31)(30)~~ Communication towers (SUP required).
 - ~~(32)(31)~~ Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - ~~(33)(32)~~ Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - ~~(34)(33)~~ Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - ~~(35)(34)~~ Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street right-of-way on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-24. - "WH" WAREHOUSE DISTRICT REGULATIONS

- (a) *Use.* A building or premises shall be used only for the following purposes:
- (1) Bakery or bottling works, if fully enclosed in a building.
 - (2) Wholesale establishments, if fully enclosed in a building.
 - (3) Storage warehouses with open storage yards (SUP required).
 - (4) Contractor's yard (SUP required).
 - (5) Manufacturing uses - outside storage is limited to ten (10) percent of the lot for storage of equipment, materials or products.
 - (6) Truck parking lot (SUP required).
 - (7) Offices.
 - (8) Laboratory.
 - (9) Auto repair shops, including body shops (SUP required).
 - (10) Church worship facilities.
 - (11) Travel trailer/boat/RV storage (Outdoor) (SUP required).
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, mausoleum, crematorium and accessory uses (SUP required).
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Communication towers (SUP required).
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items. Any use requiring more than 10% outside storage shall require a special use permit (SUP).
 - (19) Motor Freight Terminal (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories, or one hundred eighty (180) feet, at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "WH", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "WH" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

- (d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-25. - "HI" HEAVY INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, office and service uses as well as manufacturing and industrial uses. Such uses which produce dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and which may create fire or explosive hazards are subject to conformance with all applicable local, state and federal regulations. Uses which fail to comply with such regulations may be required to cease operation. Allowable uses include those specifically prohibited in zoning district "LI" as well as the following:
- (1) Any use permitted in district "LI" and "WH" as regulated in said districts.
 - (2) Wrecker service storage yards, auto salvage yards and junk yards, but only on condition that the storage is wholly within an enclosed building or surrounded by a structural screening wall of concrete or reinforced masonry. Such wall shall be a minimum of eight (8) feet in height (SUP required).
 - (3) Storage yards and contractor's yards (SUP required).
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) The following uses are permitted only when all portions of the operation or use are located a minimum of two hundred (200) feet from any residentially zoned property, and with a specific use permit (SUP required):
 - a. Acid manufacturing.
 - b. Cement, lime, gypsum or plaster of paris manufacturing.
 - c. Glue manufacturing involving distilling of bones or other organic matter.
 - d. Explosives manufacturing and storage.
 - e. Magnesium manufacturing or processing.
 - f. Fat rendering.
 - g. Paper and pulp manufacturing.
 - h. Refining of or bulk tank storage of petroleum or its products.
 - i. Smelting of tin, copper, zinc or iron ores or other metals.
 - j. Stockyards, slaughter or processing of animals.
 - k. Permanent batch plant (concrete)
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items. Any use requiring more than 10% outside storage shall require a special use permit (SUP).
 - (9) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (10) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (11) Recycling facility (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "HI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

- b. *Side yard.* No side yard is required except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of a lot adjoining or across the street from any zoning district except Heavy Industrial. No parking, storage or similar use shall be allowed in required side yards or side street yards within twenty-five (25) feet of the property line.
- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential, "LC" or "GB" District. No parking, storage or similar use shall be allowed in required side yards in District "HI" within twenty-five (25) feet of the property line.

(2) *Reserved.*

- (d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-26. – “PD” Planned Development District

- (a) General Purpose and Description. The Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A Planned Development (PD) District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility. The minimum area for a Planned Development (PD) District shall be five (5) acres.
- (b) Permitted Uses. An application for a PD District shall specify the base district(s), the use or the combination of uses proposed. Uses which may be permitted in a PD must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor reductions in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to Special Use Permit (SUP) requirements. Special Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.
- (c) Planned Development Requirements.
- (1) Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
 - (2) In the PD District, uses shall conform to the standards and regulations of the base-zoning district to which it is most similar. The base zoning district shall be stated in the granting Ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete) specifically any deviation not requested is deemed to comply with this Ordinance even if shown graphically on a Site Plan. The Planned Development District shall conform to all other sections of this Ordinance unless specifically excluded in the granting Ordinance.
 - (3) The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- (d) In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Concept Plan. All PD applications shall have a written proposal explaining all aspects of the requested PD including any deviations from this Ordinance. The Concept Plan shall be submitted by the applicant at the time of the PD request. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s), which further describe and explain the following requirements:
- (1) Residential Concept Plan - A Concept Plan for residential land use shall show the following:

- a. General use
- b. Thoroughfares
- c. Preliminary lot arrangements
- d. Size, type and location of buildings and building sites
- e. Access
- f. Density
- g. Building height
- h. Fire lanes
- i. Screening
- j. Landscaped areas
- k. Project scheduling and phasing
- l. Any other pertinent development data

(2) Non-Residential Concept Plan - A Concept Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City staff, Planning and Zoning Commission, or City Council, may include but is not limited to the following:

- a. Types of use(s)
- b. Topography and boundary of PD area
- c. Physical features of the site
- d. Existing streets, alleys and easements
- e. Location of future public facilities
- f. Building height and location
- g. Parking areas and ratios
- h. Fire lanes
- i. Project scheduling and phasing
- j. Landscape plans
- k. Screening
- l. Building elevations
- m. Any other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the required Engineering Site Plan.

(e) Approval Process and Procedure. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 17-37. This procedure is further expanded as follows for approval of Concept Plans.

(1) The Planning and Zoning Commission shall recommend and the City Council shall approve a Concept Plan in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:

- a. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the required Engineering Site Plan and/or preliminary/final plat will not deviate substantially from it; or
- b. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for an Engineering Site Plan and/or preliminary/final plat.

(2) The amending Ordinance establishing the Planned Development District shall not be approved until the Concept Plan is approved.

(3) An Engineering Site Plan shall be submitted for approval within one (1) year from the date of approval of the Concept Plan for all or some portion of the Concept Plan. If an Engineering Site Plan is not submitted within one (1) year, the Concept Plan is subject to

review by the Planning and Zoning Commission and City Council. If some portion of the project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the Concept Plan is not valid, a new Concept Plan must be approved prior to submittal of an Engineering Site Plan for the PD District. Although a new Concept Plan may be required to be approved, this does not affect the validity of the PD in terms of uses, density, and other development standards permitted in the PD.

(4) When a PD District is being considered, a written report from the Director of Economic Development and Planning or his/her designated representative, discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public agencies shall be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council.

(f) All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts together with the category of uses permitted therein, shall be maintained as part of this Ordinance.

(g) *Planned Unit Development Ordinances Continued.* Prior to adoption of this Ordinance, the City Council has established various Planned Unit Development Districts, all of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance shall be carried forth in full force and effect as are the conditions, restrictions, regulations, and requirements which apply to the respective Planned Unit Development Districts shown on the Zoning Map at the date of adoption of this Ordinance.

SECTION 17-26. – "PUD" PLANNED UNIT DEVELOPMENT REGULATIONS

~~(a) *Purpose.* The purpose of a planned unit development "PUD" is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial uses, service centers, shopping centers, residential developments of multiple or mixed housing, including multi-family dwellings, single family dwellings, townhouses or any appropriate combination of uses which may be planned, developed or operated as integral land use units whether by single owner or by a combination of owners. This zoning district shall be permitted for tracts of land not less than five (5) acres in area.~~

~~(b) *Procedure.* The stages or procedure for a planned unit development shall be as follows:~~

- ~~_____ (1) The application for PUD zoning (Section 26.03).~~
- ~~_____ (2) The submission of a development plan (Section 26.04).~~
- ~~_____ (3) The submission of a project plan (Section 26.05).~~

~~(c) *Zoning of PUD districts.*~~

- ~~_____ (1) *Submission of application.* Any person or corporation or group of persons having a proprietary interest in any property of five (5) acres or more, may file an application for PUD zoning.~~
- ~~_____ (2) *Data to accompany application.* The application for PUD zoning shall include a preliminary plat as well as the following:~~
 - ~~_____ a. Metes and bounds description of the overall tract with topographic information necessary to project the natural terrain and environmental character of the site.~~
 - ~~_____ b. A written description of the existing and allowable land use surrounding the proposed PUD district.~~
 - ~~_____ c. A written description of planning assumptions and projections relating the PUD to the overall community growth and planning goals.~~
 - ~~_____ d. A plan indicating location of major and secondary thoroughfares, as proposed within the city master thoroughfare plan.~~
 - ~~_____ e. A categorical listing of the total acreage for each land use related to current zoning district designations or the specific purpose. The designated usage will not be assumed to establish the area requirements as established within the zoning district.~~

- ~~All setbacks, height, and coverage will be determined by the approved final development plan.~~
- ~~f. Indication by acreage or percentage of total development, all major areas planned for public or private common open space.~~
 - ~~g. All applications with gross land area of one hundred (100) acres or less shall submit a graphic plan of proposed land use. Applications with gross land area of more than one hundred (100) acres shall have the option of filing either a graphic plan or a perimeter plan indicating land use to a depth of three hundred (300) feet around the exterior of the total site.~~
 - ~~h. A written indication of the maximum number of residential dwelling units to be constructed within the total PUD district.~~
 - ~~(3) *Staff review and recommendations.* The technical staff shall, as soon as practical, issue a written report thereon to the planning commission, a copy of which shall be furnished to the applicant.~~
 - ~~(4) *Planning commission hearing.* The planning commission shall hold a public hearing on any application for PUD zoning district prior to making its recommendation to the city council in accordance with standard procedures for a change of zoning.~~
 - ~~(5) *PUD open space policy.* All open space shall be provided at a minimum ratio of .01 acres for each residential unit. For single family use, the open space may be calculated including front setback areas. Private ownership of these areas is permitted, subject to the following conditions:

 - ~~a. All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.~~
 - ~~b. Private park areas must be committed to permanent open space by deed restrictions.~~~~
- ~~(d) *Development plan.*~~
- ~~(1) *Submission of development plan.* After the granting of PUD zoning, and as the applicant desires to develop the PUD district, or any portion thereof, he shall submit a development plan to the city. If the applicant so desires, separate development plans may be submitted at separate times for portions or sub-areas of the PUD.~~
 - ~~(2) *Contents.* The development plan shall include a final plat as well as the following information:

 - ~~a. A description of the area or sub-area included in the development plan by dimensions and bearings on an accurate survey with topography grades of not more than two (2) feet.~~
 - ~~b. A general description of the surrounding area.~~
 - ~~c. Provisions for public or private streets, alleys, storm sewers, sanitary sewers, setbacks and utility easements.~~
 - ~~d. Percentage or acreage of project land uses either for the total area or sub-area consistent with the designated current zoning district categories or detailed land use as established in the zoning ordinance.~~
 - ~~e. Designation and location of open space for total site or sub-area.~~
 - ~~f. Maximum number and type of residential dwelling units to be constructed in said area or sub-area.~~
 - ~~g. Anticipated development schedule.~~
 - ~~h. Protective and restrictive covenants and homeowners' association charters, if any.~~
 - ~~i. In those instances where development plans are submitted for sub-areas, applicant shall demonstrate that composite projected land uses and maximum number of dwelling units approved in the PUD zoning have not been exceeded and that open space requirements are consistent with approved ordinance.~~~~
 - ~~(3) *Staff review.* Upon submission of a development plan for PUD or a sub-area thereof, the technical staff shall confer and consult with the applicant and may make recommendations to the land owner for amplification, deletion or modification thereof. After a full opportunity for consultation between applicant and the technical staff, the development plan shall be submitted to the planning commission which will make its recommendation to the city council. No advertised public hearing is required so long as both staff and city council believe there~~

~~are no significant variances to the zoning requirements or restrictions as determined by section 26.03 of this ordinance. No notice to the adjacent land owners shall be given so long as both staff and the city council believe the specific uses designated by the PUD ordinance are not being substantially modified.~~

~~(e) *Project plan.*~~

- ~~(1) *Submission.* After city council approval of the development of a planned unit development, the applicant shall submit a project plan showing or describing each project as it is to be built. No building permit shall be issued prior to approval of the project plan.~~
- ~~(2) *Contents.* The project plan for each development shall include an engineering site plan as well as the following information:
 - ~~a. Detailed planned uses.~~
 - ~~b. Actual location of all buildings to be constructed indicating the governing setback lines, if any.~~
 - ~~c. Provisions for any additional public or private streets, alleys, or utility easements not previously reflected on appropriate development plan.~~
 - ~~d. Protective and restrictive covenants applicable to the project, if any.~~~~
- ~~(3) *Staff review.* Upon submission of a project plan to the city, the technical staff shall confer with the applicant and may make recommendations to the land owner for amplification, deletion or modification thereof. After a full opportunity for consultation, the staff shall submit its recommendation to the planning commission for the project plan as submitted, or as may be modified, a copy of which shall be furnished to the applicant.~~
- ~~(4) *Commission approval.* After the technical staff has submitted its recommendation to the planning commission, the applicant shall be notified to appear before the planning commission and present his project plan. The commission will make its recommendation to the city council. No advertised public hearing is contemplated, so long as there is no significant variance from the approved development plan or restrictions as determined by Section 26.03 of this ordinance.~~

~~(f) *Amendment of PUD zoning.* Any amendment supplement or change in any PUD zoning may be granted upon application by any person, corporation or group of persons having a proprietary interest therein. Any application for such amendment, supplement or change must contain the data required for an initial application for PUD zoning and follow the same procedure as for a zone change request. Such a request shall allow the city to review and amend as necessary any other portions of the PUD which may be impacted by the requested change.~~

SECTION 17-27. - "PK" PARKING DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Parking, commercial or private lot (not to include parking for trucks) intended for use behind, across the street from, or adjacent and incidental to "MF", "LC", "OD", "MD", "GB", "WH", "LI", and "HI", where the provision of off-street parking is essential to protection of existing development and conducive to most appropriate use of land.
 - (2) Parking structures.
 - (3) Buildings accessory to the primary parking uses.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) *Height.* The maximum height shall be four (4) standard stories but shall not exceed fifty (50) feet in height, provided that any building or portion of a building may be erected above said limit if set back from all street lines and required yard lines one (1) foot for each one (1) foot of its height above such limit. In no event, however, shall any building exceed two (2) standard stories when located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Reserved.*

SECTION 17-28. - "PU" PUBLIC USE DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Public schools.
 - (2) Parks and playgrounds.
 - (3) Community centers.
 - (4) Public golf courses.
 - (5) Civic centers and municipal offices.
 - (6) Fire stations.
 - (7) Libraries.
 - (8) Municipal service centers.
 - (9) Public utility facilities.
 - (10) Church worship facilities.
 - (11) Other buildings and uses owned or operated by public governmental agencies.
 - (12) Other publicly owned uses similar to the above, providing all meet the requirements of this and all other city ordinances.
 - (13) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (14) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in the required front yards in district "PU", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* No side yard is required, except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district.
 - c. *Rear yard.* No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street.
 - (2) *Reserved.*

SECTION 17-29. - "SU" SPECIFIC USE DISTRICT REGULATIONS

- (a) *Use.* This district is for the purpose of the uses specifically listed and other unusual uses which are limited in number and which are clearly not allowed in any other zoning district. Zoning shall not be allowed under this district as a way of circumventing the standard provisions of this or any other ordinance of the city. Allowable uses shall include:
 - (1) Criminal or penal institutions.
 - (2) Landfill operations and accessory uses.
 - (3) Mining activities and storage, including sand and gravel mining, and stone quarries.
- (b) All requests for specific use zoning shall be accompanied by an engineering site plan as outlined in the city's general development ordinance. Variances from the regulations in the city's general development ordinance may be granted at the discretion of the city council.
- (c) Any proposed enlargement, structural modification or other significant change to any site which had been granted specific use zoning shall require approval of the city council following a public hearing. Such public hearing shall be conducted after a recommendation is received from the planning and zoning commission. The planning and zoning commission shall consider the request for an amendment after conducting a public hearing in accordance with requirements necessary for any proposed zone change.
- (d) The zoning board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to the granting of any specific use zoning.
- (e) Building setbacks and heights shall be consistent with other structures in the immediate area, as determined by the city council.

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- ~~a.~~ a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- ~~a-b.~~ a-b. A meets and bounds description of the property boundary;
- ~~b-c.~~ b-c. A narrative explaining how the property and use(s) will function;
- ~~e-d.~~ e-d. Colored elevations of the building and other structures including dimensions and building materials;
- ~~d-e.~~ d-e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- ~~e-f.~~ e-f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- ~~f-g.~~ f-g. Detailed elevations and descriptions of proposed signage;
- ~~g-h.~~ g-h. An exhibit illustrating any requested variances; and
- ~~h-i.~~ h-i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

SECTION 17-30. – SALE OF ALCOHOLIC BEVERAGES

- (a) Definitions: The definition of all words and terms used in this section shall be the same as set forth in the Texas Alcoholic Beverage Code.
- (b) It shall be unlawful for any person to sell any alcoholic beverage in any residential section of the city. This prohibition includes areas zoned R-18, R-12, R-9, R-7.5, R-6, R-5, TE, DU, ETH, TH, TH-2, MF-1, MF-2, MF-3, MHP, MHS, and OTMU-1.
- (c) The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 300 feet of a church, public or private school, or public hospital.
- (d) The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 300 feet of a church, public school, or public hospital.
- (e) Subsection (c) does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under §109.53 of the Texas Alcoholic Beverage Code and this is located within 300 feet of a private school.
- (f) The measurement of distances between a church, public or private school, or public hospital and a place of business shall be calculated in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (g) Variances to the distance requirements set forth in this Section may be allowed by the city council upon justification in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (h) All other matters regarding alcoholic beverages not mentioned herein or elsewhere in the city code shall conform to the provisions of the Texas Alcoholic Beverage Code.

SECTION 17-31. – LOCATION REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

(a) *Purpose and intent.*

- (1) It is the purpose of this ordinance to regulate the location of sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to preserve the quality, property values, integrity and character of the city's neighborhoods, and other businesses, and protect the citizens of the city from objectionable effects of sexually-oriented businesses.
- (2) The provisions of this ordinance have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor the effect of this ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

(b) *Definitions.*

Church shall mean:

- (1) A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and
- (2) A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of public gain; and
- (3) A structure used by an organization whose charter, bylaws or other regulations adopted by the organization to govern its affairs:
 - a. Pledges its assets for use in performing the organization's religious functions; and
 - b. Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.
- (4) Use of a structure for occasional or secular purposes other than religious worship does not result in loss of the status as a church if the primary use of the structure is for religious worship and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.
- (5) For the purpose of this section, "religious worship" shall mean individual or group ceremony or meditation, education or fellowship, the purpose of which is to manifest or develop reverence, homage, and commitment in behalf of a religious faith.

Civic facility shall mean any place or facility owned, controlled, or operated by any school district, municipality, county, state, or federal government which is open for use by the general public. Civic facilities shall include amphitheaters, auditoriums, cemeteries, libraries, museums, post offices, public offices and administrative buildings, public plazas and open space, recreational centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation, or pump facilities, police or fire stations, or landfills or disposal facilities.

Establishment shall mean and includes any of the following:

- (1) The opening or commencement of any sexually-oriented business as a new business;
- (2) The conversion of an existing business whether or not a sexually-oriented business;
- (3) The addition of any sexually-oriented business to any other existing sexually-oriented business; or
- (4) The relocation of any sexually-oriented business.

Hospital shall mean an institution or place where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

Nudity or a state of nudity shall mean:

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals or female breast; or
- (2) A state of dress which fails to completely and opaquely cover a human buttock, anus, male genitals, female genitals or part of a female breast or breasts that is situated below a point immediately above the top of the areola.

Person shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

Public Park shall mean any park, playground, greenbelt, nature trail, recreational facility, or wildlife conservation and management area, located within the city and owned, controlled, or operated by any school district, municipality, county, state or federal government, which is open for use by the general public.

School shall mean a facility or place under public, private, or denominational sponsorship having a curriculum equivalent to a public elementary or secondary school, including elementary, middle, or junior high, and senior high schools, but excluding trade or commercial schools.

Semi-nude shall mean a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the breast, as well as portions of the body covered by supporting straps or devices.

Sexually-oriented business shall mean any commercial establishment open to the public which:

- (1) Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion (20% or more); or
- (2) Utilizes a substantial or significant portion (20% or more) of its display areas, including, but not limited to, floor, shelf, rack, table, stand or case for; or
- (3) Exhibits for substantial or significant portion (20% or more) of the total presentation time, material regulated by the Texas Penal Code, Section 43.21 and/or 43.24; or
- (4) Any commercial establishment open to the public which involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as defined herein.

Sexually-oriented businesses shall mean and include, but are not limited to, any of the following businesses:

- (1) *Adult bookstore*: An establishment having as a substantial or significant portion (20% or more) of its stock and trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material, or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- (2) *Adult theater*: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (3) *Adult cabaret*: A nightclub, bar, restaurant, or a similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c. Motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depicting or the description of "specified sexual activities" or "specified anatomical area".
- (4) *Sexual encounter center*: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of 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.
- (5) *Nude modeling studio*: 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 consideration.

Specified anatomical area shall mean less than completely and opaquely covered:

- (1) Human genitals, pubic region; or
- (2) Buttock; or
- (3) Breast below the point immediately below the top of areola; or
- (4) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean activities defined as:

- (1) Human genitals in the state of sexual stimulation or arousal; or
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Transfer of ownership or control of an adult entertainment establishment shall mean and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(c) *Location.*

- (1) It shall be a violation of this ordinance to locate or operate a sexually-oriented business, as defined herein, within the city:
 - a. Within one thousand (1,000) feet of the district boundary line of any residential zoning district;
 - b. Within one thousand (1,000) feet of any other sexually-oriented business;
 - c. Within one thousand (1,000) feet of the property line of any church, hospital, public park, school or civic facility, day care center, day nursery or kindergarten legally operating under the zoning laws of the city;
 - d. Within one thousand (1,000) feet of the property line of a lot devoted to residential use.
- (2) For the purpose of this section, measurements 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 sexually-oriented business is located to the nearest property line of the premises of a church, hospital, school, civic facility, day care center, day nursery, kindergarten, lot devoted to residential use, or to the nearest boundary of a district restricted to residential use by the zoning ordinance of the city, or to the nearest boundary of a public park.

(d) *Compliance with other ordinances.* Sexually-oriented businesses shall be subject to, and comply with, the rules and provisions of the building code, fire code, and any other applicable code or ordinance of the city. Where conflict exists between the prescriptions established in this ordinance and the requirements of the building code, fire code, or other applicable code or ordinance of the city, then the more restrictive requirement shall apply.

(e) *Exterior signs.* Exterior signs located on the building or premises of a sexually-oriented business shall conform to the requirements of the sign ordinance of the city. Such exterior sign shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any specified sexual activity or specified anatomical area, as defined herein.

SECTION 17-32. – HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

(a) *Height.*

- (1) The height regulations prescribed herein shall not apply to church spires, belfries and monuments, or public water and fire towers, ornamental spires, chimneys, flag poles, necessary mechanical appurtenances, or any communication or emergency siren tower owned by a local, state or federal governmental entity.
- (2) No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.
- (3) All monopoles and lattice towers above 25 feet in height shall be placed with a minimum 3:1 distance to height ratio from the nearest single family or two family zoned lot or tract. No towers, antennas or communication dishes of any size may be placed within any front yard or side street setback required under this ordinance.
- (4) Towers and monopoles placed on the ground whose total height, including antenna, does not exceed 25 feet above ground level shall be allowed in all zoning classifications and shall be exempt from distance to height ratios contained in this ordinance. Such towers shall be allowed as an accessory use in agriculture-open space and all residential districts, office district and medical district, and as a stand-alone use in other districts.
- (5) An antenna with a total height not exceeding 15 feet may be placed on a building or rooftop in all zoning classifications and shall be exempt from distance to height ratios contained in this ordinance. Antennas placed on buildings shall be allowed as an accessory use in agriculture-open space and all residential districts, office district and medical district, and as a stand-alone use in other districts.
- (6) Telecommunications antennas may be placed within church spires, belfries and monuments as an accessory use when integrated into the design in a discreet manner so as to not be perceived as an antenna and may be placed on electric transmission towers as an accessory use.
- (7) Outside storage of materials, where allowed in this ordinance, shall be limited to a maximum height of twenty-five (25) feet.

(b) *Front yards.*

- (1) Where twenty-five percent (25%) or more of the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this ordinance, or where the configuration of the ground is such that conformity with the front yard provisions of this ordinance would work a hardship, the board of adjustment may permit modifications of the front yard requirements.
- (2) In any residential or "MF" district where twenty-five percent (25%) or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this ordinance, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards, unless by permission of the board of adjustment.
- (3) In a residential district no fence, structure, or planting higher than three and one-half (3-1/2) feet above the established street grades, nor any tree with foliage extending below ten (10) feet above the established street grades, shall be maintained within twenty (20) feet of any street intersection.
- (4) Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.
- (5) Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the right-of-way.

(c) *Side yards.*

- (1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.
- (2) No accessory building shall project beyond a required yard line along any street.
- (3) For the purpose of side yard regulations, an attached dwelling or multi-family dwelling shall be considered as one building occupying one lot.
- (4) Where a lot of record at the time of the effective date of this ordinance is less than fifty (50) feet in width, the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard shall be less than five (5) feet.
- (5) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.
- (6) A roof overhang, or an open fire escape of an outside stairway may project not more than three (3) feet into a required side yard, but no closer than three (3) feet to a property line.

SECTION 17-32.5 - RESIDENTIAL STORAGE BUILDINGS

(a) *Residential accessory building* shall mean an accessory building to a residential use. Residential accessory buildings include but are not limited to residential storage buildings, detached garages, carports, utility rooms or accessory dwelling units.

Residential accessory buildings existing upon the effective date of this ordinance, although such buildings do not conform to the provisions hereof, may be continued in accordance with the nonconformity regulations of this chapter.

(b) The regulations in this section apply to the following zoning districts and as otherwise specifically provided by this chapter: AO, TE, R-18, R-12, R-9, R-7.5, R-6, R-5, DU, ETH, TH, TH-2, OTMU1 (single-family attached or detached), OTMU2 (single-family attached or detached), MU-30 (single-family attached), MU-90 (single-family attached) and MU-SC (single-family attached).

(c) *Requirements.*

(1) *Size and number of buildings allowed.*

- a. Lots 7,500 square feet or smaller: One (1) building not to exceed 250 square feet.
- b. Lots from 7,501 to less than 18,000 square feet: Two (2) buildings with an aggregate total not to exceed 500 square feet.
- c. Lots 18,000 square feet or larger: Two (2) buildings with an aggregate total not to exceed 800 square feet.
- d. Lots with a minimum size of 12,000 square feet may apply for a special use permit (SUP) for any one building or aggregate total of two buildings larger than 500 square feet.

(2) *Easements.* An accessory building is prohibited in any easement

(3) *Additional requirements.*

Residential Accessory Building Size	Permit Required	Front Setback	Side, Rear, Main Bldg Setbacks	Maximum Height*	Exterior Finish Materials
≤ 120 s.f.	No	Per Zoning District	None	10'	Any listed material with a painted or manufactured surface
> 120 s.f.	Yes	Per Zoning District	5'	12'	Compatible with primary structure or masonry
				* Height is measured from the finished grade to the peak of the roof.	

(4) *Accessory dwelling unit.*

- a. Accessory dwelling units, as defined in this ordinance, require a special use permit (SUP) and are only permitted on lots with a minimum area of 18,000 square feet.
- b. Accessory dwelling units may not be leased or sold separately from the primary residence.

SECTION 17-33. - NONCONFORMITY

- (a) *Purpose and intent.* The purpose of this section is to establish provisions for the continuation and potential alteration of nonconforming uses and structures. It is, however, the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the zoning ordinance and general development ordinance, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- (b) *Grandfathering of a certain use.* A residential dwelling unit with a floor area that fails to meet the minimum floor area required for its zoning district, but which was in conformance with the regulations in effect when it was first established, will be grandfathered rather than given nonconforming status. As such, these residential dwelling units will be allowed to continue as if it were conforming.
- (c) *Burden of proof.* The burden of establishing nonconforming rights shall be borne by the owner or proponent of such nonconformity.
- (d) *Abandonment of nonconforming use.* If a nonconforming use on a particular parcel of land shall cease operations for a period of more than three (3) months, then such nonconforming use shall be deemed to be permanently abandoned. Unless the board of adjustment reinstates the nonconforming rights, all future uses on the premises must be in full conformance with the zoning ordinance.
- (e) *Reinstatement of nonconforming use rights.* An owner and/or operator of a nonconforming use that has been permanently abandoned may request that the nonconforming rights to the use be reinstated. To do so, they must file a written request for reinstatement of nonconforming rights with the city's planning department within ten (10) business days of the city's determination that the use had been abandoned. The director and/or their designee, upon receiving the written request for reinstatement, shall schedule a hearing before the board of adjustment. The board of adjustment may reinstate nonconforming use rights only if the board finds that the owner and/or operator did not intend to abandon the nonconforming use. The board can consider any evidence that may support or refute the intent to abandon the nonconforming use.
- (f) *Expansions of nonconforming uses.* A nonconforming use within a building shall not be extended to occupy any land outside the building, but may be extended throughout such portions of the building as is arranged or designed for such use. A nonconforming use of land shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.
- (g) *Remodeling a conforming structure that houses a nonconforming use.* A person may renovate, remodel, or repair a conforming structure housing a nonconforming use if the work does not enlarge the nonconforming use and the renovation, remodel, or repair is in compliance with all laws and regulations. A site plan approval process will be required for any such renovation, remodeling, repair, or enlargement. But with any renovation, remodel, and/or repair, the number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became nonconforming.
- (h) *Changing from a nonconforming use.* Nonconforming use rights are lost when a nonconforming use changes to a conforming use. Once such change is made, the use shall not be changed back to a nonconforming use of any kind. A nonconforming use may not be changed to any other nonconforming use.
- (i) *Nonconforming structures.*
 - (1) *Rebuilding nonconforming structures.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the zoning ordinance and general development ordinance. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building official shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value,

the board of adjustment may grant a permit for repair or replacement after a public hearing if they find the following:

- a. the rebuilding of the nonconforming structure would not adversely impact surrounding properties;
 - b. the structure was not destroyed by the intentional act of the owner or the owner's agent; and
 - c. allowing the rebuilding of the nonconforming structure is consistent with the intent of this section.
- (2) *Intentional act of owner or owner's agent.* The right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- (3) *Reuse of abandoned or vacant nonconforming structure/premises.* If a the use of a nonconforming structure or premises is discontinued for a period of more than one (1) year, the building, structure and premise shall become conforming to the provisions of the general development ordinance before it can be re-occupied.
- (4) *Repairing/remodeling a nonconforming structure.* Nonconforming structures shall be maintained in a state of neat appearance and in full compliance with all applicable building codes, including but not limited to the international property maintenance code. A person may renovate, remodel, repair, or enlarge a nonconforming structure if the new addition and/or changes meet all code requirements and the new addition and/or changes do not cause the structure to become more nonconforming as to the zoning and general development ordinance regulations. A site plan approval process will be required for any such renovation, remodeling, repair, or enlargement. The right to renovate, remodel, repair, or enlarge may be affected if the nonconforming structure houses a nonconforming use, in which case all restrictions on repairing, remodeling, repair, and enlarging the nonconforming use will also apply.

SECTION 17-34. – ENFORCEMENT AND APPLICATION

- (a) *Administrative official.*
- (1) The provisions of this ordinance shall be administered and enforced by the building official.
 - (2) The building official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
 - (3) Whenever any construction work is being done contrary to the provisions of this ordinance, the building official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.
- (b) *Requirements for building permit.* All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:
- (1) The actual shape and dimensions of the lot to be built upon.
 - (2) The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
 - (3) The lines within which the proposed building and structure shall be erected or altered.
 - (4) The existing and intended use of each building or part of building.
 - (5) The number of families or dwelling units the building is designed to accommodate.
 - (6) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.
- (c) *Existing permits and private agreements.* This ordinance is not intended to abrogate or annul:
- (1) Any permits issued before the effective date of this ordinance.
 - (2) Any easement, covenant or any other private agreement.
- (d) *Preserving rights in pending litigation and violations under existing ordinances.* By the passage of this ordinance no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded with in all respects as if such prior ordinance had not been repealed.
- (e) *Completion of authorized buildings.* Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this ordinance, provided such building was authorized by building permit before the passage of this ordinance and further provided construction shall have been started within ninety (90) days from the passage of this ordinance. Commitments with reference to construction of public utility building necessary for proposed expansion of the city made prior to the passage of this ordinance shall be observed.
- (f) *Newly annexed areas.*
- (1) *Zoning annexed areas.* All territory annexed to the city hereafter shall be temporarily classified as district "AO" agricultural-open space, only until permanently zoned by the city council. The planning commission shall, within sixty (60) days after annexation of any territory, recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.
 - (2) *Unplatted property.* The planning commission shall not approve any plat or any subdivision within city limits until the area covered by the proposed plat shall have been permanently zoned by the city council, except that a plat or subdivision in conformance with the

recommended zoning may be approved by the planning commission concurrently with the recommendation for zoning and sent together to the city council.

SECTION 17-35. – BOARD OF ADJUSTMENT

(a) *Organization and procedure.*

- (1) *Establishment.* A board of adjustment is hereby re-established in accordance with the provisions of §211.008 Texas Local Government Code.
- (2) *Membership.*
 - a. The board shall consist of five (5) members and two (2) alternates, each to be appointed or reappointed by the city council.
 - b. Members of the board shall serve for two-year terms of office with appointments beginning July 1st.
 - c. Members shall be appointed by places number 1 through 5, with alternates 1 and 2. places 1, 3, and alternate 1 shall be appointed in odd-numbered years, and places 2, 4, and alternate 2 shall be appointed in even-numbered years so that board memberships will be staggered.
 - d. At least one member of the board shall be a member of the planning and zoning commission (the required position being designated as Place 5), and his term shall be for a one-year term of office, and shall expire on June 30th of each year.
 - e. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings.
 - f. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.
 - g. The board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected.
- (3) *Meetings.* Meetings of the board shall be held at the call of the chairman and at such times as the board may determine.
- (4) *Hearings.*
 - a. The hearings of the board of adjustment shall be public; however, the board may go into executive session for discussion but not for a vote on any case before it.
 - b. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from, a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.
 - c. All hearings are to be heard by at least four (4) members of the board.
- (5) *Rules and regulations.*
 - a. 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 shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
 - b. The board shall act by resolution in which four (4) members must concur.
 - c. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the building official, all of which rules and regulations shall operate uniformly in all cases.
 - d. All of its resolutions and orders shall be in accordance therewith.

(b) *Appeals.*

- (1) *Procedure.*
 - a. Appeals may be taken to and before the board of adjustment by any person aggrieved, or by any officer, department, board, or bureau of the city.
 - b. Such appeal shall be made by filing with the office of the board a notice of appeal and specifying the grounds thereof.
 - c. The office or department from which the appeal is taken shall forthwith transmit to the board of adjustment all of the papers constituting the record upon which the action appealed from was taken.
 - d. No appeal may be taken with regard to any platted lot until after approval of the final plat by the city council.
- (2) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official shall certify to the board of adjustment that by

reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

(3) *Notice of hearing on appeal.*

- a. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet or less street frontage of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city.
- b. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

(4) *Decision by board.*

- a. The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- b. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

(5) *Fees.* Each appeal or request for hearing before the board of adjustment shall be accompanied by payment of a non-refundable fee.

(c) *Powers and duties of board.*

(1) *Subpoena witnesses, etc.* The board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

(2) *Appeals based on error.* The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building official in the enforcement of this ordinance.

(3) *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass as follows or elsewhere in this ordinance:

- a. Permit the erection and use of a building or the use of premises for railroads or for such uses as are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
- b. To permit a public utility or public service or structure in any district, 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 public health, convenience, safety, or general welfare.
- c. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- d. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- e. To grant a permit for enlargement or expansion of a nonconforming use.
- f. To determine whether an industry should be permitted within district "LI", light industrial, and district "HI", heavy industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- g. To determine in cases of uncertainty the classification of any use not specifically named in this ordinance.

(4) *Variances.* The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where,

owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

- a. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
 - b. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance 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 from the comprehensive plan as established by this ordinance, and at the same time, the surrounding property will be properly protected.
- (5) *Changes.* The board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and border-line cases which may arise from time to time. The board may not change the district designation of any land either to a more restrictive or less restrictive zone.

SECTION 17-36. – CERTIFICATES OF OCCUPANCY

(a) *Certificates of occupancy shall be required for any of the following:*

- (1) Occupancy and use of a building hereafter erected or structurally altered.
- (2) Change in use of an existing building to a use of a different classification.
- (3) Occupancy and use of vacant land, except agricultural use.
- (4) Change in the use of land to a use of a different classification.
- (5) Any change in the use of a nonconforming use.

No such occupancy, use, or change of use shall take place until a certificate of occupancy therefore shall have been issued by the building official.

(b) *Procedure for new or altered buildings.* 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 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 ordinance.

(c) *Procedure for vacant land or a 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 nonconforming use, as herein provided, shall be made to said building official. If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefore shall be issued within three (3) days after the application for same has been made.

(d) *Contents.* 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 building official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(e) *Temporary certificate.* Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the 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 certificate 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 ordinance.

(f) *Certificate for nonconforming use.* A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the building official to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

SECTION 17-37. – AMENDMENTS

- (a) *Authority.* Under the provisions of Chapter 211, Texas Local Government Code, the city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.
- (b) *Submission to planning commission.* Before taking any action on any proposed amendment, supplement, or change in the ordinance, the city council shall submit the proposed revision to the planning and zoning commission for its review, recommendation and report.
- (c) *Public hearing.* A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change to the ordinance. Notice of such hearing shall be given by publication one (1) time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- (d) *In case of protest.* If the planning and zoning commission recommends that the change be denied or in case of a written protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in the proposed change, or of those lots or land immediately adjoining the same and extending two hundred (200) feet there from, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.
- (e) *Limitation on re-submission of petition.* No amendment, supplement, change or repeal of any section of this ordinance which has been rejected by the city council shall be again considered by the city council on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original rejection by the city council.
- (f) *Application.* Whenever any person desires that any amendment or change be made in the zoning and "use district" map, as to any property in the city, there shall be presented an application requesting such change or amendment, and clearly describing the property and its boundaries as to which change or amendment is desired, duly signed by the owner, or owners of the real estate included with the boundaries of the tract as described in the application. Each and every petition as provided shall be filed with the city manager or his appointed representative prior to being presented to the planning and zoning commission, and the same shall be accompanied by a filing fee, which sum shall be paid to the city at the time the application is filed.
- (g) *Zoning change signs.* The applicant shall place a zoning change sign(s), as required by the city on the site. The applicant shall be responsible for such sign(s) remaining visible on the site as required. The cost of the zoning change sign(s) shall be paid to the city at the time the application is filed.

SECTION 17-38. – COMPLIANCE WITH THE REGULATIONS

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) The minimum yards and open areas, including lot area per dwelling unit, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or open space required for any other building, nor shall any lot area be reduced below the requirements of this ordinance for the district in which such lot is located.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 17, ZONING, OF THE LEWISVILLE CITY CODE, BY REPEALING AND REPLACING THE CHAPTER IN ITS ENTIRETY; ALTERING DEFINITIONS; MODIFYING, DELETING, AND ADDING USES WITHIN ZONING DISTRICTS; REPLACING THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT WITH A NEW PLANNED DEVELOPMENT (PD) DISTRICT; REPLACING THE MIXED USE THIRTY (MU-30) DISTRICT WITH A NEW MIXED USE (MU) DISTRICT; REVISING REGULATIONS WITHIN THE VARIOUS MIXED USE DISTRICTS; PROVIDING FOR SEVERABILITY PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code of Ordinances, Chapter 17, Zoning, are necessary;

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

SECTION 1. Chapter 17 is hereby repealed in its entirety and in its place the attached Table of Contents and new Chapter 17, Sections 17-1 through 17-38 are inserted as illustrated in Exhibit "A".

SECTION 2. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 4. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 6. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 14TH DAY OF SEPTEMBER, 2015.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

ORDINANCE NO. _____

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

ORDINANCE NO. _____

Exhibit A
Lewisville City Code of Ordinances
Chapter 17, Zoning

ZONING ORDINANCE

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SECTION 17-1. – TITLE

This chapter shall be known and may be cited as "The City of Lewisville Zoning Ordinance" or the zoning ordinance.

SECTION 17-2. – PURPOSE

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city. They have been designed to lessen the congestion in the street; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have 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 a comprehensive plan.

SECTION 17-3. – DEFINITIONS AND ADDITIONAL USE REGULATIONS

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the plural and the singular; the words "shall" and "must" are mandatory and not directive; and the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Any use regulations set forth herein are in addition to those regulations found elsewhere in the zoning ordinance. Said words and terms as follows:

Accessory building, structure, or use shall mean one which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and, (d) is located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use.

Use regulation: One accessory dwelling unit in a commercial building may be allowed as an accessory use when the occupant is the owner, manager, security guard, or other person employed full-time by the business so that the accessory dwelling unit is directly accessory to the business.

Accessory dwelling unit shall mean a detached, self contained housing unit that is secondary to the main residence and is subordinate in area, extent, or purpose to the principal building or principal use served. An accessory building with shower/bath or kitchen facilities is considered an accessory dwelling unit and shall adhere to the regulations of this ordinance.

Airport shall mean any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft, including and not limited to air traffic control facilities, terminal buildings and airport auxiliary facilities.

Alley shall mean a public right-of-way which affords a secondary means of access to abutting property.

Alternative Energy shall mean energy sources that are renewable and are thought to be "free" energy sources. They all have lower carbon emissions, compared to conventional energy sources. These include Biomass Energy, Solar Energy, Geothermal Energy and Hydroelectric Energy sources.

Animal slaughter or processing shall mean a building or property used for the commercial slaughtering and or processing of animals for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Apartment shall mean a dwelling unit in an apartment building.

Apartment building shall mean a building, or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multi-family dwelling.

Auction yard (vehicle) shall mean a place where operable motor vehicles are offered for sale to persons who bid on the vehicles in competition with each other.

Bar shall mean an establishment licensed by the state for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.

Batch plant shall mean a manufacturing facility for the production of concrete.

Bed and breakfast shall mean an establishment offering the use of guest rooms to the transient public for compensation. The establishment must be owner-occupied and are limited to a maximum of five (5) bedrooms. A minimum of one meal per day shall be served on the premises for the benefit of the guests of the bed and breakfast. A bed and breakfast is a non-residential use.

Use regulation:

- a. Guests shall not stay in excess of 14 consecutive days.

Beverage container recycling collection unit shall mean a *unit* used for the commercial collection and temporary storage of empty beverage containers for recycling purposes conducted totally within an enclosed structure or container. This definition does not include home recycling containers or processing except for "can banks" that crush cans as they are deposited.

Use regulation: This use must be an accessory use to a supermarket.

Block shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined.

Board shall mean the board of adjustment established by this ordinance.

Brewery shall mean an establishment where beer or malt liquor is brewed.

Build shall mean to erect, convert, enlarge, reconstruct or alter a building or structure.

Buildable width shall mean the width of the building site left to be built upon after the required side yards are provided.

Building or structure shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, detached shall mean a building surrounded by yards or open space on the same building lot.

Building height shall mean the number of stories contained in a building and/or the vertical distance from finished grade to roof peak.

Building line shall mean the rear line of a required front yard which is generally parallel to the street line forming the front lot line.

Building lot shall mean a single tract of land located within a single block which, (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance and the city's general development ordinance.

Building, mixed-use shall mean a building used partly for residential use and partly for community facility and/or commercial use. A mixed-use building is a commercial use.

Building, principal shall mean a building in which the principal use of the lot on which it is located is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

Building, residential shall mean a building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families or lodgers.

Car wash shall mean a building, or portion thereof, containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type carwash is also considered a car wash.

Carports shall mean an accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory.

Cemetery shall mean land used or intended to be used for the interment of human remains and may include the following accessory uses if operated within the boundaries of said cemetery: a crematorium, mausoleum, columbarium, necessary sales and maintenance facilities, and mortuaries.

City shall mean the City of Lewisville, Texas.

Clinic shall mean the office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions.

Columbarium shall mean a structure designed for the purpose of interring cremated human remains in sealed compartments.

Commercial amusement (indoor) shall mean an amusement or entertainment enterprise wholly enclosed and operated within a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, indoor tennis courts, gymnasiums, swimming pools, teen clubs, dance halls and movie theaters.

Commercial amusement (outdoor) shall mean an enterprise offering entertainment or games of skill to the general public for a fee or charge or to members and guests of a private association wherein any portion of the activity takes place in the open. Typical uses include, but are not limited to: private sports fields, batting cages, a golf driving range, paint ball facility, archery range and miniature golf course, amusement park, water park, rodeo grounds, drive-in theater, go-cart tracks.

Commission, planning shall mean the Planning and Zoning Commission of the City of Lewisville, Texas.

Communication Towers and related devices: A communications tower is a structure primarily intended to support transmission equipment for telephone, radio, and other communication purposes. Communication towers are typically categorized as monopole (freestanding), lattice (self-supporting or anchored with guy wires or cables). Related devices shall be defined as follows:

Antenna: A signal transmission or receiving device for radio, television, telephone or other electronic signals including accessory mechanical equipment and accessory structures used solely for housing accessory equipment. An antenna may stand alone or be attached to a building, structure, rooftop, monopole or lattice tower.

Communication Dish: Any dish-shaped device used for transmission or receiving of radio, television, telephone or other electronic signals, including accessory mechanical equipment attached to a tower and accessory structures used solely for housing of the accessory equipment. A Communications Dish shall be considered an antenna.

Lattice Tower: A lattice structure used to support antennas or communications dishes, including accessory mechanical equipment attached to the tower and accessory structures used solely for housing of the tower or accessory equipment.

Monopole Tower: A pole (not exceeding 42 inches in diameter) used to support antennas or communications dishes, including accessory mechanical equipment attached to the pole and accessory structures used solely for housing of the monopole or accessory equipment.

Monopole Platform: That portion of a monopole tower, located on or near the top of the tower, supporting directional, transmitting and receiving antennas. Such platforms may not have a horizontal cross section area greater than one hundred ninety six (196) square feet. The depth shall not exceed four (4) feet.

Convenience store shall mean any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Council shall mean the City Council of the City of Lewisville, Texas.

Court shall mean an open, unoccupied space, bounded on more than two sides by the walls of the 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 permanent open space.

Crematorium shall mean a building, structure or part thereof used for the purposes of the cremation of human remains. A crematorium is an accessory use to a cemetery, columbarium or mortuary.

Criminal/penal institution shall mean a facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments and detention facilities.

Day nursery or day care center shall mean any child care arrangement which provides child care on a regular basis for more than six (6) children.

Development or to develop shall mean the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

Display shall mean a formal exhibition of goods done in a manner so as to cause the goods to be favorably seen. An outside display area requires the retail items, except living plants, to be placed on asphalt or concrete.

Distillery shall mean an establishment where alcoholic liquor is distilled.

District shall mean a zoning district which is a part of the city wherein regulation of this ordinance is uniform.

Dwelling shall mean a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels or lodging houses.

Dwelling, attached shall mean one which is joined to another dwelling at one or more sides of a party wall or walls.

Dwelling, detached shall mean one which is entirely surrounded by open space on the same building lot.

Dwelling, multi-family shall mean a building or portion thereof constructed for and/or occupied by three (3) or more families and containing three (3) or more dwelling units located upon the same building lot, or on a building constructed with at least one dwelling unit above another dwelling unit.

Dwelling, single-family shall mean a building containing only one (1) dwelling unit and/or occupied by only one (1) family.

Dwelling, two-family shall mean a building containing two (2) dwelling units and/or occupied by only two (2) families.

Dwelling unit shall mean one (1) or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided, but each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit unless such facilities are provided in a bona fide servants' quarters as herein defined. Apartment units in extended-stay hotels are considered dwelling units.

Electrical energy generating plant shall mean a facility belonging to a privately owned utility company franchised to serve the city.

Excavation or gravel pit shall mean an area where minerals, gravel, or other similar materials are excavated or quarried below the natural grade of the surface.

Family shall mean one (1) or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than five (5) persons (excluding servants) who are living together in a dwelling unit.

Flea market (outdoor) shall mean a swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Fundraising events sponsored by religious, charitable, educational, social or political organizations are not a flea market.

Garage, auto repair shall mean a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Garage, private shall mean an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public shall mean a building or portion thereof, other than a private or storage garage, designed or used for storing motor driven vehicles.

Gas and oil drilling accessory uses shall mean gas and oil drilling uses not specified within the city's gas drilling ordinance, which may include and is not limited to a centralized natural gas compression facility, centralized water collection facility, centralized natural gas lift facility.

Gasoline service station or service station shall mean any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Grocery store shall mean a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Heavy machinery sales and storage shall mean a building or open area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

Heliport shall mean an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop or helipad shall mean a landing pad for occasional and infrequent use by helicopters. No on-site servicing of or fueling is allowed.

Home occupation shall mean a business, occupation, or profession conducted within a residential dwelling unit on a residentially zoned lot by the resident thereof, and which shall have the following characteristics:

Use Regulations:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business; and
- (3) Said home occupation shall not have a separate entrance for the business and shall not include continual visits by the general public.

- (4) Home occupations must be registered with the City of Lewisville.

A business, occupation, or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the city to order a cease to all such activity within said dwelling unit.

Hospital shall mean a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel, motel or inn shall mean an establishment offering lodging, the use of guest rooms or sleeping accommodations, to the transient public for compensation. Hotels, motels or inns furnish customary hotel services and may contain a restaurant, club, lounge, banquet hall, meeting rooms and other accessory uses. A hotel, motel or inn is a non-residential use. For purposes of this ordinance, if more than 20% of the guest rooms of the establishment are occupied by a person who has the right to use or possess a guest room for at least 60 consecutive days without interruption, then the use of such establishment shall be classified as residential. Residential usage shall not be permitted in a non-residential zoned area.

Iron/steel foundry shall mean a facility of a portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final shape products for introduction into commerce. Research and development facilities, operations that only produce non-commercial castings, and operations associated with nonferrous metal production are not included in this definition.

Junk or salvage yard shall mean a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A "junk yard" does not include such uses conducted entirely within an enclosed building. A "junkyard" includes an automobile wrecking yard and automobile parts yard.

Kennel (indoor) shall mean an establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kennel (outdoor) shall mean an establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kiosk shall mean a small free standing building or structure of 750 square feet or less intended for commercial business operation. The structure as defined may be manned or automatic without an attendant.

Landfill, sanitary shall mean an engineered land burial facility for the disposal of nonhazardous and nonmedical farm, residential, institutional, commercial, or industrial solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Landfill, construction/demolition shall mean an engineered land burial facility for the disposal of non-biodegradable waste resulting from road building, construction, remodeling, repair, or demolition of structures.

Loading space shall mean a space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, together with access and maneuvering areas provided on the same building lot as the principal use for which the loading space is intended.

Lot area shall mean the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

Lot area per dwelling unit shall mean the lot area required for each dwelling unit located on a building lot.

Lot, corner shall mean a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

Lot depth shall mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective mid-points of the front lot line and rear lot line within the lot boundary.

Lot, interior shall mean a building lot other than a corner lot.

Lot line shall mean a boundary of a building lot.

Lot line, front shall mean that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot line, side shall mean that boundary of a building lot which is not a front lot line or a rear lot line.

Lot line, rear shall mean that boundary of a building lot which is most distant from and is, or most nearly, parallel to the front lot line.

Lot of record shall mean an area of land designated as a lot on a plat of a subdivision recorded, pursuant to Statutes of the State of Texas, with the County Clerk of Denton County, Texas.

Lot, through shall mean a building lot not a corner lot, both the front and rear lot lines of which adjoin street lines. On a "through lot" both street lines shall be deemed front lot line.

Lot width shall mean the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto.

Mausoleum shall mean cemetery property used for the interring of the dead and where human bodies are interred above ground in staked vaults.

Mining shall mean all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

Mining, accessory use shall mean any use customarily incidental, appropriate, and subordinate to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and maintenance facilities.

Mini-storage warehouse or self service storage facility shall mean small individual storage units for rent or lease, restricted solely to the storage of household and personal property (no commercial storage).

Use regulation: The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile homes shall mean modular buildings which are designed for living or sleeping purposes with only wheels as a foundation which can be moved only by towing and were not designed to be self-propelled. A trailer coach is a mobile home.

Mobile home park shall mean any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Modular home shall mean a factory-built dwelling unit, attached or detached, which is wholly or partially constructed away from its building lot and moved to a building lot where it is affixed or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed to be a modular home.

Motor freight terminal shall mean a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

Motor vehicle shall mean a self-propelled vehicle not operating on stationary rails or tracks. This includes and is not limited to automobiles, motorcycles, trucks, boats, recreational vehicles, four wheelers and buses.

Motor vehicle sales shall mean the use of land for the display or sale of two (2) or more new or used motor vehicles on commercially zoned property.

Nightclub shall mean an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians; and/or
- (2) Dancing.

"Nightclub" shall not include theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, or establishments defined elsewhere in this ordinance as a sexually oriented business.

Nonconforming structure shall mean a structure or building that is not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming structure may be continued subject to the provisions of this ordinance.

Nonconforming use shall mean a use that are not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming use may be continued subject to the provisions of this ordinance.

Noxious matter shall mean any material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Open Area shall mean that part of a building lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon a building lot; and,
- (3) Is not part of the roof of that portion of the building containing dwelling units.

Open storage or outside storage shall mean the storage of any vehicles, equipment, machinery, supplies, commodities, raw materials, semi-finished materials, finished materials, building or construction materials or any similar items, when not accessory to an existing residential use, which are located outside a fully enclosed building and without regard to being formally displayed for sale. Such storage shall also be considered as a storage yard.

Parking space shall mean a surface area, enclosed or unenclosed sufficient in size to store one (1) automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of any automobile.

Plant Nursery (Retail Sales) - A building or site used for the propagation and retail sale of plants, shrubs, trees, and garden supplies.

Private Club shall mean an entity that has obtained a Private Club Permit through the Texas Alcohol and Beverage Commission.

Private utility plants or Sub-stations (including alternative energy) shall mean the generation, transmission, or distribution of electricity, gas, or steam, water and the like,

Public governmental agencies shall mean only the City of Lewisville, the Lewisville Independent School District, Denton County (within Denton County), Dallas County (within Dallas County), the State of Texas, and the United States Federal Government.

Public park shall mean any publicly owned park, playground, beach, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

Racing shall mean a facility or area with a course laid out for racing horses or automobiles and necessary accessory uses including but not limited to retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Recreation area shall mean a privately owned park, playground or open space maintained by a community club, property owners association or similar organization.

Recreational vehicle (RV) park (private) shall mean a parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recycling center shall mean a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal are recycled, reprocessed, and treated in order to return such products to a condition where they may be reused. Processing means the preparation of material for shipment, or an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include storage and loading areas located entirely on the processing center site. Recycling of tires and shingles shall not be allowed.

Residential storage building shall mean a detached structure used for on-site storage of items related solely to residential purposes and located in any single-family or two-family zoning district.

Rest home or nursing home shall mean a private facility for the care of children, the aged or infirmed, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

Self service storage facility. See "Mini-storage warehouse".

Servant's quarters shall mean an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

Service station. See "Gasoline service station".

Shooting range, indoor shall mean a facility designed to be used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

Shooting range, outdoor shall mean an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm.

Stadium shall mean a commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Stadiums or sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State licensed vehicle storage facility shall mean a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten (10) or more vehicles per year.

Use regulation: No vehicle shall be stored at said facility for more than 30 days.

Stockpiling shall mean holding on land of material or products such as any soil, sand, gravel, clay, mud, debris, vegetation, or any other material, organic or inorganic, in a concentrated state.

Storage yard shall mean an outside location for storing items without regard to being formally displayed for sale. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

Use regulations:

- a. Storage yards must be screened in accordance with the requirements of the city's General Development Ordinance.
- b. Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the city's General Development Ordinance.

Story shall mean that part of a building between the surface of a floor and the ceiling immediately above.

Street shall mean a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street line shall mean the right-of-way of a street.

Structure. See "Building".

Theater, drive-in shall mean an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles. This definition does not include an adult theater.

Toxic Materials shall mean are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use of property shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of such activity with respect to the standards of this ordinance.

Use, principal shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

Winery shall mean an establishment that produces wine.

Wrecker services shall mean a business that provides wrecker or towing service to vehicles that are stored at a state licensed vehicle storage facility.

Yard shall mean an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

Yard, front shall mean a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter box, unenclosed porches and driveways.

Yard, rear shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

Yard, side shall mean a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

Zoning district map shall mean the map or maps incorporated into this ordinance as a part hereof by reference thereto.

SECTION 17-4. – ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

For the purpose of this chapter, the city is hereby divided into thirty-five (35) Districts as follows:

AO	Agriculture Open Space District
TE	Towne Estate Single Family Residential District
R-18	Single-Family Residential District - 18,000 sq. ft.
R-12	Single Family Residential District - 12,000 sq. ft.
R-9	Single Family Residential District - 9,000 sq. ft.
R-7.5	Single Family Residential District - 7,500 sq. ft.
R-6	Single Family Residential District - 6,000 sq. ft.
R-5	Single Family Residential District - 5,000 sq. ft.
DU	Duplex Residential District
ETH	Estate Townhouse Residential District
TH	Townhouse Residential District
TH-2	Townhouse Two Residential District
MF-1	Multi-Family One Residential District
MF-2	Multi-Family Two Residential District
MF-3	Multi-Family Three Residential District
MHP	Mobile Home Park District
MHS	Mobile Home Subdivision District
OD	Office District
MD	Medical District
LC	Local Commercial District
GB	General Business District
GB-2	General Business-#2 District
OTC	Old Town Center Business District
OTMU1	Old Town Mixed Use 1 District
OTMU2	Old Town Mixed Use 2 District
"MU-SC"	Mixed Use Shopping Center District
"MU"	Mixed Use District
"MU-90"	Mixed Use Ninety District
LI	Light Industrial District
WH	Warehouse District
HI	Heavy Industrial District
PD	Planned Development
PK	Parking District
PU	Public Use District
SU	Specific Use District

The location and boundaries of the districts herein established as well as all special use permits are shown upon the official zoning map, which is hereby incorporated into this chapter. Said zoning map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as is fully set forth and described herein. Said zoning map is on file in City Hall.

SECTION 17-5. – OFFICIAL ZONING MAP

- (a) *Maintenance.* The official zoning map shall be kept in city hall. It shall be the duty of the city manager or his designee to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the city council may from time to time order by amendments to the zoning ordinance and map.
- (b) *Rules for the interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be boundaries.
 - (2) Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - (3) Where district boundaries are indicated as approximately following a drainage course or other prominent physical feature, such drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
 - (4) 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 of said zoning map.
 - (5) Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said streets, highways, or drainage courses.
 - (6) If unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale appearing on the map.
 - (7) In the case of a district boundary line dividing a lot into 2 parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
 - (8) Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way 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 extended districts.
 - (9) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

SECTION 17-6. - "AO" AGRICULTURE – OPEN SPACE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) All general and special agricultural, farming, ranching, stock and poultry raising, dairy and other related uses so long as same does not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in all cases poultry or livestock shall be kept as per the city's animal control ordinances.
 - (2) Public parks and recreation areas.
 - (3) Single-family dwellings on building lots of one (1) acre or more in areas where such dwellings can be served by city water and/or sanitary sewer services if practical or can be adequately served by water wells and/or septic tanks located on the building lot. The minimum floor area of any dwelling shall be one thousand four hundred (1400) square feet, exclusive of garages, breezeways and porches.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor)..
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Church worship facilities.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) Accessory dwelling unit (SUP required).
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of Yards.* All front, side, and rear yards shall have a dimension of not less than one hundred (100) feet.
 - (2) *Size of Lot.* No lot shall have an area of less than one (1) acre.
 - (3) *Lot Coverage.* In no case shall more than ten percent (10%) of the total area of the lot be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-6.5. - "TE" TOWNE ESTATE SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use:* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, carport, storeroom, utility room, cabana, or similar use.
 - (7) A porte-cochere shall be permitted. The porte-cochere may extend into the required side yard setback if all of the following conditions are met:
 - a. Three (3) sides of the porte-cochere must be open.
 - b. Columns may be a maximum width of eighteen (18) inches at any point and spaced no closer than eight (8) feet on center.
 - c. The porte-cochere is limited to a single story, with the roof height limited to a maximum of twenty (20) feet above the driveway.
 - d. The exterior of the main structure may be no closer to the side property line than fifteen (15) feet.
 - e. No part of the porte-cochere, including the roof overhand, shall be closer than five (5) feet to the side property line.These requirements shall apply in all single family detached residential zoning districts.
 - (8) Private Utility Plants or Sub-stations (including alternative energy). (SUP required).
 - (9) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (10) Gas and oil drilling accessory uses (SUP required).
- (b) *Height:* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area:*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width or a minimum of six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than six and one-half (6-1/2) feet. The maximum side yard required shall be eight (8) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than five (5) feet. If the garage entry is from the alley and the entry side of the garage faces the alley, the garage must be set back twenty (20) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than fifty (50) feet at the front building line. Irregular lots shall have not less than thirty (30) feet minimum width at the front property line.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand five hundred (2,500) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-7. - "R-18" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Accessory dwelling unit (SUP required).
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Gas and oil drilling accessory uses (SUP required).
 - (15) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty-five (35) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than thirty-five (35) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than eighteen thousand (18,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
 - c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand four hundred (2,400) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than twenty-five percent (25%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-8. - "R-12" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet if there is no rear entry from an alley, and a depth of not less than thirty-five (35) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than twelve thousand (12,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.

- c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-9. - "R-9" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than eight (8) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than eighty (80) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
 - c. *Lot depth.* The depth of the lot shall not be less than the width of the lot.

- d. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand eight hundred fifty (1,850) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than thirty-five percent (35%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-10. - "R-7.5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than thirty (30) feet, except where entrance to the garage is provided from an alley in the rear of the house, in which case the minimum front yard may be twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than six and one-half (6.5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than sixty-five (65) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- c. [Exception] Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-11. - "R-6" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of Lot.*
 - a. *Lot Area.* No building shall be constructed on any lot less than six thousand (6,000) square feet, or equivalent thereof, per dwelling unit.
 - b. *Lot Width.* The minimum width of the lot shall not be less than sixty (60) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit shall be one thousand five hundred (1,500) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-12. - "R-5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet, or equivalent thereof, per dwelling unit.
 - b. *Lot width.* The minimum width of the lot shall not be less than fifty (50) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit shall be one thousand four hundred fifty (1,450) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13. - "DU" DUPLEX RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Duplex.
 - (2) Single-family attached dwellings, provided that no more than two (2) dwelling units are attached, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Single-family dwellings.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (7) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by city's animal control ordinances.
 - (8) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (9) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (10) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (11) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (12) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (13) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (14) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a minimum front yard of twenty-five (25) feet for attached units and Duplex units. Detached units shall have a minimum front yard of twenty (20) feet, unless there is a front driveway, in which case the minimum front yard shall be twenty-five (25) feet.
 - b. *Side yard.* For attached units and Duplex units there shall be a minimum side yard of eight (8) feet, except on the side where the units are attached. For detached units on individual lots, the minimum side yard shall be six and one-half (6.5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* Duplex units shall be constructed on lots with a minimum of nine thousand (9,000) square feet. Attached units shall be constructed on lots with a minimum of four thousand five hundred (4,500) square feet. Detached units shall be constructed on lots with a minimum of five thousand (5,000) square feet.

- b. *Lot width.* The minimum lot width for Duplex units shall be one hundred (100) feet at the front and rear building setback lines and eighty (80) feet at the front property line. The minimum width for all other lots shall be fifty (50) feet at the front and rear building setback lines and forty (40) feet at the front property line.
 - c. [Exception] Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit erection of a dwelling thereon.
- (3) *Minimum dwelling size.* The minimum floor area of each dwelling side in a Duplex or attached units shall be one thousand two hundred (1,200) square feet, exclusive of garages, breezeways and porches. The minimum floor area for all detached units shall be one thousand four hundred (1,400) square feet, exclusive of garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13.5. - "ETH" ESTATE TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family detached or attached dwellings units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, storeroom, utility room, cabana, or similar use.
 - (7) A carport shall be permitted if it meets all requirements of a residential accessory building.
 - (8) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (9) Gas and oil drilling accessory uses (SUP required).
 - (10) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than five (5) feet. If the garage or carport entry is from the front and the entry side of the garage or carport faces the street, the garage or carport must be set back twenty (20) feet.
 - b. *Side yard.* No side yard setback is required, except a five (5) foot setback is required adjacent to a side street.
 - c. *Rear yard.* No rear yard setback is required. If the garage or carport entry is from the alley and the entry side of the garage or carport faces the alley, the garage or carport must be set back a minimum of twenty (20) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than four thousand (4,000) square feet.
 - b. *Lot width.* The minimum width of the lot shall not be less than twenty (20) feet at any point.
 - (3) *Minimum dwelling size.* The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.
 - (4) *Lot coverage.* In no case shall more than eighty percent (80%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-14. - "TH" TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement (indoor or outdoor).
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* Attached living units shall not exceed forty-five (45) feet or three and one-half (3-1/2) stories in height. All other detached buildings, including detached living units, shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, except where otherwise regulated within this ordinance.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet; except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. *Side yard.* There shall be a side yard on each side of a continuous row or group of dwellings of not less than ten (10) feet. Detached units shall have a side yard on each side of the lot of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than two thousand (2,000) square feet, or equivalent thereof, per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.

- b. *Lot width.* The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
 - c. *Lot depth.* The depth of a lot shall not be less than one hundred (100) feet at any point.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit, attached or detached, shall be one thousand four hundred and fifty (1,450) square feet, exclusive of any garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-14.5. - "TH-2" TOWNHOUSE TWO RESIDENTIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (6) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building if it meets all requirements of a residential accessory building..
 - (10) A carport shall be permitted as an accessory building if it meets all requirements of a residential accessory building.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* Attached living units shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking. Where entrance to the garage is provided from an alley or easement in the rear, the minimum front yard shall be five (5) feet.
 - b. *Side yard.* There shall be a side yard on each side of a continuous row or group of dwellings, or on each side of a detached dwelling, of not less than six and one-half (6.5) feet. A side yard adjacent to a side street shall not be less than ten (10) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a required depth of not less than five (5) feet if there is no rear entry for parking from an alley or easement. Where the entrance to the garage is provided from an easement serving a row of attached dwelling units, the minimum rear setback shall be seventeen and one-half (17.5) feet. Where the entrance to the garage is provided from an alley, the minimum setback shall be seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than seventeen hundred (1,700) square feet per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.

- b. *Lot width.* The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
 - c. *Lot depth.* The depth of a lot shall not be less than seventy-five (75) feet at any point.
- (3) *Minimum dwelling size.* The minimum floor area of any dwelling unit, attached or detached, shall be twelve hundred (1,200) square feet, exclusive of any garages, breezeways and porches.
- (4) *Lot coverage.* In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-15. - "MF-1" MULTI-FAMILY ONE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed thirty-five (35) feet or two (2) stories in height except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above thirty-five (35) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4,500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot Width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot Depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is no less than eight (80) feet.
 - d. *[Exception]* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of eight hundred (800) square feet of livable floor space,

exclusive of garages, porches, breezeways, entry hallways or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of eight hundred (800) square feet and a minimum of six hundred fifty (650) feet square feet of liveable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.
 - c. The eight hundred (800) square foot average shall apply to the total number of units to be constructed under the same building permit where five (5) or more buildings are to be erected under the same building permit.
- (4) *Lot coverage.* In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (5) *Density.* In no case shall the density of units per platted acre exceed twenty (20) units per acre. Drainage right-of-way which is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SECTION 17-16. - "MF-2" MULTI-FAMILY TWO DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - d. *[Exception]* Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this ordinance the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of liveable floor

space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.
 - c. The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.
- (4) *Lot coverage.* In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (5) *Density.* In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way which is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SECTION 17-16.5. - "MF-3" MULTI-FAMILY THREE DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Multi-family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or sorority house.
 - (4) Nursing and convalescent homes.
 - (5) Day nurseries.
 - (6) Church worship facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incidental to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet along any street which has a right of way width of 120 feet or more. The required front yard shall have a required depth of not less than five (5) feet on all other streets.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than five (5) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. *Lot depth.* The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - (3) *Minimum dwelling size.*
 - a. The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

- b. Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.
 - c. The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.
- (4) *Lot coverage.* In no case shall the combined area of the main buildings and accessory buildings cover more than fifty percent (50%) of the total lot area.
- (5) *Density.* In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way that is dedicated to the city as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.”

SECTION 17-17. - "MHP" MOBILE HOME PARK DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) A mobile home park.
 - (2) Such uses as are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (7) Gas and oil drilling accessory uses (SUP required).
 - (8) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Location of mobile homes outside of mobile home parks.* It shall be unlawful for any person to locate or maintain any mobile home in any place in the city other than in a licensed mobile home park or mobile home subdivision except for the following:
- (1) Mobile homes may be kept in a properly zoned mobile home sales lot, including use of a mobile home as a sales office.
 - (2) A mobile home may be used as a temporary construction office.
 - (3) A single "camper trailer" type mobile home or recreational vehicle (used solely for private recreational purposes) may be stored as an accessory use for residential uses.
 - (4) A mobile home may be used as office and living quarters for security personnel on commercial or industrial developments only after approval of the city council. Approvals which are in force on or before June 20, 1994 shall be deemed to be approved indefinitely. All approvals are for an indefinite time period unless otherwise directed by the city council.
- (c) *Compliance with other ordinances.* Except as provided herein, all mobile home parks must also meet the requirements of the city code regulating mobile homes and mobile home parks.

SECTION 17-18. - "MHS" MOBILE HOME SUBDIVISION DISTRICT REGULATIONS

- (a) *Use.* A mobile home subdivision shall be used only for the following purposes:
- (1) Single family mobile home or pre-manufactured home in a subdivision as shown on a subdivision plat approved by the planning and zoning commission and filed for record, designed specifically for and restricted to mobile home development.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (5) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (6) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (7) Gas and oil drilling accessory uses (SUP required).
 - (8) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Location of mobile home subdivision.*
- (1) Mobile home subdivision district will be granted only as an amendment to the zoning ordinance. The granting of each mobile home subdivision district will be on the merits of each individual request for amendment.
 - (2) The location of a mobile home subdivision district shall be in general conformance with the general plan of the city, shall be located adjacent to a thoroughfare and adjacent to a multi-family district, commercial district or industrial district.
- (c) *Height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (d) *Area.* The minimum site area which may be developed or used for a mobile home subdivision is eight (8) acres.
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a depth of not less than twenty (20) feet.
 - b. *Side yard.* There shall be a side yard on each side of the lot of not less than ten (10) feet. This shall apply to any mobile home unit, canopy, carport or appurtenance. There shall be a side yard of twenty (20) feet on a side adjacent to a side street.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than ten (10) feet.
 - (2) *Size of lot.*
 - a. *Lot area.* No mobile home unit or pre-manufactured home shall be placed on any lot less than five thousand (5,000) square feet.
 - b. *Lot width.* The width of a lot shall not be less than fifty (50) feet.
 - c. *Lot depth.* The depth of a lot shall not be less than one hundred (100) feet.
- (e) *Special regulations.*
- (1) The mobile home subdivision shall meet all city requirements as set forth in the city's general development ordinance and shall conform to all other regulations contained in the city building code, gas code, plumbing code, electrical code, mechanical code and any other applicable city ordinances.
 - (2) All mobile homes shall conform to the state standards for mobile home anchorage, tie downs and blocking.
 - (3) All underground utilities shall be provided.
 - (4) All mobile homes shall be skirted and all skirting shall be constructed of mortared brick.

SECTION 17-19. - "OD" OFFICE DISTRICT REGULATIONS

- (a) *Use.*
- (1) Professional and administrative offices where only services are provided, no chattels or goods are offered for sale, and no outside storage is provided on the premises. This includes but is not limited to doctors, dentists, attorneys, architects, engineers, insurance, real estate, banks and similar offices.
 - (2) Business or commercial schools and institutions of education.
 - (3) Clinics, medical and dental.
 - (4) Veterinarian or animal clinic, provided the use is operated within an enclosed structure and is not on a lot abutting a single family zoned lot.
 - (5) Day nurseries.
 - (6) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public.
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust noise, vibration or similar nuisance.
 - (11) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (12) Gas and oil drilling accessory uses (SUP required).
 - (13) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Building and coverage regulations.*
- (1) *Building regulations.* The minimum floor area in "OD" office district shall be one thousand (1000) square feet.
 - (2) *Coverage regulations.* In no case shall any building or building complex cover more than thirty-five percent (35%) of the site area.
- (c) *Height.* The maximum height for buildings shall be fifty (50) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (d) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.*
 1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.
 2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.
 3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the

screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-20. - "MD" MEDICAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Day nursery or day care center.
 - (2) Nursing home or convalescent home.
 - (3) Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for senior citizens.
 - (4) Institution for care of alcoholic, narcotic, or psychiatric patients.
 - (5) Clinic: medical, dental or optical.
 - (6) Laboratory: medical, dental or optical.
 - (7) Laboratory: scientific research or testing.
 - (8) Retail sales and services for medical appliances.
 - (9) Florist.
 - (10) Drug store or pharmacy.
 - (11) Optical sales and service.
 - (12) Offices: medical, dental or optical.
 - (13) Hospital.
 - (14) Church worship facilities.
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (19) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (20) Gas and oil drilling accessory uses (SUP required).
 - (21) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* The maximum height for the main buildings shall not exceed one hundred (100) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "MD", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.
 - (2) *Reserved.*

SECTION 17-21. - "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:
- (1) Any use permitted in district "OD" as regulated in said district.
 - (2) Grocery stores.
 - (3) Barber and beauty shops.
 - (4) Book, card, gift and stationary stores.
 - (5) Dry cleaning and laundry services.
 - (6) Gasoline service stations (SUP required).
 - (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles (not including transmission or body shops) (SUP required).
 - (8) Restaurants.
 - (9) Florists.
 - (10) Video rental stores, movie theaters and other indoor amusements.
 - (11) Church worship facilities.
 - (12) Buildings and uses owned or operated by public governmental agencies.
 - (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - (21) Communication Towers (SUP required).
 - (22) Plant Nursery (Retail Sales) (Indoor)
 - (23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in

width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-22.5. - "GB-2" GENERAL BUSINESS #2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise may be used for any use permitted in district "GB" as regulated by said district.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential zoning district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines.
- (c) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* No front yard is required.
 - b. *Side yard.* No side yard is required.
 - c. *Rear yard.* No rear yard is required.
 - (2) *Reserved.*

SECTION 17-22.6 - "OTC" OLD TOWN CENTER BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (2) Barber and beauty shops.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Business or commercial schools.
 - (5) Church worship facilities.
 - (6) Clinic, medical and dental, and related professional offices.
 - (7) Communication towers, accessory to the primary use, shall be located on a building and may extend a maximum of 15 feet above the building, but must be screened from view.
 - (8) Day nurseries.
 - (9) Dry cleaning and laundry services.
 - (10) Hotels, motels and inns.
 - (11) Professional offices.
 - (12) Restaurants.
 - (13) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (14) Video rental stores and movie theaters.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (16) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (19) Bed and breakfast establishments (SUP required).
 - (20) Bar (SUP required).
- (b) *Height.* No building shall exceed a maximum height of three (3) stories or forty-five (45) feet excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* The front facades of buildings shall be set at the front property line. However, a portion of the façade may be set back further in order to create a special entry court or restaurant seating.
 - b. *Side yard.* The façade of a building located on a lot that adjoins a side street shall be located at the property line.

SECTION 17-22.6.1. - "OTMU1" OLD TOWN MIXED USE 1 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of two (2) acres in area on a single platted lot. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Church worship facilities.
 - (6) Buildings and uses owned or operated by public governmental agencies.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provide that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (10) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
 - (11) Bed and breakfast (SUP required).
 - (12) Professional and administrative offices where only services are provided, no goods are offered for sale, no drive-thru's are allowed and no outside storage is provided on the premises.
 - (13) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (14) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Single-family detached and two-family dwelling requirements.*
- (1) *Maximum height.* No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) *Single-family attached, multi-family and institutional building requirements.*
- (1) *Maximum height.* No building shall exceed shall not exceed forty-five (45) feet in height or three and one-half (3-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand four hundred fifty (1,450) square feet. The minimum floor area of any multi-family dwelling shall be (650) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.

- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

- (d) *Size of lot.*
 - (1) *Lot area.* No detached single-family dwelling or non-residential building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet. Attached single-family dwellings shall be constructed on lots with a minimum as illustrated on the adopted concept plan submitted with initial zoning change request. Multi-family dwelling projects shall be constructed on lots of a minimum of two (2) acres in size.
 - (2)
- (e) *Other setbacks.*
 - (1) The old town mixed use 1 district shall not be subject to the following setback provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards."
 - (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

SECTION 17-22.7. - "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers (SUP required). Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services (SUP required).
 - (15) Hotels, motels and inns.
 - (16) Mortuaries (SUP required).
 - (17) Professional offices.
 - (18) Restaurants.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (22) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Bed and breakfast (SUP required).
 - (25) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (26) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Gas and oil drilling accessory uses (SUP required).
 - (28) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (29) Brewery, distillery, or winery.
 - (30) Bar (SUP required).
- (b) *Single-family detached and two-family requirements.*

- (1) *Maximum height.* No building shall exceed forty-five (45) feet or three and one-half (3-1/2) stories in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet. If a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.
- (c) *Single-family attached requirements.*
- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height.
 - (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.
- (d) *Multi-family requirements.*
- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) *Minimum dwelling size.* The minimum floor area of any multi-family dwelling shall be six hundred fifty (650) square feet, exclusive of garages, breezeways and porches.
 - (3) *Front yard.* No front setback is required.
 - (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.
- (e) *Commercial and institutional building requirements.*
- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) *Front yard.* No front setback is required.
 - (3) *Side yard.* No side yard is required.
 - (4) *Rear yard.* A rear yard of not less than ten (10) feet in depth shall be provided.
- (f) *Other setbacks.*
- (1) The old town mixed use 2 district shall not be subject to the following provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such

intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”

- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing onto a street identified as a thoroughfare on the Thoroughfare Plan.

SECTION 17-22.8.1 - "MU-SC" MIXED USE – SHOPPING CENTER DISTRICT REGULATIONS

- (a) *Use.* A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses).

Uses may include those listed in the office district zoning classification, as well as:

- (1) Department stores and similar retail stores.
 - (2) Professional service offices, such as doctors, medical and dental clinics, attorneys, architects, engineers, real estate, insurance, veterinarian clinics with no outside runs and other professional offices.
 - (3) Corporate and administrative offices.
 - (4) Restaurants, including those with outdoor seating areas.
 - (5) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
 - (6) Grocery stores.
 - (7) Hotels
 - (8) Video rental stores, movie theaters and other indoor amusements.
 - (9) Barber and beauty shops.
 - (10) Book, card, gift and stationary stores.
 - (11) Dry cleaning and laundry services.
 - (12) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
 - (13) Florists.
 - (14) Day nurseries.
 - (15) Church worship facilities.
 - (16) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary, middle or high school.
 - (17) Buildings and uses owned or operated by public governmental agencies.
 - (18) Other retail, office and service uses of a similar nature subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage or display is prohibited, except as noted in section "a." above.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in apartment and townhouse units except commercial uses qualifying as a home occupation.
 - (19) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
 - (20) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (21) Bed and breakfast (SUP required).
 - (22) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (23) Gas and oil drilling accessory uses (SUP required).
 - (24) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (25) Brewery, distillery, or winery.
- (b) *Mix of uses required.* No building permit for apartments or townhouses may be issued unless there is also a building permit issued for a minimum of 450 square feet of building space for retail or office uses for every dwelling unit within any development, or such space already exists and will remain within the shopping center or development. The city council may consider alternatives to this requirement at the time of approval of the concept plan. Commercial and residential uses may be

combined within a building or may be located in separate buildings. Parking lots and parking buildings will not count toward the required commercial space.

- (c) *Height.* No building shall exceed 60 feet in height, except that a building may be erected to a height of more than 60 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 35 feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for single family residential use exceed the height allowed in that residential zoning district.
- (d) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a rear setback of not less than twenty-five (25) feet shall be provided upon that portion of a lot abutting or across the street from a residential district.
- (e) *Apartment Use.*
 - (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (f) *Single family attached (townhouse) use.*
 - (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (g) *Concept plan required.*
 - (1) At the time of submitting a request for a change in zoning to mixed use shopping center, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. General uses and location of buildings
 - b. Thoroughfares and access
 - c. Preliminary lot layout
 - d. Size, type and location of buildings and building sites
 - e. Density, number of dwelling units, square feet of non-residential uses
 - f. Screening
 - g. Concept landscape plan
 - h. Lighting plan

- i. Building elevations in color (1 set)
 - j. Exterior finish material and architectural character
 - k. Open Space and amenities
 - l. Phasing plan
 - m. Project scheduling
 - n. Items not consistent with the city's general development ordinance and requested variances
 - o. Traffic study (if needed)
 - p. Physical features of the site
- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%), the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for the change. Denials may be appealed to the city council for a final resolution.

SECTION 17-22.8.2 - "MU" MIXED USE DISTRICT REGULATIONS

(a)

Use. The MU district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The MU district should also support and encourage a variety of transportation options, including transit, bicycles, and walking.

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
- (3) Restaurants, including those with outdoor seating areas.
- (4) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (5) Grocery stores.
- (6) Video rental stores, movie theaters and other indoor amusements.
- (7) Barber and beauty shops.
- (8) Book, card, gift and stationary stores.
- (9) Dry cleaning and laundry services.
- (10) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
- (11) Florists.
- (12) Day nurseries.
- (13) Hotels.
- (14) Automobile parking structures.
- (15) Church worship facilities.
- (16) Buildings and uses owned or operated by public governmental agencies.
- (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (20) Bed and breakfast (SUP required).
- (21) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
- (22) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (23) Brewery, distillery, or winery.

(b) *Height.* No building shall exceed (80) feet in height, except that a building may be erected to a height of more than 80 feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above 80 feet.

(c) *Area.*

- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty (20) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.

- (d) *Apartment use.*
 - (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.

- (e) *Single family attached (townhouse) use.*
 - (1) *Minimum dwelling size.* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.

- (f) *Concept plan required.*
 - (1) At the time of submitting a request for a change in zoning to mixed use, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. Thoroughfares and access
 - b. Preliminary lot layout
 - c. Size, type and location of buildings and building sites
 - d. Density, number of dwelling units, square feet of non-residential uses
 - e. Screening
 - f. Concept landscape plan
 - g. Lighting plan
 - h. Building elevations in color (1 set)
 - i. Exterior finish material and architectural character
 - j. Open Space and amenities
 - k. Phasing plan
 - l. Project scheduling
 - m. Items not consistent with the city's general development ordinance; and requested variances
 - n. Traffic study (if needed)
 - o. Physical features of the site
 - p. General uses and location of buildings

- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%) the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change. Denials may be appealed to the city council for a final resolution.

SECTION 17-22.8.3 - "MU-90" MIXED USE NINETY DISTRICT REGULATIONS

- (a) *Use.* The MU-90 district is intended to provide a planning, regulatory, and management framework for the design, development, and operation of urban mixed-use centers which promote social interaction, community identity, and efficient use of land and resources. The MU-90 district should also support and encourage a variety of transportation options, including transit, bicycles, and walking. The zoning district is applicable primarily to large undeveloped properties where higher density residential and commercial uses are appropriate. An application for MU-90 zoning must represent a site containing a minimum of 90 acres.

Uses may include, but are not limited to:

- (1) Department stores and similar retail stores.
 - (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian clinics with no outside runs.
 - (3) Restaurants, including those with outdoor seating areas.
 - (4) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
 - (5) Grocery stores.
 - (6) Video rental stores, movie theaters and other indoor amusements.
 - (7) Barber and beauty shops.
 - (8) Book, card, gift and stationary stores.
 - (9) Dry cleaning and laundry services.
 - (10) Gasoline service stations, excluding those with motor or transmission repair services (SUP required).
 - (11) Florists.
 - (12) Day nurseries.
 - (13) Hotels.
 - (14) Automobile parking structures
 - (15) Church worship facilities.
 - (16) Buildings and uses owned or operated by public governmental agencies.
 - (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum aggregate of 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
 - (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
 - (19) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (20) Bed and breakfast (SUP required).
 - (21) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (22) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (23) Brewery, distillery, or winery.
- (b) *Height.* Height regulations shall be determined by the building and fire codes.

- (c) *Area.*
 - (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of five (5) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
 - b. *Side yard.* A side yard of not less than five (5) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway, otherwise no side yard setback is required.
 - c. *Rear yard.* No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- (d) *Apartment use.*
 - (1) *Minimum dwelling size.* The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 650 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.
- (e) *Single family attached (townhouse) use.*
 - (1) *Minimum dwelling size:* The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.
 - (2) *Size of lot.*
 - a. *Lot area.* No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
 - b. *Lot width.* The width of a lot shall not be less than 20 feet at any point.
 - c. *Lot depth.* The depth of a lot shall not be less than 75 feet at any point.
- (f) *Concept plan required.*
 - (1) At the time of submitting a request for a change in zoning to mixed use ninety, the applicant shall include a concept plan for the proposed development. The concept plan is a comprehensive narrative, complete with illustrations, outlining the proposed development in detail. The concept plan shall show the applicant's intent for the use of the land within the proposed zoning district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - (2) The concept plan shall include and is not limited to the following:
 - a. General uses and location of buildings
 - b. Thoroughfares and access
 - c. Preliminary lot layout
 - d. Size, type and location of buildings and building sites
 - e. Density, number of dwelling units, square feet of non-residential uses
 - f. Screening
 - g. Concept landscape plan
 - h. Lighting plan
 - i. Building elevations in color (1 set)
 - j. Exterior finish material and architectural character
 - k. Open Space and amenities
 - l. Phasing plan
 - m. Project scheduling
 - n. Items not consistent with the city's general development ordinance and requested variances
 - o. Traffic study (if needed)

p. Physical features of the site

- (3) The plat and engineering site plan shall be substantially consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of non-residential uses, proposed open space and amenities differs from the concept plan by more than ten percent (10%) the applicant will be required to file a new zone change request. Changes to the concept plan not impacting the above conditions including changes in the building layout may be approved by the planning and zoning commission with an amended concept plan and narrative submittal explaining the conditions for change. Denials may be appealed to the city council for a final resolution.

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street right-of-way on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-24. - "WH" WAREHOUSE DISTRICT REGULATIONS

- (a) *Use.* A building or premises shall be used only for the following purposes:
- (1) Bakery or bottling works, if fully enclosed in a building.
 - (2) Wholesale establishments, if fully enclosed in a building.
 - (3) Storage warehouses with open storage yards (SUP required).
 - (4) Contractor's yard (SUP required).
 - (5) Manufacturing uses - outside storage is limited to ten (10) percent of the lot for storage of equipment, materials or products.
 - (6) Truck parking lot (SUP required).
 - (7) Offices.
 - (8) Laboratory.
 - (9) Auto repair shops, including body shops (SUP required).
 - (10) Church worship facilities.
 - (11) Travel trailer/boat/RV storage (Outdoor) (SUP required).
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Gas and oil drilling accessory uses (SUP required).
 - (14) Cemetery, mausoleum, crematorium and accessory uses (SUP required).
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Communication towers (SUP required).
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items. Any use requiring more than 10% outside storage shall require a special use permit (SUP).
 - (19) Motor Freight Terminal (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories, or one hundred eighty (180) feet, at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "WH", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "WH" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

- (d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-25. - "HI" HEAVY INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, office and service uses as well as manufacturing and industrial uses. Such uses which produce dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and which may create fire or explosive hazards are subject to conformance with all applicable local, state and federal regulations. Uses which fail to comply with such regulations may be required to cease operation. Allowable uses include those specifically prohibited in zoning district "LI" as well as the following:
- (1) Any use permitted in district "LI" and "WH" as regulated in said districts.
 - (2) Wrecker service storage yards, auto salvage yards and junk yards, but only on condition that the storage is wholly within an enclosed building or surrounded by a structural screening wall of concrete or reinforced masonry. Such wall shall be a minimum of eight (8) feet in height (SUP required).
 - (3) Storage yards and contractor's yards (SUP required).
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) The following uses are permitted only when all portions of the operation or use are located a minimum of two hundred (200) feet from any residentially zoned property, and with a specific use permit (SUP required):
 - a. Acid manufacturing.
 - b. Cement, lime, gypsum or plaster of paris manufacturing.
 - c. Glue manufacturing involving distilling of bones or other organic matter.
 - d. Explosives manufacturing and storage.
 - e. Magnesium manufacturing or processing.
 - f. Fat rendering.
 - g. Paper and pulp manufacturing.
 - h. Refining of or bulk tank storage of petroleum or its products.
 - i. Smelting of tin, copper, zinc or iron ores or other metals.
 - j. Stockyards, slaughter or processing of animals.
 - k. Permanent batch plant (concrete)
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items. Any use requiring more than 10% outside storage shall require a special use permit (SUP).
 - (9) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (10) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (11) Recycling facility (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "HI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

- b. *Side yard.* No side yard is required except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of a lot adjoining or across the street from any zoning district except Heavy Industrial. No parking, storage or similar use shall be allowed in required side yards or side street yards within twenty-five (25) feet of the property line.
- c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential, "LC" or "GB" District. No parking, storage or similar use shall be allowed in required side yards in District "HI" within twenty-five (25) feet of the property line.

(2) *Reserved.*

- (d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-26. – “PD” Planned Development District

- (a) *General Purpose and Description.* The Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A Planned Development (PD) District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility. The minimum area for a Planned Development (PD) District shall be five (5) acres.
- (b) *Permitted Uses.* An application for a PD District shall specify the base district(s), the use or the combination of uses proposed. Uses which may be permitted in a PD must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor reductions in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to Special Use Permit (SUP) requirements. Special Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.
- (c) *Planned Development Requirements.*
- (1) Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
 - (2) In the PD District, uses shall conform to the standards and regulations of the base-zoning district to which it is most similar. The base zoning district shall be stated in the granting Ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete) specifically any deviation not requested is deemed to comply with this Ordinance even if shown graphically on a Site Plan. The Planned Development District shall conform to all other sections of this Ordinance unless specifically excluded in the granting Ordinance.
 - (3) The Ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
- (d) In establishing a Planned Development District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Concept Plan. All PD applications shall have a written proposal explaining all aspects of the requested PD including any deviations from this Ordinance. The Concept Plan shall be submitted by the applicant at the time of the PD request. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s), which further describe and explain the following requirements:
- (1) Residential Concept Plan - A Concept Plan for residential land use shall show the following:

- a. General use
- b. Thoroughfares
- c. Preliminary lot arrangements
- d. Size, type and location of buildings and building sites
- e. Access
- f. Density
- g. Building height
- h. Fire lanes
- i. Screening
- j. Landscaped areas
- k. Project scheduling and phasing
- l. Any other pertinent development data

(2) Non-Residential Concept Plan - A Concept Plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City staff, Planning and Zoning Commission, or City Council, may include but is not limited to the following:

- a. Types of use(s)
- b. Topography and boundary of PD area
- c. Physical features of the site
- d. Existing streets, alleys and easements
- e. Location of future public facilities
- f. Building height and location
- g. Parking areas and ratios
- h. Fire lanes
- i. Project scheduling and phasing
- j. Landscape plans
- k. Screening
- l. Building elevations
- m. Any other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the required Engineering Site Plan.

(e) *Approval Process and Procedure.* The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 17-37. This procedure is further expanded as follows for approval of Concept Plans.

- (1) The Planning and Zoning Commission shall recommend and the City Council shall approve a Concept Plan in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:
 - a. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the required Engineering Site Plan and/or preliminary/final plat will not deviate substantially from it; or
 - b. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for an Engineering Site Plan and/or preliminary/final plat.
- (2) The amending Ordinance establishing the Planned Development District shall not be approved until the Concept Plan is approved.
- (3) An Engineering Site Plan shall be submitted for approval within one (1) year from the date of approval of the Concept Plan for all or some portion of the Concept Plan. If an Engineering Site Plan is not submitted within one (1) year, the Concept Plan is subject to

review by the Planning and Zoning Commission and City Council. If some portion of the project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the Concept Plan is not valid, a new Concept Plan must be approved prior to submittal of an Engineering Site Plan for the PD District. Although a new Concept Plan may be required to be approved, this does not affect the validity of the PD in terms of uses, density, and other development standards permitted in the PD.

- (4) When a PD District is being considered, a written report from the Director of Economic Development and Planning or his/her designated representative, discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public agencies shall be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council.
- (f) All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts together with the category of uses permitted therein, shall be maintained as part of this Ordinance.
- (g) *Planned Unit Development Ordinances Continued.* Prior to adoption of this Ordinance, the City Council has established various Planned Unit Development Districts, all of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance shall be carried forth in full force and effect as are the conditions, restrictions, regulations, and requirements which apply to the respective Planned Unit Development Districts shown on the Zoning Map at the date of adoption of this Ordinance.

SECTION 17-27. - "PK" PARKING DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Parking, commercial or private lot (not to include parking for trucks) intended for use behind, across the street from, or adjacent and incidental to "MF", "LC", "OD", "MD", "GB", "WH", "LI", and "HI", where the provision of off-street parking is essential to protection of existing development and conducive to most appropriate use of land.
 - (2) Parking structures.
 - (3) Buildings accessory to the primary parking uses.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) *Height.* The maximum height shall be four (4) standard stories but shall not exceed fifty (50) feet in height, provided that any building or portion of a building may be erected above said limit if set back from all street lines and required yard lines one (1) foot for each one (1) foot of its height above such limit. In no event, however, shall any building exceed two (2) standard stories when located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Reserved.*

SECTION 17-28. - "PU" PUBLIC USE DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Public schools.
 - (2) Parks and playgrounds.
 - (3) Community centers.
 - (4) Public golf courses.
 - (5) Civic centers and municipal offices.
 - (6) Fire stations.
 - (7) Libraries.
 - (8) Municipal service centers.
 - (9) Public utility facilities.
 - (10) Church worship facilities.
 - (11) Other buildings and uses owned or operated by public governmental agencies.
 - (12) Other publicly owned uses similar to the above, providing all meet the requirements of this and all other city ordinances.
 - (13) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (14) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in the required front yards in district "PU", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* No side yard is required, except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district.
 - c. *Rear yard.* No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street.
 - (2) *Reserved.*

SECTION 17-29. - "SU" SPECIFIC USE DISTRICT REGULATIONS

- (a) *Use.* This district is for the purpose of the uses specifically listed and other unusual uses which are limited in number and which are clearly not allowed in any other zoning district. Zoning shall not be allowed under this district as a way of circumventing the standard provisions of this or any other ordinance of the city. Allowable uses shall include:
 - (1) Criminal or penal institutions.
 - (2) Landfill operations and accessory uses.
 - (3) Mining activities and storage, including sand and gravel mining, and stone quarries.
- (b) All requests for specific use zoning shall be accompanied by an engineering site plan as outlined in the city's general development ordinance. Variances from the regulations in the city's general development ordinance may be granted at the discretion of the city council.
- (c) Any proposed enlargement, structural modification or other significant change to any site which had been granted specific use zoning shall require approval of the city council following a public hearing. Such public hearing shall be conducted after a recommendation is received from the planning and zoning commission. The planning and zoning commission shall consider the request for an amendment after conducting a public hearing in accordance with requirements necessary for any proposed zone change.
- (d) The zoning board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to the granting of any specific use zoning.
- (e) Building setbacks and heights shall be consistent with other structures in the immediate area, as determined by the city council.

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

SECTION 17-30. – SALE OF ALCOHOLIC BEVERAGES

- (a) Definitions: The definition of all words and terms used in this section shall be the same as set forth in the Texas Alcoholic Beverage Code.
- (b) It shall be unlawful for any person to sell any alcoholic beverage in any residential section of the city. This prohibition includes areas zoned R-18, R-12, R-9, R-7.5, R-6, R-5, TE, DU, ETH, TH, TH-2, MF-1, MF-2, MF-3, MHP, MHS, and OTMU-1.
- (c) The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 300 feet of a church, public or private school, or public hospital.
- (d) The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 300 feet of a church, public school, or public hospital.
- (e) Subsection (c) does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under §109.53 of the Texas Alcoholic Beverage Code and this is located within 300 feet of a private school.
- (f) The measurement of distances between a church, public or private school, or public hospital and a place of business shall be calculated in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (g) Variances to the distance requirements set forth in this Section may be allowed by the city council upon justification in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (h) All other matters regarding alcoholic beverages not mentioned herein or elsewhere in the city code shall conform to the provisions of the Texas Alcoholic Beverage Code.

SECTION 17-31. – LOCATION REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

(a) *Purpose and intent.*

- (1) It is the purpose of this ordinance to regulate the location of sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to preserve the quality, property values, integrity and character of the city's neighborhoods, and other businesses, and protect the citizens of the city from objectionable effects of sexually-oriented businesses.
- (2) The provisions of this ordinance have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor the effect of this ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

(b) *Definitions.*

Church shall mean:

- (1) A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and
- (2) A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of public gain; and
- (3) A structure used by an organization whose charter, bylaws or other regulations adopted by the organization to govern its affairs:
 - a. Pledges its assets for use in performing the organization's religious functions; and
 - b. Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.
- (4) Use of a structure for occasional or secular purposes other than religious worship does not result in loss of the status as a church if the primary use of the structure is for religious worship and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.
- (5) For the purpose of this section, "religious worship" shall mean individual or group ceremony or meditation, education or fellowship, the purpose of which is to manifest or develop reverence, homage, and commitment in behalf of a religious faith.

Civic facility shall mean any place or facility owned, controlled, or operated by any school district, municipality, county, state, or federal government which is open for use by the general public. Civic facilities shall include amphitheatres, auditoriums, cemeteries, libraries, museums, post offices, public offices and administrative buildings, public plazas and open space, recreational centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation, or pump facilities, police or fire stations, or landfills or disposal facilities.

Establishment shall mean and includes any of the following:

- (1) The opening or commencement of any sexually-oriented business as a new business;
- (2) The conversion of an existing business whether or not a sexually-oriented business;
- (3) The addition of any sexually-oriented business to any other existing sexually-oriented business; or
- (4) The relocation of any sexually-oriented business.

Hospital shall mean an institution or place where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

Nudity or a state of nudity shall mean:

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals or female breast; or
- (2) A state of dress which fails to completely and opaquely cover a human buttock, anus, male genitals, female genitals or part of a female breast or breasts that is situated below a point immediately above the top of the areola.

Person shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

Public Park shall mean any park, playground, greenbelt, nature trail, recreational facility, or wildlife conservation and management area, located within the city and owned, controlled, or operated by any school district, municipality, county, state or federal government, which is open for use by the general public.

School shall mean a facility or place under public, private, or denominational sponsorship having a curriculum equivalent to a public elementary or secondary school, including elementary, middle, or junior high, and senior high schools, but excluding trade or commercial schools.

Semi-nude shall mean a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the breast, as well as portions of the body covered by supporting straps or devices.

Sexually-oriented business shall mean any commercial establishment open to the public which:

- (1) Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion (20% or more); or
- (2) Utilizes a substantial or significant portion (20% or more) of its display areas, including, but not limited to, floor, shelf, rack, table, stand or case for; or
- (3) Exhibits for substantial or significant portion (20% or more) of the total presentation time, material regulated by the Texas Penal Code, Section 43.21 and/or 43.24; or
- (4) Any commercial establishment open to the public which involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as defined herein.

Sexually-oriented businesses shall mean and include, but are not limited to, any of the following businesses:

- (1) *Adult bookstore*: An establishment having as a substantial or significant portion (20% or more) of its stock and trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material, or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- (2) *Adult theater*: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (3) *Adult cabaret*: A nightclub, bar, restaurant, or a similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c. Motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depicting or the description of "specified sexual activities" or "specified anatomical area".
- (4) *Sexual encounter center*: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of 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.
- (5) *Nude modeling studio*: 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 consideration.

Specified anatomical area shall mean less than completely and opaquely covered:

- (1) Human genitals, pubic region; or
- (2) Buttock; or
- (3) Breast below the point immediately below the top of areola; or
- (4) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean activities defined as:

- (1) Human genitals in the state of sexual stimulation or arousal; or
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Transfer of ownership or control of an adult entertainment establishment shall mean and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(c) *Location.*

- (1) It shall be a violation of this ordinance to locate or operate a sexually-oriented business, as defined herein, within the city:
 - a. Within one thousand (1,000) feet of the district boundary line of any residential zoning district;
 - b. Within one thousand (1,000) feet of any other sexually-oriented business;
 - c. Within one thousand (1,000) feet of the property line of any church, hospital, public park, school or civic facility, day care center, day nursery or kindergarten legally operating under the zoning laws of the city;
 - d. Within one thousand (1,000) feet of the property line of a lot devoted to residential use.
- (2) For the purpose of this section, measurements 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 sexually-oriented business is located to the nearest property line of the premises of a church, hospital, school, civic facility, day care center, day nursery, kindergarten, lot devoted to residential use, or to the nearest boundary of a district restricted to residential use by the zoning ordinance of the city, or to the nearest boundary of a public park.

(d) *Compliance with other ordinances.* Sexually-oriented businesses shall be subject to, and comply with, the rules and provisions of the building code, fire code, and any other applicable code or ordinance of the city. Where conflict exists between the prescriptions established in this ordinance and the requirements of the building code, fire code, or other applicable code or ordinance of the city, then the more restrictive requirement shall apply.

(e) *Exterior signs.* Exterior signs located on the building or premises of a sexually-oriented business shall conform to the requirements of the sign ordinance of the city. Such exterior sign shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any specified sexual activity or specified anatomical area, as defined herein.

SECTION 17-32. – HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

(a) *Height.*

- (1) The height regulations prescribed herein shall not apply to church spires, belfries and monuments, or public water and fire towers, ornamental spires, chimneys, flag poles, necessary mechanical appurtenances, or any communication or emergency siren tower owned by a local, state or federal governmental entity.
- (2) No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.
- (3) All monopoles and lattice towers above 25 feet in height shall be placed with a minimum 3:1 distance to height ratio from the nearest single family or two family zoned lot or tract. No towers, antennas or communication dishes of any size may be placed within any front yard or side street setback required under this ordinance.
- (4) Towers and monopoles placed on the ground whose total height, including antenna, does not exceed 25 feet above ground level shall be allowed in all zoning classifications and shall be exempt from distance to height ratios contained in this ordinance. Such towers shall be allowed as an accessory use in agriculture-open space and all residential districts, office district and medical district, and as a stand-alone use in other districts.
- (5) An antenna with a total height not exceeding 15 feet may be placed on a building or rooftop in all zoning classifications and shall be exempt from distance to height ratios contained in this ordinance. Antennas placed on buildings shall be allowed as an accessory use in agriculture-open space and all residential districts, office district and medical district, and as a stand-alone use in other districts.
- (6) Telecommunications antennas may be placed within church spires, belfries and monuments as an accessory use when integrated into the design in a discreet manner so as to not be perceived as an antenna and may be placed on electric transmission towers as an accessory use.
- (7) Outside storage of materials, where allowed in this ordinance, shall be limited to a maximum height of twenty-five (25) feet.

(b) *Front yards.*

- (1) Where twenty-five percent (25%) or more of the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this ordinance, or where the configuration of the ground is such that conformity with the front yard provisions of this ordinance would work a hardship, the board of adjustment may permit modifications of the front yard requirements.
- (2) In any residential or "MF" district where twenty-five percent (25%) or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this ordinance, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards, unless by permission of the board of adjustment.
- (3) In a residential district no fence, structure, or planting higher than three and one-half (3-1/2) feet above the established street grades, nor any tree with foliage extending below ten (10) feet above the established street grades, shall be maintained within twenty (20) feet of any street intersection.
- (4) Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.
- (5) Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the right-of-way.

(c) *Side yards.*

- (1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.
- (2) No accessory building shall project beyond a required yard line along any street.
- (3) For the purpose of side yard regulations, an attached dwelling or multi-family dwelling shall be considered as one building occupying one lot.
- (4) Where a lot of record at the time of the effective date of this ordinance is less than fifty (50) feet in width, the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard shall be less than five (5) feet.
- (5) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.
- (6) A roof overhang, or an open fire escape of an outside stairway may project not more than three (3) feet into a required side yard, but no closer than three (3) feet to a property line.

SECTION 17-32.5 - RESIDENTIAL STORAGE BUILDINGS

(a) *Residential accessory building* shall mean an accessory building to a residential use. Residential accessory buildings include but are not limited to residential storage buildings, detached garages, carports, utility rooms or accessory dwelling units.

Residential accessory buildings existing upon the effective date of this ordinance, although such buildings do not conform to the provisions hereof, may be continued in accordance with the nonconformity regulations of this chapter.

(b) The regulations in this section apply to the following zoning districts and as otherwise specifically provided by this chapter: AO, TE, R-18, R-12, R-9, R-7.5, R-6, R-5, DU, ETH, TH, TH-2, OTMU1 (single-family attached or detached), OTMU2 (single-family attached or detached), MU-30 (single-family attached), MU-90 (single-family attached) and MU-SC (single-family attached).

(c) *Requirements.*

(1) *Size and number of buildings allowed.*

- a. Lots 7,500 square feet or smaller: One (1) building not to exceed 250 square feet.
- b. Lots from 7,501 to less than 18,000 square feet: Two (2) buildings with an aggregate total not to exceed 500 square feet.
- c. Lots 18,000 square feet or larger: Two (2) buildings with an aggregate total not to exceed 800 square feet.
- d. Lots with a minimum size of 12,000 square feet may apply for a special use permit (SUP) for any one building or aggregate total of two buildings larger than 500 square feet.

(2) *Easements.* An accessory building is prohibited in any easement

(3) *Additional requirements.*

Residential Accessory Building Size	Permit Required	Front Setback	Side, Rear, Main Bldg Setbacks	Maximum Height*	Exterior Finish Materials
≤ 120 s.f.	No	Per Zoning District	None	10'	Any listed material with a painted or manufactured surface
> 120 s.f.	Yes	Per Zoning District	5'	12'	Compatible with primary structure or masonry
				* Height is measured from the finished grade to the peak of the roof.	

(4) *Accessory dwelling unit.*

- a. Accessory dwelling units, as defined in this ordinance, require a special use permit (SUP) and are only permitted on lots with a minimum area of 18,000 square feet.
- b. Accessory dwelling units may not be leased or sold separately from the primary residence.

SECTION 17-33. - NONCONFORMITY

- (a) *Purpose and intent.* The purpose of this section is to establish provisions for the continuation and potential alteration of nonconforming uses and structures. It is, however, the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the zoning ordinance and general development ordinance, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- (b) *Grandfathering of a certain use.* A residential dwelling unit with a floor area that fails to meet the minimum floor area required for its zoning district, but which was in conformance with the regulations in effect when it was first established, will be grandfathered rather than given nonconforming status. As such, these residential dwelling units will be allowed to continue as if it were conforming.
- (c) *Burden of proof.* The burden of establishing nonconforming rights shall be borne by the owner or proponent of such nonconformity.
- (d) *Abandonment of nonconforming use.* If a nonconforming use on a particular parcel of land shall cease operations for a period of more than three (3) months, then such nonconforming use shall be deemed to be permanently abandoned. Unless the board of adjustment reinstates the nonconforming rights, all future uses on the premises must be in full conformance with the zoning ordinance.
- (e) *Reinstatement of nonconforming use rights.* An owner and/or operator of a nonconforming use that has been permanently abandoned may request that the nonconforming rights to the use be reinstated. To do so, they must file a written request for reinstatement of nonconforming rights with the city's planning department within ten (10) business days of the city's determination that the use had been abandoned. The director and/or their designee, upon receiving the written request for reinstatement, shall schedule a hearing before the board of adjustment. The board of adjustment may reinstate nonconforming use rights only if the board finds that the owner and/or operator did not intend to abandon the nonconforming use. The board can consider any evidence that may support or refute the intent to abandon the nonconforming use.
- (f) *Expansions of nonconforming uses.* A nonconforming use within a building shall not be extended to occupy any land outside the building, but may be extended throughout such portions of the building as is arranged or designed for such use. A nonconforming use of land shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.
- (g) *Remodeling a conforming structure that houses a nonconforming use.* A person may renovate, remodel, or repair a conforming structure housing a nonconforming use if the work does not enlarge the nonconforming use and the renovation, remodel, or repair is in compliance with all laws and regulations. A site plan approval process will be required for any such renovation, remodeling, repair, or enlargement. But with any renovation, remodel, and/or repair, the number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became nonconforming.
- (h) *Changing from a nonconforming use.* Nonconforming use rights are lost when a nonconforming use changes to a conforming use. Once such change is made, the use shall not be changed back to a nonconforming use of any kind. A nonconforming use may not be changed to any other nonconforming use.
- (i) *Nonconforming structures.*
 - (1) *Rebuilding nonconforming structures.* If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the zoning ordinance and general development ordinance. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building official shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value,

the board of adjustment may grant a permit for repair or replacement after a public hearing if they find the following:

- a. the rebuilding of the nonconforming structure would not adversely impact surrounding properties;
 - b. the structure was not destroyed by the intentional act of the owner or the owner's agent; and
 - c. allowing the rebuilding of the nonconforming structure is consistent with the intent of this section.
- (2) *Intentional act of owner or owner's agent.* The right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- (3) *Reuse of abandoned or vacant nonconforming structure/premises.* If a the use of a nonconforming structure or premises is discontinued for a period of more than one (1) year, the building, structure and premise shall become conforming to the provisions of the general development ordinance before it can be re-occupied.
- (4) *Repairing/remodeling a nonconforming structure.* Nonconforming structures shall be maintained in a state of neat appearance and in full compliance with all applicable building codes, including but not limited to the international property maintenance code. A person may renovate, remodel, repair, or enlarge a nonconforming structure if the new addition and/or changes meet all code requirements and the new addition and/or changes do not cause the structure to become more nonconforming as to the zoning and general development ordinance regulations. A site plan approval process will be required for any such renovation, remodeling, repair, or enlargement. The right to renovate, remodel, repair, or enlarge may be affected if the nonconforming structure houses a nonconforming use, in which case all restrictions on repairing, remodeling, repair, and enlarging the nonconforming use will also apply.

SECTION 17-34. – ENFORCEMENT AND APPLICATION

- (a) *Administrative official.*
- (1) The provisions of this ordinance shall be administered and enforced by the building official.
 - (2) The building official or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
 - (3) Whenever any construction work is being done contrary to the provisions of this ordinance, the building official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.
- (b) *Requirements for building permit.* All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:
- (1) The actual shape and dimensions of the lot to be built upon.
 - (2) The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
 - (3) The lines within which the proposed building and structure shall be erected or altered.
 - (4) The existing and intended use of each building or part of building.
 - (5) The number of families or dwelling units the building is designed to accommodate.
 - (6) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.
- (c) *Existing permits and private agreements.* This ordinance is not intended to abrogate or annul:
- (1) Any permits issued before the effective date of this ordinance.
 - (2) Any easement, covenant or any other private agreement.
- (d) *Preserving rights in pending litigation and violations under existing ordinances.* By the passage of this ordinance no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded with in all respects as if such prior ordinance had not been repealed.
- (e) *Completion of authorized buildings.* Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this ordinance, provided such building was authorized by building permit before the passage of this ordinance and further provided construction shall have been started within ninety (90) days from the passage of this ordinance. Commitments with reference to construction of public utility building necessary for proposed expansion of the city made prior to the passage of this ordinance shall be observed.
- (f) *Newly annexed areas.*
- (1) *Zoning annexed areas.* All territory annexed to the city hereafter shall be temporarily classified as district "AO" agricultural-open space, only until permanently zoned by the city council. The planning commission shall, within sixty (60) days after annexation of any territory, recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.
 - (2) *Unplatted property.* The planning commission shall not approve any plat or any subdivision within city limits until the area covered by the proposed plat shall have been permanently zoned by the city council, except that a plat or subdivision in conformance with the

recommended zoning may be approved by the planning commission concurrently with the recommendation for zoning and sent together to the city council.

SECTION 17-35. – BOARD OF ADJUSTMENT

(a) Organization and procedure.

(1) Membership.

- a. The board shall consist of five members and two alternates, each to be appointed or reappointed by the city council.
- b. Members of the board shall serve for two-year terms of office with appointments beginning July 1.
- c. Members shall be appointed by places number 1 through 5, with alternates 1 and 2. Places 1, 3, 5 and alternate 1 shall be appointed in odd-numbered years, and places 2, 4, and alternate 2 shall be appointed in even-numbered years so that board memberships will be staggered.
- d. Each member of the board shall be removable for just cause by city council upon written charges and after a public hearing.
- e. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.
- f. The board shall elect its own chairman, who shall serve for a period of one year or until his successor is elected.

(2) Meetings. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine.

(3) Hearings.

- a. The hearings of the board of adjustment shall be public; however, the board may go into executive session at any time in accordance with the law.
- b. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from, a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.
- c. All hearings are to be heard by at least four members of the board.

(4) Rules and regulations.

- a. 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 shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- b. The board shall act by resolution in which four members must concur.
- c. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the building official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

(b) Powers and duties of board.

- (1) Subpoena witnesses, etc.* The board shall have the power to subpoena witnesses, administer oaths, and require the production of documents, under such regulations as it may establish.
- (2) 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 the building official in the enforcement of Chapter 6 or 17 of the Lewisville City Code.
- (3) Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass as follows or elsewhere in this ordinance:

- a. Permit the reconstruction of a nonconforming structure in accordance with Sec. 17-33(i) of this ordinance.
 - b. To reinstate nonconforming use rights in accordance with Sec. 17-33(e) of this ordinance.
- (4) *Variances.* The board shall have the power to authorize variances from the terms of this ordinance if it will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. For purposes of considering a variance, the term “special conditions” shall mean the existence of a restricted area, shape, topography, or other physical feature that is peculiar to the subject parcel of land and which is not applicable to other parcels of land in the same zoning district. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. No variance may authorize a use other than those permitted in the district for which the variance is sought
- (c) *Appeals.*
- (1) *Procedure.*
 - a. Appeals to the board of adjustment can be made by any person aggrieved or by any officer, department or board of the municipality affected by the final decision of building official in the enforcement of Chapter 6 or Chapter 17 of the Lewisville City Code. Such appeal must be filed within 15 days after the final decision has been rendered, by filing with the building official and with the board of adjustment a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
 - b. No appeal may be taken with regard to any platted lot until after approval of the final plat by the city council.
 - (2) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official shall certify to the board of adjustment that by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.
 - (3) *Notice of hearing on appeal.*
 - a. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the appellant and to the owners of property lying within 200 feet or less street frontage of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city.
 - b. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
 - (4) *Decision by board.*
 - a. The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
 - b. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have the powers of the officer or department from whom the appeal is taken.
 - c. Any persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment and not thereafter. The

board's decision shall be deemed filed in the office of the board of adjustment on the first business day following the date on which action was taken by the board.

- (5) *Fees.* Each appeal or request for hearing before the board of adjustment shall be accompanied by payment of a nonrefundable fee.”

SECTION 17-36. – CERTIFICATES OF OCCUPANCY

(a) *Certificates of occupancy shall be required for any of the following:*

- (1) Occupancy and use of a building hereafter erected or structurally altered.
- (2) Change in use of an existing building to a use of a different classification.
- (3) Occupancy and use of vacant land, except agricultural use.
- (4) Change in the use of land to a use of a different classification.
- (5) Any change in the use of a nonconforming use.

No such occupancy, use, or change of use shall take place until a certificate of occupancy therefore shall have been issued by the building official.

(b) *Procedure for new or altered buildings.* 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 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 ordinance.

(c) *Procedure for vacant land or a 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 nonconforming use, as herein provided, shall be made to said building official. If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefore shall be issued within three (3) days after the application for same has been made.

(d) *Contents.* 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 building official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

(e) *Temporary certificate.* Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the 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 certificate 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 ordinance.

(f) *Certificate for nonconforming use.* A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the building official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the building official to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

SECTION 17-37. – AMENDMENTS

- (a) *Authority.* Under the provisions of Chapter 211, Texas Local Government Code, the city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.
- (b) *Submission to planning commission.* Before taking any action on any proposed amendment, supplement, or change in the ordinance, the city council shall submit the proposed revision to the planning and zoning commission for its review, recommendation and report.
- (c) *Public hearing.* A public hearing shall be held by the city council before adopting any proposed amendment, supplement, or change to the ordinance. Notice of such hearing shall be given by publication one (1) time in a newspaper of general circulation in the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- (d) *In case of protest.* If the planning and zoning commission recommends that the change be denied or in case of a written protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in the proposed change, or of those lots or land immediately adjoining the same and extending two hundred (200) feet there from, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.
- (e) *Limitation on re-submission of petition.* No amendment, supplement, change or repeal of any section of this ordinance which has been rejected by the city council shall be again considered by the city council on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original rejection by the city council.
- (f) *Application.* Whenever any person desires that any amendment or change be made in the zoning and "use district" map, as to any property in the city, there shall be presented an application requesting such change or amendment, and clearly describing the property and its boundaries as to which change or amendment is desired, duly signed by the owner, or owners of the real estate included with the boundaries of the tract as described in the application. Each and every petition as provided shall be filed with the city manager or his appointed representative prior to being presented to the planning and zoning commission, and the same shall be accompanied by a filing fee, which sum shall be paid to the city at the time the application is filed.
- (g) *Zoning change signs.* The applicant shall place a zoning change sign(s), as required by the city on the site. The applicant shall be responsible for such sign(s) remaining visible on the site as required. The cost of the zoning change sign(s) shall be paid to the city at the time the application is filed.

SECTION 17-38. – COMPLIANCE WITH THE REGULATIONS

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) The minimum yards and open areas, including lot area per dwelling unit, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or open space required for any other building, nor shall any lot area be reduced below the requirements of this ordinance for the district in which such lot is located.



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MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman Brent Daniels
Councilman T J Gilmore

FROM: Donna Barron, City Manager

DATE: September 14, 2015

SUBJECT: Public Hearing: Consideration of the Proposed FY 2015-16 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate.

In accordance with the City Charter, a public hearing is being held on the proposed FY 2015-2016 budget. In addition, state law requires two public hearings to be held on the proposed budget, property tax revenue increase, and proposed property tax rate if the proposed tax rate exceeds the effective rate. The proposed tax rate is .436086, which is above the effective tax rate of .417950. The first public hearing was held on August 17th. This will be the second, and final, public hearing.

In your backup you will find new fund summaries reflecting direction provided at the budget workshop. All affected revenue and expense lines have been adjusted for the changes made by Council (detailed below). Council decided to maintain the overall tax rate at 0.436086 (the split is .318766 for Operations and Maintenance (O/M) and .117320 Interest and Sinking (I/S) for FY 2015-16.

General Fund Operating Budget

○ Revenue from property tax rate	\$1,902,349
○ Contribution to facility renovations	\$359,978
○ Contribution to 2025 implementation	\$250,000
○ Additional firefighter positions (ladder truck staffing)	\$262,293
○ New World inspection software upgrade	\$88,320
○ Additional street repairs	\$250,000
○ Wireless network link replacement	\$121,500
○ Communications Coordinator	\$80,928
○ Enterprise back up	\$45,331
○ HVAC	\$59,239
○ Transfer to Maintenance and Replacement Fund	\$100,000
○ Traffic pre-emption device replacement	\$43,467
○ Mosquito Outsourcing Program	\$39,000



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○ Winter coats	\$44,100
○ Tuition reimbursement	\$30,000
○ Thermoplastic striper	\$15,161
○ Parking lot striping	\$36,138
○ Street striping	\$41,496
○ Smart boards	\$35,398

Utility Fund

Council elected to increase the water and sewer rates by 5.5%. Following are the changes approved by the Council to the Utility Fund budget:

○ Increase to water and sewer revenue estimates	\$1,468,486
○ Decrease to debt service to reflect refunding	\$-72,357
○ Grit dewatering screw	\$97,400
○ Vehicle mounted hydro-excavations unit	\$15,870
○ Belt press conveyor belting	\$4,632
○ Upgrade of wastewater telemetry system	\$95,700
○ Northside pump station valves	\$35,969
○ Electronic access to WTP doors	\$11,312
○ Replacement Rotors	\$62,147
○ Plant 3 return pumps	\$17,336
○ Replacement of misc. equipment	\$11,367
○ #2 elevated storage tank improvements	\$5,655
○ Filter pump (second year)	\$19,253
○ Replacement of sand filter media	\$211,027
○ Electrical upgrades – Lewisville Intake	\$453,175
○ Investment in CIP	\$500,000

4B Fund

The 4B Fund debt service has been modified to reflect the refunding approved on July 20, 2015.

TIF

The TIF Fund summary has been modified to reflect new revenue estimates based on the valuation combined with the .436086 rate. The fund summary also includes the refunding changes approved on July 20, 2015.

TIF 2

The TIF Fund summary has been modified to reflect new revenue estimates based on the valuation combined with the .436086 rate. The fund summary also includes new estimates for debt service based on the refunding approved on July 20, 2015.



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Debt

The Debt Fund summary has been modified to reflect new revenue estimates based on the valuation combined with the .11732 rate. The fund summary also includes new estimates for debt service based on the refunding approved on July 20, 2015.

Please call if you have any questions.

General Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	29,321,240	31,072,848	31,491,275	28,203,334	31,643,561	29,873,489
<u>REVENUES</u>						
Taxes	49,286,758	52,124,250	55,133,922	55,160,316	56,080,693	58,332,712
Licenses & Permits	1,596,616	1,910,433	1,818,744	1,556,084	1,675,278	1,390,491
Intergovernmental Revenues	212,937	259,883	359,806	268,063	268,063	263,335
Charges for Services	5,651,172	6,346,823	6,596,608	6,274,378	6,598,453	6,920,046
Culture and Recreation Revenues	1,247,140	1,241,754	1,243,092	1,191,042	969,885	1,208,600
Investment Earnings and Contributions	93,421	50,848	78,522	78,975	71,272	74,806
Fines, Forfeitures and other Court Fees	2,990,119	3,066,077	3,205,334	3,227,066	3,003,483	3,103,211
Other Financing Sources	2,754,642	3,096,235	3,181,069	2,972,368	3,018,808	3,081,682
Total Revenues	63,832,806	68,096,304	71,617,096	70,728,292	71,685,935	74,374,883
Total Resources	93,154,047	99,169,152	103,108,371	98,931,626	103,329,496	104,248,372
<u>EXPENDITURES</u>						
City Attorney	515,355	550,323	567,869	608,790	608,790	633,765
City Manager	998,222	998,238	1,102,064	1,033,653	1,058,233	1,227,915
City Secretary	347,997	297,667	336,960	340,617	340,617	367,998
Community Relations/Tourism	655,255	734,224	814,658	919,051	944,051	1,032,328
Emergency Management	247,958	105,132	126,575	164,964	167,754	176,625
Development Services	2,170,592	2,415,697	2,690,964	2,838,424	2,895,907	2,875,434
Economic Development/Planning	564,119	602,711	617,502	743,251	751,901	769,424
Engineering	1,321,390	1,235,213	1,228,669	1,337,906	1,335,906	1,350,874
Finance	1,256,259	1,274,037	1,281,226	1,347,022	1,347,022	1,466,202
Fire	15,399,958	16,005,016	16,505,460	17,397,331	17,417,041	18,187,189
Human Resources	681,972	700,097	728,781	799,815	799,815	818,673
Information Technology	2,021,821	1,966,765	2,017,242	2,654,305	2,737,017	3,007,088
Library Services	1,339,592	1,391,692	1,450,429	1,497,129	1,500,863	1,513,189
Mayor & Council	61,181	58,748	81,272	103,880	103,880	123,634
Municipal Court	874,781	878,493	903,903	936,728	936,728	950,092
Neighborhood Services	1,341,388	1,365,184	1,341,816	1,650,175	1,555,072	1,616,266
Non-Departmental	480,091	720,496	799,014	1,646,117	1,545,815	1,421,353
Parks & Leisure	4,588,200	4,580,184	4,728,527	5,029,153	5,350,450	5,373,659

Police	19,393,766	19,580,675	20,286,136	21,199,176	21,287,534	22,192,907	
Public Services	5,916,607	6,873,677	8,033,957	8,480,805	8,460,352	9,270,268	
Total Expenditures	60,176,504	62,334,271	65,643,024	70,728,292	71,144,748	74,374,883	153,794,197
Current Rev. - Current Exp.	3,656,303	5,762,033	5,974,073	-	541,187	-	
Expenditures from Fund Balance							
Non-Departmental	1,904,695	5,343,606	5,821,787	1,758,688	2,311,259	5,044,431	
ENDING FUND BALANCE	31,072,848	31,491,275	31,643,561	26,444,646	29,873,489	24,829,058	
OPERATING RESERVE: 20%	12,035,301	12,466,854	13,128,605	14,145,658	14,228,950	14,874,977	
UNDESIGNATED RESERVE	19,037,547	19,024,421	18,514,956	12,298,988	15,644,539	9,954,081	

Water & Sewer Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	18,937,899	18,159,646	20,020,317	13,591,615	14,545,220	9,475,596
<u>REVENUES</u>						
Utility Revenues	29,476,718	29,688,342	28,622,055	28,276,669	27,580,836	29,117,741
Charges for Services	(19,035)	174,962	(16,878)	-	-	
Investment Earnings and	70,801	32,238	39,857	51,918	46,622	51,476
Other Financing Sources	6,247	55,068	17,397	11,351	11,351	11,006
Total Revenues	29,534,731	29,950,610	28,662,430	28,339,938	27,638,809	29,180,223
Total Resources	48,472,630	48,110,256	48,682,747	41,931,553	42,184,029	38,655,819
<u>EXPENDITURES</u>						
City Manager	171,076	180,666	183,962	196,988	168,282	-
Engineering	82,930	77,337	81,474	107,262	107,262	109,186
Finance	924,641	991,700	989,642	1,033,759	1,035,893	1,076,791
Non-Departmental	11,197,888	10,294,774	11,545,685	10,812,094	10,812,094	10,813,791
Public Services	14,548,986	14,947,000	15,650,375	16,189,835	16,399,448	17,180,455
Total Expenditures	26,925,521	26,491,477	28,451,138	28,339,938	28,522,979	29,180,223
Current Rev. - Current Exp.	2,609,210	3,459,133	211,293	-	(884,170)	-
Expenditures from Fund Balance						
Non-Departmental	3,387,463	1,598,462	5,686,390	4,116,851	4,185,454	1,766,836
ENDING FUND BALANCE	18,159,646	20,020,317	14,545,220	9,474,764	9,475,596	7,708,760
OPERATING RESERVE: 20%	5,385,104	5,298,295	5,690,228	5,667,988	5,704,596	5,836,045
UNDESIGNATED RESERVE	14,120,818	16,046,595	10,277,549	5,223,773	5,197,149	1,872,715

Debt Service Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	1,270,237	1,456,703	1,622,886	2,037,615	2,101,836	2,476,935
<u>REVENUES</u>						
Taxes	7,712,044	7,923,411	8,407,375	8,753,779	8,950,156	9,364,262
Investment Earnings and Contributions	928,726	629,550	3,291,454	6,349	3,316,000	3,298,290
Other Financing Sources	17,184,950	15,456	16,226	3,309,651	-	-
Total Revenues	25,825,720	8,568,417	11,715,055	12,069,779	12,266,156	12,662,552
Total Resources	27,095,957	10,025,119	13,337,941	14,107,394	14,367,992	15,139,487
<u>EXPENDITURES</u>						
Non-Departmental	25,639,254	8,402,233	11,236,105	11,891,057	11,891,057	12,515,382
Total Expenditures	25,639,254	8,402,233	11,236,105	11,891,057	11,891,057	12,515,382
Current Rev. - Current Exp.	186,466	166,183	478,950	178,722	375,099	147,171
ENDING FUND BALANCE	1,456,703	1,622,886	2,101,836	2,216,337	2,476,935	2,624,106

Hotel/Motel Tax Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	2,368,626	2,944,903	3,647,862	4,069,813	4,127,264	4,278,280
<u>REVENUES</u>						
Taxes	1,960,910	2,065,369	2,196,565	2,145,429	2,188,744	2,196,565
Investment Earnings and Contributions	9,033	6,195	10,490	7,571	7,571	9,281
Other Financing Sources	(296,474)	1,446,590	(299,613)	(300,000)	(300,000)	(300,000)
Total Revenues	1,673,468	3,518,154	1,907,442	1,853,000	1,896,315	1,905,846
Total Resources	4,042,094	6,463,057	5,555,303	5,922,813	6,023,579	6,184,126
<u>EXPENDITURES</u>						
Community Relations/Tourism	1,097,191	2,815,195	1,428,039	1,700,604	1,745,299	1,731,894
Total Expenditures	1,097,191	2,815,195	1,428,039	1,700,604	1,745,299	1,731,894
Current Rev. - Current Exp.	576,277	702,958	479,403	152,396	151,016	173,952
Expenditures from Fund Balance	-	-	-	-	-	577,138
ENDING FUND BALANCE	2,944,903	3,647,862	4,127,264	4,222,209	4,278,280	3,875,094

Recreation Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	264,025	269,680	280,221	280,219	264,028	278,613
REVENUES						
Charges for Services	966	597	408	1,000	252	1,000
Culture and Recreation Revenues	351,253	287,645	288,215	305,700	293,500	283,000
Investment Earnings and Contributions	37,378	125,994	159,802	158,038	183,038	182,109
Other Financing Sources	16,927	9,867	550	-	12	-
Total Revenues	406,525	424,102	448,975	464,738	476,802	466,109
Total Resources	670,550	693,782	729,195	744,957	740,830	744,722
EXPENDITURES						
Community Relations/Tourism	999	1,275	1,816	2,000	2,000	2,000
Library Services	16,058	-	60	1,200	1,200	1,200
Parks & Leisure	358,957	412,287	463,292	458,700	459,017	461,000
Total Expenditures	376,014	413,562	465,167	461,900	462,217	464,200
Current Rev. - Current Exp.	30,511	10,541	(16,192)	2,838	14,585	1,909
Expenditures from Fund Balance						
Non-Departmental	24,856	-	-	-	-	7,000
ENDING FUND BALANCE	269,680	280,221	264,028	283,057	278,613	273,522

PEG Programming Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	-	193,135	229,197	237,652	244,512	295,991
REVENUES						
Taxes	193,077	271,395	277,775	270,821	270,821	277,775
Investment Earnings and Contributions	58	552	566	658	658	627
Total Revenues	193,135	271,947	278,341	271,479	271,479	278,402
Total Resources	193,135	465,083	507,538	509,131	515,991	574,393
EXPENDITURES						
Community Relations/Tourism	-	235,886	263,026	220,000	220,000	100,000
Total Expenditures	-	235,886	263,026	220,000	220,000	100,000
Current Rev. - Current Exp.	193,135	36,062	15,315	51,479	51,479	178,402
ENDING FUND BALANCE	193,135	229,197	244,512	289,131	295,991	474,393

Grants Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	73,843	62,616	66,411	70,495	69,965	69,965
REVENUES						
Intergovernmental Revenues	1,475,734	1,457,754	974,381	961,589	1,793,247	1,075,471
Investment Earnings and Contributions	202	387	291	296	296	330
Other Financing Sources	137,354	126,967	38,128	36,451	37,624	82,322
Total Revenues	1,613,290	1,585,108	1,012,800	998,336	1,831,167	1,158,123
Total Resources	1,687,133	1,647,724	1,079,211	1,068,831	1,901,132	1,228,088
EXPENDITURES						
Emergency Management	239,654	186,103	100,443	-	44,014	39,745
Economic Development/Planning	119,206	191,080	41,015	-	-	-
Engineering	282,679	25,916	9,294	-	-	-
Neighborhood Services	529,385	779,229	686,069	615,919	1,113,427	697,663
Fire	130,604	148,413	64,551	244,014	530,432	200,000
Parks & Leisure	6,907	-	402	-	-	-
Police	316,082	250,573	107,472	138,106	143,294	220,715
Total Expenditures	1,624,518	1,581,313	1,009,246	998,039	1,831,167	1,158,123
Current Rev. - Current Exp.	(11,228)	3,794	3,554	297	-	-
ENDING FUND BALANCE	62,616	66,411	69,965	70,792	69,965	69,965

Crime Cntr & Prevention District

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	-	538,061	1,365,743	1,247,699	1,631,860	1,855,764
REVENUES						
Taxes	1,149,787	2,614,149	2,914,466	2,647,293	2,914,466	2,914,466
Investment Earnings and Contributions	282	1,428	3,159	2,029	2,634	2,713
Other Financing Sources	-	840	-	-	61	-
Total Revenues	1,150,069	2,616,417	2,917,625	2,649,322	2,917,161	2,917,179
Total Resources	1,150,069	3,154,479	4,283,368	3,897,021	4,549,021	4,772,943
EXPENDITURES						
Information Technology	22,235	63,714	73,330	154,496	154,496	162,623
Neighborhood Services	55,263	180,800	197,418	213,938	213,938	219,892
Police	534,510	1,479,574	2,111,010	2,161,298	2,161,298	2,357,979
Total Expenditures	612,008	1,724,088	2,381,758	2,529,732	2,529,732	2,740,494
Current Rev. - Current Exp.	538,061	892,329	535,867	119,590	387,429	176,685
Police	-	64,648	269,750	163,525	163,525	179,302
ENDING FUND BALANCE	538,061	1,365,743	1,631,860	1,203,764	1,855,764	1,853,147
OPERATING RESERVE: 20%	122,402	344,818	476,352	505,946	505,946	548,099
UNDESIGNATED RESERVE	415,659	1,020,925	1,155,508	697,818	1,349,818	1,305,048

Fire Cntr & Prevention District

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	-	791,143	2,681,051	2,794,374	3,127,688	2,842,614
REVENUES						
Taxes	1,154,298	2,636,653	2,916,364	2,647,293	2,916,364	2,916,364
Investment Earnings and Contributions	499	2,749	4,658	4,011	5,732	5,050
Other Financing Sources	-	-	300	-	-	-
Total Revenues	1,154,797	2,639,402	2,921,322	2,651,304	2,922,096	2,921,414
Total Resources	1,154,797	3,430,545	5,602,373	5,445,678	6,049,784	5,764,028
EXPENDITURES						
Emergency Management	-	-	16,418	26,918	26,918	28,658
Fire	363,655	749,494	870,130	966,508	976,830	1,193,528
Information Technology	-	-	59,865	79,694	79,694	78,282
Total Expenditures	363,655	749,494	946,413	1,073,120	1,083,442	1,300,468
Current Rev. - Current Exp.	791,143	1,889,909	1,974,909	1,578,184	1,838,654	1,620,946
One Time Expenditures	-	-	1,528,272	1,977,550	2,123,728	-
ENDING FUND BALANCE	791,143	2,681,051	3,127,688	2,395,008	2,842,614	4,463,560
OPERATING RESERVE: 20%	72,731	149,899	189,283	214,624	216,688	260,094
UNDESIGNATED RESERVE	718,412	2,531,152	2,938,406	2,180,384	2,625,926	4,203,467

Waters Ridge PID Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	215,633	225,559	234,472	235,258	242,468	243,115
<u>REVENUES</u>						
Taxes	15,174	15,174	15,174	15,174	15,031	15,031
Investment Earnings and Contributions	747	424	661	616	616	642
Total Revenues	15,921	15,599	15,835	15,790	15,647	15,673
Total Resources	231,554	241,157	250,308	251,048	258,115	258,788
<u>EXPENDITURES</u>						
Economic Development/Planning	-	-	-	-	-	-
Parks & Leisure	5,995	6,685	7,840	15,000	15,000	15,000
Total Expenditures	5,995	6,685	7,840	15,000	15,000	15,000
Current Rev. - Current Exp.	9,926	8,914	7,995	790	647	673
ENDING FUND BALANCE	225,559	234,472	242,468	236,048	243,115	243,788

Court Security Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	58,026	66,496	72,233	73,733	78,866	74,699
REVENUES						
Investment Earnings and Contributions	190	108	186	159	159	175
Fines, Forfeitures and other Court Fees	61,847	59,503	61,268	63,084	55,047	56,698
Total Revenues	62,037	59,610	61,454	63,243	55,206	56,873
Total Resources	120,064	126,106	133,687	136,976	134,072	131,572
EXPENDITURES						
Municipal Court	53,568	53,873	54,821	59,613	59,373	55,303
Total Expenditures	53,568	53,873	54,821	59,613	59,373	55,303
Current Rev. - Current Exp.	8,469	5,738	6,633	3,630	(4,167)	1,570
ENDING FUND BALANCE	66,496	72,233	78,866	77,363	74,699	76,269

Community Activities Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	34,823	203,559	246,176	312,965	313,465	412,932
REVENUES						
Culture and Recreation Revenues	301,875	333,614	383,775	218,746	276,376	440,538
Investment Earnings and Contributions	196,013	155,910	113,098	296,475	287,275	257,678
Other Financing Sources	896	12,096	9,500			-
Total Revenues	498,784	501,620	506,373	515,221	563,651	698,216
Total Resources	533,607	705,179	752,549	828,186	877,116	1,111,148
EXPENDITURES						
Community Relations/Tourism	302,924	448,971	430,084	464,184	464,184	653,101
Animal Shelter	677	10,032	9,000			10,000
Economic Development/Planning	26,446	-	-	-	-	-
Total Expenditures	330,047	459,003	439,084	464,184	464,184	663,101
Current Rev. - Current Exp.	168,737	42,617	67,289	51,037	99,467	35,115
ENDING FUND BALANCE	203,560	246,176	313,465	364,002	412,932	448,047

Fire & Police Training Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	118,806	126,742	154,218	130,533	158,513	93,467
REVENUES						
Intergovernmental Revenues	-	-	-	-	-	779
Charges for Services	12,993	41,145	24,587	31,072	10,145	30,072
Investment Earnings and Contributions	44,983	47,434	39,290	36,932	17,733	2,362
Other Financing Sources	38,561	-	-	-	-	-
Total Revenues	96,537	88,579	63,877	68,004	27,878	33,213
Total Resources	215,343	215,321	218,096	198,537	186,391	126,680
EXPENDITURES						
Fire	77,369	58,754	58,120	63,824	63,824	70,797
Police	11,231	2,349	1,463	29,100	29,100	42,948
Total Expenditures	88,600	61,103	59,583	92,924	92,924	113,745
Current Rev. - Current Exp.	7,936	27,476	4,295	(24,920)	(65,046)	(80,532)
ENDING FUND BALANCE	126,742	154,218	158,513	105,613	93,467	12,935

LEOSE Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	9,321	2,636		1,532	2,160	3,476
<u>REVENUES</u>						
Intergovernmental Revenues	-	-	10,493	9,000	10,316	9,000
Investment Earnings and Contributions	12		12	-	-	-
Total Revenues	12		10,505	9,000	10,316	9,000
Total Resources	9,333	2,636	10,505	10,532	12,476	12,476
<u>EXPENDITURES</u>						
Police	6,697	2,636	8,345	9,000	9,000	9,000
Total Expenditures	6,697	2,636	8,345	9,000	9,000	9,000
Current Rev. - Current Exp.	(6,685)	(2,636)	2,160	-	1,316	-
ENDING FUND BALANCE	2,636		2,160	1,532	3,476	3,476

Tax Increment Reinvestment Zone2

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	13,068	22,059	95,245	200,330	200,708	448,873
<u>REVENUES</u>						
Taxes	8,921	73,057	104,976	247,804	247,804	381,161
Investment Earnings and Contributions	71	128	488	188	361	383
Total Revenues	8,991	73,186	105,463	247,992	248,165	381,544
Total Resources	22,059	95,245	200,708	448,322	448,873	830,417
<u>EXPENDITURES</u>						
Economic Development/Planning	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-
Current Rev. - Current Exp.	8,991	73,186	105,463	247,992	248,165	381,544
ENDING FUND BALANCE	22,059	95,245	200,708	448,322	448,873	830,417

Tax Increment Reinvestment Zone1

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELILMINARYB UDGET
BEGINNING FUND BALANCES	1,023,820	1,117,884	1,119,551	1,218,277	1,217,423	1,358,644
REVENUES						
Taxes	477,076	508,140	634,611	707,742	707,742	758,181
Investment Earnings and Contributions	4,766	2,294	3,953	3,295	3,295	3,295
Other Financing Sources	-	-	-	-	-	-
Total Revenues	481,843	510,434	638,563	711,037	711,037	761,476
Total Resources	1,505,663	1,628,318	1,758,115	1,929,314	1,928,460	2,120,120
EXPENDITURES						
Debt Service	387,779	508,766	540,691	569,816	569,816	601,695
Total Expenditures	387,779	508,766	540,691	569,816	569,816	601,695
Current Rev. - Current Exp.	94,064	1,668	97,872	141,221	141,221	159,781
ENDING FUND BALANCE	1,117,884	1,119,551	1,217,423	1,359,498	1,358,644	1,518,425

Juvenile Case Manager Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	82,436	86,073	95,000	112,337	115,462	129,450
<u>REVENUES</u>						
Investment Earnings and Contributions	236	125	262	196	196	230
Fines, Forfeitures and other Court Fees	81,789	78,919	93,582	83,424	90,024	92,555
Total Revenues	82,025	79,044	93,843	83,620	90,220	92,785
Total Resources	164,461	165,117	188,843	195,957	205,682	222,235
<u>EXPENDITURES</u>						
Municipal Court	78,388	70,117	73,381	76,232	76,232	77,680
Total Expenditures	78,388	70,117	73,381	76,232	76,232	77,680
Current Rev. - Current Exp.	3,637	8,927	20,462	7,388	13,988	144,555
ENDING FUND BALANCE	86,073	95,000	115,462	119,725	129,450	144,555

Court Technology Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	189,619	178,374	183,735	184,201	190,073	181,677
REVENUES						
Investment Earnings and Contributions	713	325	511	534	534	44,924
Fines, Forfeitures and other Court Fees	82,728	79,341	81,682	84,382	73,390	76,997
Total Revenues	83,442	79,666	82,193	84,916	73,924	121,921
Total Resources	273,061	258,041	265,928	269,117	263,997	303,598
EXPENDITURES						
Information Technology	40,000	40,000	40,000	40,000	40,000	79,211
Municipal Court	54,686	34,306	35,855	42,320	42,320	42,710
Non-Departmental	-	-	-	-	-	-
Total Expenditures	94,686	74,306	75,855	82,320	82,320	121,921
Current Rev. - Current Exp.	(11,245)	5,360	6,338	2,596	(8,396)	-
Expenditures from Fund Balance						
Non-Departmental	-	-	-	-	-	1,550
ENDING FUND BALANCE	178,374	183,735	190,073	186,797	181,677	180,127

Maintenance & Replacement Fund

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	5,480,770	4,033,793	5,705,175	4,274,253	6,158,937	3,214,462
REVENUES						
Internal Service Revenues	2,070,476	2,148,141	2,257,247	2,341,108	2,381,487	2,318,337
Investment Earnings and Contributions	13,790	10,810	16,569	14,950	14,950	16,223
Other Financing Sources	100,228	1,599,211	136,557	-	93,912	110,125
Total Revenues	2,184,494	3,758,161	2,410,373	2,356,058	2,490,349	2,444,685
Total Resources	7,665,264	7,791,954	8,115,548	6,630,311	8,649,286	5,659,147
EXPENDITURES						
Information Technology	82,432	419,315	155,991	171,567	171,567	1,026,437
Public Services	2,028,178	1,645,514	1,800,619	5,263,257	5,263,257	4,219,248
Total Expenditures	2,110,610	2,064,829	1,956,610	5,434,824	5,434,824	5,245,685
Current Rev. - Current Exp.	73,884	1,693,332	453,762	(3,078,766)	(2,944,475)	(2,801,000)
Expenditures from Fund Balance						
Non-Departmental	1,520,861	21,950	-	-	-	-
ENDING FUND BALANCE	4,033,793	5,705,175	6,158,937	1,195,487	3,214,462	413,462

Self-Insurance Risk Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	7,332,849	6,324,548	5,274,914	5,297,464	5,221,741	4,024,361
REVENUES						
Internal Service Revenues	1,431,221	1,498,092	1,519,921	1,530,505	1,530,505	1,544,316
Investment Earnings and Contributions	25,200	9,304	16,216	9,300	14,406	15,789
Other Financing Sources	52,418	24,479	7,591	-	13,749	-
Total Revenues	1,508,839	1,531,875	1,543,727	1,539,805	1,558,660	1,560,105
Total Resources	8,841,688	7,856,422	6,818,641	6,837,269	6,780,401	5,584,466
EXPENDITURES						
Human Resources	1,185,301	1,581,508	1,596,900	1,536,863	1,548,488	1,549,961
Total Expenditures	1,185,301	1,581,508	1,596,900	1,536,863	1,548,488	1,549,961
Current Rev. - Current Exp.	323,538	(49,634)	(53,172)	2,942	10,172	10,144
Expenditures from Fund Balance						
Non-Departmental	1,331,839	1,000,000	-	1,207,552	1,207,552	214,524
ENDING FUND BALANCE	6,324,548	5,274,914	5,221,741	4,092,854	4,024,361	3,819,981

Asset Forfeiture-State Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	101,991	103,176	165,534	139,034	171,459	150,127
REVENUES						
Intergovernmental Revenues	7,041	66,097	13,866	4,700	12,193	4,700
Investment Earnings and Contributions	641	251	443	-	-	-
Other Financing Sources	8,525	3,475	4,750	5,800	3,475	3,475
Total Revenues	16,207	69,823	19,059	10,500	15,668	8,175
Total Resources	118,197	172,999	184,593	149,534	187,127	158,302
EXPENDITURES						
Police	15,021	7,465	13,133	37,000	37,000	143,047
Total Expenditures	15,021	7,465	13,133	37,000	37,000	143,047
Current Rev. - Current Exp.	1,185	62,358	5,926	(26,500)	(21,332)	(134,872)
ENDING FUND BALANCE	103,176	165,534	171,459	112,534	150,127	15,255

Health Insurance Trust Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	490,561	27,810	1,347,432	1,349,773	2,245,537	2,345,200
REVENUES						
Internal Service Revenues	7,192,157	8,387,837	9,188,531	9,601,901	9,552,244	9,533,358
Investment Earnings and Contributions	1,892	2,014	12,901	7,000	12,901	7,457
Other Financing Sources	510,946	1,022,644	96,132	25,000	72,849	45,544
Total Revenues	7,704,995	9,412,494	9,297,564	9,633,901	9,637,994	9,586,359
Total Resources	8,195,556	9,440,304	10,644,996	10,983,674	11,883,531	11,931,559
EXPENDITURES						
Human Resources	8,167,746	8,092,872	8,399,459	9,534,238	9,538,331	9,583,153
Total Expenditures	8,167,746	8,092,872	8,399,459	9,534,238	9,538,331	9,583,153
Current Rev. - Current Exp.	(462,751)	1,319,623	898,105	99,663	99,663	3,206
Expenditures from Fund Balance						
Non-Departmental	-	-	-	-	-	57,725
ENDING FUND BALANCE	27,810	1,347,432	2,245,537	1,449,436	2,345,200	2,290,681

OPEB Liability Trust Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	2,738,050	3,333,183	3,739,985	3,756,565	3,584,789	3,535,769
REVENUES						
Internal Service Revenues	359,300	366,600	279,200	224,000	224,000	175,700
Investment Earnings and Contributions	538,333	409,002	(104,996)	66,780	66,780	80,093
Total Revenues	897,633	775,602	174,204	290,780	290,780	255,793
Total Resources	3,635,683	4,108,785	3,914,189	4,047,345	3,875,569	3,791,562
EXPENDITURES						
Human Resources	302,500	368,800	329,400	339,800	339,800	273,800
Total Expenditures	302,500	368,800	329,400	339,800	339,800	273,800
Current Rev. - Current Exp.	595,133	406,802	(155,196)	(49,020)	(49,020)	(18,007)
ENDING FUND BALANCE	3,333,183	3,739,985	3,584,789	3,707,545	3,535,769	3,517,762

Asset Forfeiture-Federal Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	205,622	662,233	677,802	61,831	619,298	160,831
REVENUES						
Intergovernmental Revenues	567,455	371,222	326,490	200,000	200,000	200,000
Investment Earnings and Contributions	1,697	1,051	1,705	1,585	1,585	1,674
Other Financing Sources	-	-	-	-	-	-
Total Revenues	569,152	372,273	328,195	201,585	201,585	201,674
Total Resources	774,773	1,034,506	1,005,997	263,416	820,883	362,505
EXPENDITURES						
Police	112,540	356,704	386,700	245,776	660,052	129,110
Total Expenditures	112,540	356,704	386,700	245,776	660,052	129,110
Current Rev. - Current Exp.	456,612	15,569	(58,505)	(44,191)	(458,467)	72,564
ENDING FUND BALANCE	662,233	677,802	619,298	17,640	160,831	233,395

LPLDC (4B) Fund

	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2014-2015	FY 2015-2016
	ACTUAL	ACTUAL	ACTUAL	ORIGINAL BUDGET	ADJUSTED BUDGET	PRELIMINARY BUDGET
BEGINNING FUND BALANCES	6,675,232	7,187,153	8,178,343	8,577,593	9,094,365	9,717,253
REVENUES						
Taxes	5,203,845	5,685,240	6,026,564	5,685,240	6,016,676	6,016,676
Culture and Recreation Revenues	270,178	235,728	236,703	251,000	229,853	227,333
Investment Earnings and Contributions	27,664	16,543	26,562	24,095	24,095	26,229
Other Financing Sources	134	32	28,923	28,953	28,953	28,953
Total Revenues	5,501,822	5,937,542	6,318,752	5,989,288	6,299,577	6,299,191
Total Resources	12,177,054	13,124,695	14,497,095	14,566,881	15,393,942	16,016,444
EXPENDITURES						
Library Services	456,075	511,480	572,330	515,947	518,161	724,679
ITS						74,159
Non-Departmental	3,102,454	2,907,069	2,795,234	2,800,614	2,800,614	2,748,837
Parks & Leisure	1,402,588	1,507,203	1,685,306	1,925,528	1,957,728	1,954,497
Total Expenditures	4,961,116	4,925,752	5,052,870	5,242,089	5,276,503	5,502,172
Current Rev. - Current Exp.	540,705	1,011,790	1,265,882	747,199	1,023,074	797,019
Expenditures from Fund Balance						
Non-Departmental	28,784	20,600	349,860	20,600	400,186	6,828,670
ENDING FUND BALANCE	7,187,153	8,178,343	9,094,365	9,304,192	9,717,253	3,685,602
OPERATING RESERVE	991,971	984,898	1,010,574	1,048,418	1,055,301	1,100,434
UNDESIGNATED RESERVE	6,195,182	7,193,445	8,083,791	8,255,774	8,661,953	2,585,168

2025 Implementation/Incentives

	FY 2011-2012 ACTUAL	FY 2012-2013 ACTUAL	FY 2013-2014 ACTUAL	FY 2014-2015 ORIGINAL BUDGET	FY 2014-2015 ADJUSTED BUDGET	FY 2015-2016 PRELIMINARY BUDGET
BEGINNING FUND BALANCES	-	-	-	-	-	17,008
<u>REVENUES</u>						
Investment Earnings and Contributions	-	-	-	-	206	-
Other Financing Sources	-	-	-	-	757,027	250,000
Total Revenues	-	-	-	-	757,233	250,000
Total Resources	-	-	-	-	757,233	267,008
<u>EXPENDITURES</u>						
City Manager	-	-	-	-	740,225	267,008
Total Expenditures	-	-	-	-	740,225	267,008
Current Rev. - Current Exp.	-	-	-	-	17,008	(17,008)
ENDING FUND BALANCE	-	-	-	-	17,008	-

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Brenda Martin, Director of Finance

DATE: September 2, 2015

SUBJECT: **Approval of Waiving the Penalty and Interest on Property Tax Account 652742DEN for 2014.**

BACKGROUND

This account is one of a number of tax delinquencies recently discovered to have been placed in an “Exempt” status under the name of “TxDOT”. They involved a condemnation process whereby the Texas Department of Transportation acquired property from the taxpayers in the year 2014 that is at issue here for unpaid taxes. Timely notice was not provided to the taxpayers of taxes owed for the portion of the year the property was owned by the taxpayers. Upon recent notification by Sawko & Burroughs, the City’s delinquent tax collector, that this 2014 tax was unpaid, the taxpayers timely paid same under protest, together with accrued penalty and interest, and filed these requests for waiver and refund of the penalty and interest paid.

ANALYSIS

State law provides, in relevant part, that the city council of a municipality “shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission...caused or resulted in the taxpayer’s failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the date the taxpayer knows of the delinquency.” Tex. Tax Code Section 33.011(a)(1). It is the opinion of Sawko & Burroughs, based on the information provided, the circumstances in this case satisfy the waiver provision in state law.

The total of property tax paid was \$1,016.43 and the penalty and interest waivers for this taxpayer amounts to \$422.84.

RECOMMENDATION

It is City staff’s recommendation that the City Council approve the waiver of the penalty and interest on the property tax account 652741DEN for 2014.



Shareholders:
Gregory J. Sawko
Mark A. Burroughs

1172 Bent Oaks Drive
Denton, Texas 76210

Associate Attorney:
Hunter R. Sargent

www.DentonLawyer.com

(940) 382-4357 Telephone
(940) 591-0991 Telecopy

AttyBurroughs@DentonLawyer.com

August 13, 2015

Via E-Mail: bmartin@cityoflewisville.com
Ms. Brenda Martin, Director of Financial Services
City of Lewisville, Texas

RE: Request for Waiver of Penalty and Interest; Property Tax Account No. 652742DEN

Dear Brenda:

Pursuant to Texas Property Tax Code Section 33.011, under certain circumstances the governing body of a taxing authority either may or must waive penalty and interest otherwise due and owing on property taxes assessed against property within the taxing authority's boundaries. We, as your Property Tax Attorneys, received the attached "Request for Review of Penalty and Interest" from the Denton County Tax Office after submittal by the taxpayer making the request. We offer the following opinion with respect to this request.

This account is one of a number of tax delinquencies recently discovered to have been placed in an "Exempt" status under the name of "TxDOT". It involved a condemnation process whereby the Texas Department of Transportation acquired property from the taxpayer in the year 2014 that is at issue here for unpaid taxes. Upon recent notification by our office that this 2014 tax was unpaid, the taxpayer timely paid same under protest, together with accrued penalty and interest, and filed this request for waiver and refund of the penalty and interest paid.

We support this request.

Section 33.011 (a)(1), Texas Property Tax Code, provides in pertinent part that "The governing body of a taxing unit . . . shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency and if the tax is paid not later than the 21st day after the date the taxpayer knows or should know of the delinquency". Per subsection (d) of Section 33.011, such a request for waiver of penalties and interest "must be made before the 181st day after the delinquency date".

Although there may be some ambiguity and possible differing of opinion as to whether the requisite "error or omission" occurred causing the delinquency, I strongly believe under these narrow circumstances that it did. The error or omission was, in my opinion, the result of a flaw in the condemnation process whereby:

1. no accounting, pro-ratio or payment was made of estimated or actual current-year taxes (the year when the condemnation closed) by TxDOT or any party out of the condemnation;
2. no substantive notice was provided to the "seller" that seller would have any responsibility to pay current-year taxes after the sale to TxDOT;
3. the property condemned was placed into an effectively dormant, "exempt" status upon transfer to TxDOT;
4. no record at the Denton Central Appraisal District or the Denton County Tax Office retained the condemnation seller's identity as a responsible party for taxes accruing during the part of the year of condemnation that seller owned same (and for which seller is now being held responsible);
5. no notice was provided or attempted to the taxpayer that taxes they were solely responsible for were assessed, billed or had fallen delinquent, having only been sent to TxDOT by the Tax Office (which is technically the required minimum notice under the Property Tax Code); and
6. under the current system, it was impossible for the taxpayer to discover their tax liability or even to pay it, as no record of their liability had heretofore been kept to identify them as a liable party on the new TxDOT-owned account.

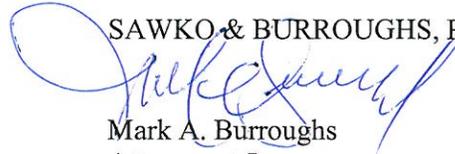
There is a provision of the Property Tax Code, Section 26.11, that indirectly provides a mechanism for estimating and pro-rating taxes on property acquired during a year by an exempt governmental entity. However, in the present situation, this was not done and no action was taken by TxDOT or any party to the condemnation process to identify or allocate the estimated and pro-rated tax liability to the prior owner as provided therein. Apparently nothing in the current condemnation process compels TxDOT to perform this function, and no tax bills received by TxDOT on the subject property were ever forwarded to the condemnee taxpayer, nor did the Tax Office attempt to send any notices of this tax indebtedness to the responsible taxpayer (as, again, no Code provision applies to compel the Tax Office to do so).

Therefore, under these circumstances, the first notice received or that was possible to be received by the taxpayer was from our office well after penalty and interest accrued against the unpaid tax. In my opinion, a flaw in the system of accounting for current-year taxes in a condemnation proceeding caused "an act or omission" by the Denton County Tax Office, the Denton Central Appraisal District and/or their agents, to prevent notice or timely payment of 2014 taxes on this tax account by the responsible taxpayer subject to the condemnation action.

All other necessary conditions to provide for waiver being present, I submit this taxpayer request for waiver of all penalties and interest for 2014 taxes on the aforesaid property tax account, and for refund of said penalties and interest paid under protest, with my endorsement supporting same. For your information, this action simultaneously removes all attorney's fees payable on this account as well.

Brenda Martin
Page Three
August 13, 2015

Sincerely,


SAWKO & BURROUGHS, P.C.
Mark A. Burroughs
Attorney at Law

MAB/acj

Enclosures
G/Tax/Letters/WaiverLetter

7/27/2015

Delinquent Tax Statement

P & I AND FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

Tax Account Number: 652742DEN

Denton County Tax Assessor/Collector

By Mail: P.O. Box 90223
Denton, TX 76202
(940) 349-3500

In- Person: 1505 E. McKinney St.
Denton, TX 76209
Metro (972)434-8835

Owner	LEGAL DESCRIPTION	Status: No Action Taken	Type: R
TEXAS DEPARTMENT OF TRANSPORTATI 4777 US HIGHWAY 80 E MESQUITE TX 75150--6	WILKES BLK B LOT 1R(PT)(ROW) Property Address: 0000000		

City of Lewisville					
Tax Year	Tax Due	Penalty	Interest	Penalty 2	Total Due
2014	\$1,016.43	\$121.97	\$60.99	\$239.88	\$1,439.27
Total	\$1,016.43	\$121.97	\$60.99	\$239.88	\$1,439.27

Total Taxes Due

On all payments reference Tax Account Number: 652742DEN

If Paid in July, 2015		If Paid in August, 2015		Pay Tax To:
Total Tax:	\$1,016.43	Total Tax:	\$1,016.43	Denton County Tax Assessor
Total P&I:	\$182.96	Total P&I:	\$193.12	P.O. Box 90223
Total Pen 2:	\$239.88	Total Pen 2:	\$241.91	Denton, TX 76202
Total Tax Due:	\$1,439.27	Total Tax Due:	\$1,451.46	For Credit Cards: http://taxweb.dentoncounty.com



DENTON COUNTY TAX OFFICE

REQUEST FOR REVIEW OF PENALTY AND INTEREST

Pursuant to Section 33.011 of the Texas Property Tax Code, a request for waiver of penalty and interest must be made in writing to be considered valid. A taxing unit's Governing Body is responsible for granting of waiver.

Please Complete The Following Information:

		Date: 07/24/2015
Name:	<input type="text" value="Purnell Plaza LC"/>	<input type="text"/>
	First	Last
	<input type="text" value="2230 High Country Dr"/>	<input type="text"/>
	Street Address	Apartment/Unit #
	<input type="text" value="Carrollton"/>	TX <input type="text" value="75007"/>
	City	State Zip
	<input type="text" value="2146809895"/>	<input type="text"/>
	Home Phone	Alternate Phone
Email:	<input type="text" value="fammed52@hotmail.com"/>	
Account Number	<input type="text" value="652742DEN"/>	

(Attach additional sheets if necessary)

Property taxes must be paid on or before January 31st. A payment made after January 31st is subject to statutory penalty and interest.

A request for waiver of penalty and interest must be made before the 181st day from the date of delinquency and payment must be made within 21 days of the date the taxpayer knows or should know of the delinquency.

A waiver of penalty and interest may only be granted if it complies with the requirements of the Texas Property Tax Code §33.011.

§33.011-WAIVER OF PENALTIES AND INTEREST -
<http://www.statutes.legis.state.tx.us/Docs/TX/htm/TX.33.htm#33.011>

Penalty and Interest continues to accrue on a delinquent account. It is advised that full payment be remitted. If the taxing unit governing body approves a waiver of penalty and interest, it will be refunded to you upon receipt of official action.

REASON FOR REQUEST FOR REVIEW OF PENALTY AND INTEREST

This property was acquired by TX-DOT. A separate account was created for state of Texas. Since TX_DOT had not paid the taxes. As the property owner on January 1st 2014 we were sent a notice in July 2015. I am enclosing a full payment and requesting a refund on P&I and Penalty. Delay in payment was not my fault. I cannot take care of something if I do not have knowledge of it. Please refund amount over \$1016.43 at earliest

Thanks

58 Characters available.

Please check box if submitting additional documentation

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development & Planning

DATE: September 14, 2015

SUBJECT: **Approval of an Economic Development Agreement Between the City of Lewisville and Witherspoon Distillery, LLC; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

Witherspoon Distillery is renovating an existing 15,300 SF building space at 225 South Charles Street. The company is projected to invest \$907,000, including exterior façade renovation and parking lot improvements. The proposed agreement provides for a Start-Up Grant for the City to reimburse Witherspoon Distillery for certain actual expenses not to exceed \$95,859. As part of the City's contribution for the parking lot improvements, Witherspoon Distillery shall allow the City to use its parking lot for certain agreed upon times/events.

ANALYSIS

Witherspoon Distillery has indicated that the total projected investment for renovation will be \$907,000. The agreement calls for the City to reimburse the owner, for qualifying actual expenses, after successful completion of the work:

- Permits Fees: \$6700
- Parking Lot Demo, Resurface, Sidewalks, Pavers, Curbs at 50% reimbursement: \$24,255
- Property Landscaping, Irrigation, Fencing, Garden Terrace at 50% reimbursement: \$48,654
- New Front Brick and Steel Façade at 50% reimbursement: \$16,250

Total rebate amount shall not exceed the total of \$95,859.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the agreement as set forth in the caption above.

ECONOMIC DEVELOPMENT AGREEMENT

THIS ECONOMIC DEVELOPMENT AGREEMENT (“Agreement”) is entered into by and between the City of Lewisville, Texas, a home rule municipality duly acting by and through its City Manager, (hereinafter called “City”), and Witherspoon Distillery (hereinafter called “the Developer”), and both entities collectively referred to as Parties in this Agreement (“Parties”).

WITNESSETH:

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code (hereinafter referred to as "Statute"), the City adopted an Economic Incentive Policy for making economic development incentives and grants on August 16, 2010 (hereinafter referred to as "the Policy Statement"); and

WHEREAS, the Policy Statement constitutes appropriate guidelines and criteria governing economic development agreements to be entered into by the City as contemplated by the Statute; and

WHEREAS, in order to maintain and/or enhance the commercial economic and employment base of the Lewisville area to the long-term interest and benefit of the City, in accordance with said Statute, the City desires to enter into this Agreement; and

WHEREAS, on the ----- day of ----- 2015, the City Council of the City of Lewisville, Texas, authorized this Agreement pursuant to Chapter 380 of the Texas Local Government Code (“CHAPTER 380”);

WHEREAS, the Developer currently owns property at 225 S. Charles Street (“Property” or “Premises”) (more fully described in Attachment “A”, attached hereto and made a part hereof) that is the subject of this Agreement;

WHEREAS, the Parties desire to enter into this Agreement pursuant to Chapter 380;

WHEREAS, the City desires to provide, pursuant to Chapter 380, an incentive to the Developer to develop the Property;

WHEREAS, the Developer agrees to develop the Property in a manner consistent with an approved development plan as described in Attachment “B”, attached hereto and made a part hereof, or as amended in accordance with all provisions of the City;

WHEREAS, the City finds that the administration of an economic development agreement to provide incentives to the Developer, in return for developing the Property would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose, and;

WHEREAS, the City has determined that this Agreement contains sufficient controls to ensure that the above-mentioned public purposes are carried out in all transactions involving the use of public funds and resources in the establishment and administration of the Agreement;

NOW, THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the Parties do mutually agree as follows:

ARTICLE I TERM

1.1 This Agreement shall be effective on the date that this Agreement is executed by the Parties (“Effective Date”) and shall continue until all requirements of the Agreement have been fulfilled as provided herein unless sooner terminated in accordance with this Agreement. For purposes of this Agreement, the Distillery’s requirements of this Agreement will be deemed to have been fulfilled once it has completed construction on Property Improvements identified in section 4.1 and Attachment B, and the City’s requirements of this Agreement will be deemed to have been fulfilled once it has rendered payment of the Start-Up Grant pursuant to all the requirements set forth in Article IV of this Agreement.

ARTICLE II DEFINITIONS

2.1 Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

“**Agreement**” has the meaning set forth in the introductory paragraph of this Agreement.

“**City**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Construction Costs**” means the costs of construction, including but not limited to, hard construction, construction equipment charges, the costs of construction materials and the delivery thereof and permit fees charged by the City for said construction.

“**Developer**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Effective Date**” means the date established in Article I of this Agreement.

“**Force Majeure**” shall mean any contingency or cause beyond the reasonable control of Developer, including without limitation, acts of God or the public enemy, war, riot, terrorism, civil commotion, insurrection, governmental or de facto governmental action including, but not limited to, government actions pertaining to the determination of flood zones or FEMA actions (unless caused by acts or omissions of Developer), fire, explosion or flood, and strikes.

“**Start-Up Grant**” shall mean an economic development grant as defined in Article IV.

“**Property Improvement(s)**” shall mean all improvements fully described in Attachment “B”.

“**Proof of Payment**” shall mean adequate documentation to demonstrate that expenses being reimbursed have been paid for by the Developer prior to reimbursement. Such documentation could be copies of returned checks, credit card or bank statements, or contractor invoices signed and dated by both the Developer and the contractor.

“**Property**” or “**Premises**” shall mean that property as described in Attachment “A” and described by metes and bounds, lot and block or abstract and survey attached hereto, and made a part hereof, and the improvements located or to be located thereon.

“**Substantial Completion**” means the date the City issues a certificate of occupancy for the Property Improvements.

ARTICLE III GENERAL PROVISIONS

3.1 As soon as practical after the Effective Date of this Agreement, the Developer shall commence construction of the Property Improvements on the Premises in accordance with the City approved plans and in substantial conformance with Attachment “B”. The Developer shall complete Property Improvements on the Premises within 18 months from the Effective Date of this Agreement.

3.2 In the event of Force Majeure or, if in the reasonable opinion of the City, the Developer has made substantial progress toward completion of construction, renovation and installation of the Property Improvements additional time may be granted by the City as may be required.

ARTICLE IV ECONOMIC DEVELOPMENT INCENTIVES

4.1 Start-Up Grant. Subject to the Parties’ continued satisfaction of the terms and conditions of this Agreement, the City shall reimburse the Developer for certain actual expenses, as set forth below, not to exceed \$95,858 (the “Start-Up Grant”).

	Detail	Projected Cost	Eligible Reimbursements from Start-Up Grant
1	Construction and Building Permits	\$6,700	\$6,700
2	Parking Lot Demo, Resurface,	\$48,510	\$24,255

3	Sidewalks, Pavers, Curbs Property	\$97,307	\$48,654
4	Landscaping, Irrigation, Fencing, Garden Terrace New Front Brick and Steel Façade	\$32,500	\$16,250

4.2 Payment. Payment of the Start-Up Grant listed herein shall be made upon successful completion of the corresponding work as agreed upon and outlined in this Agreement. Said payment shall be made in no more than two (2) payments for the total amount of the Start-Up Grant regardless of order of completion. Payment requests shall be made no later than forty-five (45) days after the Substantial Completion date. **Failure to timely submit such requests may delay or void reimbursement at the City’s discretion.** Payment shall be made by the City within thirty (30) days after Developer submits all invoices for the work done with proof of payment which is deemed acceptable by the Office of Economic Development for the Construction Costs. At the time payment is requested, Developer shall submit a signed Certification Statement (Attachment “C”), copies of all building permits, and inspection documentation.

**ARTICLE V
AGREEMENT CONDITIONS**

5.1 Minimum Use Condition. During the term of this Agreement, following the issuance of a certificate of occupancy, the Developer shall occupy the Premises for the use as described in Attachment “B”.

5.2 Parking Lot Agreement. Within 90 days of the Effective Date, the Developer agrees to execute a separate agreement for the use of the parking lot on the Premises by the City subject to conditions agreed upon within the Parking Lot Agreement prior to Substantial Completion of the Property Improvements. If the Parties cannot reach an agreement with regard to the City’s use of the parking lot, reimbursement for parking lot improvements described in section 4.1 item 2 shall be revoked and any reimbursement made by the City for the parking lot shall be returned within 30 days of notice from the City.

5.3 Joint Marketing by Parties. The City agrees to involve Witherspoon Distillery in its marketing efforts for Old Town Lewisville as opportunities arise, on case by case basis, and in the sole discretion of the City.

ARTICLE VI TERMINATION

This Agreement may be terminated upon any one of the following:

1. By written agreement of the parties;
2. Expiration of the Term;
3. By either party in the event the other party breaches any of the terms or conditions of this Agreement and such breach is not cured within sixty (60) days after written notice thereof;
4. By City, if Developer suffers an Event of Bankruptcy;
5. By City, if any taxes, assessments or payments owed to the City or the State of Texas by Developer shall become delinquent and not cured within sixty (60) days after written notice thereof (provided, however the Developer retains the right to timely and properly protest and contest any such taxes or assessments); and
6. As otherwise stated within this Agreement.

In the event the Agreement is terminated by the City pursuant to this Article (3), (4), (5), or (6), the Developer shall pay back the Start Up Grant within 60 days of receiving a notice from the City.

ARTICLE VII MISCELLANEOUS

7.1 The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by the Developer unless written permission is first granted by the City, which consent shall not be unreasonably withheld, so long as the Developer's assignee agrees to be bound by all terms and conditions of this Agreement. It is understood and agreed between the parties that the Developer, in performing its obligations thereunder, is acting independently, and the City assumes no responsibility or liabilities in

connection therewith to third parties; it is further understood and agreed between the Parties that the City, in performing its obligations hereunder, is acting independently, and the Developer assumes no responsibilities in connection therewith to third parties.

7.2 The Developer further agrees that the City, its agents and employees, shall have reasonable rights of access to the Premises to inspect the Premises in order to ensure that the construction of the Property Improvements to the Premises is in accordance with all applicable agreements with the City, including this Agreement, and all applicable state and local laws and regulations, as well as the continuing right, subject to Developer's reasonable security requirements, to inspect the Premises to ensure that the Premises are thereafter maintained, operated, and occupied in accordance with all applicable agreements with the City, provided that with respect to matters concerning this Agreement (i) the City must give the Developer reasonable prior telephone or written notice of any such inspection, and (ii) a representative of the Developer shall have the right to accompany the agent or employee of the City who is conducting such inspection. The City represents and warrants that the Premises does not include any property that is owned by a member of the City Council having responsibility for the approval of this Agreement.

7.3 Notices required to be given to any party to this Agreement shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered three (3) days after the date deposited in the United States' mail:

For City by notice to:

City of Lewisville
Attn: Economic Development Director
151 W. Church Street
P.O. Box 299002
Lewisville, Texas 75057

For Developer by notice to:
Witherspoon Distillery
Attn: Ryan DeHart

225 S. Charles St.
Lewisville, TX 75057

Any Party may change the address to which notices are to be sent by giving the other Party written notice in the manner provided in this paragraph.

7.4 No claim or right arising out of a breach of this Agreement can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved.

7.5 This Agreement may be modified or rescinded only by a writing signed by both of the Parties or their duly authorized agents.

7.6 Venue for any litigation arising from this Agreement shall lie in Denton County, Texas.

7.7 DEVELOPER AGREES TO DEFEND, INDEMNIFY AND HOLD CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY DEVELOPER'S BREACH OF THIS AGREEMENT OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF DEVELOPER, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

7.8 This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which in the aggregate shall constitute one agreement.

7.9 If any provision contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof. In lieu of each invalid, illegal or unenforceable provision, there shall be added a new provision by agreement of the parties as similar in terms to such invalid, illegal or unenforceable provision as may be possible and yet be valid, legal and enforceable.

7.10 Whenever the context requires, all words herein shall be deemed to include the male, female, and neuter gender, singular words shall include the plural, and vice versa.

7.11 This Agreement was authorized by action of the City Council, authorizing the City Manager to execute the Agreement on behalf of the City.

CITY OF LEWISVILLE, TEXAS

Donna Barron, City Manager

ATTEST:

Julie Heinze, City Secretary

APPROVED TO FORM:

Lizbeth Plaster, City Attorney

WITHERSPOON DISTILLERY

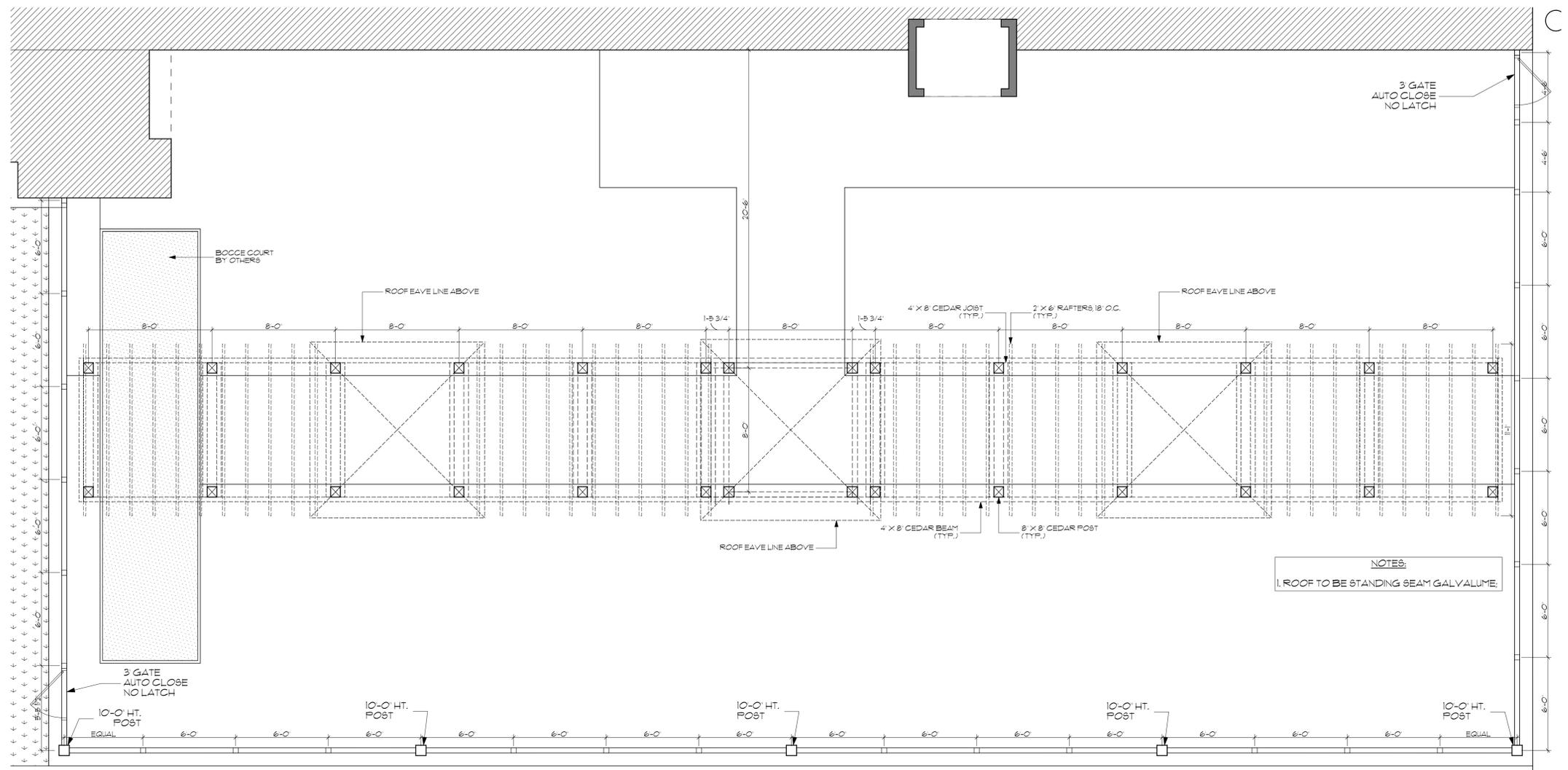
By: _____

Name: _____

Title: _____

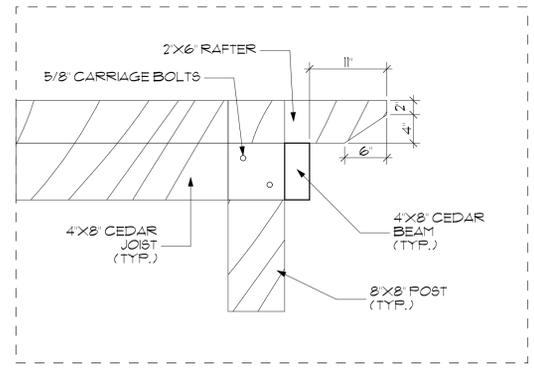
Attachment "A"
LEGAL DESCRIPTION
Property Location Map

Attachment "B"
CONCEPT PLAN AS APPROVED BY OTDRC

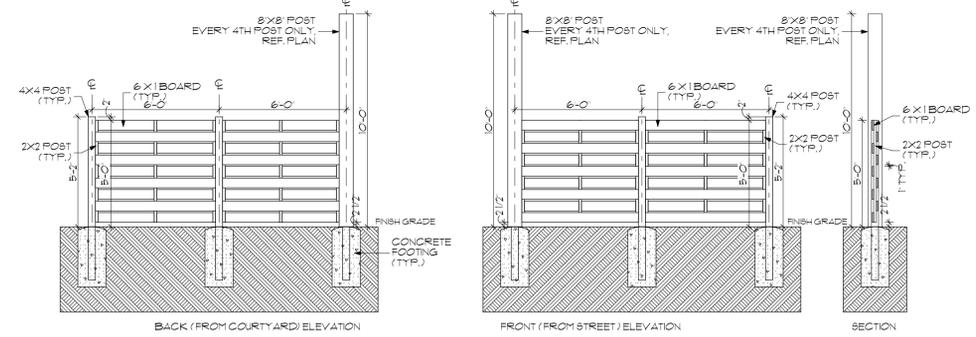


NOTES:
1. ROOF TO BE STANDING SEAM GALVALUME.

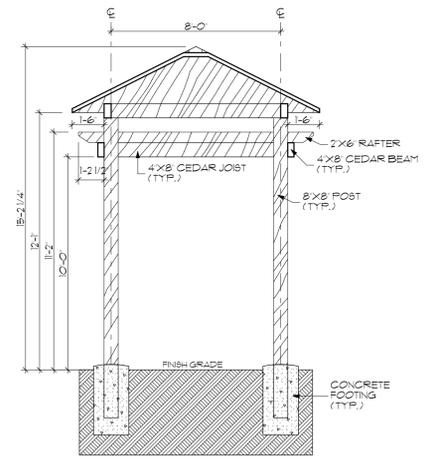
1. TRELLIS PLAN
SCALE: 1/4" = 1'-0"



2. RAFTER DETAIL
SCALE: 1" = 1'-0"



2. FENCE DETAIL
SCALE: 1/4" = 1'-0"



3. TRELLIS DETAIL
SCALE: 1/4" = 1'-0"



These plans are intended to provide the basic construction information necessary to sustainably complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omission in these documents shall be the responsibility of the owner. The architect's liability is limited to the professional services provided. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. The architect is not responsible for the design of any mechanical, electrical, plumbing, or fire protection systems, or for the design of any other systems, which are not specifically indicated on these plans. The architect's liability is limited to the professional services provided. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. THESE CONSTRUCTION DOCUMENTS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR REPRODUCED IN ANY WAY BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

WILLIAM PECK & ASSOCIATES INC.
ARCHITECTS
Lewisville, TX
(972) 221-1424

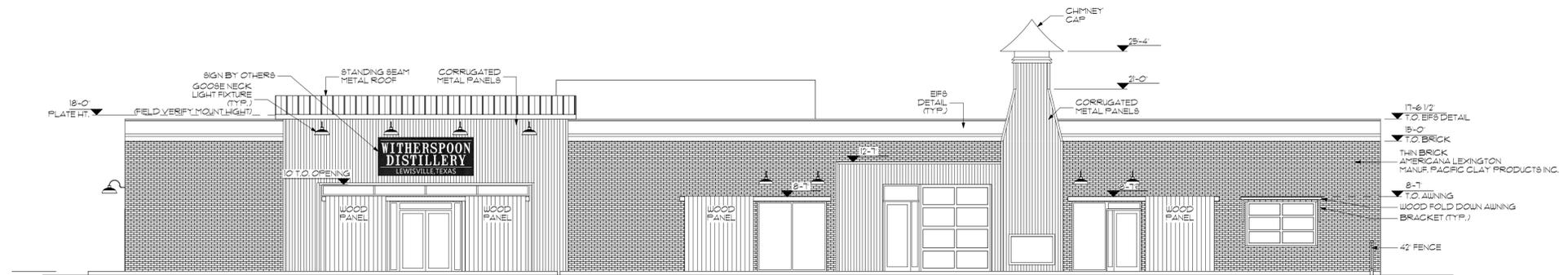
WITHERSPOON DISTILLERY
225 SOUTH CHARLES ST.
LEWISVILLE, TX

REVISIONS	
1	2015/04/24 CITY COMMENTS
2	2015/05/12 BAR/RESTROOM CHANGES
3	2015/07/01 COURTYARD

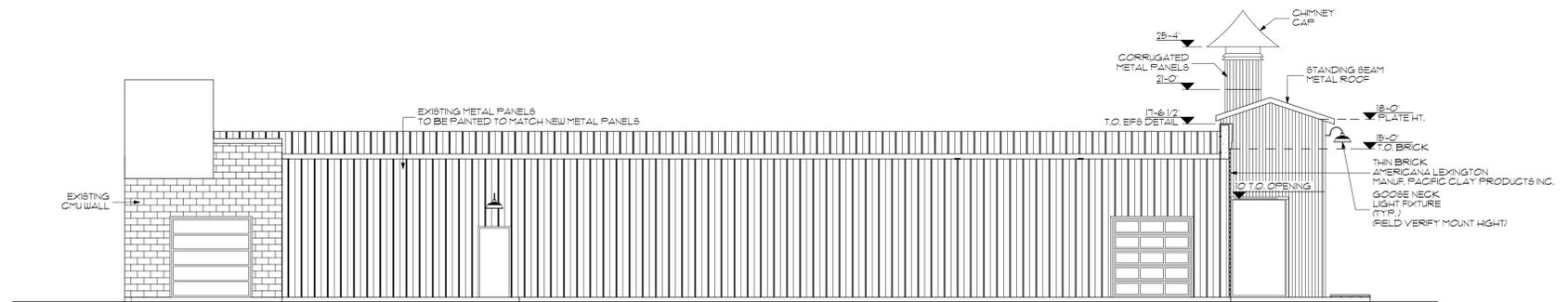
ISSUE DATE:
2015/04/08 - FOR PERMIT

Scale: REF. PLAN
Drawn: MW
Job: WITHERSPOON DISTILLERY
Sheet Number:

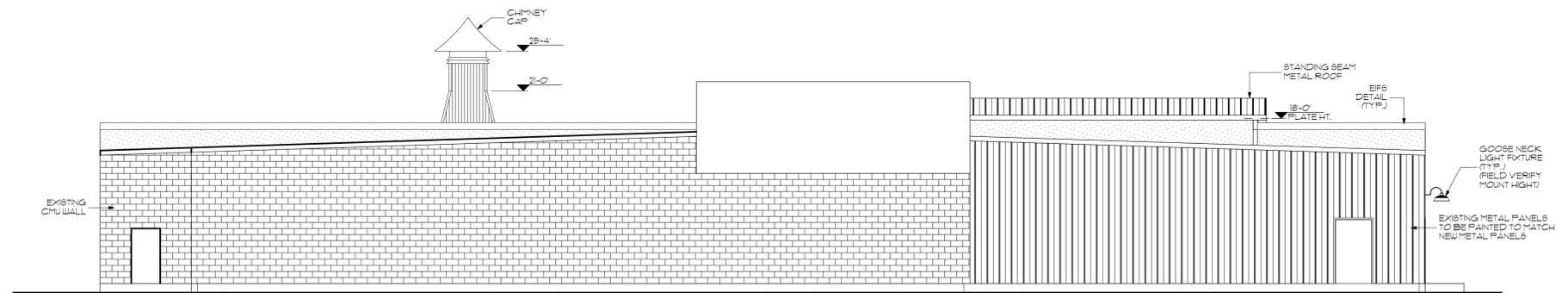
A-02
SHEET 13 OF 23



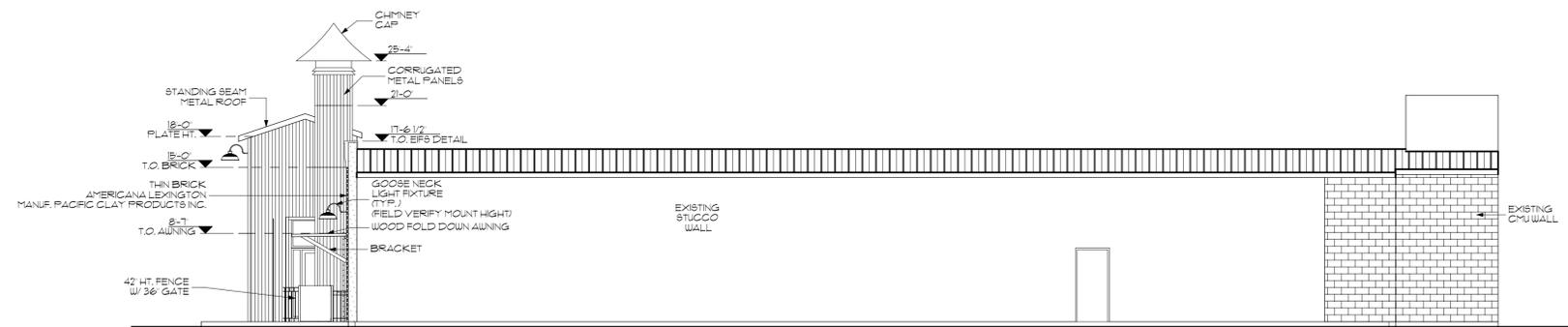
1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2015/04/24

These plans are intended to provide the basic construction information necessary to sustainably complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omission in these construction documents shall be the responsibility of the architect. The architect or purchaser shall make. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. The architect does not warrant, represent, or guarantee the accuracy of the information provided in these construction documents. The architect shall not be held responsible for any errors or omissions in these construction documents. THE USER OF THESE CONSTRUCTION DOCUMENTS SHALL NOT BE DEEMED TO BE A CLIENT OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

WILLIAM PECK & ASSOCIATES, INC.
ARCHITECTS
Lewisville, TX
(972) 221-1424

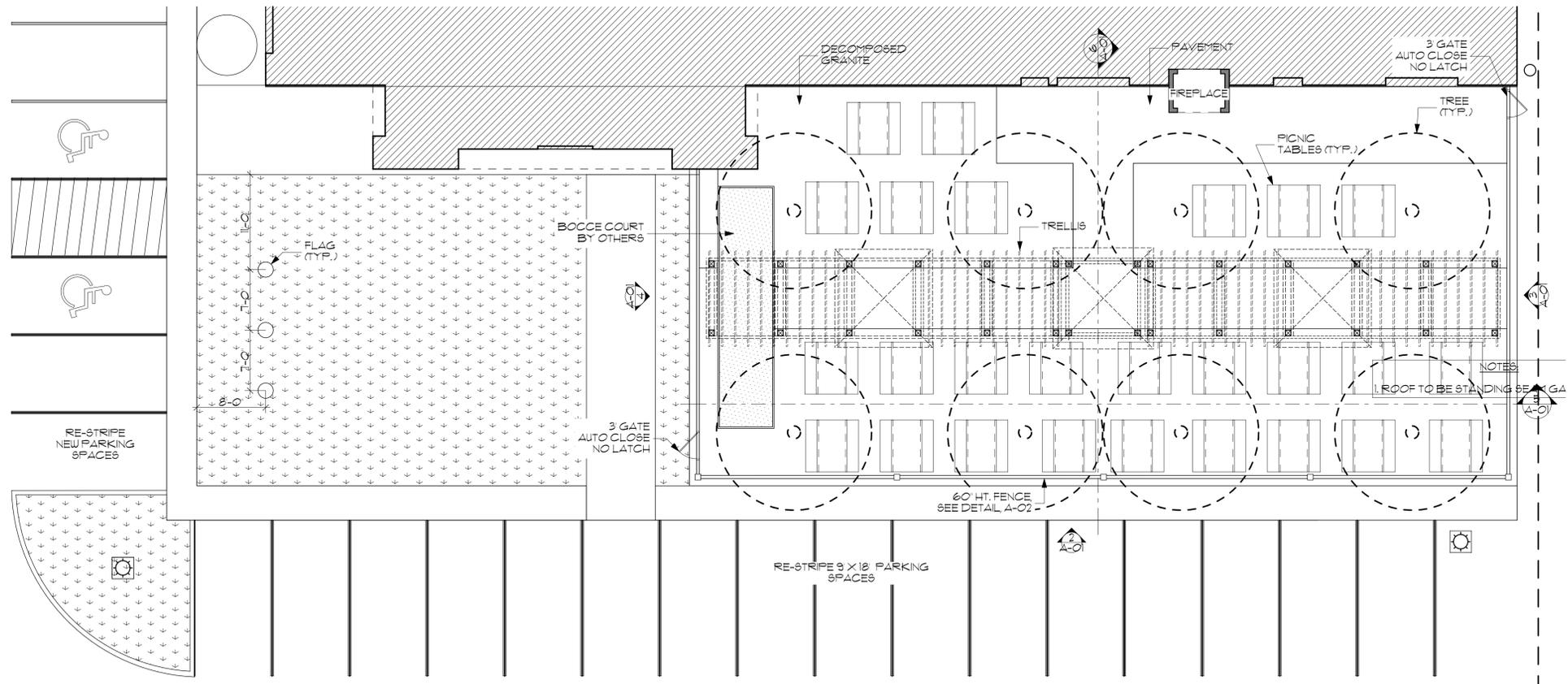
WITHERSPOON DISTILLERY
225 SOUTH CHARLES ST.
LEWISVILLE, TX

REVISIONS
1 2015/04/24 CITY COMMENTS

ISSUE DATE:
2015/04/08 - FOR PERMIT

Scale: REF. PLAN
Drawn: MW
Job: WITHERSPOON DISTILLERY
Sheet Number:

A-201
SHEET 15 OF 20

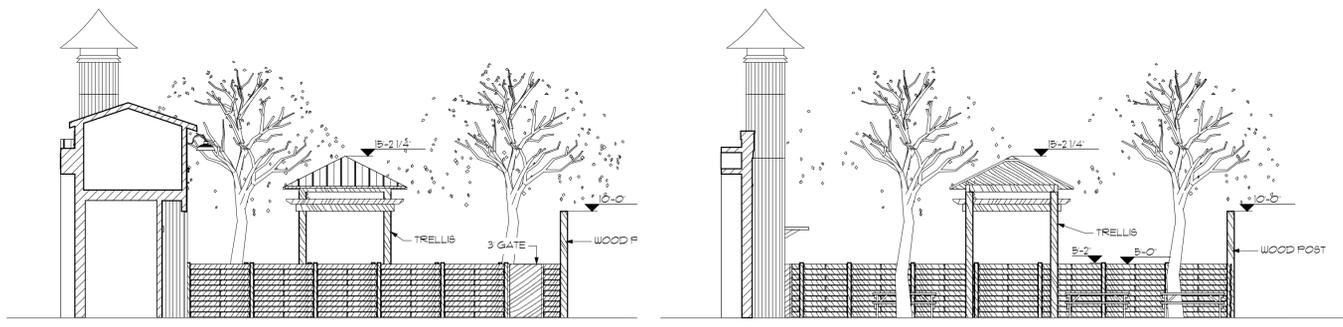


1 SITE PLAN - COURTYARD
SCALE: 1/8" = 1'-0"



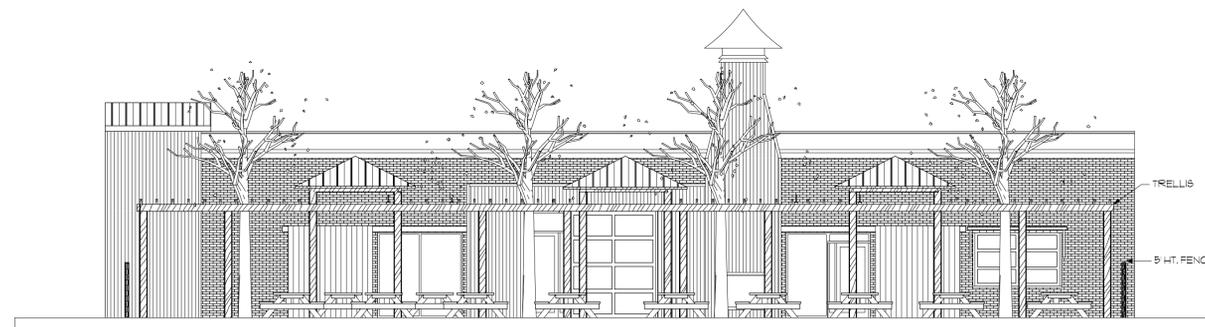
3 COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"

2 COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"



4 COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"

6 SECTION COURTYARD
SCALE: 1/8" = 1'-0"



5 SECTION COURTYARD
SCALE: 1/8" = 1'-0"



2015/07/01

These plans are intended to provide the basic construction information necessary to sustainably complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omission in these documents shall be the responsibility of the owner or builder. The architect or engineering services for: foundation, HVAC, and structural, prior to construction of any kind. For any other services, the architect or engineer shall be responsible for obtaining the necessary permits and approvals from the appropriate authorities. The owner shall be responsible for obtaining the necessary permits and approvals from the appropriate authorities. THE USER OF THESE CONSTRUCTION DOCUMENTS SHALL NOT BE DEEMED TO BE A LICENSEE OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

WILLIAM PECK & ASSOCIATES, INC.
ARCHITECTS
Lewisville, TX
(972) 221-1424

WITHERSPOON DISTILLERY
225 SOUTH CHARLES ST.
LEWISVILLE, TX

REVISIONS	
1	2015/04/24 CITY COMMENTS
2	2015/05/12 BAR/RESTROOM CHANGES
3	2015/07/01 COURTYARD

ISSUE DATE:
2015/04/08 - FOR PERMIT

Scale: REF. PLAN
Drawn: MW
Job: WITHERSPOON DISTILLERY
Sheet Number:
A-01
SHEET 12 OF 23

Attachment "C"

**CITY OF LEWISVILLE
OFFICE OF ECONOMIC DEVELOPMENT
PAYMENT CERTIFICATION STATEMENT**

I, _____, as owner/developer of the property at 225 Charles Street and party to the Economic Development Agreement set forth between the City of Lewisville and Witherspoon Distillery, do certify that the attached approved charges for reimbursement were incurred solely for the purposes of renovations in accordance with the attached Agreement and that the charges are true and correct to the best of my knowledge.

Signed:

Owner/Developer-Name

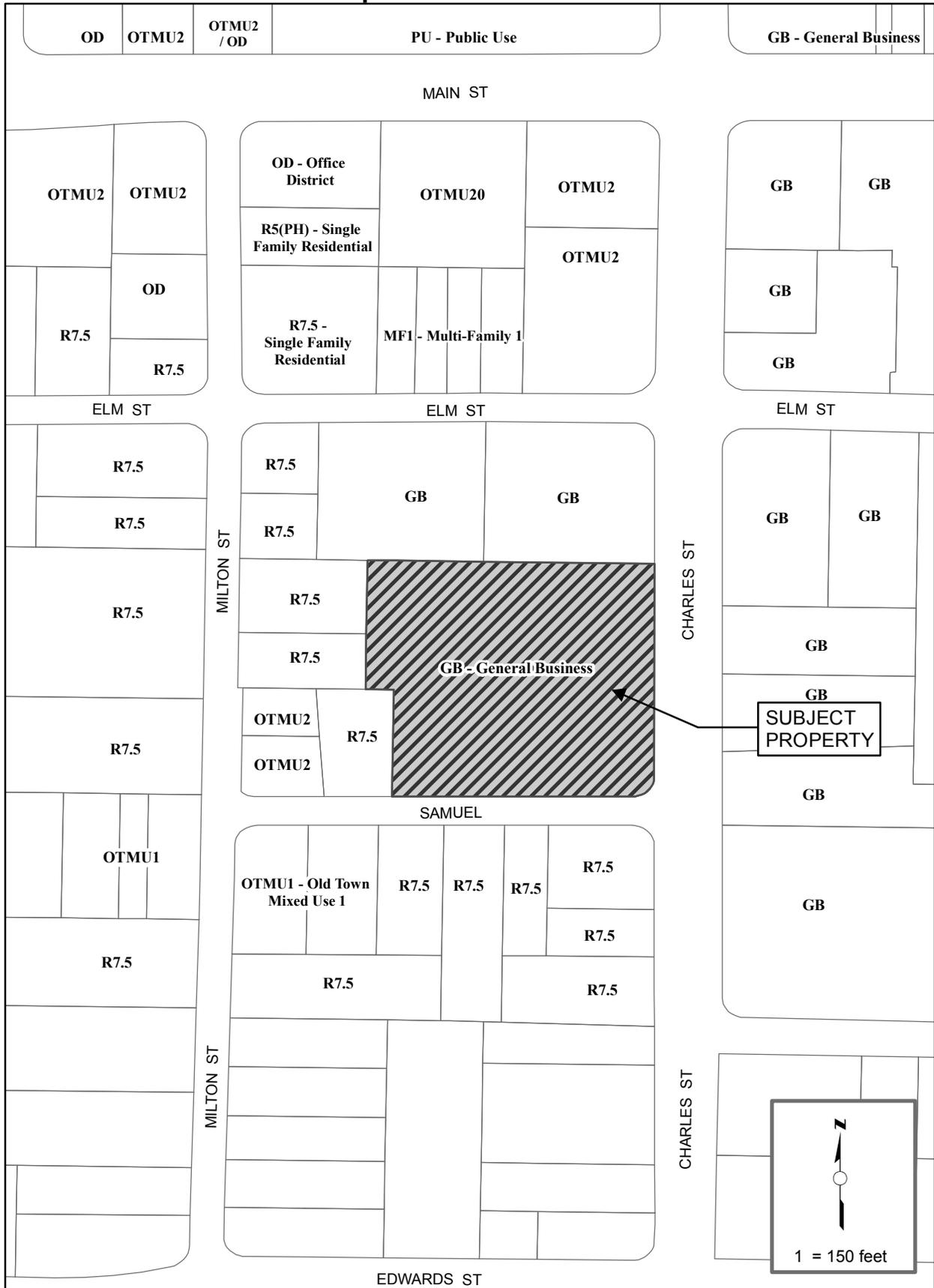
Date:

Contact Information:

Phone:

Address:

Location Map - 225 S. Charles Street



Location Map - 225 S. Charles Street



MEMORANDUM

TO: Todd White, Purchasing Manager

FROM: Ron Carson, Public Works Manager

DATE: August 17, 2015

SUBJECT: **Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor) and Austin Asphalt LP, Irving, Texas (Secondary Vendor).**

BACKGROUND

This bid is for the purchase of hot mix asphalt material used by the Street Division for paving repairs. The material is picked up by City crews and due to its nature, the material cannot be stockpiled for future use and must be used the day it is acquired.

ANALYSIS

One of the problems with picking up hot mix asphalt is that sometimes the quantities needed are too small for a plant to accommodate as they may be making a larger batch for another customer using a different mix ratio and they cannot begin our batch. It was decided to set up this contract using two suppliers, a primary and a secondary supplier. We would use the primary supplier first and if material was not available, we would use the secondary supplier. Primary and secondary suppliers were selected based on a time/distance formula as stated in the specifications. The costs associated with this analysis were used for evaluation purposes only. Reynolds Asphalt is the only bidder that has a plant within the city-limits of Lewisville, making it quicker to pick up material at this location. Austin Asphalt LP's plant is located in Dallas on Goodnight Ln.

This methodology gives us the ability to work with both plants by providing a backup plant in case the first plant cannot fill our requirements. If neither of the plants have material on a particular day, we will go through our regular bid process and contact other plants in the market. Funding is available from Account No. 101-09-300-071-4260.

RECOMMENDATION

It is City staff's recommendation that this bid be awarded to Reynolds Asphalt Construction Company (Primary Vendor) and Austin Asphalt LP (Secondary Vendor).

City of Lewisville
Purchasing Division
Bid Tabulation
Hot Mix Asphalt
Bid #15-38-A

	<u>Bid Item</u>	<u>Description</u>	Austin Asphalt LP Irving, TX		APAC - Texas Inc. Dallas, TX		Reynolds Asphalt & Const. Co. Lewisville, TX	
			BID PRICE PER TON	EVALUATION PRICE PER TON	BID PRICE PER TON	EVALUATION PRICE PER TON	BID PRICE PER TON	EVALUATION PRICE PER TON
	1	TYPE B	\$48.10	\$93.92	\$55.00	\$122.32	\$57.00	\$60.98
	2	TYPE C	\$51.75	\$97.57	\$57.00	\$124.32	\$58.00	\$61.98
	3	TYPE D	\$52.00	\$97.82	\$58.00	\$125.32	\$58.00	\$61.98
			PLANT LOCATION: 11143 Goodnight Ln. Dallas, TX 75229		PLANT LOCATION: 4525 Leston Ave. Dallas, TX 75247		PLANT LOCATION: 617 E. College Lewisville, TX 75057	
TRAVEL EXPENSES								
Round Trip Miles:			26.4		39.6		2	
Maint. & Fuel per mile@		\$0.94		\$24.82		\$37.22		\$1.88
Round Trip time (minutes)			60		86		6	
Driver's rate per minute @		\$0.35		\$21.00		\$30.10		\$2.10
		Total Expense		\$45.82		\$67.32		\$3.98

General Note: Specifications stated that bid prices would be used with a formula containing the expenses of the City to pick up material at the bidder's plant. The calculation is used to determine the ranking for primary and secondary supplier.

MEMORANDUM

TO: Todd White, Purchasing Manager

FROM: David Salmon, P.E., City Engineer

DATE: August 14, 2015

SUBJECT: **Approval of a Bid Award for Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line Replacement Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$1,906,478.70; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

Bids were received on August 13, 2015, for the construction of Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line replacement. The project consists of replacement of 8-inch water line on Civic Circle, 12-inch water line on Bennett Lane and a 15-inch sanitary sewer crossing DART right-of-way on Main Street.

ANALYSIS

It is requested this item be presented to the City Council on September 14, 2015, with a recommendation to award the construction contract to SYB Construction Company, Inc., which offices in Irving, Texas, in the Amount of \$1,906,478.70; which includes \$90,784.70 (5%) for Contingencies. The Engineers estimate for the improvements was \$1,413,423.90. Based on reference checks, SYB Construction Company has successfully completed many similar projects in the Metroplex.

Funding is available in capital project accounts. The contract time is 270 calendar days and liquidated damages are \$500 per day. A location map is attached.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the bid award as set forth in the caption above.

**CITY OF LEWISVILLE
PURCHASING DIVISION
BID TABULATION
BID NO. 15-41-C
CIVIC CIRCLE / BENNETT LANE WATER LINE REPLACEMENT
AND MAIN STREET WASTEWATER LINE REPLACEMENT PROJECT**

SYB CONSTRUCTION
COMPANY, INC.
IRVING, TEXAS **\$1,906,478.70**

FLOW-LINE
CONSTRUCTION, INC.
DALLAS, TEXAS **\$2,121,892.50**

ATKINS BROS
EQUIPMENT CO. INC.
MIDLOTHIAN, TEXAS **\$2,354,312.10**

FOUR STAR EXCATATING
DALLAS, TEXAS **\$2,476,087.95**

JOHN BURNS CONSTRUCTION
COMPANY OF TEXAS
LEWISIVLLE, TEXAS **\$2,598,053.85**

PAVECON PUBLIC WORKS, LP
GRAND PRAIRIE, TEXAS **\$2,629,474.04**



N
SCALE: 1" = 2000'

8" WATER LINE

15" SANITARY SEWER

12" WATER LINE

LOCATION MAP
FOR
CIVIC CIRCLE/BENNETT LN WATER LINE REPLACEMENT
MAIN STREET WASTEWATER LINE REPLACEMENT
PROJECT NO. U91100

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Assistant City Manager

DATE: August 13, 2015

SUBJECT: **Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner.**

BACKGROUND

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The 1996 Bright Farms Agreement was amended to add the subject property into the ETJ by City Council on April 20, 2015. The subject property is being platted for the purpose of constructing a single-family residential development. The preliminary plat has two variances associated with its development: a) allow 41-foot street rights-of-way with 6-foot sidewalk and utility easements in lieu of the required 50 foot rights-of-way; and b) waive the alley requirement. The Planning and Zoning Commission recommended approval of the preliminary plat and all variances at their August 18, 2015, meeting (6-0).

ANALYSIS

a) Allow 41-foot street right of ways with 6-foot sidewalk and utility easements

Section V (2)(B) - Streets

The 1996 General Development Ordinance required a minimum 50-foot wide right-of-way for residential streets. For this subdivision the developer is proposing a 41-foot wide right-of-way with additional 6-foot utility and sidewalk easements along both sides of each residential street. This variance was previously approved for other phases of Castle Hills for public streets including Castle Hills Golf Course Villas Phases I, II, and III.

In a typical residential subdivision, the 50-foot street right of way contains a 31-foot wide street, a four-foot wide sidewalk on both sides of the street, public utilities and franchise utilities. In the proposed subdivision, the 41-foot access, utility and drainage easement would contain a 31-foot wide street, and “public” utilities. The six-foot Sidewalk and Utility Easements would contain the four-foot sidewalks, water meters, sewer service clean outs and may contain “franchise” utilities”

Subject: Castle Hills Phase 9 Section A Preliminary Plat & Variances

August 13, 2015

Page 2 of 2

In this section of Castle Hills the residential lots are proposed as ETH zoning which requires a five-foot front building line and a 20 foot building line when garages face the street. The developer is proposing an 11-foot minimum setback with a j-swing garage. Staff recommends approval of this variance.

b) Waive the alley requirement

Section V (2)(K) Alleys

This section requires alleys for all single family residential subdivisions; however, the 1996 agreement for Castle Hills eliminates the alley requirement for subdivisions where lot sizes average over 10,000 square feet. The residential lot sizes in this development range from 5,900 to 12,610 square feet and average well under 10,000 square feet. A front entry product provides a larger private back yard patio area for each unit. This variance has also been granted previously for other estate townhouse developments such as Castle Hills Golf Course Villas Phases I, II, and III. Staff recommends approval of this variance.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the preliminary plat and the variances as set forth in the caption above.

July 16, 2015

Ms. Nika Reinecke
Director of Economic Development & Planning
City of Lewisville
Department of Community Development
151 W. Church Street
Lewisville, Texas 75029

RE: Castle Hills Residential Development Phase 9, Section A
Lewisville E.T.J., Texas

Dear Ms. Reinecke:

This letter is being sent to the City of Lewisville to request variances from the City's General Development Ordinance for the Castle Hills Residential Development Phase 9, Section A project. The variances listed and described below are necessary for the development of this property due to space, alignment, and existing grade limitations. The property in question is located at the northeast corner of the Hebron Parkway and Standridge Drive.

We are requesting the following two variances for this proposed single family development:

Variance A: Requesting the allowance of a 41-foot street right-of-way with adjacent 6-foot sidewalk and utility easement on each side in lieu of the required 50-foot right of way. (See attached Variance "A" Exhibit)

Due to the type of product anticipated, it would be desirable to increase the size of the building pads, and increase the useable space on each lot by moving the front setback as far forward as possible on each lot. To accomplish this, we propose to plat this property with 41 foot wide street right-of-ways, with adjacent 6 foot wide Utility and Sidewalk Easements on each side of the right-of-way; for an effective width of 53 feet. This would allow the front setback to be closer to the street.

Ms. Nika Reinecke
July 16, 2015
Page 2 of 2

Variance B: Requesting to waive the alley requirement for lots less than 10,000 Square Feet in area.

Bright Realty appreciates the City's consideration to this request and looks forward to a favorable approval. Should you have any questions, please feel free to contact us.

On Behalf of Bright Realty,

LANDESIGN, INC.

TBPE F-14754

A handwritten signature in black ink that reads "Brian J. Dench". The signature is written in a cursive, flowing style.

Brian J. Dench, P.E.
Director of Civil Engineering

Cc: Eric Stanley, Bright Realty, LLC
Aaron Ketchand, Bright Realty, LLC

Washington DC
Charlotte NC
Raleigh NC
Dallas TX

Line #	Length	Direction
L1	25.00	S00° 57' 38.92"E
L2	14.16	S43° 57' 56.63"W
L3	21.24	N43° 57' 56.63"E
L4	14.14	N46° 06' 27.83"W
L5	10.00	N01° 06' 27.83"W
L6	10.00	S88° 53' 32.17"W
L7	14.14	N46° 06' 27.83"W
L8	21.12	N44° 05' 37.94"E
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L10	12.55	S37° 47' 47.01"E
L11	21.30	N45° 48' 46.30"W
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Line #	Length	Direction
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NOTES FOR HOME OWNER'S / HOME BUILDERS:

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NOTES:

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- RESIDENTIAL DEVELOPMENT TO BE COMPLETED IN ONE PHASE.

NOTE: ALL COMMON AREAS TO BE OWNED BY THE DENTON COUNTY FWSD 1-A AND MAINTAINED BY THE HOME OWNERS ASSOCIATION (HOA)

DEVELOPER

Bright Realty, LLC.
2520 King Arthur Blvd.
Suite 200
Lewisville Texas 75056
Contact: Marc Zett
Phone: 972-410-6569
Fax: 972-410-6601

ENGINEER

LandDesign, Inc.
222 West Las Colinas
Boulevard, Suite 1405N
Irving, Texas 75039
Contact: Brian Dench
(214)785-6009

DISTRICT

Denton County Fresh
Water District No. 1-A
2540 King Arthur Blvd. Suite 220
Lewisville, Texas 75056
Contact: Phil Brosseau
Phone: (972)-899-400

PRELIMINARY PLAT
CASTLE HILLS PHASE 9 SECTION A
34.387 TOTAL ACRES
192 TOTAL LOTS
DESIGNATED ZONING "ETH" (ESTATE TOWNHOUSE)

50' LOTS ±34.37 ACRES
192 LOTS

177 RESIDENTIAL LOTS
BLOCK A, LOTS 2, 5-23, 25-40, 42-50
BLOCK B, LOTS 1-11, 13-28, 30-40
BLOCK C, LOTS 1-10, 12-29, 31-40
BLOCK D, LOTS 1-11, 13-28, 30-40
BLOCK E, LOTS 2-12, 14-20

15 COMMON AREAS
BLOCK A, LOTS 1x, 3x, 4x, 24x, 41x, 51x
BLOCK B, LOTS 12x, 29x
BLOCK C, LOTS 11x, 30x
BLOCK D, LOTS 12x, 29x
BLOCK E, LOTS 1x, 13x, 21x

CITY OF LEWISVILLE E.T.J.
DENTON COUNTY, TEXAS
out of the
H. GROOMS SURVEY, ABST. 440
S. WILSON SURVEY, ABST. 1357
R. HENSWORTH SURVEY, ABST. 578
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J. DOOLEY SURVEY, ABST. 343

ETH REQUIREMENTS
4,000 S.F. MIN. LOT SIZE REQUIRED
2,000 S.F. MIN. UNIT SIZE REQUIRED

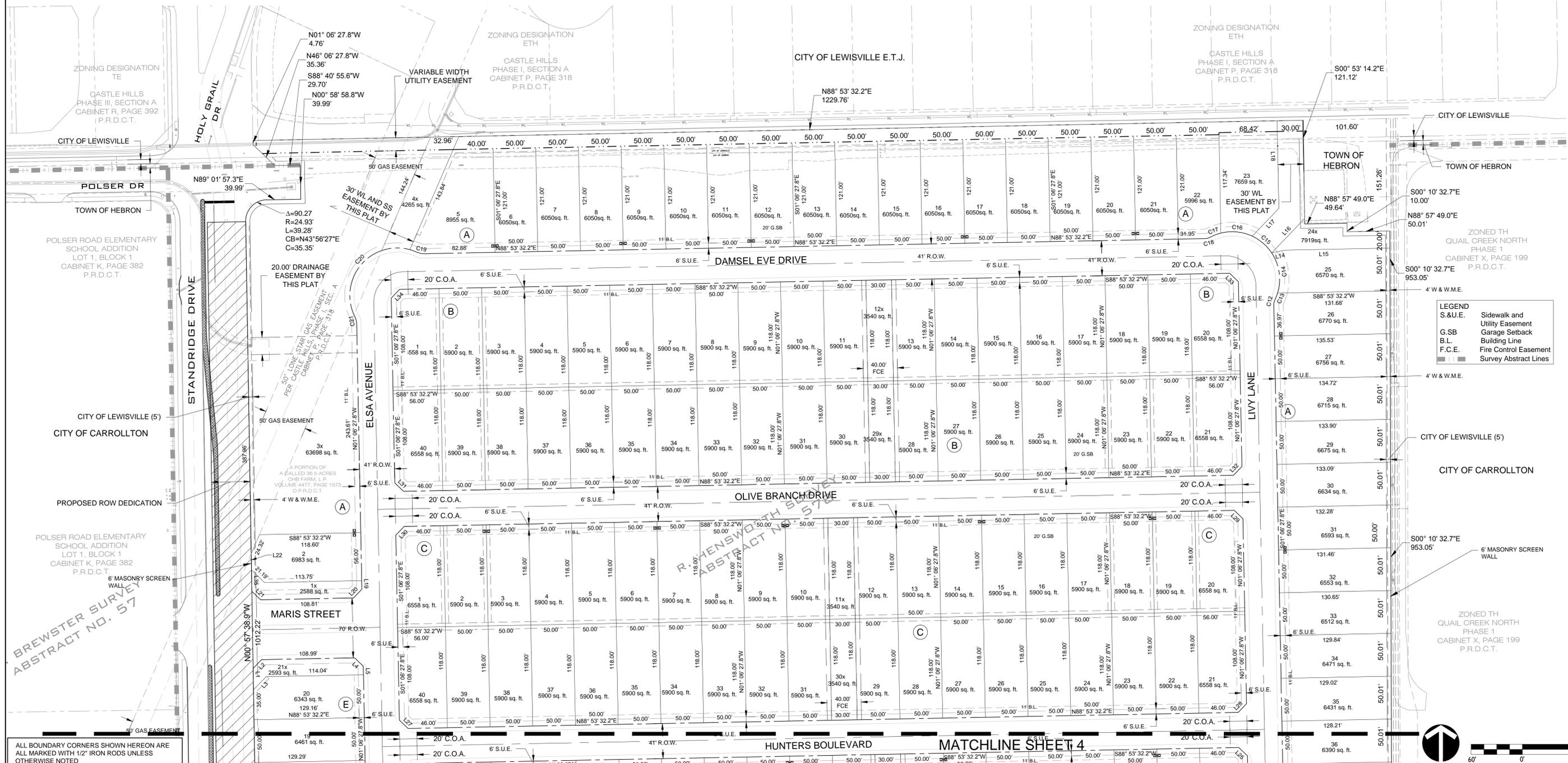
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5.15 UNITS PER ACRE
S.F. RESIDENTIAL DENSITY 5.15 LOTS/AC

LandDesign.
TBPE F - 14754
222 W. Las Colinas Blvd., Suite 1405N
Irving, Texas 75039
V: 214.785.6009 F: 214.329.1112
www.LandDesign.com

THIS DRAWING IS FOR REVIEW PURPOSES ONLY AND SHALL NOT BE USED FOR BIDDING, PERMITTING OR CONSTRUCTION.
BRIAN J. DENCH, P.E. TEXAS REG. NO. 88275
DATE AUG 13, 2015

CASTLE HILLS PHASE 9 SECTION A
SINGLE FAMILY DEVELOPMENT
PRELIMINARY PLAT

REVISIONS:
DATE: 08/13/2015
DESIGNED BY:
DRAWN BY:
CHECKED BY:
DATE: 08/13/2015
PROJECT #: 8513013
SHEET #: 3 OF 17



ALL BOUNDARY CORNERS SHOWN HEREON ARE ALL MARKED WITH 1/2" IRON RODS UNLESS OTHERWISE NOTED

MATCHLINE SHEET 4

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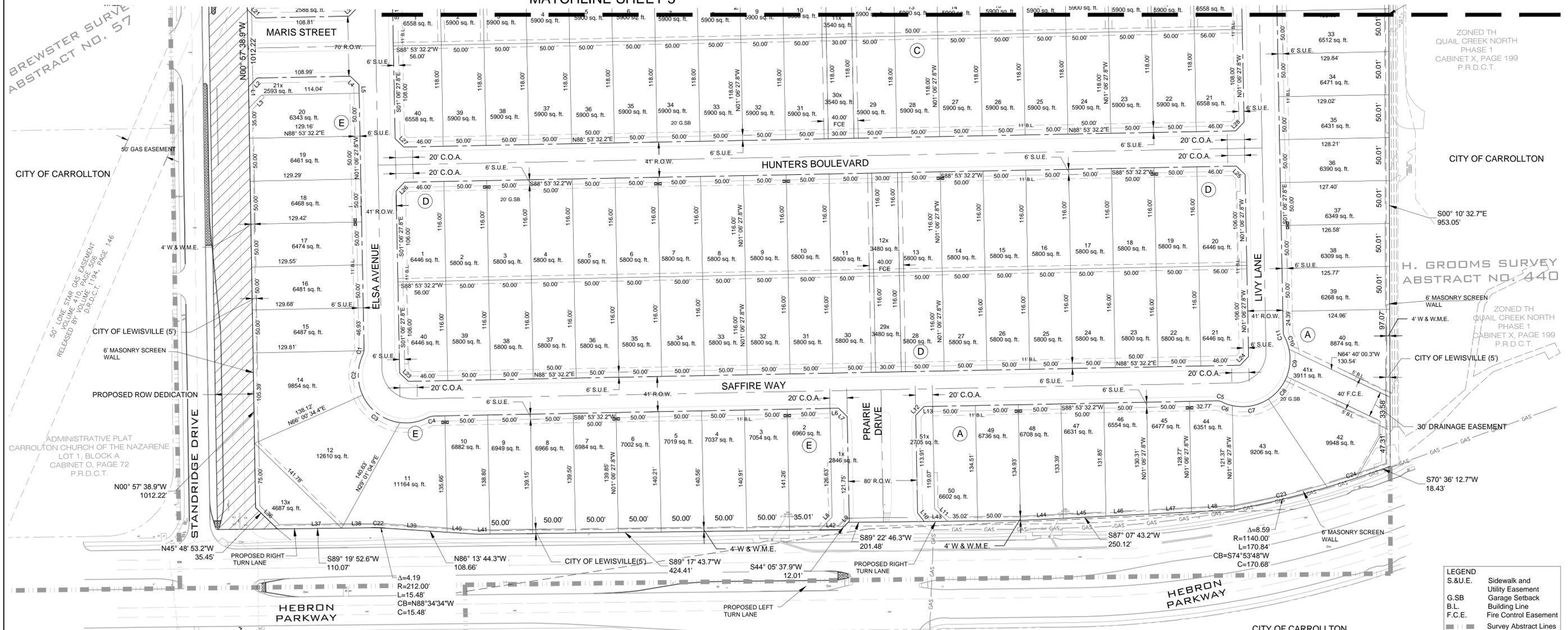
DEVELOPER
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PRELIMINARY PLAT
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192 TOTAL LOTS
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50' LOTS ±34.37 ACRES
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CITY OF LEWISVILLE E.T.J.
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out of the
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S.F. RESIDENTIAL DENSITY 5.15 LOTS/AC

MATCHLINE SHEET 3



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LEGEND

S.&U.E.	Sidewalk and Utility Easement
G.SB	Garage Setback
B.L.	Building Line
F.C.E.	Fire Control Easement
---	Survey Abstract Lines



LandDesign.
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Irving, Texas 75039
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BRIAN J. DENCH, P.E. TEXAS REG. NO. 88275
DATE AUG 13, 2015

CASTLE HILLS PHASE 9 SECTION A
SINGLE FAMILY DEVELOPMENT
PRELIMINARY PLAT
DCRWSO No. 1-A

DATE: 08/13/2015
DESIGNED BY:
DRAWN BY:
CHECKED BY:
SCALE:
PROJECT #: 8513013
SHEET #: 4 OF 17

LOT SUMMARY									
BLOCK LOT #	AREA (SQ. FT.)								
BLOCK A LOT 1X	2588	BLOCK B LOT 1	6558	BLOCK C LOT 1	6558	BLOCK D LOT 1	6446	BLOCK E LOT 1X	2846
BLOCK A LOT 2	6983	BLOCK B LOT 2	5900	BLOCK C LOT 2	5900	BLOCK D LOT 2	5800	BLOCK E LOT 2	6960
BLOCK A LOT 3X	63698	BLOCK B LOT 3	5900	BLOCK C LOT 3	5900	BLOCK D LOT 3	5800	BLOCK E LOT 3	7054
BLOCK A LOT 4X	4265	BLOCK B LOT 4	5900	BLOCK C LOT 4	5900	BLOCK D LOT 4	5800	BLOCK E LOT 4	7037
BLOCK A LOT 5	8955	BLOCK B LOT 5	5900	BLOCK C LOT 5	5900	BLOCK D LOT 5	5800	BLOCK E LOT 5	7019
BLOCK A LOT 6	6050	BLOCK B LOT 6	5900	BLOCK C LOT 6	5900	BLOCK D LOT 6	5800	BLOCK E LOT 6	7002
BLOCK A LOT 7	6050	BLOCK B LOT 7	5900	BLOCK C LOT 7	5900	BLOCK D LOT 7	5800	BLOCK E LOT 7	6984
BLOCK A LOT 8	6050	BLOCK B LOT 8	5900	BLOCK C LOT 8	5900	BLOCK D LOT 8	5800	BLOCK E LOT 8	6966
BLOCK A LOT 9	6050	BLOCK B LOT 9	5900	BLOCK C LOT 9	5900	BLOCK D LOT 9	5800	BLOCK E LOT 9	6949
BLOCK A LOT 10	6050	BLOCK B LOT 10	5900	BLOCK C LOT 10	5900	BLOCK D LOT 10	5800	BLOCK E LOT 10	6882
BLOCK A LOT 11	6050	BLOCK B LOT 11	5900	BLOCK C LOT 11X	3540	BLOCK D LOT 11	5800	BLOCK E LOT 11	11164
BLOCK A LOT 12	6050	BLOCK B LOT 12X	3540	BLOCK C LOT 12	5900	BLOCK D LOT 12X	3480	BLOCK E LOT 12	12610
BLOCK A LOT 13X	6050	BLOCK B LOT 13	5900	BLOCK C LOT 13	5900	BLOCK D LOT 13	5800	BLOCK E LOT 13X	4687
BLOCK A LOT 14	6050	BLOCK B LOT 14	5900	BLOCK C LOT 14	5900	BLOCK D LOT 14	5800	BLOCK E LOT 14	9854
BLOCK A LOT 15	6050	BLOCK B LOT 15	5900	BLOCK C LOT 15	5900	BLOCK D LOT 15	5800	BLOCK E LOT 15	6487
BLOCK A LOT 16	6050	BLOCK B LOT 16	5900	BLOCK C LOT 16	5900	BLOCK D LOT 16	5800	BLOCK E LOT 16	6481
BLOCK A LOT 17	6050	BLOCK B LOT 17	5900	BLOCK C LOT 17	5900	BLOCK D LOT 17	5800	BLOCK E LOT 17	6474
BLOCK A LOT 18	6050	BLOCK B LOT 18	5900	BLOCK C LOT 18	5900	BLOCK D LOT 18	5800	BLOCK E LOT 18	6468
BLOCK A LOT 19	6050	BLOCK B LOT 19	5900	BLOCK C LOT 19	5900	BLOCK D LOT 19	5800	BLOCK E LOT 19	6461
BLOCK A LOT 20	6050	BLOCK B LOT 20	6558	BLOCK C LOT 20	6558	BLOCK D LOT 20	6446	BLOCK E LOT 20	6343
BLOCK A LOT 21	6050	BLOCK B LOT 21	6558	BLOCK C LOT 21	6558	BLOCK D LOT 21	6446	BLOCK E LOT 21X	2593
BLOCK A LOT 22	5996	BLOCK B LOT 22	5900	BLOCK C LOT 22	5900	BLOCK D LOT 22	5800		
BLOCK A LOT 23	7659	BLOCK B LOT 23	5900	BLOCK C LOT 23	5900	BLOCK D LOT 23	5800		
BLOCK A LOT 24X	7919	BLOCK B LOT 24	5900	BLOCK C LOT 24	5900	BLOCK D LOT 24	5800		
BLOCK A LOT 25	6570	BLOCK B LOT 25	5900	BLOCK C LOT 25	5900	BLOCK D LOT 25	5800		
BLOCK A LOT 26	6770	BLOCK B LOT 26	5900	BLOCK C LOT 26	5900	BLOCK D LOT 26	5800		
BLOCK A LOT 27	6756	BLOCK B LOT 27	5900	BLOCK C LOT 27	5900	BLOCK D LOT 27	5800		
BLOCK A LOT 28	6715	BLOCK B LOT 28	5900	BLOCK C LOT 28	5900	BLOCK D LOT 28	5800		
BLOCK A LOT 29	6675	BLOCK B LOT 29X	3540	BLOCK C LOT 29	5900	BLOCK D LOT 29X	3480		
BLOCK A LOT 30	6634	BLOCK B LOT 30	5900	BLOCK C LOT 30X	3540	BLOCK D LOT 30	5800		
BLOCK A LOT 31	6593	BLOCK B LOT 31	5900	BLOCK C LOT 31	5900	BLOCK D LOT 31	5800		
BLOCK A LOT 32	6553	BLOCK B LOT 32	5900	BLOCK C LOT 32	5900	BLOCK D LOT 32	5800		
BLOCK A LOT 33	6512	BLOCK B LOT 33	5900	BLOCK C LOT 33	5900	BLOCK D LOT 33	5800		
BLOCK A LOT 34	6471	BLOCK B LOT 34	5900	BLOCK C LOT 34	5900	BLOCK D LOT 34	5800		
BLOCK A LOT 35	6431	BLOCK B LOT 35	5900	BLOCK C LOT 35	5900	BLOCK D LOT 35	5800		
BLOCK A LOT 36	6390	BLOCK B LOT 36	5900	BLOCK C LOT 36	5900	BLOCK D LOT 36	5800		
BLOCK A LOT 37	6349	BLOCK B LOT 37	5900	BLOCK C LOT 37	5900	BLOCK D LOT 37	5800		
BLOCK A LOT 38	6309	BLOCK B LOT 38	5900	BLOCK C LOT 38	5900	BLOCK D LOT 38	5800		
BLOCK A LOT 39	6268	BLOCK B LOT 39	5900	BLOCK C LOT 39	5900	BLOCK D LOT 39	5800		
BLOCK A LOT 40	8874	BLOCK B LOT 40	6558	BLOCK C LOT 40	6558	BLOCK D LOT 40	6446		
BLOCK A LOT 41X	3911								
BLOCK A LOT 42	9948								
BLOCK A LOT 43	9206								
BLOCK A LOT 44	6351								
BLOCK A LOT 45	6477								
BLOCK A LOT 46	6554								
BLOCK A LOT 47	6631								
BLOCK A LOT 48	6708								
BLOCK A LOT 49	6736								
BLOCK A LOT 50	6602								
BLOCK A LOT 51X	2705								

PRELIMINARY PLAT
CASTLE HILLS PHASE 9 SECTION A
34.367 TOTAL ACRES

TOTAL LOT AREA: 28.488 ACRES
TOTAL R.O.W. AREA: 5.879 ACRES

DEVELOPER Bright Realty, LLC.
2520 King Arthur Blvd.
Suite 200
Lewisville Texas 75056
Contact: Marc Zett
Phone: 972-410-6569
Fax: 972-410-6601

ENGINEER LandDesign, Inc.
222 West Las Colinas Boulevard, Suite 1405N
Irving, Texas 75039
Contact: Brian Dench
(214)785-6009

DISTRICT Denton County Fresh
Water District No. 1-A
2540 King Arthur Blvd, Suite 220
Lewisville, Texas 75056
Contact: Phil Brosseau
Phone: (972)-899-400

PRELIMINARY PLAT
CASTLE HILLS PHASE 9 SECTION A
34.367 TOTAL ACRES
192 TOTAL LOTS

50' LOTS ±34.37 ACRES
DESIGNATED ZONING 'ETH'(ESTATE TOWNHOUSE)

177 RESIDENTIAL LOTS
BLOCK A, LOTS 2, 5-23, 25-40, 42-50
BLOCK B, LOTS 1-11, 13-28, 30-40
BLOCK C, LOTS 1-10, 12-29, 31-40
BLOCK D, LOTS 1-11, 13-28, 30-40
BLOCK E, LOTS 2-12, 14-20

15 COMMON AREAS
BLOCK A, LOTS 1x, 3x, 4x, 24x, 41x, 51x
BLOCK B, LOTS 12x, 29x
BLOCK C, LOTS 11x, 30x
BLOCK D, LOTS 12x, 29x
BLOCK E, LOTS 1x, 13x, 21x

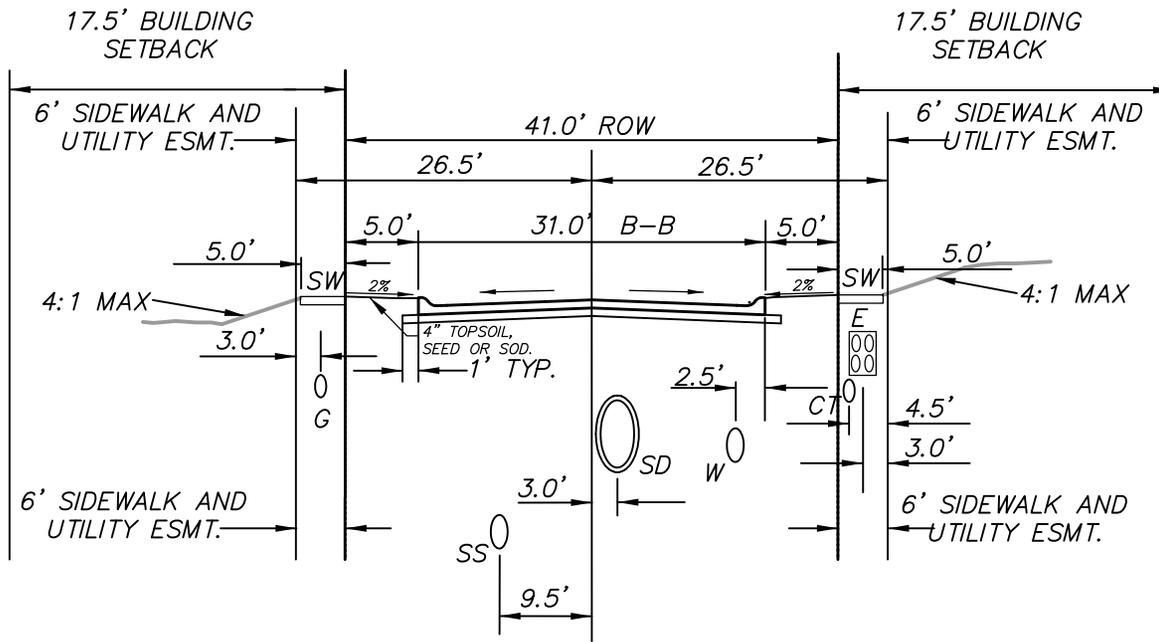
CITY OF LEWISVILLE E.T.J.
DENTON COUNTY, TEXAS
out of the
H. GROOMS SURVEY, ABST. 440
S. WILSON SURVEY, ABST. 1357
R. HEISWORTH SURVEY, ABST. 578
D. BREWSTER SURVEY, ABST. 57
J. DOOLEY SURVEY, ABST. 343

ETH REQUIREMENTS
4,000 S.F. MIN. LOT SIZE REQUIRED
2,000 S.F. MIN. UNIT SIZE REQUIRED

DENSITY CALCULATIONS
5.59 LOTS PER ACRE
5.15 UNITS PER ACRE
S.F. RESIDENTIAL DENSITY 5.15 LOTS/AC

PRELIM:
THIS DRAWING IS FOR REVIEW PURPOSES ONLY AND
SHALL NOT BE USED FOR BIDDING, PERMITTING OR
CONSTRUCTION
BRIAN DENCH, P.E. TEXAS REG. NO. 88275
DATE AUG 13, 2015

CASTLE HILLS PHASE 9 SECTION A
SINGLE FAMILY DEVELOPMENT
DCFWSD No. 1-A
PRELIMINARY PLAT TABLE



**TYPICAL 41 FT. R.O.W.
UNDIVIDED STREET SECTION
WITH ROLLOVER CURB
(NTS)**

REQUESTED VARIANCE:

A. TO ALLOW A 41 FEET STREET RIGHT OF WAY WITH 6.0 FT OF SIDEWALK AND UTILITY EASEMENT IN LIEU OF THE REQUIRED 50 FT RIGHT OF WAY.

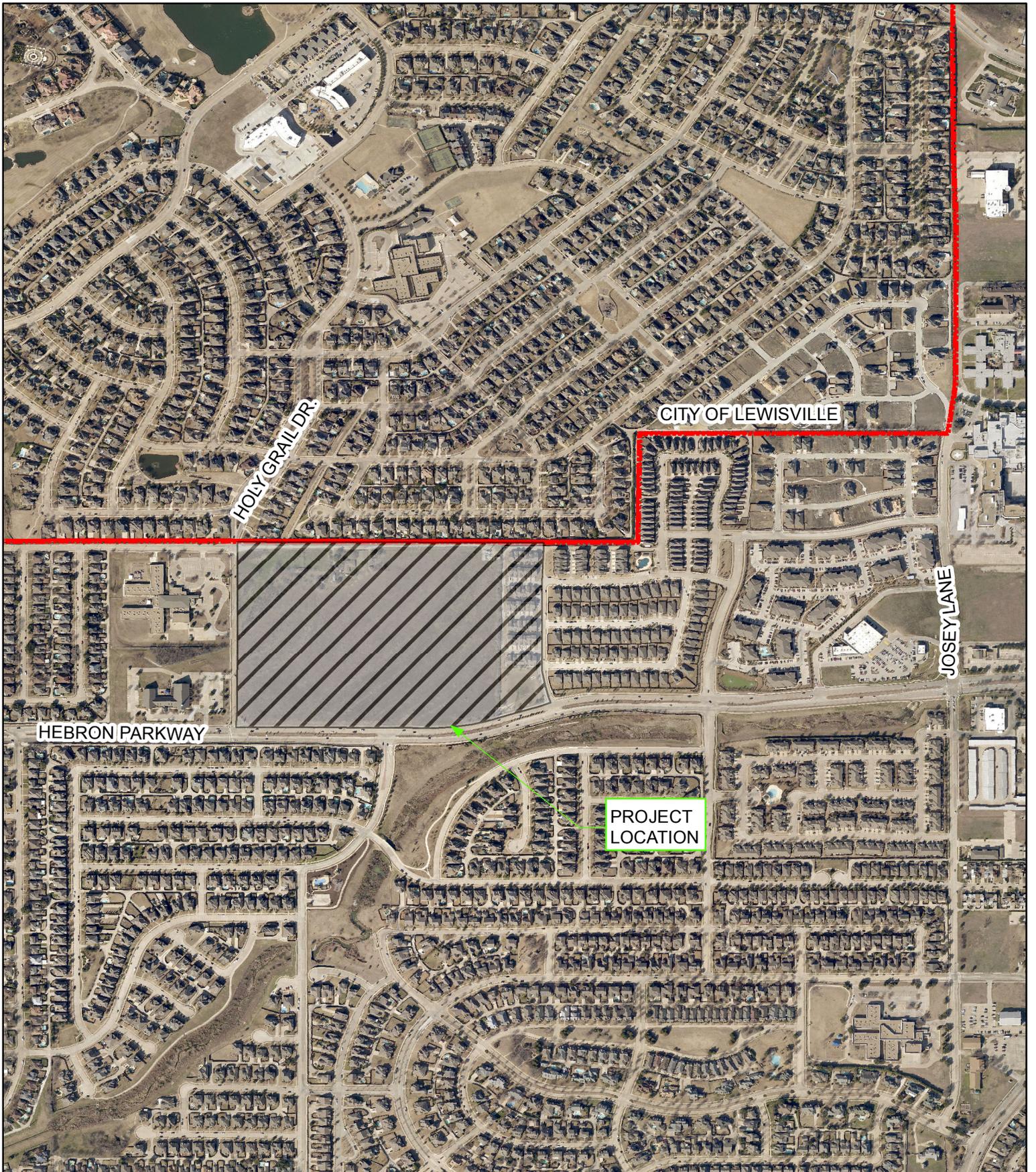
**MINUTES
PLANNING AND ZONING COMMISSION
AUGUST 18, 2015**

Item 4:

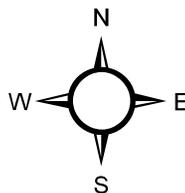
Regular Hearings for plats were next on the agenda. There was one plat on the agenda for consideration:

- A. Preliminary Plat of Castle Hills Phase 9 Section A, a residential subdivision with 177 Residential Lots and 15 Common Areas, on a 34.367 acre tract of land, Estate Townhouse (ETH) zoning designation; located on the northeast corner of Hebron Parkway and Standridge Drive with two associated variances.

Jeff Kelly, Assistant City Engineer, gave a brief presentation on the plat and requested variances. Chairman Davis opened the regular hearing. There being no one present to speak on the items, the regular hearing was closed. *A motion was made by Brandon Jones to recommend approval of the plats, seconded by Mary Ellen Miksa. The motion passed unanimously (6-0).*



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.



LOCATION MAP
FOR
CASTLE HILLS PHASE 9 SECTION A
SINGLE FAMILY DEVELOPMENT

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: September 14, 2015

SUBJECT: **Consideration of a Final Plat, Development Plan, and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 Acre Tract Zoned PUD2 (Ordinance #4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

BACKGROUND

On October 20, 2014, the Lewisville City Council approved the zoning of a Planned Unit Development (PUD2) district for Windhaven Crossing. The total property consists of four tracts totaling 34.916 acres located on the south side of State Highway 121 and bisected by the Atchison, Topeka and Santa Fe Railroad. Per Section 17-26 of the city's Zoning Ordinance, the PUD process requires subsequent approval of a development plan and project plan in order to complete the rezoning. These plans have been submitted for Phase A, Section 1 of the project consisting of 5.748 acres of the property located in the southwest corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad. The subject property is currently vacant. Phase A, Section 1 will consist of 60 residential lots with single-family attached units and two HOA lots.

ANALYSIS

Development Plan

Staff's review of the development plan confirms that all requirements of the PUD ordinance have been adequately addressed. The plan includes a legal description of the property and a general account of surrounding land uses. A total of 60 attached residences are proposed with this phase. The minimum dwelling unit size required is 1,800 square feet and a minimum lot size of 1,320 square feet. The PUD standards are listed on the document with the minimum lot development standards in addition to the residential architectural standards. The residential summary table also identifies the Open Space required of 0.6 acres and 0.85 provided.

Project Plan

The project plan depicts the location of the buildings to be constructed and applicable setbacks. Also included is a depiction of the landscaping to occur for this phase. The applicant has submitted a declaration of their Covenants, Conditions and Restrictions for the Community.

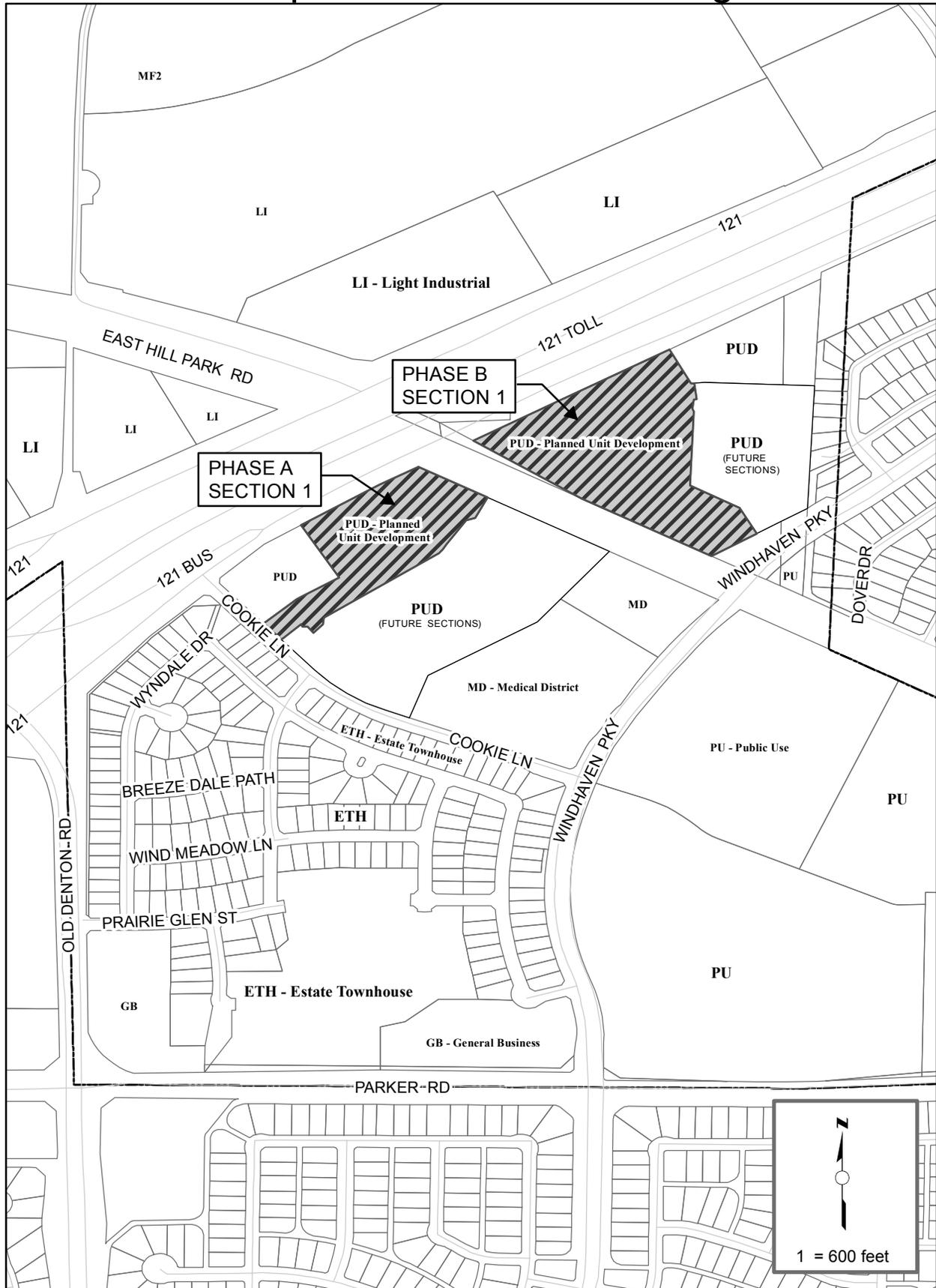
The Planning and Zoning Commission recommended approval of the final plat, development plan, and project plan by a vote of 7-0 at their meeting on September 1, 2015.

Subject: Windhaven Crossing PUD – Development Plan and Project Plan
September 14, 2015
Page 2 of 2

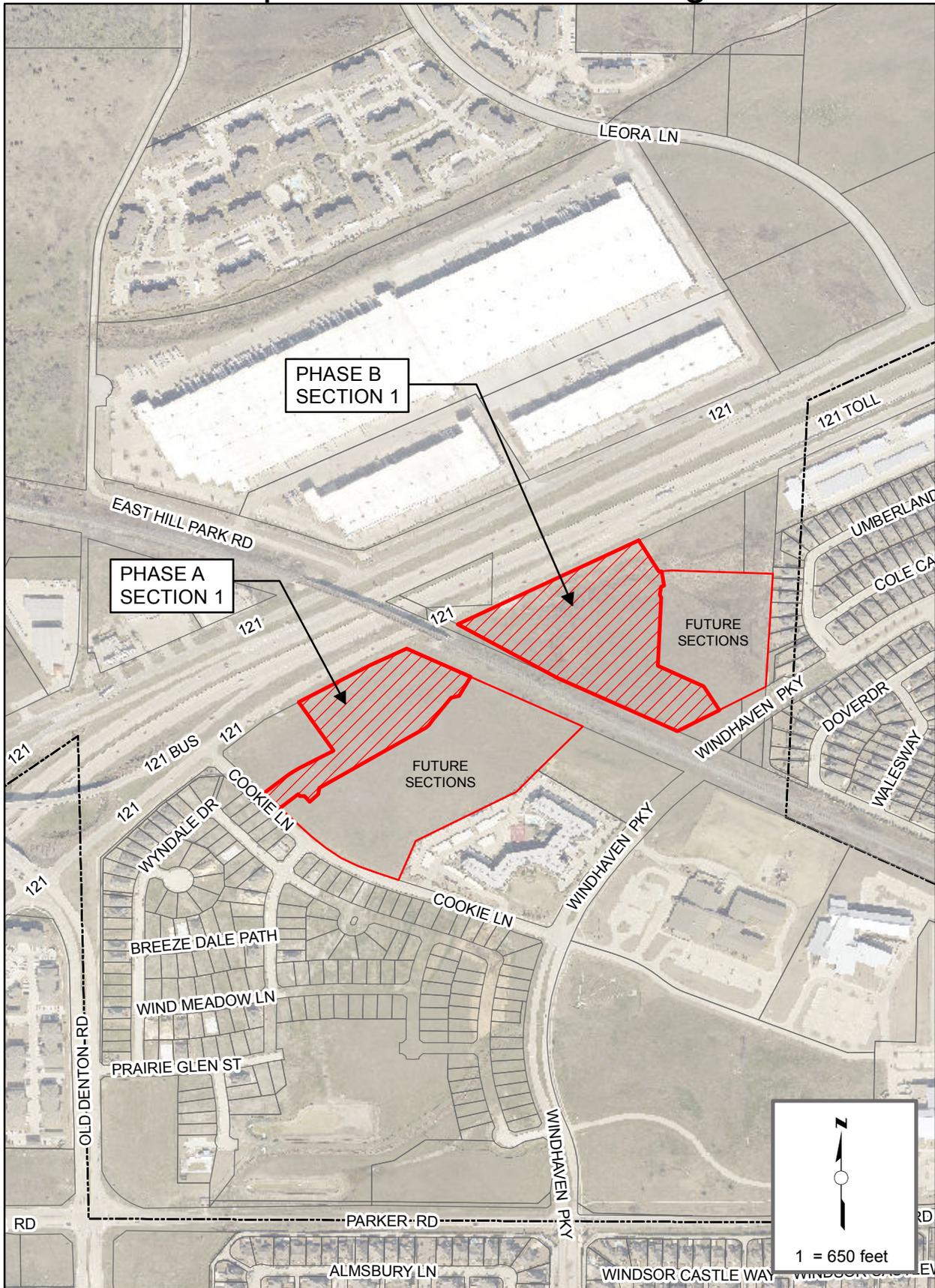
RECOMMENDATION

It is City staff's recommendation that the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

Location Map - Windhaven Crossing Addition



Aerial Map - Windhaven Crossing Addition



**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 1, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Steve Byars, Alvin Turner, and Kristin Green.

Staff members present: Richard Luedke, Planning Manager; Prit Patel, Economic Development Coordinator; and June Sin, Intern.

Item 4:

Regular Hearings for plats were next on the agenda. There were two plats on the agenda for consideration:

- A. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748-Acre Tract Zoned PUD2 (Ordinance #4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.
- B. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408-Acre Tract Zoned PUD (Ordinance #4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.

Richard Luedke gave a brief presentation on the subject plats. Chairman Davis opened the regular hearing. There being no one present to speak on the items, the regular hearing was closed. *A motion was made by Brandon Jones to recommend approval of Windhaven Crossing Addition Phase A, Section 1, seconded by Steve Byars. The motion passed unanimously (7-0). A motion was made by Alvin Turner to recommend approval of Windhaven Crossing Addition, Phase B, Section 1, seconded by Mary Allen Miksa. The motion passed unanimously (7-0).*

LOT SQUARE FOOTAGE TABLE			
BLOCK A	BLOCK C	BLOCK D	BLOCK E
1 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
2 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
3 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
4 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
5 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
6 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
7 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
8 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
9 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
10 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
11 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
12 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
13 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
14 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
15 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
16 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
17 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
18 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
19 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
20 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
21 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
22 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
23 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
24 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
25 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
26 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
27 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
28 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
29 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
30 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
31 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
32 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
33 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
34 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
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39 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
40 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
41 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
42 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
43 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
44 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
45 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
46 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
47 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
48 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
49 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
50 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
51 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
52 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
53 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
54 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
55 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
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58 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
59 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
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61 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
62 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
63 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
64 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
65 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
66 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
67 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
68 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
69 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
70 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
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99 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41
100 2,382.54(1)	2,025.42	11,132.54(1)	2,031.41

BOUNDARY CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR. / CHORD
C1	12.8111	100.00	28.29	S84°46'00"W / 29.02
C2	3.4850	81.00	6.09	S55°04'37"W / 6.00

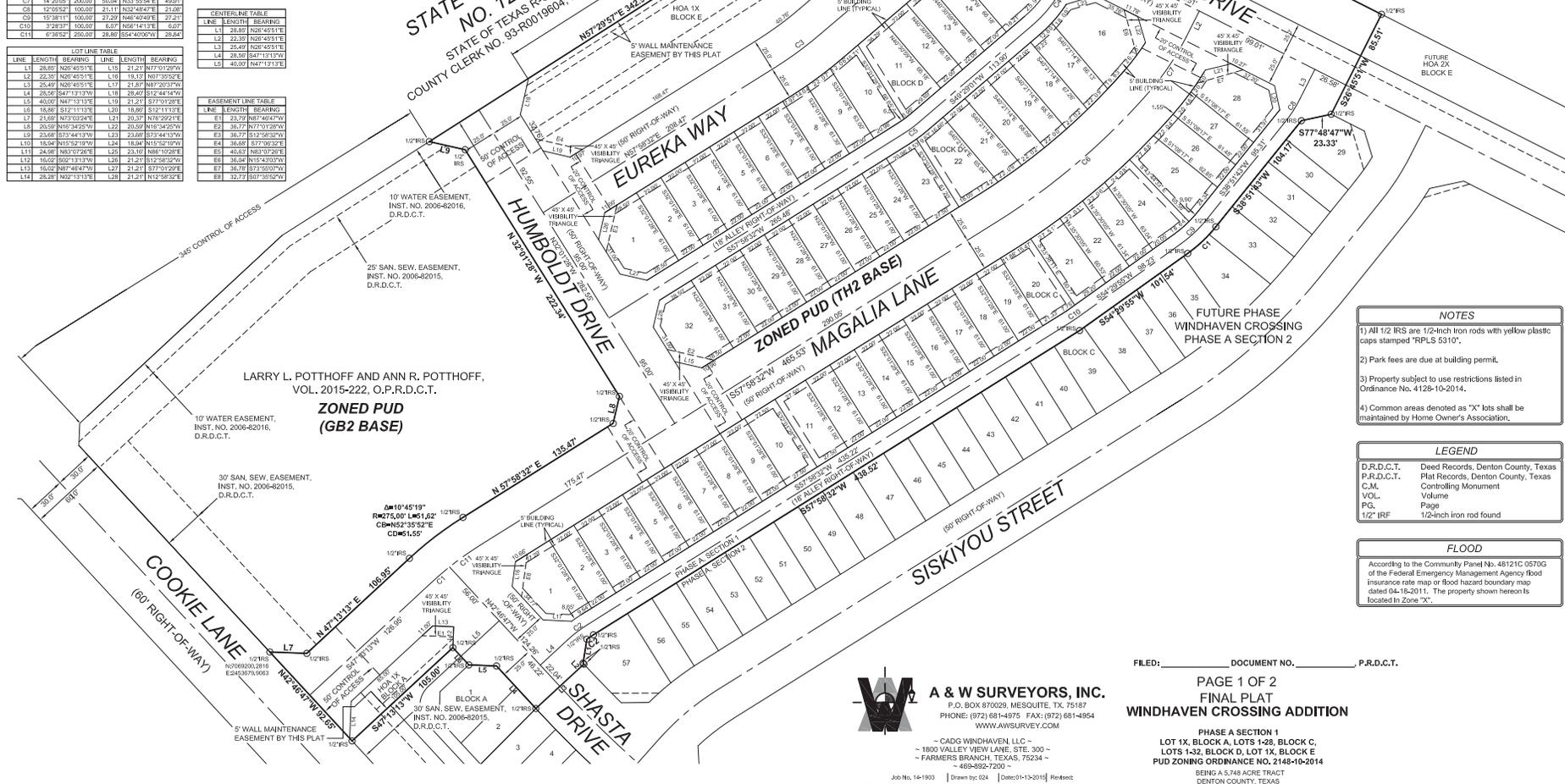
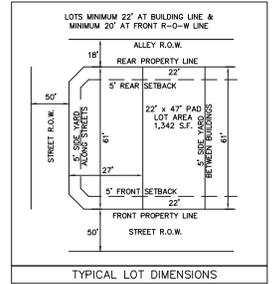
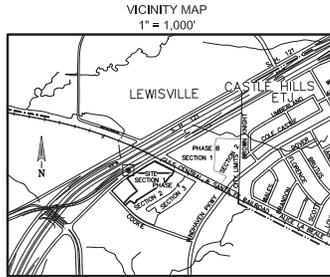
BOUNDARY LINE TABLE		
LINE	LENGTH	BEARING
L1	18.49	S01°00'00"W
L2	0.89	S42°48'47"E
L3	50.00	S41°15'15"W
L4	44.30	S42°48'47"E
L5	21.2	N87°46'24"W
L6	18.00	N48°04'24"W
L7	28.39	S87°48'47"E
L8	21.21	N12°50'32"E
L9	28.17	N12°50'32"E

CENTERLINE CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR. / CHORD
C1	4.8882	250.00	8.07	S41°17'20"W / 18.05
C2	10.4518	150.00	18.77	S52°50'52"W / 18.74
C3	8.2971	300.00	44.48	N53°43'46"E / 44.42
C4	22.4717	100.00	38.89	N58°07'01"E / 38.92
C5	8.2971	150.00	14.82	N53°43'46"E / 14.21
C6	18.5742	250.00	18.04	N48°24'41"E / 18.48
C7	14.2055	200.00	16.04	N53°59'14"E / 16.01
C8	12.0552	100.00	21.11	N52°48'47"E / 21.08
C9	15.0811	100.00	22.29	N48°48'06"E / 22.21
C10	3.2871	100.00	6.07	N58°14'13"E / 6.07
C11	6.2852	250.00	28.89	S54°40'09"W / 28.84

CENTERLINE TABLE		
LINE	LENGTH	BEARING
L1	28.89	N28°45'51"E
L2	22.39	N28°45'51"E
L3	25.89	N68°49'51"E
L4	28.39	N47°13'13"E

LOT LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	28.89	N28°45'51"E	L10	21.21	N77°02'29"W
L2	22.39	N28°45'51"E	L11	18.13	N67°39'52"E
L3	25.89	N68°49'51"E	L12	21.87	N67°20'21"E
L4	28.39	N47°13'13"E	L13	21.87	N73°02'24"E
L5	40.00	N47°13'13"E	L14	18.49	S12°11'22"E
L6	18.00	S12°11'22"E	L15	18.00	S12°11'22"E
L7	21.87	N73°02'24"E	L16	20.37	N78°29'21"E
L8	20.39	N73°02'24"E	L17	36.77	N77°03'28"E
L9	23.68	S33°44'13"W	L18	23.68	S73°44'13"W
L10	18.04	N15°52'19"W	L19	18.04	N15°52'19"W
L11	28.89	S12°11'22"E	L20	21.16	N88°10'28"E
L12	18.02	S52°13'13"W	L21	21.87	S12°50'32"E
L13	18.02	S47°48'47"E	L22	21.21	S77°02'29"E
L14	28.39	N47°13'13"E	L23	21.21	N12°50'32"E
L15	28.39	N47°13'13"E	L24	32.72	S10°38'26"E

EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
E1	28.89	N28°45'51"E
E2	22.39	N28°45'51"E
E3	36.77	S12°50'32"E
E4	36.89	S77°03'28"E
E5	40.00	N47°13'13"E
E6	36.94	N15°43'03"W
E7	36.89	S73°03'28"E
E8	32.72	S10°38'26"E



- NOTES**
- All 1/2 IRS are 1/2-inch iron rods with yellow plastic caps stamped "RPLS 5319".
 - Park fees are due at building permit.
 - Property subject to use restrictions listed in Ordinance No. 4128-10-2014.
 - Common areas denoted as "X" lots shall be maintained by Home Owner's Association.

LEGEND

D.R.D.C.T.	Deed Records, Denton County, Texas
P.R.D.C.T.	Plat Records, Denton County, Texas
C.M.	Controlling Monument
VOL.	Volume
P.G.	Page
1/2" IRF	1/2-inch iron rod found

FLOOD

According to the Community Panel No. 48121C 0570G of the Federal Emergency Management Agency flood insurance rate map or flood hazard boundary map dated 04-18-2011. The property shown herein is located in Zone "X".

FILED: _____ DOCUMENT NO. _____, P.R.D.C.T.

A & W SURVEYORS, INC.
 P.O. BOX 870220, MESQUITE, TX, 75187
 PHONE: (972) 681-4975 FAX: (972) 681-4954
 WWW.AWSURVEY.COM

PAGE 1 OF 2
FINAL PLAT
WINDHAVEN CROSSING ADDITION

PHASE A SECTION 1
 LOT 1X, BLOCK A, LOTS 1-28, BLOCK C,
 LOTS 1-32, BLOCK D, LOT 1X, BLOCK E
 PUD ZONING ORDINANCE NO. 2148-10-2014
 BEING A 5.748 ACRE TRACT
 DENTON COUNTY, TEXAS
 B. B. & C. R. SURVEY, ABSTRACT 180

Job No. 14-1903 | Drawn by: 024 | Date: 11-15-2015 | Revised:
 "A professional company operating in your best interest"

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, CADG WINDHAVEN, LLC, is the sole owner of a tract of land located in the B. B. & AND C. R. SURVEY, Abstract No. 180, Lewisville, Denton County, Texas, and being described in deed to CADG WINDHAVEN, LLC, recorded in Instrument No. 2014-115906, Official Public Records, Denton County, Texas, and being more particularly described as follows:

Beginning at a T&DOT disk found for corner at the intersection of the present Southeast line of State Highway 121, variable width, as established by deed to the State of Texas, recorded in County Clerk's No. 65-4001964, Deed Records, Denton County, Texas, with the Southwest line of the Atchison, Topeka and Santa Fe Railroad right-of-way, and being the beginning of a curve to the right, having a central angle of 0°20'23.1", a radius 7246.38 feet, and a chord bearing and distance of South 63°27'25" East, 59.90 feet

Thence Southeasterly, along said curve to the right and said Southwest line, an arc distance of 55.90 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 69°14'09" East, continuing along said Southwest line, a distance 294.12 feet to a 1/2-inch iron rod found at the Northwest corner of a tract of land described in deed to Amaranth II, LP, recorded in Instrument No. 2006-83595, Official Public Records, Denton County, Texas;

Thence Southeasterly, passing through said JLT/TPRF III, Lewisville Crossroads, LP tract, the following thirteen (13) courses and distances:

- 1) Thence South 26°45'51" West, a distance of 85.51 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
2) Thence South 77°48'47" West, a distance of 23.33 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
3) Thence South 38°51'43" West, a distance of 104.17 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 15°38'11", a radius of 100.00 feet, and a chord bearing and distance of South 48°40'49" West, 29.65 feet;
4) Thence Southeasterly, along said curve to the right, an arc distance of 29.75 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
5) Thence South 54°29'55" West, a distance of 101.54 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
6) Thence South 57°58'32" West, a distance of 438.52 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 03°48'50", a radius of 91.00 feet, and a chord bearing and distance of South 50°14'07" West, 6.08 feet;
7) Thence South 09°10'51" West, a distance of 18.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
8) Thence South 42°46'47" East, a distance of 0.86 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
9) Thence South 47°13'13" West, a distance of 50.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
10) Thence North 42°46'47" West, a distance of 44.26 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
11) Thence North 87°46'47" West, a distance of 21.21 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
12) Thence North 42°46'47" West, a distance of 18.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
13) Thence South 47°13'13" West, a distance of 105.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the Southwest line of said JLT/TPRF III, Lewisville Crossroads, LP tract, same being the Northeast line of Cooke Lane, a 60-foot right-of-way, at the Southwest corner of said CROSSROADS CENTER SOUTH.

Thence North 42°40'47" West, along said Northeast line, a distance of 92.65 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Westely South corner of a tract of land described in deed to Larry L. Pothoff and Ann R. Pothoff, recorded in Volume 2015-222, Official Public Records, Denton County, Texas;

Thence Northeasterly and Northeasterly, along said Pothoff tract, the following seven (7) courses and distances:

- 1) Thence South 87°46'47" East, a distance of 28.28 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
2) Thence North 47°13'13" East, a distance of 106.95 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 10°45'19", a radius 275.00 feet, and a chord bearing and distance of North 52°35'52" East, 51.55 feet;
3) Thence Northeasterly, along said curve to the right, an arc distance of 51.62 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
4) Thence North 57°58'32" East, 135.47 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
5) Thence North 12°58'32" East, a distance of 21.21 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
6) Thence North 32°01'28" West, a distance of 222.34 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
7) Thence North 77°15'48" West, a distance of 28.17 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the said Southeast line of State Highway 121;

Thence North 57°29'57" East, continuing along said Southeast line, a distance of 342.91 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 60°52'16" East, along said Southeast line, a distance of 144.71 feet to the PLACE OF BEGINNING and containing 250,389 square feet of 5.748 acres of land.

SURVEYOR'S STATEMENT

I, John S. Turner, A REGISTERED PROFESSIONAL LAND SURVEYOR, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, and the Subdivision rules of the City of Lewisville.

DATED this the ___ day of _____, 20__.

PRELIMINARY SURVEY NOT BE RECORDED

John S. Turner R.P.L.S. 5310 Registered Professional Land Surveyor

State of Texas County of Dallas

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JOHN S. TURNER, R.P.L.S. NO. 5310, STATE OF TEXAS, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___ day of _____, 20__.

Notary Public:

Residential Architectural Standards (Base Zoning TH2)

Table with 2 columns: Category and Description. Categories include Architectural Features, Wood veneer decorative garage doors, Architectural pillars or posts, Bay window, Cast stone accents, Covered front porches, Cupolas or turrets, Dormers, Gables, Garage door not facing street, Maximum Number of Attached Units, Roof accent upgrades (i.e. metal, tile, slate, etc.), Recessed entries, a minimum of three (3) feet deep, Separate transom windows, Variable roof pitch, Shutters.

PUD Development Standards (Base Zoning TH2)

Minimum Lot Size 1,320 sq. ft.

Minimum Floor Area The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be 1,800 square feet for single-family detached dwelling units.

Front Yard 5 feet minimum. Porches and stoops may project 3 feet beyond the line.

Rear Yard 5 feet minimum

Side Yard Attached product is zero with 5 feet for end cap units. Minimum side yard adjacent to a street shall be 5 feet. Minimum setback to an open space is zero feet.

Lot Width 22 feet minimum (measured at the front building line) and 20 feet front minimum measured at the street

Lot Depth 60 feet minimum

Garage Each unit shall have a minimum two (2) car garage.

Lot Coverage 85% average

Building Height Max 45 ft. / 3 Stories

Maximum Number of Attached Units 10 Units

All lots at minimum shall have at minimum (1) tree. Trees shall be a minimum of 2" caliper. Tree selections shall be from an approved list by the city.

Residential Architectural Standards (Base Zoning TH2)

Building Features: All residential units shall be constructed primarily of masonry as set forth below. Masonry means individual kiln-fired brick units, stone units, and glass block when installed in accordance with the adopted building code. Other materials of equal or similar characteristics may be allowed upon approval of the City's Building Official. Cement plaster (Stucco) may be used as an accent material above a 10-foot elevation. Chimneys shall be constructed of masonry as defined above.

For all residential units, a minimum of 80% of all exterior wall surfaces shall be constructed of masonry as defined above, excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, areas under covered porches not extending to the first floor, and architectural projections.

For all residential units, the front elevation shall have 85 % of all exterior wall surfaces constructed of masonry as defined above, excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, area under covered porches not extending to the first floor, and architectural projections.

Any material utilized on the exterior of the units that is not masonry, as defined above, shall be cementitious fiberboard or other products approved by the Building Official.

All units shall have at least two (2) masonry types on the front elevation.

Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of thirty (30) years. Seamless and standing seam metal roofs are permitted provided that they are of architectural quality and manufacturer's warranty of 30 years. No wood shingles shall be allowed on roofs.

All units shall have a two-car (or larger) garage. Sidewalks shall be a minimum width of four (4) feet. All new utilitylines shall be placed underground.

RESIDENTIAL SUMMARY TABLE with columns: No. Residential Units, Area (acres), Dwelling Unit, Lot Size, Density Per Acre, Open Space Required, Open Space Provided. Rows include Phase A Section 1, Phase A Section 2, Phase A Section 3, Phase B Section 1, Phase B Section 2, and TOTAL.

OWNER'S DEDICATION

STATE OF TEXAS COUNTY OF DENTON

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That CADJ WINDHAVEN, LLC, a Texas Limited Liability Company, Washington Federal, National Association, DRH Inc., a Delaware Corporation, Megalot Homes II, LLC, a Texas Limited Liability Company, the undersigned authorities, does hereby adopt this plat designating the hereinabove described property as WINDHAVEN CROSSING ADDITION, PHASE A, SECTION 1, an addition to the City of Lewisville, Denton County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon, and does hereby dedicate the easement strips shown on the plat for mutual use and accommodation of the City of Lewisville and all public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements strips on said plat. The City of Lewisville and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. A blanket easement of a five (5) foot radius from the center point of all the hydrants and a five (5) foot radius from the center point of all other appurtenances (like hydrant valves, water meters, meter boxes, street lights) is hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting and maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservation set forth hereinafter, to the public use forever all subdivision use spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

EXECUTED THIS ___ day of _____, 20__.

CADJ WINDHAVEN, LLC,

NAME: TITLE:

State of Texas County of Denton

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AT DENTON, TEXAS, this the ___ day of _____, 20__.

LIEN SUBORDINATION AGREEMENT

The lien holder or mortgagee concurs with the Owner's Certificate and agrees to subordinate its interests to the provisions of the Owner's Dedication.

Lien holder:

By: Washington Federal, National Association Alan Colakis Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Alan Colakis, as _____ (Title), of Washington Federal, National Association, on behalf of CADG Windhaven, LLC.

Notary Public and for the State of Texas Name: Tillary Santos Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Tillary Santos, as _____ (Title), of DRH Inc., a Delaware Corporation, on behalf of CADG Windhaven, LLC.

By: Megalot Homes II, LLC, a Texas Limited Liability Company Name: Nathan Entinberger Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Nathan Entinberger, as _____ (Title), of Megalot Homes II, LLC, a Texas Limited Liability Company, on behalf of CADG Windhaven, LLC.

FILED: _____ DOCUMENT NO. _____, P.R.D.C.T.

PAGE 2 OF 2

FINAL PLAT WINDHAVEN CROSSING ADDITION

A & W SURVEYORS, INC. P.O. BOX 870029, MESQUITE, TX, 75187 PHONE: (972) 681-4975 FAX: (972) 681-4954 WWW.AWSURVEY.COM

PHASE A SECTION 1 LOT 1X, BLOCK A, LOTS 1-28, BLOCK C, LOTS 1-32, BLOCK D, LOT 1X, BLOCK E PUD ZONING ORDINANCE NO. 2148-10-2014

EDWA 5.748 ACRE TRACT DENTON COUNTY, TEXAS B. B. & C. R. SURVEY, ABSTRACT 180

Job No. 14-1903 [Drawn by: S24] [Date: 01-13-2015] Revised: *A professional company operating in your best interest*

LOT SQUARE FOOTAGE TABLE

BLOCK A	BLOCK B	BLOCK C	BLOCK D
1 1,382.54 (1) 0.00 AC	11 1,382.54 (1) 0.00 AC	21 1,382.54 (1) 0.00 AC	31 1,382.54 (1) 0.00 AC
2 1,382.54 (1) 0.00 AC	12 1,382.54 (1) 0.00 AC	22 1,382.54 (1) 0.00 AC	32 1,382.54 (1) 0.00 AC
3 1,382.54 (1) 0.00 AC	13 1,382.54 (1) 0.00 AC	23 1,382.54 (1) 0.00 AC	33 1,382.54 (1) 0.00 AC
4 1,382.54 (1) 0.00 AC	14 1,382.54 (1) 0.00 AC	24 1,382.54 (1) 0.00 AC	34 1,382.54 (1) 0.00 AC
5 1,382.54 (1) 0.00 AC	15 1,382.54 (1) 0.00 AC	25 1,382.54 (1) 0.00 AC	35 1,382.54 (1) 0.00 AC
6 1,382.54 (1) 0.00 AC	16 1,382.54 (1) 0.00 AC	26 1,382.54 (1) 0.00 AC	36 1,382.54 (1) 0.00 AC
7 1,382.54 (1) 0.00 AC	17 1,382.54 (1) 0.00 AC	27 1,382.54 (1) 0.00 AC	37 1,382.54 (1) 0.00 AC
8 1,382.54 (1) 0.00 AC	18 1,382.54 (1) 0.00 AC	28 1,382.54 (1) 0.00 AC	38 1,382.54 (1) 0.00 AC
9 1,382.54 (1) 0.00 AC	19 1,382.54 (1) 0.00 AC	29 1,382.54 (1) 0.00 AC	39 1,382.54 (1) 0.00 AC
10 1,382.54 (1) 0.00 AC	20 1,382.54 (1) 0.00 AC	30 1,382.54 (1) 0.00 AC	40 1,382.54 (1) 0.00 AC
11 1,382.54 (1) 0.00 AC	21 1,382.54 (1) 0.00 AC	31 1,382.54 (1) 0.00 AC	41 1,382.54 (1) 0.00 AC
12 1,382.54 (1) 0.00 AC	22 1,382.54 (1) 0.00 AC	32 1,382.54 (1) 0.00 AC	42 1,382.54 (1) 0.00 AC
13 1,382.54 (1) 0.00 AC	23 1,382.54 (1) 0.00 AC	33 1,382.54 (1) 0.00 AC	43 1,382.54 (1) 0.00 AC
14 1,382.54 (1) 0.00 AC	24 1,382.54 (1) 0.00 AC	34 1,382.54 (1) 0.00 AC	44 1,382.54 (1) 0.00 AC
15 1,382.54 (1) 0.00 AC	25 1,382.54 (1) 0.00 AC	35 1,382.54 (1) 0.00 AC	45 1,382.54 (1) 0.00 AC
16 1,382.54 (1) 0.00 AC	26 1,382.54 (1) 0.00 AC	36 1,382.54 (1) 0.00 AC	46 1,382.54 (1) 0.00 AC
17 1,382.54 (1) 0.00 AC	27 1,382.54 (1) 0.00 AC	37 1,382.54 (1) 0.00 AC	47 1,382.54 (1) 0.00 AC
18 1,382.54 (1) 0.00 AC	28 1,382.54 (1) 0.00 AC	38 1,382.54 (1) 0.00 AC	48 1,382.54 (1) 0.00 AC
19 1,382.54 (1) 0.00 AC	29 1,382.54 (1) 0.00 AC	39 1,382.54 (1) 0.00 AC	49 1,382.54 (1) 0.00 AC
20 1,382.54 (1) 0.00 AC	30 1,382.54 (1) 0.00 AC	40 1,382.54 (1) 0.00 AC	50 1,382.54 (1) 0.00 AC
21 1,382.54 (1) 0.00 AC	31 1,382.54 (1) 0.00 AC	41 1,382.54 (1) 0.00 AC	51 1,382.54 (1) 0.00 AC
22 1,382.54 (1) 0.00 AC	32 1,382.54 (1) 0.00 AC	42 1,382.54 (1) 0.00 AC	52 1,382.54 (1) 0.00 AC
23 1,382.54 (1) 0.00 AC	33 1,382.54 (1) 0.00 AC	43 1,382.54 (1) 0.00 AC	53 1,382.54 (1) 0.00 AC
24 1,382.54 (1) 0.00 AC	34 1,382.54 (1) 0.00 AC	44 1,382.54 (1) 0.00 AC	54 1,382.54 (1) 0.00 AC
25 1,382.54 (1) 0.00 AC	35 1,382.54 (1) 0.00 AC	45 1,382.54 (1) 0.00 AC	55 1,382.54 (1) 0.00 AC
26 1,382.54 (1) 0.00 AC	36 1,382.54 (1) 0.00 AC	46 1,382.54 (1) 0.00 AC	56 1,382.54 (1) 0.00 AC
27 1,382.54 (1) 0.00 AC	37 1,382.54 (1) 0.00 AC	47 1,382.54 (1) 0.00 AC	57 1,382.54 (1) 0.00 AC
28 1,382.54 (1) 0.00 AC	38 1,382.54 (1) 0.00 AC	48 1,382.54 (1) 0.00 AC	58 1,382.54 (1) 0.00 AC
29 1,382.54 (1) 0.00 AC	39 1,382.54 (1) 0.00 AC	49 1,382.54 (1) 0.00 AC	59 1,382.54 (1) 0.00 AC
30 1,382.54 (1) 0.00 AC	40 1,382.54 (1) 0.00 AC	50 1,382.54 (1) 0.00 AC	60 1,382.54 (1) 0.00 AC

BOUNDARY CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	12.9111	150.00	23.70	S84.4600°W	23.02
C2	3.4857	81.00	6.05	S50.9437°W	6.06

CENTERLINE CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	4.9822	250.00	10.07	S41.1720°W	10.08
C2	10.7491	150.00	18.77	S52.5230°W	18.74
C3	8.2911	300.00	46.40	N63.4340°E	44.42
C4	22.4142	150.00	38.69	N19.0701°E	38.32
C5	8.2911	150.00	14.82	N53.4340°E	14.81
C6	16.5722	250.00	18.64	N19.0701°E	18.64
C7	14.2055	250.00	16.04	N33.9554°E	15.91
C8	12.9152	150.00	21.11	N22.4847°E	21.08
C9	15.3811	150.00	27.29	N16.4905°E	27.21
C10	3.4857	150.00	6.07	N08.1413°E	6.07
C11	6.9714	250.00	21.89	S84.4600°W	21.84

LOT LINE TABLE

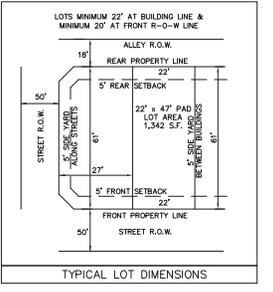
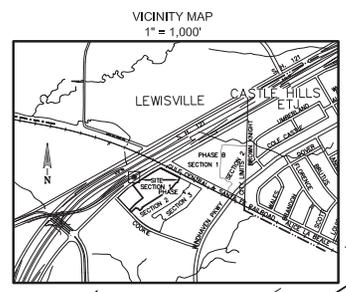
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	28.83	N26.4251°E	L15	21.21	N77.6129°W
L2	22.32	N26.4251°E	L16	18.13	N07.3535°E
L3	26.49	N26.4251°E	L17	21.87	N07.0232°W
L4	28.58	S47.1313°W	L18	28.40	S17.4414°W
L5	40.00	N41.1213°E	L19	21.21	S77.6129°E
L6	18.69	S21.1113°E	L20	14.84	S17.1313°E
L7	21.89	N7.3532°E	L21	30.37	N28.2921°E
L8	30.38	N16.4905°W	L22	21.87	N07.0232°W
L9	23.68	S23.4413°W	L23	23.68	S77.4413°W
L10	18.64	N15.5213°W	L24	18.64	N15.5213°W
L11	24.87	N19.0701°E	L25	23.68	N16.4905°E
L12	16.02	S22.1113°E	L26	21.21	S17.6832°E
L13	16.02	S47.4600°W	L27	21.21	S77.6129°E
L14	26.49	N07.1313°E	L28	21.21	N15.5213°E
L15	21.21	N77.6129°W	L29	32.32	S27.3532°E

CENTERLINE TABLE

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
C1	10.07	S41.1720°W	L1	28.83	N26.4251°E
C2	18.77	S52.5230°W	L2	22.32	N26.4251°E
C3	46.40	N63.4340°E	L3	26.49	N26.4251°E
C4	38.69	N19.0701°E	L4	28.58	S47.1313°W
C5	14.82	N53.4340°E	L5	40.00	N41.1213°E
C6	18.64	N19.0701°E	L6	18.69	S21.1113°E
C7	16.04	N33.9554°E	L7	21.89	N7.3532°E
C8	21.11	N22.4847°E	L8	30.38	N16.4905°W
C9	27.29	N16.4905°E	L9	23.68	S23.4413°W
C10	6.07	N08.1413°E	L10	18.64	N15.5213°W
C11	21.89	S84.4600°W	L11	24.87	N19.0701°E

EASEMENT LINE TABLE

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
E1	23.70	N84.4600°W	E1	23.70	N84.4600°W
E2	38.69	N19.0701°E	E2	38.69	N19.0701°E
E3	38.69	N19.0701°E	E3	38.69	N19.0701°E
E4	38.69	N19.0701°E	E4	38.69	N19.0701°E
E5	38.69	N19.0701°E	E5	38.69	N19.0701°E
E6	38.69	N19.0701°E	E6	38.69	N19.0701°E
E7	38.69	N19.0701°E	E7	38.69	N19.0701°E
E8	38.69	N19.0701°E	E8	38.69	N19.0701°E
E9	38.69	N19.0701°E	E9	38.69	N19.0701°E
E10	38.69	N19.0701°E	E10	38.69	N19.0701°E
E11	38.69	N19.0701°E	E11	38.69	N19.0701°E
E12	38.69	N19.0701°E	E12	38.69	N19.0701°E
E13	38.69	N19.0701°E	E13	38.69	N19.0701°E
E14	38.69	N19.0701°E	E14	38.69	N19.0701°E
E15	38.69	N19.0701°E	E15	38.69	N19.0701°E
E16	38.69	N19.0701°E	E16	38.69	N19.0701°E
E17	38.69	N19.0701°E	E17	38.69	N19.0701°E
E18	38.69	N19.0701°E	E18	38.69	N19.0701°E
E19	38.69	N19.0701°E	E19	38.69	N19.0701°E
E20	38.69	N19.0701°E	E20	38.69	N19.0701°E



- NOTES**
- 1) All 1/2" IRIS are 1/2-inch iron rods with yellow plastic caps stamped "RPLS 5310".
 - 2) Park fees are due at building permit.
 - 3) Property subject to use restrictions listed in Ordinance No. 4128-10-2014.
 - 4) Common areas denoted as "X" lots shall be maintained by Home Owner's Association.

LEGEND

D.R.D.C.T.	Deed Records, Denton County, Texas
P.R.D.C.T.	Plat Records, Denton County, Texas
C.M.	Controlling Monument
VOL.	Volume
P.G.	Page
1/2" IRF	1/2-inch iron rod found

FLOOD

According to the Community Panel No. 48121C 0570G of the Federal Emergency Management Agency flood insurance rate map on flood hazard boundary map dated 04-18-2011. The property shown hereon is located in Zone "X".

A & W SURVEYORS, INC.
 P.O. BOX 87020, MESQUITE, TX, 75187
 PHONE: (972) 681-4975 FAX: (972) 681-4954
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PAGE 1 OF 2
 DEVELOPMENT PLAN
 WINDHAVEN CROSSING ADDITION

PHASE A SECTION 1
 LOT 1X, BLOCK A, LOTS 1-28, BLOCK C,
 LOTS 1-32, BLOCK D, LOT 1X, BLOCK E
 PUD ZONING ORDINANCE NO. 2148-10-2014
 BEING A 5.748 ACRE TRACT
 DENTON COUNTY, TEXAS
 B. B. & C. R. R. SURVEY, ABSTRACT 180

Job No. 16-1903 | Drawn by: 024 | Date: 01-15-2015 | Revised:
 "A professional company operating in your best interest"

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, CADG WINDHAVEN, LLC, is the sole owner of a tract of land located in the B. B. B. AND C. R. R. SURVEY, Abstract No. 180, Lewisville, Denton County, Texas, and being described in deed to CADG WINDHAVEN, LLC, recorded in Instrument No. 2014-115906, Official Public Records, Denton County, Texas, and being more particularly described as follows:

Beginning at a TX-DOT disk found for corner at the intersection of the present Southeast line of State Highway 121, variable width, as established by deed to the State of Texas, recorded in County Clerk's No. 93-80019804, Deed Records, Denton County, Texas, with the Southwest line of the Ashblom, Topka and Sante Fe Railroad right-of-way, and being the beginning of a curve to the right, having a central angle of 00°26'31", a radius 7246.38 feet, and a chord bearing and distance of South 63°27'25" East, 55.90 feet

Thence Southeasterly, along said curve to the right and said Southwest line, an arc distance of 55.90 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 63°14'09" East, continuing along said Southwest line, a distance 294.12 feet to a 1/2-inch iron rod found at the Northwest corner of a tract of land described in deed to Amarante II, LP, recorded in Instrument No. 2006-83595, Official Public Records, Denton County, Texas;

Thence Southwesterly, passing through said JTLTPFRF III, Lewisville Crossroads, LP tract, the following thirteen (13) courses and distances:

- 1) Thence South 26°45'51" West, a distance of 85.51 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 2) Thence South 77°48'47" West, a distance of 23.33 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 3) Thence South 38°51'43" West, a distance of 104.17 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 15°38'11", a radius of 109.00 feet, and a chord bearing and distance of South 46°40'49" West, 29.65 feet;
- 4) Thence Southwesterly, along said curve to the right, an arc distance of 29.75 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 5) Thence South 54°29'50" West, a distance of 101.54 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) Thence South 57°58'32" West, a distance of 438.52 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 03°48'50", a radius of 91.00 feet, and a chord bearing and distance of South 56°04'07" West, 6.06 feet;
- 7) Thence South 09°10'51" West, a distance of 18.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 8) Thence South 42°46'47" East, a distance of 0.86 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 9) Thence South 47°13'13" West, a distance of 50.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 10) Thence North 42°46'47" West, a distance of 44.26 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 11) Thence North 67°46'47" West, a distance of 21.21 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 12) Thence North 42°46'47" West, a distance of 18.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 13) Thence South 47°13'13" West, a distance of 105.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the Southwest line of said JTLTPFRF III, Lewisville Crossroads, LP tract, same being the Northeast line of Cooke Lane, a 60-foot right-of-way, at the Southwest corner of said CROSSROADS CENTER SOUTH;

Thence North 42°46'47" West, along said Northeast line, a distance of 92.65 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Westerly South corner of a tract of land described in deed to Lamy L. Pothoff and Ann R. Pothoff, recorded in Volume 2015-222, Official Public Records, Denton County, Texas;

Thence Northeasterly and Northwesterly, along said Pothoff tract, the following seven (7) courses and distances:

- 1) Thence South 87°46'47" East, a distance of 28.28 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 2) Thence North 47°13'13" East, a distance of 106.95 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a tangent curve to the right, having a central angle of 10°45'19", a radius 275.00 feet, and a chord bearing and distance of North 52°30'52" East, 51.55 feet;
- 3) Thence Northeasterly, along said curve to the right, an arc distance of 51.62 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 4) Thence North 57°58'32" East, 135.47 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 5) Thence North 12°56'32" East, a distance of 21.21 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) Thence North 32°01'28" West, a distance of 222.34 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 7) Thence North 77°15'46" West, a distance of 28.17 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the said Southeast line of State Highway 121;

Thence North 57°29'57" East, continuing along said Southeast line, a distance of 342.91 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 60°52'16" East, along said Southeast line, a distance of 144.71 feet to the PLACE OF BEGINNING and containing 250,399 square feet or 5.748 acres of land.

PUD Development Standards (Base Zoning TH2)	
Minimum Lot Size	1,320 sq. ft.
Minimum Floor Area	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be 1,800 square feet for singlefamily attached dwelling units.
Front Yard	5 feet minimum. Porches and stoops may project 3 feet beyond the line.
Rear Yard	5 feet minimum
Side Yard	Attached products is Zero with 5 feet for end cap units. Minimum side yard adjacent to a street shall be 5 feet. Minimum setback to an open space is Zero feet.
Lot Width	22 feet minimum; (measured at the front building line) and 20 feet minimum measured at the street
Lot Depth	60 feet minimum
Garage	Each unit shall have a minimum two (2) car garage.
Lot Coverage	85% average
Building Height Max	45 ft. / 3 Stories
Maximum Number of Attached Units	10 Units
Tree Requirements	All lots at minimum shall have at minimum (1) tree. Trees shall be a minimum of 2.5" caliper. Tree selections shall be from an approved list by the city.

Residential Architectural Standards (Base Zoning TH2)	
Architectural Features	
Wood veneer decorative garage doors	
Architectural pillars or posts	
Bay window	
Cast stone accents	
Covered front porches	
Cupolas or turrets	
Dormers	
Gables	
Garage door not facing street	
Maximum Number of Attached Units	
Roof accent upgrades (i.e. metal, tile, slate, etc.)	
Recessed entries, a minimum of three (3) feet deep	
Separate transom windows	
Variable roof pitch	
Shutters	

Residential Architectural Standards (Base Zoning TH2)	
Building Features	
All residential units shall be constructed primarily of masonry as set forth below. Masonry means individual kiln fired brick units, stone units, and glass block when installed in accordance with the adopted building code. Other materials of equal or similar characteristics may be allowed upon approval of the City's Building Official. Cement plaster (Stucco) may be used as an accent material above a 10-foot elevation. Chimneys shall be constructed of masonry as defined above.	
For all residential units, a minimum of 80% of all exterior wall surfaces shall be constructed of masonry as defined above, excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, areas under covered porches not extending to the first floor, and architectural projections.	
For all residential units, the front elevation shall have 85% of all exterior wall surfaces constructed of masonry as defined above, excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, area under covered porches not extending to the first floor, and architectural projection.	
Any material utilized on the exterior of the units that is not masonry, as defined above, shall be cementitious fiberboard or other products approved by the Building Official.	
All units shall have at least two (2) masonry types on the front elevation.	
Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of thirty (30) years. Seamless and standing seam metal roofs are permitted provided that they are of architectural quality and manufacturer's warranty of 30 years. No wood shingles shall be allowed on roofs.	
All units shall have a two-car (or larger) garage.	
Sidewalks shall be a minimum width of four (4) feet.	
All new utility lines shall be placed underground	

RESIDENTIAL SUMMARY TABLE						
	No. Residential Units	Area (Acres)	Dwelling Unit Size	Lot Size	Density Per Acre	Open Space Required/Provided
Phase A Section 1	69	2.35	1,800 provided/ 1,320 required	2797	0.60	0.95
Phase A Section 2	72	2.76			36.27	0.72 0.81
Phase A Section 3	61	3.47	1,800 provided/ 1,320 provided		17.96	0.61 0.17
Phase B Section 1	60	4.28			15.96	0.90 1.11
Phase B Section 2	78	6.75	Min. 22x47' Min. 22x60'		11.59	0.78 0.64
TOTAL	363	19.19			18.81	3.61 3.79



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- CADG WINDHAVEN, LLC -
- 1800 VALLEY VIEW LANE, STE. 300 -
- FARMERS BRANCH, TEXAS, 75234 -
- 469-892-7200 -

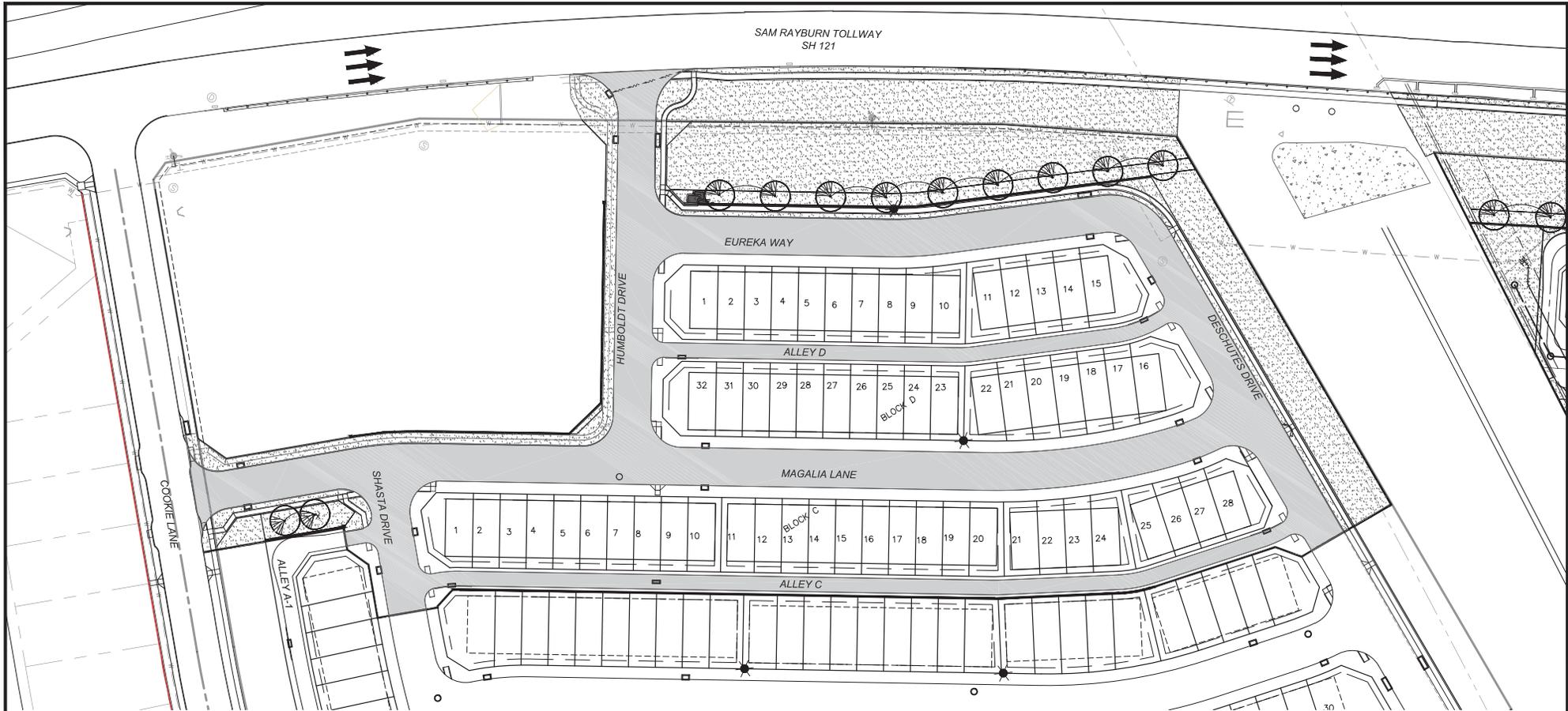
Job No. 14-1903 [Drawn by: 024] [Date: 01-13-2016] Reviewed:
"A professional company operating in your best interest"

PAGE 2 OF 2

**DEVELOPMENT PLAN
WINDHAVEN CROSSING ADDITION**

**PHASE A SECTION 1
LOT 1X, BLOCK A, LOTS 1-28, BLOCK C,
LOTS 1-32, BLOCK D, LOT 1X, BLOCK E
PUD ZONING ORDINANCE NO. 2148-10-2014**

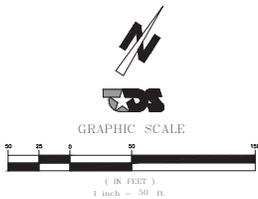
BEING A 5.748 ACRE TRACT
DENTON COUNTY, TEXAS
B. B. B. & C. R. R. SURVEY, ABSTRACT 180



CADG WINDHAEN, LLC
 1800 VALLEY VIEW LANE
 SUITE 300
 FARMERS BRANCH, TX 75234

TDS
 TEXAS DEVELOPMENT SERVICES
 1800 VALLEY VIEW LANE
 SUITE 140
 FARMERS BRANCH, TX 75234
 469-853-8638
 TX FIRM NO. 12790
 TDS PROJECT NO. 13033

PROJECT PLAN
 WINDHAVEN CROSSING PHASE A
 SECTION 1
 B.B.B. & C.R.R. SURVEY, ABST. 180
 CITY OF LEWISVILLE, DENTON COUNTY, TEXAS



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Community Development

DATE: September 14, 2015

SUBJECT: **Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 Acre Tract Zoned PUD (Ordinance #4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

BACKGROUND

On October 20, 2014, the Lewisville City Council approved the zoning of a Planned Unit Development (PUD2) district for Windhaven Crossing. The total property consists of four tracts totaling 34.916 acres located on the south side of State Highway 121 and bisected by the Atchison, Topeka and Santa Fe Railroad. Per Section 17-26 of the city's Zoning Ordinance, the PUD process requires subsequent approval of a development plan and project plan in order to complete the rezoning. These plans have been submitted for Phase B, Section 1 of the project consisting of 8.408 acres of the property located in the southeast corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad. The subject property is currently vacant. Phase B, Section 1 will consist of 90 residential lots with single-family attached units and eight HOA lots.

ANALYSIS

Development Plan

Staff's review of the development plan confirms that all requirements of the PUD ordinance have been adequately addressed. The plan includes a legal description of the property and a general account of surrounding land uses. A total of 90 attached residences are proposed with this phase. The minimum dwelling unit size required is 1,800 square feet and a minimum lot size of 1,320 square feet. The PUD standards are listed on the document with the minimum lot development standards in addition to the residential architectural standards. The residential summary table also identifies the Open Space required of 0.9 acres and 1.31 acres provided.

Project Plan

The project plan depicts the location of the buildings to be constructed and applicable setbacks. Also included is a depiction of the landscaping to occur for this phase. The applicant has submitted a declaration of their Covenants, Conditions and Restrictions for the Community.

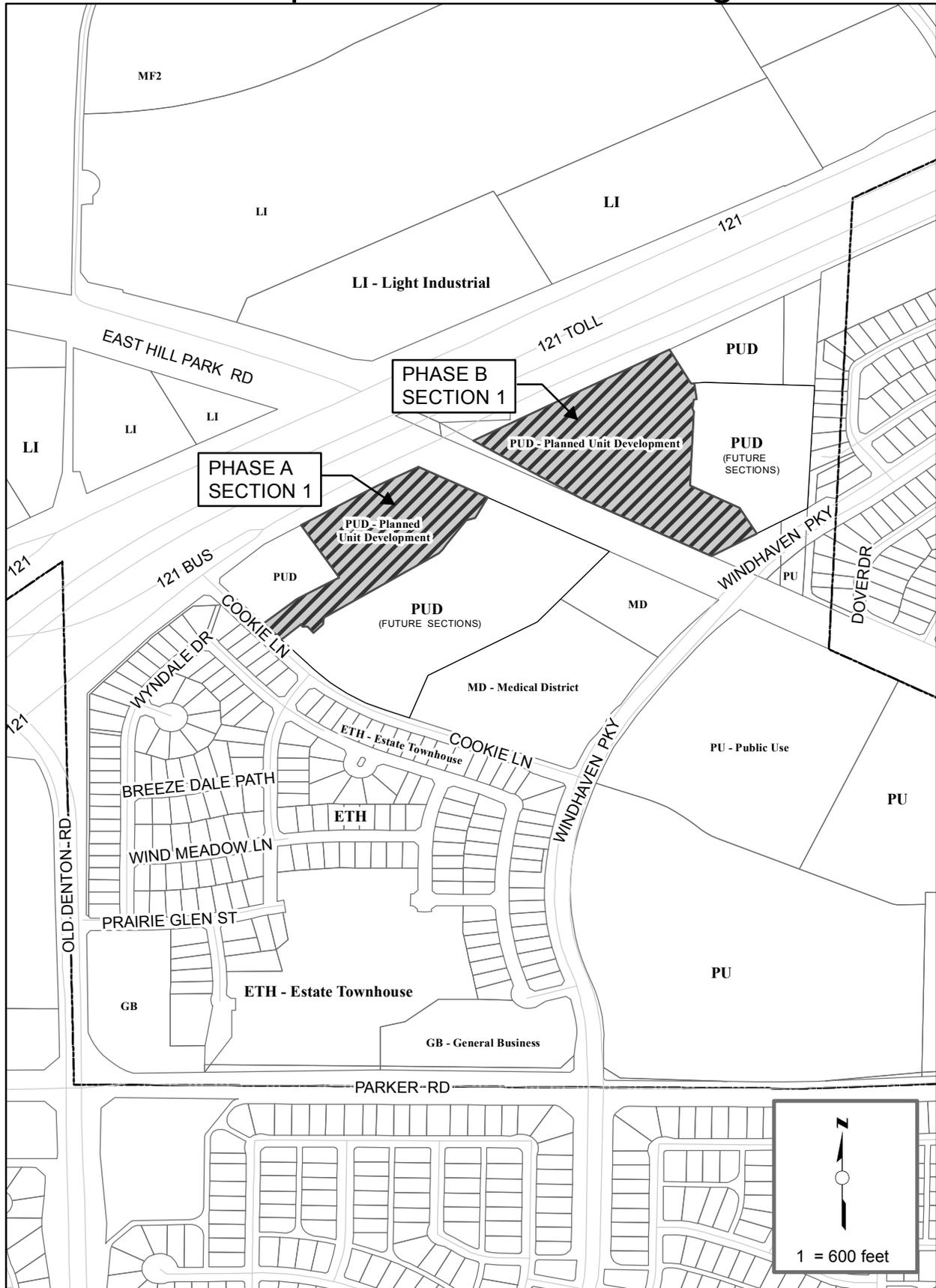
The Planning and Zoning Commission recommended approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

Subject: Windhaven Crossing PUD – Development Plan and Project Plan
September 14, 2015
Page 2 of 2

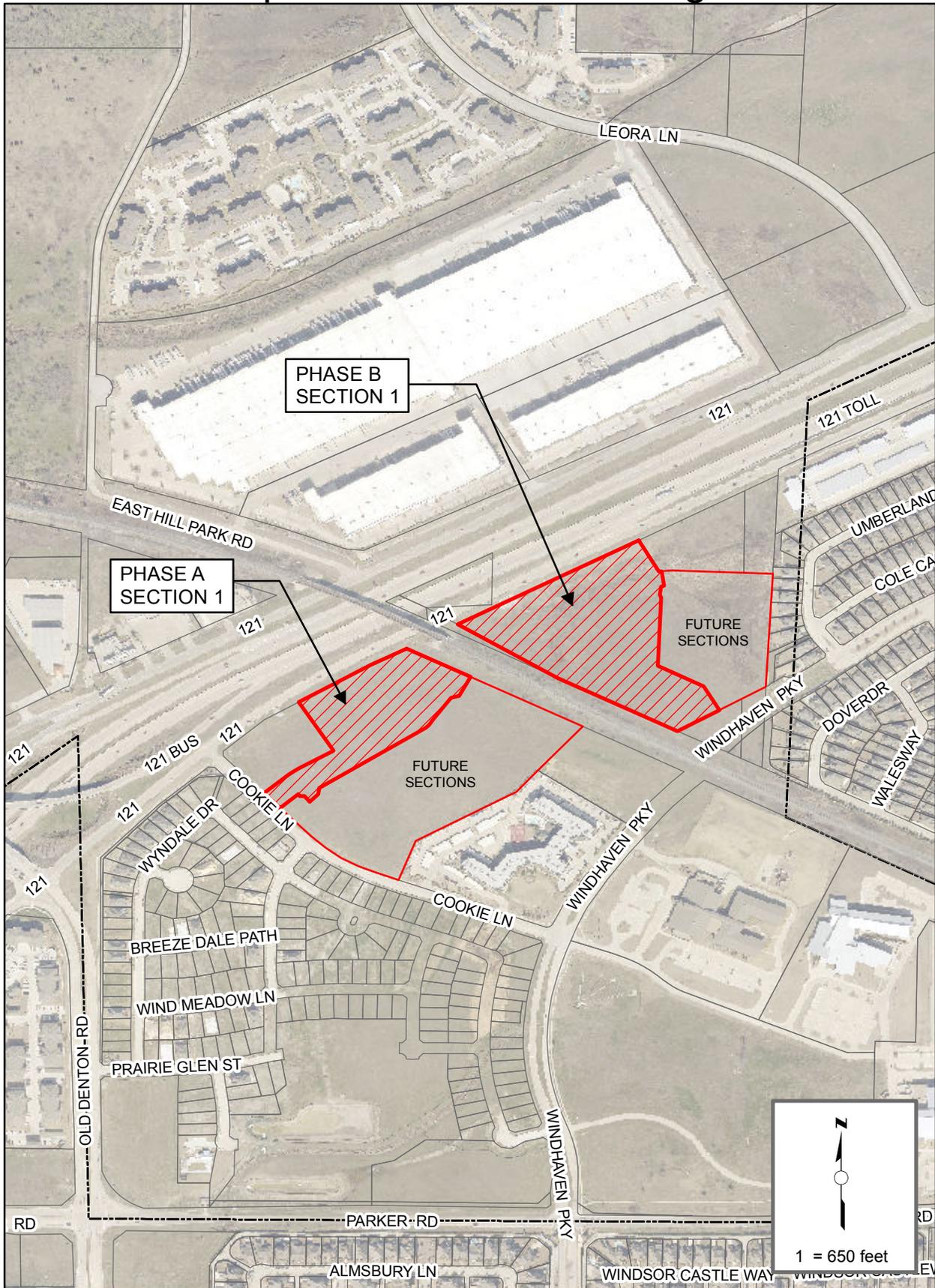
RECOMMENDATION

It is City staff's recommendation that the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

Location Map - Windhaven Crossing Addition



Aerial Map - Windhaven Crossing Addition



**MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 1, 2015**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 p.m. Members present: James Davis (Chairman), Sean Kirk, Brandon Jones, Mary Ellen Miksa, Steve Byars, Alvin Turner, and Kristin Green.

Staff members present: Richard Luedke, Planning Manager; Prit Patel, Economic Development Coordinator; and June Sin, Intern.

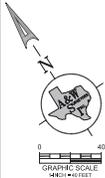
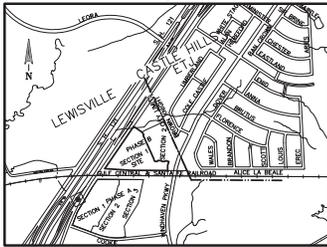
Item 4:

Regular Hearings for plats were next on the agenda. There were two plats on the agenda for consideration:

- A. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748-Acre Tract Zoned PUD2 (Ordinance #4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.
- B. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408-Acre Tract Zoned PUD (Ordinance #4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad; as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.

Richard Luedke gave a brief presentation on the subject plats. Chairman Davis opened the regular hearing. There being no one present to speak on the items, the regular hearing was closed. *A motion was made by Brandon Jones to recommend approval of Windhaven Crossing Addition Phase A, Section 1, seconded by Steve Byars. The motion passed unanimously (7-0). A motion was made by Alvin Turner to recommend approval of Windhaven Crossing Addition, Phase B, Section 1, seconded by Mary Allen Miksa. The motion passed unanimously (7-0).*

VICINITY MAP
1" = 1,000'



LEGEND

D.R.D.C.T. Deed Records, Denton County, Texas
P.R.D.C.T. Plat Records, Denton County, Texas
C.M. Controlling Monument
VOL. Volume
PG. Page
1/2" IRF 1/2-inch iron rod found

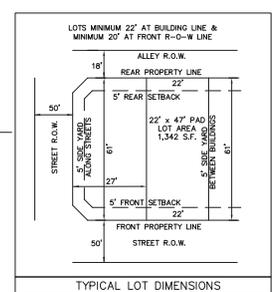
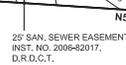
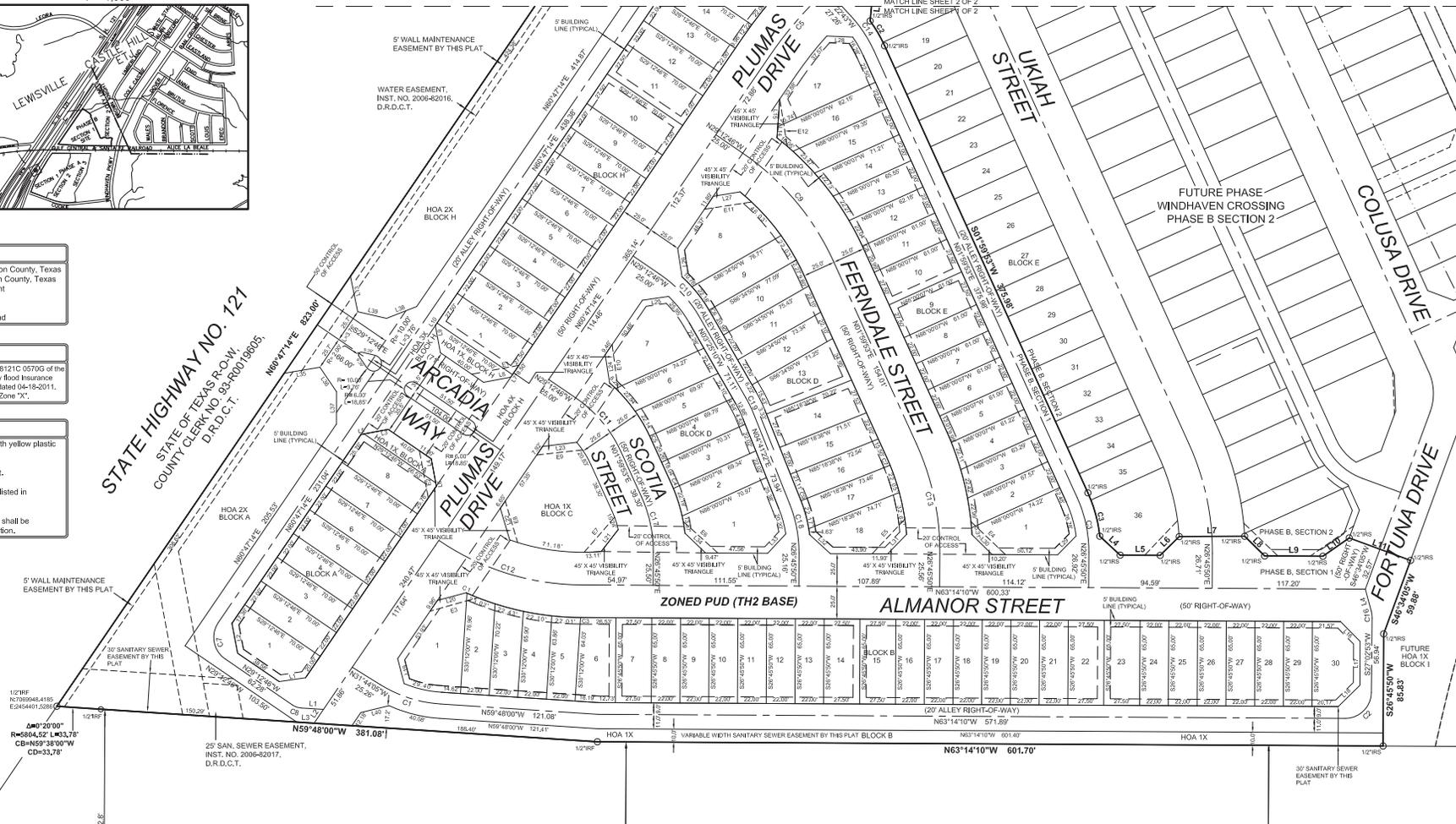
FLOOD

According to the Community Panel No. 48121C 0570G of the Federal Emergency Management Agency flood insurance rate map or flood hazard boundary map dated 06-16-2011. The property shown herein is located in Zone "X".

NOTES

- 1) All 1/2" IRF are 1/2-inch iron rods with yellow plastic caps stamped "RPLS 5310".
- 2) Park fees are due at building permit.
- 3) Property subject to use restrictions listed in Ordinance No. 4128-10-2014.
- 4) Common areas denoted as "X" lots shall be maintained by Home Owner's Association.

STATE HIGHWAY NO. 121
STATE OF TEXAS P.O.M.
COUNTY CLERK NO. 93-P00196005,
D.R.D.C.T.



ATCHISON, TOPEKA AND SANTA FE RAILROAD

FILED: _____ DOCUMENT NO. _____ P.R.D.C.T.

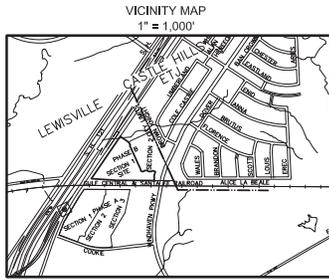
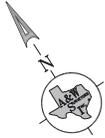


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PAGE 1 OF 3
FINAL PLAT

WINDHAVEN CROSSING ADDITION
PHASE B SECTION 1
LOTS 1-8, LOTS 1X & 2X, BLOCK A, LOTS 1-30, LOT 1X, BLOCK B,
LOT 1X, BLOCK C, LOTS 1-18, BLOCK D, LOTS 1-17, BLOCK E,
AND LOTS 1-17, LOTS 1X, 2X, 3X AND 4X, BLOCK H
PUD ZONING ORDINANCE NO. 2148-10-2014
BEING A 8.408 ACRE TRACT
DENTON COUNTY, TEXAS
B. B. B. & C. R. R. SURVEY, ABSTRACT 180

~ CADG WINDHAVEN, LLC ~
~ 1800 VALLEY VIEW LANE, STE. 300 ~
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~ 469-892-7200 ~
Job No. 14-1904 | Drawn by: 024 | Date: 01-16-2015 | Revised:
"A professional company operating in your best interest"



UNINCORPORATED
DENTON COUNTY
CITY LIMITS
OF LEWISVILLE
DENTON COUNTY

**ZONING
DESIGNATION L.I.**
CHPC COMMERCIAL, LTD.,
INST. NO. 2009-46089,
O.P.R.D.C.T.

**ZONING
DESIGNATION TH-2
CASTLE HILLS ETJ**

CENTERLINE CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR. / CHORD
C1	29°03'01"	100.00	48.09	S45°46'02"E 48.09
C2	89°42'57"	20.00	31.32	N71°14'22"E 28.21
C3	24°45'57"	100.00	43.22	N14°22'51"E 42.89
C4	90°00'00"	20.00	31.42	N74°12'46"W 28.28
C5	12°50'02"	300.00	67.07	S69°12'16"W 67.06
C6	6°22'28"	300.00	33.38	S76°48'31"W 33.36
C7	90°00'00"	20.00	31.42	S15°47'14"W 28.28
C8	39°35'14"	14.00	7.27	S44°30'27"E 7.27
C9	31°12'39"	200.00	108.89	N13°36'28"W 107.60
C10	25°47'36"	100.00	45.02	R18°16'58"W 44.64
C11	31°12'39"	100.00	54.47	N13°36'28"W 53.80
C12	34°01'24"	150.00	115.79	S48°13'38"E 114.10
C13	24°45'57"	200.00	86.40	N14°22'51"E 85.78
C14	18°22'26"	100.00	32.07	N07°11'25"W 31.94
C15	2°45'59"	300.00	14.74	S76°35'16"W 14.74
C16	15°47'48"	20.00	5.51	N19°09'06"E 5.50
C17	24°45'57"	100.00	43.22	N14°22'51"E 42.89
C18	22°04'29"	100.00	38.53	N15°43'36"E 38.29
C19	08°36'32"	100.00	14.15	N00°38'06"E 14.14
C20	16°23'33"	100.00	28.61	N21°09'59"E 28.51

CENTERLINE LINE TABLE				
LINE	LENGTH	BEARING	CH. BEAR.	CHORD
L1	16.95	S59°48'00"E		
L2	12.78	S69°47'44"W		
L3	13.35	N00°49'00"W		
L4	17.34	S11°15'06"W		

LOT LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	20.37	N71°14'24"W	L21	21.26	N81°15'50"E
L2	23.23	N15°47'14"E	L22	25.24	S10°20'08"W
L3	18.70	S74°12'46"E	L23	26.31	S71°20'35"E
L4	18.73	N15°47'14"E	L24	21.54	S17°30'28"W
L5	24.61	N69°47'14"E	L25	20.32	N71°50'59"W
L6	24.5	S60°47'14"W	L26	21.09	S17°45'38"W
L7	2.32	S60°47'14"W	L27	20.75	N72°59'04"W
L8	21.21	N74°12'46"W	L28	19.91	S61°24'00"E
L9	21.21	N15°47'14"E	L29	20.21	S71°11'03"W
L10	2.32	N80°47'14"E	L30	21.54	S19°07'09"E
L11	21.21	N74°12'46"W	L31	20.79	S19°37'42"W
L12	19.51	S25°39'49"W	L32	23.49	S21°03'53"E
L13	27.79	N14°46'29"E	L33	20.34	S69°21'02"W
L14	8.53	N30°31'42"E	L34	21.79	S19°49'40"E
L15	23.22	N69°31'42"E	L35	22.76	N23°12'01"W
L16	21.21	S18°14'10"E	L36	22.64	S07°41'48"E
L17	33.67	S28°45'50"W	L37	24.80	N26°32'43"E
L18	23.19	S17°45'59"W	L38	24.30	N44°58'15"W
L19	18.51	S12°36'14"W	L39	22.64	S50°43'43"E
L20	22.21	N78°25'14"W	L40	22.30	S77°13'28"E

LOT CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR. / CHORD
C1	0°11'32"	220.00	0.74	S39°40'42"E 0.74
C2	0°11'32"	91.00	2.10	S29°33'06"E 2.10
C3	00°08'11"	220.00	0.52	S63°10'04"E 0.52
C4	0°14'02"	125.00	3.96	N02°54'24"E 3.96
C5	00°47'46"	125.00	1.74	N01°36'00"E 1.74
C6	00°34'44"	109.00	1.10	N03°42'23"W 1.10
C7	02°08'01"	175.00	6.52	N03°03'54"E 6.52
C8	00°15'22"	225.00	1.01	N01°52'12"E 1.01
C9	00°28'01"	109.00	0.89	M4°55'23"W 0.89

BOUNDARY CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR. / CHORD
C1	00°39'15"	324.00	0.81	N79°45'01"E 2.85
C2	11°35'53"	109.00	2.08	S03°48'03"E 22.03
C3	18°10'15"	109.00	34.57	S11°05'00"W 34.42

BOUNDARY LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	50.00	S59°48'00"E	L10	4.61	S79°19'24"W
L2	4.61	S79°19'24"W	L11	21.17	S31°45'18"W
L3	21.17	S31°45'18"W	L12	21.33	S20°37'06"E
L4	21.33	S20°37'06"E	L13	35.82	S63°14'19"E
L5	35.82	S63°14'19"E	L14	20.49	N11°54'38"E
L6	20.49	N11°54'38"E	L15	50.07	S63°51'30"E
L7	50.07	S63°51'30"E	L16	21.49	S19°59'15"E
L8	21.49	S19°59'15"E	L17	44.62	S63°14'19"E
L9	44.62	S63°14'19"E	L18	24.54	N81°39'06"E
L10	24.54	N81°39'06"E	L19	50.00	S43°28'56"E
L11	50.00	S43°28'56"E			

EASEMENT LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
E1	36.77	N74°12'46"W			
E2	36.77	S15°47'14"W			
E3	37.81	S78°21'34"E			
E4	36.48	S19°59'15"E			
E5	35.52	S69°40'32"W			
E6	35.52	S21°22'08"E			
E7	35.52	S67°30'28"W			
E8	33.08	S39°44'54"W			
E9	35.30	N69°43'09"W			
E10	35.81	N19°02'42"E			
E11	36.48	S72°11'10"E			
E12	35.52	S17°31'14"W			

STATE HIGHWAY NO. 121
STATE OF TEXAS P.C.W.
COUNTY CLERK NO. 93-70019805,
D.R.D.C.T.

ZONED PUD (GB2 BASE)
JTL/TPRF III LEWISVILLE CROSSROADS, LP,
INST. NO. 2012-69811, O.P.R.D.C.T.

~ CADG WINDHAVEN, LLC ~
~ 1800 VALLEY VIEW LANE, STE. 300 ~
~ FARMERS BRANCH, TEXAS, 75234 ~
~ 469-892-7200 ~

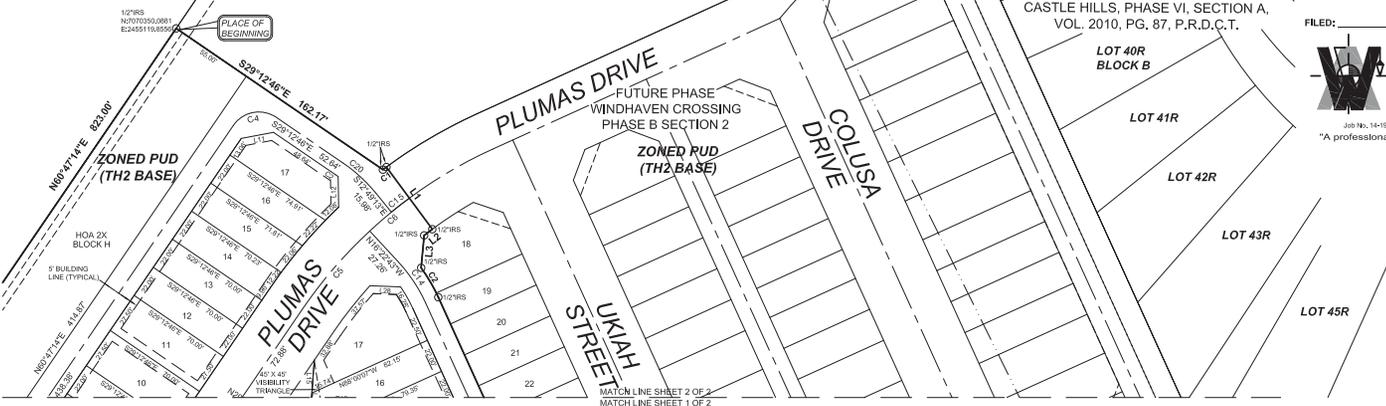
FILED: _____ DOCUMENT NO. _____, P.R.D.C.T.



A & W SURVEYORS, INC.
P.O. BOX 870029, MESQUITE, TX, 75187
PHONE: (972) 681-8975 FAX: (972) 681-8954
WWW.AWSURVEY.COM

Job No. 14-1504 | Drawn by: 024 | Date: 01-16-2014 | Revised:
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PAGE 2 OF 3
FINAL PLAT
WINDHAVEN CROSSING ADDITION
PHASE B SECTION 1
LOTS 1-8, LOTS 1X & 2X, BLOCK A, LOTS 1-30, LOT 1X, BLOCK B,
LOT 1X, BLOCK C, LOTS 1-16, BLOCK D, LOTS 1-17, BLOCK E,
AND LOTS 1-17, LOTS 1X, 2X, 3X AND 4X, BLOCK H
PUD ZONING ORDINANCE NO. 2148-10-2014
BEING A 8.00 ACRE TRACT
DENTON COUNTY, TEXAS
B. B. B. & C. R. R. SURVEY, ABSTRACT 180



MATCH LINE SHEET 2 OF 2
MATCH LINE SHEET 1 OF 2

OWNER'S CERTIFICATE

SURVEYOR'S STATEMENT

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, CADG WINDHAVEN, LLC, is the sole owner of a tract of land located in the B. B. & AND C. R. R. SURVEY, Abstract No. 160, Lewisville, Denton County, Texas, and being part of a tract of land described in deed to CADG WINDHAVEN, LLC, recorded in Instrument No. 2014-116900, Official Public Records, Denton County, Texas, and being more particularly described as follows:

Commencing at a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the present Southeast line of State Highway 121, variable width, as established by deed to the State of Texas, recorded in County Clerk's No. 9346019659, Deed Records, Denton County, Texas, same being in the Southwest line of a tract of land described in deed to CHPC Commercial, Ltd., recorded in Instrument No. 2009-46089, Official Public Records, Denton County, Texas;

Thence South 60°47'14" West, along said Southeast line, a distance of 577.03 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the PLACE OF BEGINNING described herein;

Thence Southwesterly and Southwesterly, passing through said CADG WINDHAVEN, LLC tract, the following distances (18) courses and distances:

- 1) Thence South 29°12'40" East, a distance of 162.17 to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a non-charge curve to the right, having a central angle of 00°30'13", a radius of 324.50, and a chord bearing and distance of North 79°45'01" East, 2.85;
2) Thence Northeasterly, along said curve to the right, an arc distance of 2.85 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
3) Thence South 09°59'52" East, a distance of 50.02 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
4) Thence South 79°18'24" West, a distance of 6.61 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
5) Thence South 31°45'19" West, a distance of 21.10 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a curve to the right, having a central angle of 11°35'53", a radius of 109.00 feet, and a chord bearing and distance of South 03°48'30" East, 22.03 feet;
6) Thence Southeasterly, along said curve to the left, an arc distance of 22.06 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
7) Thence South 01°59'52" West, a distance of 375.88 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a curve to the right, having a central angle of 18°10'15", a radius of 109.00 feet, and a chord bearing and distance of South 11°05'00" West, 34.42 feet;
8) Thence Southwesterly, along said curve to the right, an arc distance of 34.57 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
9) Thence South 20°37'00" East, a distance of 21.33 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
10) Thence South 63°14'10" East, a distance of 30.63 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
11) Thence North 71°54'38" East, a distance of 20.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
12) Thence South 01°51'30" East, a distance of 50.07 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
13) Thence South 18°59'15" East, a distance of 21.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
14) Thence South 63°14'10" East, a distance of 44.65 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
15) Thence North 81°39'06" East, a distance of 24.54 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
16) Thence South 43°25'55" East, a distance of 50.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
17) Thence South 48°34'05" West, a distance of 59.88 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
18) Thence South 26°45'50" West, a distance of 65.63 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 63°14'10" West, along said Northeast line, a distance of 601.70 feet to a 1/2-inch iron rod found for corner;

Thence North 59°48'00" West, continuing along said Northeast line, a distance of 381.06 feet to a 1/2-inch iron rod found for corner at the beginning of a curve to the right, having a central angle of 00°20'00", a radius of 5804.52 feet, and a chord bearing and distance of North 59°38'00" West, 33.78 feet;

Thence Westerly, along said Northeast line, and said curve to the right, an arc distance of 33.78 feet to a 1/2-inch iron rod found for corner at the intersection of said Northeast line, with the said Southeast line State Highway No. 121;

Thence North 60°47'14" East, along said Southeast line, a distance of 823.00 feet to the PLACE OF BEGINNING and containing 366.249 square feet or 6.408 acres of land.

I, John S. Turner, A REGISTERED PROFESSIONAL LAND SURVEYOR, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, and the Subdivision rules of the City of Lewisville.

DATED this the ___ day of _____, 20__.

PRELIMINARY SURVEY NOT BE RECORDED

John S. Turner R.P.L.S. 5310 Registered Professional Land Surveyor

State of Texas County of Dallas

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JOHN S. TURNER, R.P.L.S. NO. 5310, STATE OF TEXAS, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___ day of _____, 20__.

Notary Public

Residential Architectural Standards (Base Zoning TH2)

Table with 2 columns: Category and Description. Categories include Architectural Features, Wood veneer decorative garage doors, Architectural pillars or posts, Bay window, Cast stone accents, Covered front porches, Cupolas or turrets, Dormers, Gables, Garage door not facing street, Maximum Number of Attached Units, Roof accent upgrades (i.e. metal, tile, slate, etc.), Recessed entries, a minimum of three (3) feet deep, Separate transom windows, Variable roof pitch, Shutters.

PUD Development Standards (Base Zoning TH2)

Table with 2 columns: Category and Description. Categories include Minimum Lot Size (1,320 sq. ft.), Minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be 1,800 square feet for single-family attached dwelling units, Front Yard (5 feet minimum), Rear Yard (5 feet minimum), Side Yard (Attached porch is zero with 5 feet for end cup units. Minimum side yard adjacent to a street shall be 3 feet. Minimum setback to an open space is zero feet.), Lot Width (22 feet minimum), Lot Depth (60 feet minimum), Garage (Each unit shall have a minimum two (2) car garage.), Lot Coverage (85% average), Building Height Max (45 ft. / 3 stories), Maximum Number of Attached Units (10 Units), Tree Requirements (All lots at minimum shall have a minimum (1) tree. Trees shall be a minimum of 2.5" caliper. Tree selections shall be from an approved list by the city.)

Residential Architectural Standards (Base Zoning TH2)

Table with 2 columns: Category and Description. Categories include Building Features, All residential units shall be constructed primarily of masonry as set forth below, For all residential units, a minimum of 80% of all exterior wall surfaces shall be constructed of masonry as defined above, For all residential units, the front elevation shall have 85% of all exterior wall surfaces constructed of masonry as defined above, Any material utilized on the exterior of the units that is not masonry, as defined above, shall be cementitious fiberboard or other products approved by the Building Official.

PUD Development Standards (Base Zoning TH2)

Table with 2 columns: Category and Description. Categories include Minimum Lot Size (1,320 sq. ft.), Minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be 1,800 square feet for single-family attached dwelling units, Front Yard (5 feet minimum), Rear Yard (5 feet minimum), Side Yard (Attached porch is zero with 5 feet for end cup units. Minimum side yard adjacent to a street shall be 3 feet. Minimum setback to an open space is zero feet.), Lot Width (22 feet minimum), Lot Depth (60 feet minimum), Garage (Each unit shall have a minimum two (2) car garage.), Lot Coverage (85% average), Building Height Max (45 ft. / 3 stories), Maximum Number of Attached Units (10 Units), Tree Requirements (All lots at minimum shall have a minimum (1) tree. Trees shall be a minimum of 2.5" caliper. Tree selections shall be from an approved list by the city.)

STATE OF TEXAS COUNTY OF DENTON

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That CADG WINDHAVEN, LLC, a Texas Limited Liability Company, Washington Federal, National Association, DRH Inc, a Delaware Corporation, Megatall Homes III, LLC, a Texas Limited Liability Company, the undersigned authorities, do hereby adopt this plat designating the heretofore described property as WINDHAVEN CROSSING ADDITION, PHASE B, SECTION 1, an addition to the City of Lewisville, Denton County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon; and does hereby dedicate the easement strips shown on the plat for mutual use and accommodation of the City of Lewisville and all public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements strips on said plat. The City of Lewisville and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. A blanket easement of a five (5) foot radius from the center point of all hydrants and a five (5) foot radius from the center point of all other appurtenances (like hydrant valve, water meters, meter boxes, street lights) is hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting and maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservation set forth hereinafter, to the public use forever all public use spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

EXECUTED THIS ___ day of _____, 20__.

CADG WINDHAVEN, LLC,

Name: _____ Title: _____

State of Texas County of Denton

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AT DENTON, TEXAS, this the ___ day of _____, 20__.

LIEN SUBORDINATION AGREEMENT

The lien holder or mortgagee concurs with the Owner's Certificate and agrees to subordinate its interests to the provisions of the Owner's Dedication.

Lien holder:

By: Washington Federal, National Association Name: Arlan Colchich Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Arlan Colchich, as _____ (Title), of Washington Federal, National Association, on behalf of CADG Windhaven, LLC.

Notary Public In and for the State of Texas

By: DRH Inc, a Delaware Corporation Name: Tiffany Sanford Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Tiffany Sanford, as _____ (Title), of DRH Inc, a Delaware Corporation, on behalf of CADG Windhaven, LLC.

By: Megatall Homes III, LLC, a Texas Limited Liability Company Name: Nathan Ensigner Title: _____

STATE OF TEXAS COUNTY OF DENTON

This instrument was acknowledged before me on this the ___ day of _____, 20__ by Nathan Ensigner, as _____ (Title), of Megatall Homes III, LLC, a Texas Limited Liability Company, on behalf of CADG Windhaven, LLC.

- CADG WINDHAVEN, LLC - 1800 LLOYD VIEW LANE, STE. 300 - FARMERS BRANCH, TEXAS, 75234 - 469-892-7200 -

FILED: _____ DOCUMENT NO. _____ P.R.D.G.T.



Job No. 16-1904 | Drawn by: 024 | Date: 01-16-2019 | Revised: _____ "A professional company operating in your best interest"

The undersigned, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing final plat of the WINDHAVEN CROSSING ADDITION, PHASE B, SECTION 1, an addition to the City of Lewisville was submitted to the appropriated Planning and Zoning Commission of City Council as required by the ordinances of the City of Lewisville on the ___ day of _____, 20__ and such body of formal action, then and there accepted the dedication of the streets, alleys, parks, easements, public places and water and sewer lines, as shown and set forth in and upon said plat, and said body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

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

Julie Helzer City Secretary, City of Lewisville, Texas

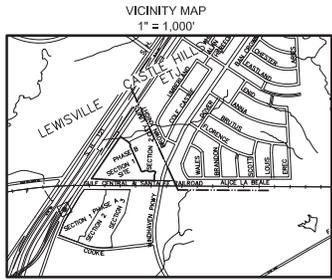
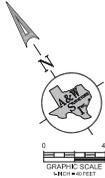
All vacancies (if any) from the General Development Ordinance Ordinance Approved by City Council.

Janes Davis, Chairman, Planning & Zoning Commission, City of Lewisville, Texas

LOT SQUARE FOOTAGE TABLE with columns for BLOCK A, B, C, D and rows of lot numbers and square footages.

WINDHAVEN CROSSING ADDITION

PHASE B SECTION 1 LOTS 1-8, LOTS 1X & 2X, BLOCK A, LOTS 30, LOT 1X, BLOCK B, LOT 1X, BLOCK C, LOTS 1-18, BLOCK D, LOTS 1-17, BLOCK E, AND LOTS 1-17, LOTS 1X, 2X, 3X AND 4X, BLOCK F, PUD ZONING ORDINANCE NO. 2148-10-2014



UNINCORPORATED
DENTON COUNTY
CITY LIMITS
OF LEWISVILLE
DENTON COUNTY

ZONING DESIGNATION L.I.
CHPC COMMERCIAL, LTD.,
INST. NO. 2009-46089,
O.P.R.D.C.T.

ZONING DESIGNATION TH-2
CASTLE HILLS ETJ

CENTERLINE CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	29°03'21"	100.00	48.89	S45°40'31"E	43.49
C2	89°42'57"	20.00	31.32	N71°54'22"E	28.21
C3	24°45'57"	100.00	43.22	N14°22'51"E	42.89
C4	90°00'00"	20.00	31.42	N74°12'40"W	28.28
C5	12°50'21"	300.00	67.07	S69°15'10"W	67.96
C6	6°22'28"	300.00	33.38	S70°48'31"W	33.36
C7	90°00'00"	20.00	31.42	S15°47'14"W	28.28
C8	39°35'14"	14.00	7.47	S44°30'23"E	7.29
C9	31°12'39"	200.00	108.89	N13°36'28"W	107.69
C10	25°47'36"	100.00	45.02	N16°18'58"W	44.84
C11	31°12'39"	100.00	54.47	N13°36'28"W	53.89
C12	34°01'24"	150.00	115.79	S44°13'28"E	114.10
C13	24°45'57"	200.00	86.40	N14°22'51"E	85.78
C14	18°22'28"	100.00	32.07	N07°11'25"W	31.94
C15	2°48'59"	300.00	14.74	S70°35'10"W	14.74
C16	15°47'48"	20.00	5.51	N19°09'00"E	5.50
C17	24°45'57"	100.00	43.22	N14°22'51"E	42.89
C18	22°04'28"	100.00	38.53	N19°43'26"E	38.29
C19	08°36'31"	100.00	14.15	N09°38'06"E	14.14
C20	16°23'33"	100.00	28.61	N21°09'59"E	28.51

CENTERLINE LINE TABLE

LINE	LENGTH	BEARING
L1	16.95	S59°48'03"E
L2	12.78	S69°47'14"W
L3	13.35	N09°40'00"W
L4	17.34	S11°15'06"W

LOT LINE TABLE

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	20.37	N71°44'56"W	L21	21.29	N81°15'50"E
L2	23.23	N15°47'14"E	L22	25.24	S10°20'38"W
L3	18.70	S74°12'40"E	L23	26.31	S71°20'35"E
L4	18.73	N15°47'14"E	L24	21.54	S17°30'38"W
L5	24.61	N69°47'14"E	L25	25.32	N71°50'56"W
L6	24.5	S60°47'14"W	L26	21.93	S17°40'38"W
L7	2.32	S69°47'14"W	L27	20.75	N72°59'55"W
L8	21.21	N74°12'40"W	L28	19.91	S81°24'08"E
L9	21.21	N15°47'14"E	L29	20.21	S71°11'59"W
L10	2.32	N80°47'14"E	L30	21.54	S19°07'09"E
L11	21.21	N74°12'40"W	L31	20.79	S10°37'42"W
L12	18.81	S69°48'06"W	L32	21.45	S21°03'53"E
L13	27.78	N14°48'29"E	L33	20.34	S69°27'02"W
L14	8.53	N30°31'43"E	L34	24.79	S19°49'40"E
L15	21.22	N39°31'43"E	L35	27.76	N73°12'01"W
L16	21.21	S18°14'10"E	L36	22.84	S07°41'49"E
L17	33.67	S28°45'50"W	L37	24.89	N28°32'43"E
L18	23.19	S71°45'50"W	L38	24.20	N44°56'15"W
L19	19.81	S12°36'46"W	L39	22.84	S50°43'43"E
L20	22.21	N78°25'14"W	L40	22.30	S77°13'28"E

BOUNDARY CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	00°39'15"	324.90	6.85	N79°45'01"E	2.85
C2	11°35'57"	109.00	22.06	S03°48'03"E	22.03
C3	18°10'15"	109.00	34.57	S11°05'09"W	34.42

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	50.02	S59°59'52"E
L2	4.61	S79°18'24"W
L3	21.12	S31°45'18"W
L4	21.33	S20°37'06"E
L5	35.83	S63°14'19"E
L6	20.49	N11°54'56"E
L7	50.87	S63°51'30"E
L8	21.49	S19°59'15"E
L9	44.62	S63°14'19"E
L10	24.51	N81°39'06"E
L11	50.01	S43°28'56"E

EASEMENT LINE TABLE

LINE	LENGTH	BEARING
E1	36.77	N74°12'40"W
E2	36.77	S15°47'14"W
E3	37.91	S79°21'34"E
E4	38.48	S19°53'39"E
E5	35.52	S69°48'03"W
E6	35.52	S21°20'20"E
E7	35.52	S67°30'28"W
E8	33.08	S39°44'54"W
E9	35.33	N69°43'09"W
E10	35.81	N19°02'42"E
E11	38.48	S72°11'10"E
E12	35.52	S17°31'14"W

STATE HIGHWAY NO. 121
STATE OF TEXAS P.C.W.
COUNTY CLERK NO. 93-70019805,
D.R.D.C.T.

ZONED PUD (GB2 BASE)
JTL/TPRF III LEWISVILLE CROSSROADS, LP,
INST. NO. 2012-69811, O.P.R.D.C.T.

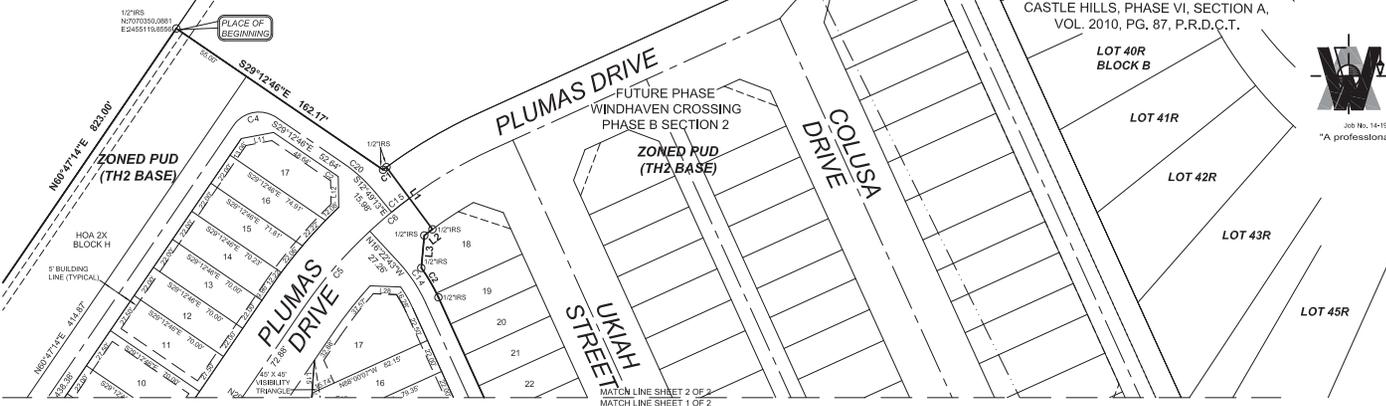
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A & W SURVEYORS, INC.
P.O. BOX 870029, MESQUITE, TX, 75187
PHONE: (972) 861-8975 FAX: (972) 861-4954
WWW.AWSURVEY.COM

Job No. 14-1504 | Drawn by: 024 | Date: 01-16-2014 | Revised:
"A professional company operating in your best interest"

PAGE 2 OF 3
DEVELOPMENT PLAN
WINDHAVEN CROSSING ADDITION
PHASE B SECTION 1
LOTS 1-8, LOTS 1X & 2X, BLOCK A, LOTS 1-30, LOT 1X, BLOCK B,
LOT 1X, BLOCK C, LOTS 1-16, BLOCK D, LOTS 1-17, BLOCK E,
AND LOTS 1-17, LOTS 1X, 2X, 3X AND 4X, BLOCK H
PUD ZONING ORDINANCE NO. 2148-10-2014
BENS A 3.008 ACRE TRACT
DENTON COUNTY, TEXAS
B. B. B. & C. R. R. SURVEY, ABSTRACT 180



MATCH LINE SHEET 2 OF 2
MATCH LINE SHEET 1 OF 2

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, CADG WINDHAVEN, LLC, is the sole owner of a tract of land located in the B. E. B. AND G. R. R. SURVEY, Abstract No. 150, Lewisville, Denton County, Texas, and being part of a tract of land described in deed to CADG WINDHAVEN, LLC, recorded in Instrument No. 2014-115906, Official Public Records, Denton County, Texas, and being more particularly described as follows:

Commencing at a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the present Southeast line of State Highway 121, variable width, as established by deed to the State of Texas, recorded in County Clerk's No. 9348019605, Deed Records, Denton County, Texas, same being in the Southwest line of a tract of land described in deed to CHPC Commercial, Ltd., recorded in Instrument No. 2009-40689, Official Public Records, Denton County, Texas;

Thence South 00°47'14" West, along said Southeast line, a distance of 577.03 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the PLACE OF BEGINNING described herein;

Thence Southwesterly and Southwesterly, passing through said CADG WINDHAVEN, LLC tract, the following eighteen (18) courses and distances:

- 1) Thence South 29°12'49" East, a distance of 162.17' to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a non-bearing curve to the right, having a central angle of 00°30'13", a radius of 324.50', and a chord bearing and distance of North 79°45'01" East, 2.85';
- 2) Thence Northeasterly, along said curve to the right, an arc distance of 2.85 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 3) Thence South 09°59'52" East, a distance of 50.02 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 4) Thence South 79°16'24" West, a distance of 6.61 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 5) Thence South 31°45'18" West, a distance of 21.10 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a curve to the right, having a central angle of 11°35'53", a radius of 109.00 feet, and a chord bearing and distance of South 03°46'33" East, 22.93 feet;
- 6) Thence Southwesterly, along said curve to the left, an arc distance of 22.86 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 7) Thence South 01°59'52" West, a distance of 375.38 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the beginning of a curve to the right, having a central angle of 18°10'15", a radius of 109.00 feet, and a chord bearing and distance of South 11°05'00" West, 34.42 feet;
- 8) Thence Southwesterly, along said curve to the right, an arc distance of 34.57 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 9) Thence South 20°37'06" East, a distance of 21.33 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 10) Thence South 63°14'10" East, a distance of 30.63 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 11) Thence North 71°54'38" East, a distance of 20.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 12) Thence South 63°51'30" East, a distance of 50.07 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 13) Thence South 18°59'15" East, a distance of 21.49 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 14) Thence South 63°14'10" East, a distance of 44.65 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 15) Thence North 81°38'06" East, a distance of 24.54 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 16) Thence South 43°25'20" East, a distance of 50.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 17) Thence South 46°34'05" West, a distance of 59.88 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 18) Thence South 26°45'50" West, a distance of 85.63 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

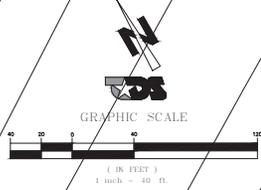
Thence North 63°14'10" West, along said Northeast line, a distance of 601.70 feet to a 1/2-inch iron rod found for corner.

Thence North 59°48'00" West, continuing along said Northeast line, a distance of 381.06 feet to a 1/2-inch iron rod found for corner at the beginning of a curve to the right, having a central angle of 00°20'00", a radius of 5604.52 feet, and a chord bearing and distance of North 59°38'00" West, 33.78 feet.

Thence Westerly, along said Northeast line, and said curve to the right, an arc distance of 33.78 feet to a 1/2-inch iron rod found for corner at the intersection of said Northeast line, with the said Southeast line State Highway No. 121;

Thence North 60°47'14" East, along said Southeast line, a distance of 823.00 feet to the PLACE OF BEGINNING and containing 366,249 square feet or 8.408 acres of land.

LOT SQUARE FOOTAGE TABLE															
BLOCK A				BLOCK B				BLOCK C							
10	1,000 S.F.	1,000 S.F.	1,000 S.F.	11	1,430 S.F.	1,430 S.F.	1,430 S.F.	12	1,111 S.F.	1,111 S.F.	1,111 S.F.	13	1,000 S.F.	1,000 S.F.	1,000 S.F.
11	1,430 S.F.	1,430 S.F.	1,430 S.F.	12	1,111 S.F.	1,111 S.F.	1,111 S.F.	13	1,000 S.F.	1,000 S.F.	1,000 S.F.	14	1,000 S.F.	1,000 S.F.	1,000 S.F.
12	1,430 S.F.	1,430 S.F.	1,430 S.F.	13	1,111 S.F.	1,111 S.F.	1,111 S.F.	14	1,000 S.F.	1,000 S.F.	1,000 S.F.	15	1,000 S.F.	1,000 S.F.	1,000 S.F.
13	1,430 S.F.	1,430 S.F.	1,430 S.F.	14	1,111 S.F.	1,111 S.F.	1,111 S.F.	15	1,000 S.F.	1,000 S.F.	1,000 S.F.	16	1,000 S.F.	1,000 S.F.	1,000 S.F.
14	1,430 S.F.	1,430 S.F.	1,430 S.F.	15	1,111 S.F.	1,111 S.F.	1,111 S.F.	16	1,000 S.F.	1,000 S.F.	1,000 S.F.	17	1,000 S.F.	1,000 S.F.	1,000 S.F.
15	1,430 S.F.	1,430 S.F.	1,430 S.F.	16	1,111 S.F.	1,111 S.F.	1,111 S.F.	17	1,000 S.F.	1,000 S.F.	1,000 S.F.	18	1,000 S.F.	1,000 S.F.	1,000 S.F.
16	1,430 S.F.	1,430 S.F.	1,430 S.F.	17	1,111 S.F.	1,111 S.F.	1,111 S.F.	18	1,000 S.F.	1,000 S.F.	1,000 S.F.	19	1,000 S.F.	1,000 S.F.	1,000 S.F.
17	1,430 S.F.	1,430 S.F.	1,430 S.F.	18	1,111 S.F.	1,111 S.F.	1,111 S.F.	19	1,000 S.F.	1,000 S.F.	1,000 S.F.	20	1,000 S.F.	1,000 S.F.	1,000 S.F.
18	1,430 S.F.	1,430 S.F.	1,430 S.F.	19	1,111 S.F.	1,111 S.F.	1,111 S.F.	20	1,000 S.F.	1,000 S.F.	1,000 S.F.	21	1,000 S.F.	1,000 S.F.	1,000 S.F.
19	1,430 S.F.	1,430 S.F.	1,430 S.F.	20	1,111 S.F.	1,111 S.F.	1,111 S.F.	21	1,000 S.F.	1,000 S.F.	1,000 S.F.	22	1,000 S.F.	1,000 S.F.	1,000 S.F.
20	1,430 S.F.	1,430 S.F.	1,430 S.F.	21	1,111 S.F.	1,111 S.F.	1,111 S.F.	22	1,000 S.F.	1,000 S.F.	1,000 S.F.	23	1,000 S.F.	1,000 S.F.	1,000 S.F.
21	1,430 S.F.	1,430 S.F.	1,430 S.F.	22	1,111 S.F.	1,111 S.F.	1,111 S.F.	23	1,000 S.F.	1,000 S.F.	1,000 S.F.	24	1,000 S.F.	1,000 S.F.	1,000 S.F.
22	1,430 S.F.	1,430 S.F.	1,430 S.F.	23	1,111 S.F.	1,111 S.F.	1,111 S.F.	24	1,000 S.F.	1,000 S.F.	1,000 S.F.	25	1,000 S.F.	1,000 S.F.	1,000 S.F.
23	1,430 S.F.	1,430 S.F.	1,430 S.F.	24	1,111 S.F.	1,111 S.F.	1,111 S.F.	25	1,000 S.F.	1,000 S.F.	1,000 S.F.	26	1,000 S.F.	1,000 S.F.	1,000 S.F.
24	1,430 S.F.	1,430 S.F.	1,430 S.F.	25	1,111 S.F.	1,111 S.F.	1,111 S.F.	26	1,000 S.F.	1,000 S.F.	1,000 S.F.	27	1,000 S.F.	1,000 S.F.	1,000 S.F.
25	1,430 S.F.	1,430 S.F.	1,430 S.F.	26	1,111 S.F.	1,111 S.F.	1,111 S.F.	27	1,000 S.F.	1,000 S.F.	1,000 S.F.	28	1,000 S.F.	1,000 S.F.	1,000 S.F.
26	1,430 S.F.	1,430 S.F.	1,430 S.F.	27	1,111 S.F.	1,111 S.F.	1,111 S.F.	28	1,000 S.F.	1,000 S.F.	1,000 S.F.	29	1,000 S.F.	1,000 S.F.	1,000 S.F.
27	1,430 S.F.	1,430 S.F.	1,430 S.F.	28	1,111 S.F.	1,111 S.F.	1,111 S.F.	29	1,000 S.F.	1,000 S.F.	1,000 S.F.	30	1,000 S.F.	1,000 S.F.	1,000 S.F.
28	1,430 S.F.	1,430 S.F.	1,430 S.F.	29	1,111 S.F.	1,111 S.F.	1,111 S.F.	30	1,000 S.F.	1,000 S.F.	1,000 S.F.	31	1,000 S.F.	1,000 S.F.	1,000 S.F.
29	1,430 S.F.	1,430 S.F.	1,430 S.F.	30	1,111 S.F.	1,111 S.F.	1,111 S.F.	31	1,000 S.F.	1,000 S.F.	1,000 S.F.	32	1,000 S.F.	1,000 S.F.	1,000 S.F.
30	1,430 S.F.	1,430 S.F.	1,430 S.F.	31	1,111 S.F.	1,111 S.F.	1,111 S.F.	32	1,000 S.F.	1,000 S.F.	1,000 S.F.	33	1,000 S.F.	1,000 S.F.	1,000 S.F.
31	1,430 S.F.	1,430 S.F.	1,430 S.F.	32	1,111 S.F.	1,111 S.F.	1,111 S.F.	33	1,000 S.F.	1,000 S.F.	1,000 S.F.	34	1,000 S.F.	1,000 S.F.	1,000 S.F.
32	1,430 S.F.	1,430 S.F.	1,430 S.F.	33	1,111 S.F.	1,111 S.F.	1,111 S.F.	34	1,000 S.F.	1,000 S.F.	1,000 S.F.	35	1,000 S.F.	1,000 S.F.	1,000 S.F.
33	1,430 S.F.	1,430 S.F.	1,430 S.F.	34	1,111 S.F.	1,111 S.F.	1,111 S.F.	35	1,000 S.F.	1,000 S.F.	1,000 S.F.	36	1,000 S.F.	1,000 S.F.	1,000 S.F.
34	1,430 S.F.	1,430 S.F.	1,430 S.F.	35	1,111 S.F.	1,111 S.F.	1,111 S.F.	36	1,000 S.F.	1,000 S.F.	1,000 S.F.	37	1,000 S.F.	1,000 S.F.	1,000 S.F.
35	1,430 S.F.	1,430 S.F.	1,430 S.F.	36	1,111 S.F.	1,111 S.F.	1,111 S.F.	37	1,000 S.F.	1,000 S.F.	1,000 S.F.	38	1,000 S.F.	1,000 S.F.	1,000 S.F.
36	1,430 S.F.	1,430 S.F.	1,430 S.F.	37	1,111 S.F.	1,111 S.F.	1,111 S.F.	38	1,000 S.F.	1,000 S.F.	1,000 S.F.	39	1,000 S.F.	1,000 S.F.	1,000 S.F.
37	1,430 S.F.	1,430 S.F.	1,430 S.F.	38	1,111 S.F.	1,111 S.F.	1,111 S.F.	39	1,000 S.F.	1,000 S.F.	1,000 S.F.	40	1,000 S.F.	1,000 S.F.	1,000 S.F.
38	1,430 S.F.	1,430 S.F.	1,430 S.F.	39	1,111 S.F.	1,111 S.F.	1,111 S.F.	40	1,000 S.F.	1,000 S.F.	1,000 S.F.	41	1,000 S.F.	1,000 S.F.	1,000 S.F.
39	1,430 S.F.	1,430 S.F.	1,430 S.F.	40	1,111 S.F.	1,111 S.F.	1,111 S.F.	41	1,000 S.F.	1,000 S.F.	1,000 S.F.	42	1,000 S.F.	1,000 S.F.	1,000 S.F.
40	1,430 S.F.	1,430 S.F.	1,430 S.F.	41	1,111 S.F.	1,111 S.F.	1,111 S.F.	42	1,000 S.F.	1,000 S.F.	1,000 S.F.	43	1,000 S.F.	1,000 S.F.	1,000 S.F.
41	1,430 S.F.	1,430 S.F.	1,430 S.F.	42	1,111 S.F.	1,111 S.F.	1,111 S.F.	43	1,000 S.F.	1,000 S.F.	1,000 S.F.	44	1,000 S.F.	1,000 S.F.	1,000 S.F.
42	1,430 S.F.	1,430 S.F.	1,430 S.F.	43	1,111 S.F.	1,111 S.F.	1,111 S.F.	44	1,000 S.F.	1,000 S.F.	1,000 S.F.	45	1,000 S.F.	1,000 S.F.	1,000 S.F.
43	1,430 S.F.	1,430 S.F.	1,430 S.F.	44	1,111 S.F.	1,111 S.F.	1,111 S.F.	45	1,000 S.F.	1,000 S.F.	1,000 S.F.	46	1,000 S.F.	1,000 S.F.	1,000 S.F.
44	1,430 S.F.	1,430 S.F.	1,430 S.F.	45	1,111 S.F.	1,111 S.F.	1,111 S.F.	46	1,000 S.F.	1,000 S.F.	1,000 S.F.	47	1,000 S.F.	1,000 S.F.	1,000 S.F.
45	1,430 S.F.	1,430 S.F.	1,430 S.F.	46	1,111 S.F.	1,111 S.F.	1,111 S.F.	47	1,000 S.F.	1,000 S.F.	1,000 S.F.	48	1,000 S.F.	1,000 S.F.	1,000 S.F.
46	1,430 S.F.	1,430 S.F.	1,430 S.F.	47	1,111 S.F.	1,111 S.F.	1,111 S.F.	48	1,000 S.F.	1,000 S.F.	1,000 S.F.	49	1,000 S.F.	1,000 S.F.	1,000 S.F.
47	1,430 S.F.	1,430 S.F.	1,430 S.F.	48	1,111 S.F.	1,111 S.F.	1,111 S.F.	49	1,000 S.F.	1,000 S.F.	1,000 S.F.	50	1,000 S.F.	1,000 S.F.	1,000 S.F.
48	1,430 S.F.	1,430 S.F.	1,430 S.F.	49	1,111 S.F.	1,111 S.F.	1,111 S.F.	50	1,000 S.F.	1,000 S.F.	1,000 S.F.	51	1,000 S.F.	1,000 S.F.	1,000 S.F.
49	1,430 S.F.	1,430 S.F.	1,430 S.F.	50	1,111 S.F.	1,111 S.F.	1,111 S.F.	51	1,000 S.F.	1,000 S.F.	1,000 S.F.	52	1,000 S.F.	1,000 S.F.	1,000 S.F.
50	1,430 S.F.	1,430 S.F.	1,430 S.F.	51	1,111 S.F.	1,111 S.F.	1,111 S.F.	52	1,000 S.F.	1,000 S.F.	1,000 S.F.	53	1,000 S.F.	1,000 S.F.	1,000 S.F.
51	1,430 S.F.	1,430 S.F.	1,430 S.F.	52	1,111 S.F.	1,111 S.F.	1,111 S.F.	53	1,000 S.F.	1,000 S.F.	1,000 S.F.	54	1,000 S.F.	1,000 S.F.	1,000 S.F.
52	1,430 S.F.	1,430 S.F.	1,430 S.F.	53	1,111 S.F.	1,111 S.F.	1,111 S.F.	54	1,000 S.F.	1,000 S.F.	1,000 S.F.	55	1,000 S.F.	1,000 S.F.	1,000 S.F.
53	1,430 S.F.	1,430 S.F.	1,430 S.F.	54	1,111 S.F.	1,111 S.F.	1,111 S.F.	55	1,000 S.F.	1,000 S.F.	1,000 S.F.	56	1,000 S.F.	1,000 S.F.	1,000 S.F.
54	1,430 S.F.	1,430 S.F.	1,430 S.F.	55	1,111 S.F.	1,111 S.F.	1,111 S.F.	56	1,000 S.F.	1,000 S.F.	1,000 S.F.	57	1,000 S.F.	1,000 S.F.	1,000 S.F.
55	1,430 S.F.	1,430 S.F.	1,430 S.F.	56	1,111 S.F.	1,111 S.F.	1,111 S.F.	57	1,000 S.F.	1,000 S.F.	1,000 S.F.	58	1,000 S.F.	1,000 S.F.	1,000 S.F.
56	1,430 S.F.	1,430 S.F.	1,430 S.F.	57	1,111 S.F.	1,111 S.F.	1,111 S.F.	58	1,000 S.F.	1,000 S.F.	1,000 S.F.	59	1,000 S.F.	1,000 S.F.	1,000 S.F.
57	1,430 S.F.	1,430 S.F.	1,430 S.F.	58	1,111 S.F.	1,111 S.F.	1,111 S.F.	59	1,000 S.F.	1,000 S.F.	1,000 S.F.	60	1,000 S.F.	1,000 S.F.	1,000 S.F.
58	1,430 S.F.	1,430 S.F.	1,430 S.F.	59	1,111 S.F.	1,111 S.F.	1,111 S.F.	60	1,000 S.F.	1,000 S.F.	1,000 S.F.	61	1,000 S.F.	1,000 S.F.	1,000 S.F.
59	1,430 S.F.	1,430 S.F.	1,430 S.F.	60	1,111 S.F.	1,111 S.F.	1,111 S.F.	61	1,000 S.F.	1,000 S.F.	1,000 S.F.	62	1,000 S.F.	1,000 S.F.	1,000 S.F.
60	1,430 S.F.	1,430 S.F.	1,430 S.F.	61	1,111 S.F.	1,111 S.F.	1,111 S.F.	62	1,000 S.F.	1,000 S.F.	1,000 S.F.	63	1,000 S.F.	1,000 S.F.	1,000 S.F.
61	1,430 S.F.	1,430 S.F.	1,430 S.F.	62	1,111 S.F.	1,111 S.F.	1,111 S.F.	63	1,000 S.F.	1,000 S.F.	1,000 S.F.	64	1,000 S.F.	1,000 S.F.	1,000 S.F.
62	1,430 S.F.	1,430 S.F.	1,430 S.F.	63	1,111 S.F.	1,111 S.F.	1,111 S.F.	64	1,000 S.F.	1,000 S.F.	1,000 S.F.	65	1,000 S.F.	1,000 S.F.	1,000 S.F.
63	1,430 S.F.	1,430 S.F.	1,430 S.F.	64	1,111 S.F.	1,111 S.F.	1,111 S.F.	65	1,000 S.F.	1,000 S.F.	1,000 S.F.	66	1,000 S.F.	1,000 S.F.	1,000 S.F.
64	1,430 S.F.	1,430 S.F.	1,430 S.F.	65											



SAM RAYBURN TOLLWAY
SH 121



CADG WINDHAEN, LLC
1800 VALLEY VIEW LANE
SUITE 300
FARMERS BRANCH, TX 75234

TEXAS DEVELOPMENT SERVICES
1800 VALLEY VIEW LANE
SUITE 140
FARMERS BRANCH, TX 75234
469-853-8638
TX FIRM NO. 12790
TDS PROJECT NO. 13033

PROJECT PLAN
WINDHAVEN CROSSING PHASE B
SECTION 1
B.B.B. & C.R.R. SURVEY, ABST. 180
CITY OF LEWISVILLE, DENTON COUNTY, TEXAS

MEMORANDUM

TO: Melinda Galler, Assistant City Manager

FROM: Russ Kerbow, Police Chief

DATE: September 2, 2015

SUBJECT: **Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Special Event Fees for National Night Out Events on Tuesday, October 6, 2015.**

BACKGROUND

National Night Out is a cohesive effort to promote involvement in crime prevention activities, police-community partnerships, neighborhood camaraderie and send a message to criminals letting them know that neighborhoods are organized and fighting back. National Night Out occurs on the first Tuesday of August nationwide; however, Texas observes the event on the first Tuesday of October. Organizers estimate that over 37 million residents nationwide will participate over 16,000 communities this year.

ANALYSIS

Texas will observe National Night Out on October 6, 2015. The Police Department anticipates no more than 12 neighborhoods will hold a National Night Out event. Normal fees associated with a block party, such as a National Night Out event, are an administrative fee of \$15.50, a road closure fee of \$80 for two roadways and \$10 for each additional roadway closed. To encourage groups to hold a National Night Out event, the Police Department recommends that City Council waive these fees. The Police Department estimates that the waived fees could total \$1,146.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the variance as set forth in the caption above.